2018

Town of Pownal Maine Ordinances

Pownal, Me.

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Article 1, Introduction

Land use ordinances adopted by the town of Pownal are designed to carry out the policies of the current Comprehensive Plan. The plan is intended to protect the Town’s natural resources and allow for economic development without the loss of rural character. References to federal or state laws, regulations, codes, safety standards etc. shall be based on the most recently updated or amended versions.

Zoning Ordinance: Describes the land use districts, allowed uses which may be made of the land in each district and the specific lot requirements. It also outlines enforcement procedures and the role of the Board of Appeals. Administered by the Codes Enforcement Officer and Board of Appeals.

Subdivision Ordinance: Describes the manner in which land may be divided into minor or major subdivisions and the design and construction standards for streets. Administered by the Planning Board.

Ordinance for the Creation of a Single Lot: Describes the manner in which a single lot may be divided from an existing parcel. Administered by the Codes Enforcement Officer.

Site Plan Review Ordinance: Regulates the manner in which a site may be changed for construction or development. Administered by the Planning Board.

Public and Private Road Ordinance: Provides standards for the design and construction of all new public or private roads and for substantial reconstruction of existing roads. Administered by the Planning Board, certified by the Codes Enforcement Officer and Road Commissioner.

Hazardous Materials Control Ordinance: Prohibits the use, storage and disposal of specific types of hazardous materials. A list of specific prohibited hazardous materials is on file in the town office. Administered by the Codes Enforcement Officer.

Floodplain Management Ordinance: Regulates the type of construction allowed in areas identified as special flood hazard zones. To identify a flood hazard zone please consult the Flood Insurance Rate Map available at the town office. Administered by the Codes Enforcement Officer and Planning Board.
Shoreland Zoning Ordinance: Establishes shoreland zoning overlay districts adjacent to streams and freshwater wetlands. Shoreland Zoning applies special standards designed to protect sensitive shorelands and water bodies from the impact of land use and development allowed in the underlying zoning district. It is administered by the Planning Board, the Code Enforcement Officer and the Board of Appeals.

Driveway and Driveway Entrance Ordinance: Establishes safe access to public and private roads and ensures safe access for emergency vehicles. Administered by the Codes Enforcement Officer and Road Commissioner.

Wireless Telecommunications Facilities Ordinance: Provides safe siting with as little impact on surrounding property as possible while providing the best signal possible. Administered by the Planning Board.

Mobile Home Park Ordinance: Describes standards for mobile home parks. Administered by the Planning Board and Codes Enforcement Officer.

Impact Fee Ordinance: Establishes fees attached to the new construction of or additions to homes and mobile homes, how the fees are to be used and administered. The Selectmen are the administrative body.

Miscellaneous Ordnances and Permits

The following town ordinances and permit requirements are not included in the Land Use Articles, but are listed here for public awareness and can be found/obtained at the town hall.

Addressing & Road Naming Ordinance: Establishes the criteria for the addressing and naming of private roads. The Selectmen are the administrative body.

Animal Control and Welfare Ordinance: Describes the criteria and requirements for the keeping of animals. Administered by an Animal Control Officer appointed by the Selectmen.

Cable Television Ordinance: Establishes criteria for the construction, operation and maintenance of cable television in town. Administered by the Selectmen.

Electrical Permits Ordinance: Grants authority to the Selectmen to establish a permit fee schedule for electrical systems. Administered by the Codes Enforcement Officer.
**Emergency Management Ordinance:** Establishes an Emergency Management Agency for response and organization of all emergency functions other than military.

**Fire and Rescue Ordinance:** Defines the powers and duties of the Fire & Rescue Dept. and its chief and provides legal protection to the department’s personnel.

**Mass Gathering Ordinance:** Defines the parameters under which gatherings of 500 or more people must comply. Administered by the Pownal Fire & Rescue Department and the Cumberland County Sheriff’s Office.

**Plumbing Systems Ordinance:** Grants authority to the Selectmen to establish a permit fee schedule for plumbing and waste water disposal systems. Administered by the Codes Enforcement Officer.

**Poultry Spreading or Fish Processing Plant Refuse Ordinance:** Establishes a ban and fine for violation for the disposal of any waste or fertilizer from poultry or fish plants or establishments. Administered by the Selectmen.

**Right-of-Way Ordinance & Excavation in Public Right of Ways:** Regulates the excavation, restoration and maintenance of public Right-of-Ways, establishes fees and charges. Administered by the Road Commissioner.

**Solid Waste Collection Ordinance:** Governs the collection of household waste and recycling materials. Administered by the Selectmen.

**Solid Waste Disposal Ordinance:** provides rules and regulations for the disposal of solid waste. Administered by the Selectmen.

**Stop Sign Ordinance:** Establishes four-way stop signs posted at the intersection of Lawrence and Fickett Roads in North Pownal. Administered by the Selectmen and Road Commissioner.

**Ordinance for the Keeping of Swine:** Establishes as unlawful, and subsequent fine, in the keeping of swine to feed garbage, swill or other obnoxious material gathered from this or any other municipality. Administered by the Selectmen.

**General Assistance Ordinance:** Adopts the state’s guidelines for general assistance. Annually adopted and overseen by the Selectmen.
ARTICLE 2, DEFINITIONS

Construction of Language:
Except where specifically defined herein, all words used in the Land Use Codes shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word “lot” includes the word “plot”; the word “building” includes the word “structure”; “shall” is always mandatory; “occupied” or “used” shall be considered as though followed by the words “or intended, arranged, or design to be used or occupied.”

Abutter: A person whose property shares all or part of a common lot line with the property under consideration or whose property is separated by a public or private road from the property under consideration and is located wholly or partly opposite the property under consideration.

Accessory Building or Structure: A subordinate building or a portion of the main building, the use of which is incidental to that of the main or principal building. Examples include, but are not limited to garages, Barns, workshops and guest houses. Accessory buildings and structures are subject to the setback and coverage requirements of the district in which they are located. 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.

Accessory Dwelling Unit: See Dwelling, Accessory

Accessory Use: A use customarily incidental and subordinate to the principal use and located on the same lot with such principal use. Accessory uses, when aggregated shall not subordinate the principal use of the lot.

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

Agriculture: The production, keeping or maintenance, for sale, lease of personal use, of plants and animals useful to people, including but not limited to: forage, sod, seed and grain crops, dairy animals and dairy products; poultry and poultry products; livestock including breeding and grazing of animals, bees, trees and forest products, fruits and vegetables, nursery, ornamental and greenhouse products; or lands devoted to soil conservation or forestry management programs. In the Shoreland Zone, agriculture does not include forest management and timber harvesting activities.

Aggrieved Person or Party: An owner of land whose property is directly or indirectly affected by the granting of denial of a permit or variance under an 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.

Antenna: Any structure or device used for the purpose of the wireless transmitting or receiving electromagnetic waves, digital signals, analog signals or other communication signals, including but not limited to directional antennas, such as panels microwave dishes, and satellite dishes, and omni-directional antenna, such as whip antennas.

Antenna Support Structure: Any pole, telescoping mast, tower tripod, or any other structure which attaches to a tower and supports one or more antenna(e).

Apartment Building: A building arranged, intended, or designed to be occupied by three or more families living independently of each other.
Applicant: Any person having standing to apply for a review or approval required or provided under this Code. To have standing under this Code, an applicant must have a legal interest in any land, parcel, site, or development subject to any action by the Town of Pownal under this Code. Such interest must be either fee-simple ownership; holder of a valid, enforceable contract (or option agreement) to purchase; or a long-term (i.e., 10 years or longer) exclusive leasehold. Applicants may designate others to represent them in any application under this Code and must do so in writing. The terms owner, subdivder, and developer are interchangeable with the term applicant, unless the context clearly indicates otherwise.

Aquaculture: The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Aquifer: A geologic formation, material, or layer that contains a usable supply of groundwater.

Area of Special Flood Hazard: Land in the floodplain having a one percent or greater change of flooding in any given year, as specifically identified in the Flood Insurance Rate Map cited in Article 8 Flood Plain Ordinance, Section 1.

Arterial Street (or Road): See Street

Backlot: A lot that does not have frontage on a public maintained road. Amended 6/19/17

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

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

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Billboard: A structure, either free standing or attached to a building, the surface of which is available for hire for advertising purposes.

Boarding (Lodging or Rooming) House: A dwelling or part thereof, in which lodging is provided by the owner or operator to more than three boarders. This does not include a family living as a single housekeeping unit regardless of whether meals are supplied as part of the fee, or to a health facility licensed by the Maine Department of Human Services.

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.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals or chattels.

Building Envelope: The area of an approved building lot that is not part of any setback requirements, stream or wetland protection zones, excess slope or other buffer areas that have been determined by the Planning Board or the Board of Appeals.

Building Inspector: Shall mean this inspector of buildings for the Town of Pownal.

Building Lot Width: Width measured at the point where the main building is closest to the street.
Business and Professional Use: Establishments primarily engaged in rendering services on a fee or contract basis such as, but not limited to: advertising and mailing; building maintenance, employment services; research, or the office of a member of a recognized profession maintained for the conduct of that profession.

Campground: An 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.

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

Change of Use: The change from an existing use to another use, including without limitation, the addition of a new use to an existing use. Amended 6/18/18

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

Collector Street (or Road): See Street.

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.

Comprehensive Plan: The Comprehensive Plan duly adopted by the Board of Selectman as the Town’s official policy with respect to the use and development of land within the Town, as currently exists and as may be amended from time to time.

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

Such corner lots located at the intersection of two streets shall be deemed to have a side rather than a rear yard between the principal building and the abutting property on the side street. Such side yard shall not be less than the side street.

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

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

Creation of a new lot: The division of an existing lot or parcel of land into two lots. One of these lots will be regarded as the new single lot and the other will be regarded as the residual lot. A lot may have one of two designations: “Approved for Building” or “Not Approved for Building”.

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

Disposal: Salvage, process, reduce, recover, incinerate, separate, treat, discharge, dump, spill, leak, or place any hazardous materials into or on the land or in or out of buildings.

District: A part, zone or geographic area within the municipality within which certain zoning or development regulations apply.

Driveway: A vehicular access-way serving two lots or less. An entrance or exit used by vehicular traffic to or from property abutting a Town of Pownal public or private road. As used in The Driveway and Driveway Entrance Ordinance, the term includes private residential driveways, as well as commercial and other non-residential driveways, i.e. tote roads or logging roads. Driveways shall not afford road or street frontage.

Dwelling: A building designed or used as the living quarters for one or more families. The term shall not be deemed to include hotel, motel, or rooming house or temporary trailer. It shall include manufactured housing as defined in the Zoning Ordinance, unless specifically excluded. It shall be attached to an approved foundation. Any axles, wheels, or tires for transportation shall be removed. Amended 6/18/18

Dwelling, Accessory: A small dwelling, either attached or detached (unattached) which is part of an existing single family owner occupied home on the same lot and which is clearly secondary to the single family home. The dwelling shall have living, sleeping, sanitary, and kitchen facilities for the exclusive use of the unit occupants. The owner of the primary building may rent the accessory dwelling or the primary building owner may occupy the accessory dwelling and rent the primary dwelling. The dwelling will have only one bedroom and one bathroom. The dwelling can be no more than 625 square feet or 50% of the square footage of the primary dwelling, whichever is more restrictive. Only one accessory dwelling is permitted per lot. All current codes must be met and an Occupancy Permit must be obtained. Parking must be available onsite. Amended 6/18/18

Dwelling, Accessory Attached: A dwelling containing one or more party walls with the primary dwelling and that meets the accessory dwelling requirements above. Amended 6/18/18

Dwelling, Accessory Detached or unattached: A dwelling that meets accessory dwelling requirements, is substantially separated from the primary dwelling and is in the same ownership as the primary dwelling. Amended 6/18/18

Dwelling Unit: A building or portion thereof providing complete housekeeping facilities including cooking, living, sanitary and sleeping facilities for one family. The term shall not be deemed to include temporary trailers. It shall include manufactured housing as defined in the appropriate Ordinance, unless specifically excluded.

Easement: The right to the real property of another for a specific purpose.

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.

**FAA:** Federal Aviation Administration.

**Family:** One or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth, adoption or marriage, but no group shall consist of more than five unrelated persons, as distinguished from a group occupying a boarding house, lodging house or hotel as defined herein.

**FCC:** Federal Communications Commission.

**Flood or Flooding:** is defined as:

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 of 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:** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**Flood Insurance Rate Map (FIRM):** 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:** Any land area susceptible to being inundated by water from any source (see Flood or Flooding).

**Floodplain Management:** 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:** 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.
Floodplain Soils: Soil series as described and identified by the National Cooperative Soil Survey.

Floodproofing: 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.

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 or taller.

Forestry: Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

Foundation: The supporting substructure of a building or other structure including but not limited to basements, slabs, sills, posts or frostwalls.

Freeboard: 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.

Freshwater Wetland: Freshwater swamps, marches, bogs and similar areas, other than forested wetlands, that are:
Inundated or saturated by surface or groundwater at a frequency and for duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Frontage: The portion of a lot’s boundaries measured in lineal linear feet, which abuts a street.

Functionally Department Use: 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.

Functionally Water-Dependent Uses: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and which cannot be located away from these waters. The uses include, but are not limited to recreational fishing and boating facilities, navigation aides, basins and channels, industrial uses requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site, and uses which primarily provide general public access to inland waters.

Grandfathered clause: Removed by Town Meeting 6/19/17
Groundwater: The supply of freshwater under the surface in an aquifer or geologic formation that forms the natural reservoir for potable water.

Hazardous Materials: Any gaseous, liquid, or solid materials, either in pure form or mixed with other substances, designated as Hazardous Material by Article 7 of the Hazardous Materials Control Ordinance.

Health Facility: A facility licensed by the Department of Human Services to provide lodging, food and medical and nursing services to residents requiring supervised care.

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

Historic Structure: Any structure that is:
1. 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;
2. 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;
3. 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
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
   a. By an approved state program as determined by the Secretary of the Interior, or
   b. Directly by the Secretary of the Interior in states without approved programs.

Home Occupation: An accessory use of a dwelling unit or an accessory building for gainful employment involving the manufacture, provision or sale of goods and/or services. It is clearly incidental and secondary to the use of the dwelling unit for residential purposes. It is so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence other than for a sign as permitted under the Site Plan Review Ordinance. Any home occupation shall be permitted if it complies with the requirements of this section.
1. The home occupation shall be carried on by one or more members of the family residing in the dwelling unit. Only two employees who are not part of the family are permitted at any one time.
2. The home occupation shall be carried on wholly within the principal or accessory structures.
3. Exterior displays or signs other than those permitted under the Site Plan Review Ordinance. Exterior storage of materials, and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.
4. Objectionable circumstances such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced beyond what is normally produced in the zoning district.
5. Traffic generated shall be in keeping with the character of the neighborhood. Parking needs shall be met off-street.
6. If a home occupation is located in an accessory building, the square footage used for that occupation shall not be larger than the first floor square footage of the principal residential structure.

Hotel: A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms and recreational facilities.
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 limited to gravel pads, parking areas, fire places, or tent platforms.

Industrial: The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals within a shoreland zone.

Lot: A parcel of land in single ownership occupied or capable of being occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by the Zoning Ordinance, and having frontage upon an approved street.

Lot Approved for Building: A parcel of land in single ownership occupied or capable of being occupied by one building and the accessory buildings or uses customarily incidental to it, which has met all applicable ordinances and all applicable state and federal requirements and standards.

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

Lot Not Approved for Building: A parcel of land that does not meet, or has not yet been demonstrated to have met, all applicable Pownal ordinances, state and federal requirements and standards. Some examples of lots which may be classified as not approved for building are: woodlots, cemeteries, gift lots, bequest lots, lots annexed by abutters or lots which do not conform to Pownal ordinances at the time of application to create the new lot.

Lot of Record: A lot that has been registered in the Cumberland County Registry of Deeds.

Lowest Floor: 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 8, Section 8.K. of the Shoreland Zoning ordinance.

Manufactured Housing: 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 include park trailers, travel trailers, and other similar vehicles places on a site for greater than 180 consecutive days.

Manufactured Housing Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. 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. A manufactured housing park shall be regarded as a subdivision and be subject to all applicable state and local codes and ordinances.

Manufactured Housing: A structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing. Types of manufactured housing include, but are not limited to, single and double wide mobile and modular homes used as dwellings, which meet the certifications described below.
Siting requirements for single wide manufactured housing are set forth in Article 12, Mobile Home Park Ordinance.

The following standards shall apply:

1. The wheels, any undercarriage or transported unit and the tongue shall be removed and the unit shall be placed on a permanent foundation containing, at a minimum, a 4’ masonry frost wall completely surrounding the perimeter of the unit and extending up to the floor of the unit.
2. The roof pitch shall be at least 1:4.
3. Roof shingles shall be either asphalt composition shingle or other approved roofing material.
4. Exterior wall surfaces shall be covered with materials similar to residential, site built dwelling. They may include, but are not limited to, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles or shakes or similar materials, but shall not include smooth, rubbed or corrugated metal or plastic panel, except as permitted above.
5. The minimum horizontal dimension of the unit as installed on the site is 14 feet.
6. The minimum floor area of the unit shall be 750 square feet.

Manufactured Housing Duplex: A structure which is designed to contain two attached dwelling units and is created by the combining of two or more manufactured housing sections. A duplex shall not consist of one manufactured housing unit and one site built unit. Additions, however, such as porches, decks and garages may be site built and attached to the units. Duplexes shall not consist of two single wide manufactured housing units attached at the narrow ends.

Manufactured Housing, Multi-family: A development consisting of more than two dwellings units and constructed by the attachment of more than two manufactured housing units. This development is subject to site plan and subdivision review. The design of the development shall be similar to that of site built housing. Units shall not attached at the narrow ends.

Manufacturing: Establishments engaged in the mechanical or chemical transforming or materials or substances into new products including the assembling of component parts, the manufacture of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

Market Value: The estimated price a property will bring in the open market and under market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

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

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.

Minor Dead-End Street 600 Feet or Less: A private street or road that is accessed only from a Town of Pownal public street or road and that is constructed according to at least the minimum town standards as detailed in
Appendix A of the Public and Private Roads Ordinance in the Table, ‘DESIGN AND CONSTRUCTION STANDARDS FOR STREETS’; in the Graphic, ‘GEOMETRIC STANDARDS – STREETS’ and in the List, ‘CONSTRUCTION NOTES AND SPECIFICATIONS FOR DEAD END ROADS 600 FEET OR LESS’.

Minor Development: 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 8, Section 6.1, 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.

Minor Street (or Road): See Street

Mobile Home: A type of manufactured housing constructed after June 15, 1976, which the manufacturer certifies is constructed in compliance with the United States Department of Housing and Urban Development Standards. The manufacturer shall voluntarily file a certification required by the secretary of the U.S. Department of Housing and Urban Development that the unit(s) complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, U.S. Code, Title 42, Section 5401, et. seq. A mobile home is built on a permanent chassis, including framework, which permits its being towed in one or more sections on a public street or highway and is designed to be used as a permanent dwelling unit when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. A mobile home shall be construed to remain a mobile home subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed.

Mobile Home, Single-Wide: A single unit, designed for single family occupancy, which is at least 14 body feet or more in width and is 750 square feet or more in area and conforms to all of the certification requirements in the definition of “mobile home” and to all of the standards and siting requirements set forth in the appropriate Ordinance.

Mobile Home, Double-Wide: Two or more units which, when joined together, form a single structure designed for single family occupancy and meet the certification requirements in the definition of “mobile homes” and the standards in the definition of “Manufactured housing”. A double wide mobile home shall have a minimum length and width dimensions of 24 feet each and shall be at least 750 square feet in area. Double wide mobile homes may be located in any district where dwellings are permitted.

Mobile Home Park: A parcel of land under unified ownership approved by the municipality for the placement of three or more mobile home units. A mobile home park shall be regarded as a subdivision and be subject to all applicable state and local codes and ordinances.

Mobile Home Park Lot: The area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home. Lots must be designated on a mobile home park plan.

Mobile Home Subdivision or Development: A parcel of land approved by the municipal reviewing authority under the requirements of Article 12, Mobile Home Park Ordinance for the placement of manufactured houses on individually owned lots.

Modular Home: A type of manufactured housing, transportable in one or more sections, which is not constructed on a permanent chassis and is designed to be used as a dwelling on a foundation when connected to required utilities including the plumbing, heating, air-conditioning or electrical systems contained therein. A modular home
must be certified by the manufacturer that is was constructed in compliance with the State's Manufactured Housing Act and regulations.

**Modular Home, Single-Wide:** A single unit, designed for single family occupancy, which is at least 14 body feet or more in width, is 750 square feet or more in area and conforms to all the certifications, standards and siting requirements set forth in the appropriate Ordinance.

**Modular Home, Double-Wide:** Two or more modular units which, when joined together, form a single structure designed for single family occupancy and meet the certifications and standards set forth in the appropriate Ordinance. A double wide modular home shall have minimum length and width dimensions of 24 feet each and shall be at least 750 square feet in area. Double wide modular homes may be located in any district where dwellings are permitted.

**Motel:** A building or group of detached (unattached) or connected buildings designed or intended or used primarily for the providing of sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or tourist court with more than one unit or a motor lodge shall be deemed to be a motel.

**Multi-unit residential:** a residential structure containing a minimum of three (3) and no more than six (6) residential dwelling units. Amended 6/18/18

**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)."

**Net Developable Area:** The gross available acreage less the areas or portions of the site which are unsuitable for development, such as, but not limited to:

1. Area required for streets (public or private)
2. Limiting topographical, drainage or subsoil features.
   Examples: bedrock within 6 inches of surface, slopes in excess of 20%, water at surface for all or part of the year, unstable soils, rights of way or easements, Resource Protection Districts (not any associated 250’ setback area), land which is cut off from main parcel by road or waterway which acts as a major barrier to common use. Amended 6/18/18

The Codes Enforcement Officer shall make the final interpretation and determination of net developable acreage for a single lot and may seek the review and advice of the Planning Board in doing so.

**Net Residential Acreage:** The gross available acreage less the area required for streets or access and less the areas of any portions of the site which are unsuitable for development determined as follows:

1. Area required for streets or access.
2. Areas unsuitable for development in their natural state because of topography, drainage or subsoil conditions. Specific conditions include but are not limited to:
   a. Slopes in excess of 20%. Amended 6/18/18
   b. Water table at the surface for all or part of the year.
   c. Unstable soils.
3. Land in right-of-ways or easements.
4. Land which is cut off from the main parcel by a road or waterway, which acts as a major barrier to common use. Amended 6/18/18

The Planning Board shall make the final determination of net residential acreage. Where the Planning Board determines that the extent of unsuitability in a specific case requires interpretation, it shall be guided by whether
or not the potential unsuitable area in its natural state could be incorporated into a minimum size developable lot in a traditional subdivision. If it can be so incorporated, that area shall not be subtracted from the gross acreage.

**Net Residential Density:** Net residential density shall mean the number of dwelling units per net residential acre.

**New Construction in a Floodplain Zone:** 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.

**Non-Conforming Lot:** a single lot of record which, at the effective date of adoption or amendment of the appropriate 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 permitted solely because it was in lawful existence at the time the appropriate Ordinance or subsequent amendments took effect.

**Non-Conforming Use:** use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated, but which is permitted to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect. (there is another definition for N-C Use in the Zoning Ordinance)

**Normal High-Waterline:** that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.

**Open Space:** Undeveloped land that is protected from development.

**Owner:** Any person, firm, corporation or other legal entity which controls a parcel of land by a fee or less than fee title, or is party to a valid contract or option to purchase said title.

**Parking Space:** Parking space shall mean an area of not less than 200 square feet, exclusive of drives or aisles giving access thereto, accessible from streets or aisles leading to streets and usable for the storage or parking of passenger vehicles. Parking space or access thereto shall be construed as to be usable year round.

**Permanent Foundation:** Permanent foundation means all of the following:
1. A full, poured concrete or masonry foundation;
2. A poured concrete frost wall or a mortared masonry frost wall, with or without a concrete floor;
3. A reinforced, floating concrete pad for which the municipality may require an engineer’s certification if it is to be placed on soils with high frost susceptibility; and
4. Any foundation which, pursuant to the building code of the municipality, is permitted for other types of single-family dwellings.

**Permitted Use:** Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**Person:** an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.
Piers, docks, wharfs, bridges and other structures and uses extending over or beyond the normal high-
water line or within a wetland:
   a. Temporary: Structures which remain in or over the water for less than seven (7) months in any period of
twelve (12) consecutive months.
   b. 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.

Private Road: A road or driveway on privately-owned property, limited to the use of the owner or a group of
owners who share the use and maintain the road without help from a government agency. A private road has
not been given to a government entity (like a county or city) and accepted by that entity for public use. Some
private roads are used by the public, but should be closed off at least once a year to prove that an easement of
use is not permitted and to prevent a prescriptive easement (taken by continued use from arising).

Prohibited Use: A use that is not either a permitted use or special exception use in a zoning district.

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.

Public Utility Facilities: A facility, whether publicly or privately owned, which provides direct or indirect utility
service to the public, such as, but not limited to, sewage and water pumping stations and treatment facilities,
telephone electric equipment structures, electric equipment structures, electric power substations and
transformer stations, and major electrical power lines or pipelines whose major purpose is transport through a
municipality. Local utility transmission lines are excluded from this definition. Wireless telecommunications
facilities are not considered public utility facilities.

Public Road: Any street or highway that is open to the public and is controlled and maintained by some level of
government.

Recreation: Primitive or outdoor recreation is defined as activities done for one's enjoyment, such as, but not
limited to, biking, cross-country skiing, snowshoeing, snowmobiling, horseback riding, hunting fishing, canoeing,
viewing nature, picnicking.

Public Recreational Structure: and/or facilities are located on land owned by the Town, State or Federal
Government to be shared by all people.

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.

Regulatory Floodway:
1. 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
2. In Zone A riverine areas, the floodway is considered to be the channel of a river or other water course and the adjacent land area 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.

Residual Lot: The remainder of the original parcel after the new lot has been created. The residual lot retains the original tax map and lot number. Any residual lot that contains a residential, commercial, industrial or institutional building must be a conforming lot under the standards at the time of its creation.

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. The term shall include mobile homes, but not recreational vehicles.

Residual Basal Area: the sum of the basal area of trees remaining on a harvested site.

Resubdivision: (also known as amended subdivision) The division of an existing subdivision or any change of lot size therein or the relocation of any street or lot in a subdivision.

Retail Sales & Services: Any business engaged in the sale of goods or services to the ultimate consumer for direct consumption and/or use.

Right-of-Way: An area of strip of land described in a recorded deed and dedicated to the purpose of providing access to a parcel of land other than the land on which the right-of-way crosses. No land in the right-of-way may be used to meet any dimensional requirements.

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

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

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

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.

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: For Shoreland Zoning Ordinance purposes, the nearest horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area.

Shore Frontage: the length of a lot bordering on a water body measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water elevation.

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

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

Single Lot: Any division of land that results in the creation of a new lot that is not:
  a. part of an existing subdivision approved by the Town; or
  b. a division that will cause a subdivision as defined by Title 30-A M.R.S.A. Section 4401.

Any single lot that falls within this definition is subject to the requirements of the Single Lot Ordinance.

Site Built Structures: A structure which is constructed on the site where it will be located as opposed to a structure which is wholly constructed away from the site and later transported to the site where it will be permanently affixed. Site built structures may include prefabricated sections such as walls or roof trusses, but not fully finished sections such as the two sections of a double wide manufactures home which must be joined together at the site.

Special Exception: A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighbors, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning districts as special exceptions, if specific provision for such special exceptions is made in the Zoning Ordinance. The Planning Board administers special exceptions. Amended 6/18/18

Special Flood Hazard Area: see Area of Special Flood Hazard.

Start of Construction: 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.

Storage of Hazardous Materials: The placement of materials in drums, tanks, lagoons, or other structures intended to retain the materials for subsequent use or disposal, regardless of their location in the ground or in a building or other physical location.
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 the 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 a shoreland zone.

Street: A public or private road which affords the principal means of access to abutting properties and the existence of which is of record in the Cumberland County Registry of Deeds.

Street (or Road), Arterial: An arterial street or road is one that should be expected to provide for relatively high overall travel speeds with minimum interference to through-traffic. Arterial roads should form a “continuous road network,” and these routes should be given preferential treatment over collector and local roads in the signing and signalizing of intersections. The intersection of local road directly with principal arteries should be discouraged. Local road access to an arterial should be provided primarily through the collector road network.

Street (or Road), Collector: A collector street or road is an intermediary road providing service to rural areas. They carry internal traffic from areas having a predominant land use such as schools and shopping centers to more highly traveled arterial roads.

Street (or Road), Minor: (aka Local Street or Road): Minor streets constitute all streets or roads not classified as arterials or collectors.

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

For floodplain management purposes: a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

Subdivision: “Subdivision means the division of a tract or parcel of land in single ownership into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term “subdivision” also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period. The term “subdivision” also includes all additional criteria pursuant to Title 30-A, Section 4401.

Subdivision, Major: Any subdivision containing more than five (5) lots, or any subdivision requiring any new public street extension, or the extension of municipal facilities.

Subdivision, Minor: Any subdivision containing not more than five (5) lots.

Substantial Damage: 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: 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.

**Substantial Reconstruction of a Road:** Any activity related to reclaiming and restoring a sub-par functioning, dilapidated or unsafe road to a safe state of repair to support normal speeds for all types of vehicles for local access travel. Substantial reconstruction may include excavation, recycling or re-grading or roadway base materials and the collection, re-grinding, re-layment or re-grading of roadway surface materials.

**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:** A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA Section 414, any surface wastewater disposal system licensed under 38 MRSA Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 MSRA Chapter 13, subchapter 1.

**Sustained Slope:** A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

**Temporary Trailer:** Any structure intended for, or so constructed that it will be suited for living or sleeping quarters, mounted upon wheels or any other device upon which it may readily be transported, either by its own power or otherwise, but excluding any structure operated upon fixed rails. Its purpose is to provide temporary shelter under the provisions of Section 4G. It is not considered manufactured housing and is not permitted to be used as permanent housing.

**Timber Harvesting:** The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

**Trailer:** Trailer shall mean any vehicle used or so constructed as to permit its being used as a conveyance on the public streets and highways and duly licensed as such, and constructed in such a manner as will permit occupancy thereof as a temporary dwelling for one or more persons, and which cannot readily be connected to a common sewer and water service. This definition shall apply whether the trailer is placed on a foundation or not.

**Tributary Stream (Shoreland Zoning Ordinance):** A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term “stream” as defined elsewhere in the Shoreland Zoning Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

**Undue Hardship:**
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 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.

Upland Edge: The boundary between upland and wetland.

Use: The manner in which land or a structure is arranged, designed or intended, or is occupied.


Variance: A relaxation of the terms of these codes where such relaxation will not be contrary to the public interest where, owing to conditions peculiar to the property, and not the result of the actions of the applicants, a literal enforcement of the code would result in undue hardship. Amended 6/18/18

Vegetation: all live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/4 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.

Waiver: The intentional and voluntary giving up of something, such as a right, either by an express statement or by conduct (such as not enforcing a right).

Waste: Waste is any garbage, refuse, sludge or solid, liquid, semi-solid or contained gaseous material resulting from industrial, commercial or mining operations, or from community activities, which is discarded or stored prior to being discarded, is disposed of, or is a manufacturing or mining by-product.

Water body new wording: Any natural or artificial body of water, whether permanent or temporary.

Water Crossing: Any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. 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.

Wetland: A freshwater wetland.

Wireless Telecommunications Facility: A facility that transmits, receives, distributes, provides or offers telecommunications services, radio or television signals, or any other spectrum-based transmissions/receptions, together with the facility's associated antennas, microwave dishes, horns, cables, wires, conduits, ducts, lighting roads, electronics and other types of equipment for the transmission, receipt, distribution or offering of such signals; wireless telecommunication towers, antenna support structures and other structures supporting said equipment and any attachments to these structures including guy wires and anchors, equipment buildings, generators, parking areas, utility services, driveway and roads and other accessory features.

Wireless Telecommunication Facility {Co-Located} (Regulation of Wireless Telecommunications Facilities Ordinance): A wireless telecommunications facility that includes a telecommunication tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity.
Wireless Telecommunication Tower ("Tower") (Regulation of Wireless Telecommunications Facilities Ordinance): Any new or existing ground mounted or structure mounted pole, spire, structure, or combinations thereof, designed and constructed primarily for the purpose of supporting, fixing or attaching one or more antennas, including supporting lines, cables, wires, brace and masts. The term includes, but is not limited to, radio and television transmission towers, microwave towers, common carrier towers, cellular towers, personal communications service towers, and other similar towers.

Yard: An unoccupied space, open to the sky, on the same lot with a building or structure.

Yard Front: An open unoccupied space on the same lot with the building between the front line of the building and the front line of the lot and extending the full width of the lot. The required front yard depth must extend along the entire required street frontage.

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

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

100-year flood – see Base Flood.
Town of Pownal
Pownal, Maine 04069

Addressing & Road Naming Ordinance

Adopted: March 10, 2007 @ Town Meeting

Section 1: Title
This ordinance will henceforth be known as the "Addressing & Road Naming Ordinance".

Section 2: Purpose
The purpose of this ordinance is to enhance the easy and rapid location of structures by law enforcement, fire & rescue, and emergency medical services personnel in the Town of Pownal.

Section 3: Authority
This ordinance is adopted pursuant to and consistent with Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and Title 30-A M.R.S.A. Section 3001.

Section 4: Administration
This ordinance shall be administered by the Board of Selectmen who has the authority to appoint an Addressing Officer to help with the management of the procedures, provided that all those responsibilities and actions of the Addressing Officer described hereinafter shall only become final after the review and approval thereof by the Board of Selectmen.

The Addressing Officer is authorized to and shall assign road names and numbers to all properties, (to include dwellings, places of business and buildings of any type capable of use or occupancy whether located on public or private streets or ways), both on existing and proposed roads, in accordance with the criteria in Sections 5 and 6. Newly assigned numbers to new dwellings, places of business and buildings at the time of subdivision approval, building permits or certificates of occupancy are requested, as provided elsewhere in Pownal ordinances. The Addressing Officer and the office of the Board of Selectmen shall be responsible for maintaining the following official records of this ordinance:
a. Municipal map(s) for official use showing road names and numbers.
b. An alphabetical list of all property owners as identified by current tax records by last name, showing the assigned numbers.
c. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

The Board of Selectmen shall designate any resident of Pownal as the Addressing Officer who is responsible for and authorized to provide all required addressing and database information to the state agency responsible for the implementation of Enhanced 9-1-1 service.

Section 5: Naming System
All roads that serve two or more structures shall be named regardless of whether the ownership is public or private. A “road” refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare. A road name approved and assigned by the municipality shall not constitute or imply acceptance of the road as a public way. The following criteria shall govern the naming system:
   a. No two roads shall be given the same name (e.g., Pine Road and Pine Lane)
   b. No two roads shall have similar-sounding names (e.g., Beech Lane and Peach Lane).
   c. Each road shall have the same name throughout its entire length.

Section 6: Numbering System
The following criteria shall govern the numbering system:
   a. Numbers shall be assigned every fifty (50) feet along both sides of the road, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, as the numbers ascend. A twenty-five foot or less interval may be applied in more densely structured areas.
   b. Number origins generally begin from the Freeport line for east and west roads and from the North Yarmouth line for north and south roads. There may be exceptions to this rule that would be addressed by the Board of Selectmen and the Addressing Officer in order to facilitate emergency response.
   c. The number assigned to each structure shall be that of the numbered interval falling closest to the front door or the driveway of said structure if the front door cannot be seen from the main road.
   d. Where an individual lot contains more than one dwelling or place of business, the Addressing Officer, with approval of the Board of Selectmen, shall assign only one street number to the lot and each separate dwelling unit or place of business shall have a separate identifying number assignment, i.e., 7-1, 7-2.
   e. Upon assigning a number to any dwelling, place of business or building, the Board of Selectmen will be responsible for sending written notice of the assigned number to the owner, occupant, or person in charge of the dwelling, place of business or building. In addition, the Post Office will be notified of any new addresses.
Section 7: Compliance
All owners of structures shall, by the date stipulated in Section 9, display and maintain in a conspicuous place on or near said structure, assigned numbers in the following manner:

a. **Timeline**: Within 60 days after receipt of written notice from the Board of Selectmen or Addressing Officer that either (1) a number has been assigned to a dwelling, place of business or building, or (2) a number needs to be placed on or near said structure in order to comply with this ordinance, the owner, occupant or person in charge shall display the assigned number as set forth in section 7(b).

b. **Number Placement**: The number may be placed on the exterior of the dwelling, place of business or building or in some other location on or near the premises, so that the number is conspicuous, legible and can be readily and adequately read by the driver of a vehicle, seated in the driver’s seat while proceeding, in all weather conditions and at any time of day or night, at speeds appropriate for the circumstances, including fire and rescue activities, on the street or way upon which said structure is located.

c. **Number of the Structure of Residence**: Where the residence or structure is within 50 (fifty) feet of the edge of the road right-of-way, the assigned number may be displayed on the front of the residence or structure in the vicinity of the front door or entry, as long as such number complies with the requirements of section 7(b).

d. **Number at Road Line**: Where the residence or structure is over 50 (fifty) feet from the edge of the road right-of-way, the assigned number shall be displayed either upon (1) a post, fence, wall, the mail box, or on some structure at the property line adjacent or opposite to the walk or access drive to the residence or structure, or (2) the structure, as long as the size and location of such number complies with the requirements of section 7(b).

e. **Multiple Address For One Building**: Where a principal building contains more than one dwelling or place of business and each such dwelling or place of business has been assigned a separate street number, the street number shall be displayed at the front entrance to each dwelling or place of business so that the number is conspicuous and legible from the street or way.

f. **Size, Color, and Location of Number**: Numbers shall be of a color that contrasts with their background color and shall be a minimum of 3 (three) inches in height and must be legible as set forth in section 7(b).

g. **Proper Number**: Every person whose duty is to display an assigned number shall remove any different number which might be mistaken for, or confused with, the number assigned in conformance with this ordinance.

h. **Interior Location**: All residents and other occupants are requested to post their assigned number and road name adjacent to their telephone for emergency reference.
Section 8: New Construction and Subdivisions
All new construction and subdivisions shall be named and numbered in accordance with the provisions of this ordinance and as follows:

a. **New Construction:** Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to obtain an assigned number from the Addressing Officer. This shall be done at the time of issuance (or applying) of the Building Permit.

b. **New Subdivisions:** Any prospective subdivider shall show a proposed road name and lot numbering system on the pre-application submission to the Planning Board. Approval by the Planning Board after consultation with and approved by the Board of Selectmen shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets so as to aid in the assignment of numbers to structures subsequently constructed.

c. **Requirements:** Notwithstanding anything to the contrary in Section 302 of title 1 of the Maine Revised Statues, the requirements of this Section 8 shall apply to applications for subdivision approval, building permits and Certificates of Occupancy pending upon the effective date of this ordinance, except that no such approval, permit or certificate shall be withheld if the Board of Selectmen have not yet assigned street numbers to the property at the time when the application is otherwise in order for approval.

d. Developers or Subdivisions shall be required to erect signs naming streets within each approved subdivision. Street signs shall be approved by the Road Commissioner.

Section 9: Effective Date
This ordinance shall become effective 30 days after its enactment. It shall be the responsibility of the Board of Selectmen to make sure that each property owner and the U.S. Postal Service be notified by mail of the new address at least 60 (sixty) days prior to the effective date of its use. It shall be the duty of each property owner to comply with this ordinance, including the posting of new property numbers, within 60 (sixty) days following notification. On new structures, numbering will be installed prior to final inspection or when the structure is first used or occupied, whichever comes first.

*This ordinance will supersede the "Street Numbering Ordinance" that was adopted on July 26, 1993.*
TOWN OF POWNAL
ANIMAL CONTROL AND WELFARE ORDINANCE

This Ordinance shall be known and may be cited as the "ANIMAL CONTROL AND WELFARE ORDINANCE OF THE TOWN OF POWNAL, MAINE".

PURPOSE

The purpose of this ordinance is to require all animals in the Town of Pownal be kept under the control of their owner/keepers at all times so that they will not injure persons, damage property or create a nuisance.

The provisions which apply to the owners of an animal apply equally to any person having its custody or possession.

It is also the Town's responsibility to prevent the spread of contagious disease and virus in relation to domesticated and undomesticated animals.

DEFINITIONS

1) OWNER: Any person, firm, organization, partnership, association or corporation which owns, possesses, or has custody of an animal.

2) AT LARGE: Any animal off the premises of the owner and not under the control of any person by means of personal presence and detention as will reasonably control the conduct of said animal.

3) DANGEROUS DOG: A dog which has bitten a person who was not a trespasser on the owner's premises at the time of the incident; or a dog which causes a reasonable person, acting in a peaceable manner outside the owner's premises, to be put in apprehension of eminent bodily harm.

4) LAW ENFORCEMENT OFFICER: Any person who by virtue of his/her public employment is vested by law with a duty to maintain public order, enforce any law of this state or municipality establishing a civil violation, prosecute offenders or make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

5) MUNICIPALITY: A city, town, or plantation.

6) NUISANCE: The causing of unreasonable noise, litter, or other property damage; the chasing of automobiles, motorcycles, bicycles or other vehicles; and the entry on to school grounds while school is in session. Also shall mean an animal which by frequent and/or habitual howling, or yelping, disturbs the peace.

7) LEASH: A hand held device, designed for the restraint of an animal.
8) ANIMAL: Includes all animals, domesticated or undomesticated.

9) PACK: A dog in the company of three or more dogs.

10) RABIES: A viral disease of the central nervous system (Brain & Spinal cord).

11) CONFIRMED RABID ANIMAL: An animal that has been confirmed rabid by the Health and Testing Laboratory using the "DIRECT FLOURESCENT ANTIBODY" (DFA) test of the nervous tissue.

12) QUARANTINE: Term used to describe the period of time that a domestic animal is to remain separate and apart from other animals and humans after having bitten or otherwise exposed another domestic animal or human to rabies.

13) CURRENTLY VACCINATED: Domesticated animals are considered currently vaccinated for rabies if at least 30 days has elapsed since the initial vaccination and duration of vaccination has not exceeded the time period recommendation for that species based upon the type of vaccine used. A Maine "Certificate of Rabies Vaccination" or a form approved by the Commissioner of the Department of Agriculture, Food and Rural Resources is proof of immunization.

14) SUSPECTED RABID ANIMAL:
   1) Any mammal, undomesticated or domesticated, showing signs of rabies.
   2) Any undomesticated mammal which has potentially exposed, through bite or non-bite, a human or domesticated animal to rabies.
   3) Any domesticated mammal which has bitten a human or domesticated animal.

15) UNDOMESTICATED ANIMAL: A mammal considered to be wild by nature by the Department of Inland Fisheries and Wildlife.

16) DOMESTICATED ANIMAL: A mammal accustomed to home life: tamed for man's use; a typical household pet to include, but not limited to dogs, cats, ferrets, wildlife hybrids and livestock.

17) UNVACCINATED ANIMAL: An animal with no previous vaccination; an animal whose first vaccination was given within the last 30 days, an animal whose last vaccination has expired; or an animal for which no approved vaccine exists.

18) WILDLIFE HYBRID: The offspring of a breeding between a domesticated animal and a wild counterpart. The would include but is not limited to coydog, wild or domesticated cat, hybrid and wolf/dog. These animals are considered domesticated but have no established quarantine or isolation period for the incubation of the rabies virus.
19) CONTROL: To limit by reasonable means all unnecessary exposure for the suspected rabid animal to humans or other animals.

ARTICLE 1 ANIMALS CREATING A NUISANCE

Anyone owning, possessing or harboring any animal which barks, howls or makes other sounds common to its species, continuously for 20 minutes or intermittently for one hour or more shall be deemed to constitute a nuisance. Exceptions: Dogs barking at trespassers or threatening trespasser on private property on which the dog is situated; or any legitimate cause for provocation.

ARTICLE 2 RUNNING AT LARGE

It is unlawful for any animal, licensed or unlicensed, to run at large except when used for hunting. Any stray or abandoned animal roaming at large shall be impounded by the Animal Control Officer and taken to a shelter. Any dog or ferret leaving the property of its owner or custodian must be on a leash of suitable strength or must be under the supervision and verbal control of its master. Any animal in violation so impounded may be destroyed if it is not claimed within 8 to 10 days following impoundment. The ACO, his/her designee or other Law Enforcement Officer, shall take the animal to its owner, if known. The offender will be subject to a charge for service rendered, payable to the Town of Pownal.

ARTICLE 3 CONFINEMENT OF CERTAIN DOGS

Dogs of fierce, dangerous or vicious propensities or in heat shall be properly confined or tied by the owner or keeper in a reasonable manner to prevent harm to the public. If the owners or keepers of fierce, dangerous or vicious dogs or dogs in heat are found in violation of this section, such dogs shall be impounded and not released except on the approval of the ACO, his designee or Law Enforcement Officer, and only if all impoundment fees have been paid.

ARTICLE 4 ANIMAL CONTROL OFFICER (ACO)

A suitable person shall be appointed by the selectmen who shall be known as and perform the duties of the Animal Control Officer. The ACO shall be under the supervision and direction of the selectmen. The ACO shall hold the office for such time as the Selectmen may direct and shall receive compensation as set at town meeting. The ACO shall be responsible for the control, regulation and enforcement of all laws related to dogs, cats, ferrets, domesticated and undomesticated animals as required.
under statute, Title 7 MRSA Chapter 725. Court action authorized only by selectmen.

ARTICLE 5 LICENSE REQUIRED

All dogs kept, harbored or maintained by their respective owners in the Town of Pownal shall be licensed and tagged in accordance with the appropriate laws of the State of Maine. (7 MRSA 3921)

ARTICLE 6 LICENSING FEES

Beginning OCTOBER 15 and no later than JANUARY 31, all dogs over the age of 6 months must be licensed in the Town of Pownal by registering the dog(s) at the Town Clerk's office. Proof of a rabies vaccination must be shown to obtain a license.

ARTICLE 7 REGISTRY AND NOTIFICATION OF IMPOUNDMENT

When impounding any animal, the ACO, or other Law Enforcement Officer, shall at the time of such impoundment, list number and description of violation(s), make a complete registry of the date of impoundment, breed, sex, color, and general condition of the animal as can be reasonable ascertained, and if licensed or unlicensed, and the name of the owner or keeper if known, on a registry form. A copy of this form shall be furnished to the Shelter together with written instructions setting forth conditions on which the animal can be released. If the owner does not claim said animal then the Shelter shall dispose of the animal by adoption or otherwise in a proper and humane manner consistent with State law.

ARTICLE 8 IMPOUNDMENT FEES

Owners may reclaim their animal by first licensing, if applicable, according to the Town Regulation, and by paying the Town fee for each offense. The animal owner will be responsible for any cost incurred at the Shelter. Fees must be paid and a receipt of same must be presented to the Shelter prior to the release of an animal. Fees will be paid to the Town Clerk.

ARTICLE 9 DISPOSITION OF ANIMALS WHICH HAVE BITTEN HUMANS AND/OR WITH EXPOSURE OR POSSIBLE EXPOSURE TO RABIES

The owner or keeper of an animal which has bitten a human or may have been exposed to a contagious or viral disease shall be served a quarantine notice. The owner or keeper shall confine and control the animal for at least 10 days, 45 days, 6 months or as ordered. The owner or keeper must observe and obey all written instructions in the quarantine notice. Failure to comply with this section may result in fines and/or penalties as provided in this ordinance. Further, failure to comply with this section may result in court ordered seizure of the animal to be placed in a state licensed facility that houses such animals. All related expenses shall be paid by the owner or keeper.
ARTICLE 10 ANIMAL CREATING A PUBLIC HEALTH THREAT

The Animal Control Officer or his/her designee shall order suppression and removal of animal and conditions posing a public health threat when there is reasonable cause to suspect the presence of a communicable disease or viral disease and the owner or keeper has failed to comply with the properly served quarantine notice.

ARTICLE 11 VIOLATIONS

Any person found in violation of articles 1, 2, 3, or 5, shall be subject to a fine of not less than $20.00 and not more than $100.00 for each offense. Any person found in violation of article 9 and or 10 shall be subject to a fine of not less than $100.00 and not more than $1,000.00 for each offense. Any fine collected shall be recovered to the use of the Town of Pownal and deposited in the separate account as required by 7 MRSA 3945 (Use & Licensing fees retained by Municipalities).

ARTICLE 12 SEVERABILITY CLAUSE

If any part of this ordinance shall be held to be invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.
Section 1. AUTHORITY
This ordinance is enacted pursuant to the authority given the Town in 30-A M.R.S.A. Section 3001.

Section 2. PURPOSE
Pursuant to the 2006 Comprehensive Plan to conserve rural land while preserving the flexibility of rural landowners to use their back land for compatible purposes, this ordinance allows for the creation out of an existing lot that has at least 350 feet of frontage on a public maintained road, one new single backlot (see Article 2. Definitions) without frontage on a public road for the placement of one single-family dwelling. Residential dwellings and accessory structures located on backlots created under this ordinance shall comport with the Comprehensive Plan in protecting existing designated conservation land, deeded trails, public easements and strive to protect non-deeded traditional trails such as snowmobile passageways and the like.

Amended 6/19/17

Section 3. APPLICABILITY
This Ordinance shall apply to:
A. Land in the Rural District RA and the Rural District RB.
B. Pre-existing lots-of-record on or before the effective date of this ordinance that have at least 350 feet of continuous frontage but less than 600 feet along a public maintained road.

Section 4. EFFECTIVE DATE
The effective date of this ordinance is June 20, 2016.
Amended June 19, 2017.

Section 5. AVAILABILITY
A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public in hardcopy at Town Hall and electronically on the Town website. Hard copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

Section 6. SEVERABILITY
Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

Section 7. CONFLICTS WITH OTHER ORDINANCES
Whenever a specific provision of this Ordinance conflicts with or is inconsistent with another specific provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control, except for frontage requirements expressly modified in this Ordinance.

Section 8. AMENDMENTS
This Ordinance may be amended by majority vote at any regular or special town meeting of the Town of Pownal.

Section 9. ADMINISTRATION
Lots recorded on subdivision plans filed at the Cumberland County Registry of Deeds (CCRD) are reviews by the Planning Board as a 'Resubdivision' as defined in Article 2 Definitions. The Planning Board shall review and administer Backlot applications using applicable regulations from this Backlot Ordinance in addition to the applicable procedures in the Subdivision Ordinance.

All other lots of record in the CCRD are reviewed by the Code Enforcement Officer (CEO).
In considering backlots under this provision, the CEO may act to approve, disapprove, or approve with variances as authorized by the Pownal Board of Appeals. No municipal permits shall be issued, nor construction work begun on any use or development covered by this Ordinance, as specified in Section 3, until the backlot application has been approved by the CEO and filed. Newly CEO approved backlots shall be filed in the CCRD and the Town provided with the CCRD Book and Page filing numbers. All work shall be carried out in accord with the documentation submitted and approved by the CEO.

Section 10. APPLICATION PROCEDURES

General: The project may be reviewed informally with the CEO to determine if it generally conforms to applicable ordinance requirements.

If the project appears to conform to applicable ordinance requirements, the applicant shall complete a backlot application.

Application Procedures: All applications for backlots shall be made in writing to the CEO on the forms provided for this purpose. The application shall be made by the owner of the property or his agent, as designated in writing by the owner; and shall be accompanied by the payment of an application fee to cover the administrative costs of processing the application. The CEO shall review all applications for completeness and other permitting requirements and schedule a site visit with the applicant. The applicant shall notify all abutters (as defined in Subsection A.3.a) by certified mail at least 14 days prior to the scheduled site visit and present returned postal receipts to the CEO at time of the site visit. Amended 6/18/18

The CEO shall take under advisement any issues and recommendations by the abutters from the site visit and resolve those issues (within the regulations of the ordinance) with the applicant as a part of an approved Backlot application.

A. Submission Requirements:

All submissions are based upon the regulations of Section 11 and shall include the following.

1) A fully executed and signed copy of the application for a new backlot.

2) Evidence of right, title, or interest in the property such as deed, option to purchase, lease, or agreement.

3) A survey plan for filing in the CCRD drawn at a scale sufficient to allow review of the items listed under the below general standards but not at more than 100 feet to the inch for that portion of the total tract of land being proposed for development, and showing the following:

   a. Names of all abutters on both sides of the street on the plan within 500 feet of all the property lines of the proposed backlot and names and addresses of all abutters on both sides of the street on a separate listing. Amended 6/19/17

   b. Sketch map showing general location of the site within the town.

   c. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time. On lots larger than 15 acres only the impacted portion must be surveyed.

   d. The bearings and distances of all property lines and the source of this information.

   e. Zoning classification(s) of the property and the location of zoning district boundaries as applicable.

The following additional requirements are necessary for the backlot to be a “Lot Approved for Building” (as defined in Article 2 Definitions). Until all the following requirements are fulfilled the backlot shall be designated a “Lot Not Approved for Building” on its CCRD filed surveyed plan.

Article 15 Backlot Ordinance
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f. Soil types and location of soil boundaries suitable for waste water disposal as certified by a Maine-licensed engineer or soil scientist. Amended 6/19/17

g. The location of all building setbacks required by this or other ordinances of the Town of Pownal on the portion of the backlot to be developed.

h. The location of all existing buildings (including size and height), easements, wetlands and streams within the backlot (identified and delineated by the wetlands scientist) and open drainage courses.

i. The location of all buildings within 50 feet of the portion of the backlot to be developed and the location of intersecting roads or driveways within 200 feet of the portion of the backlot to be developed.

j. Existing and proposed topography of the site at two foot contour intervals if major changes to the existing topography at the proposed backlot house site are being proposed.

4. Copies of any proposed or existing easements, covenants, deed restrictions, etc.

5. A list of all applicable State & Federal permits.

6. Location of any floodplains on the project parcel that would affect the backlot building site. (Reference: FEMA flood map in Town Hall and on the town website)

7. Demonstration that access to the backlot will be safe and will meet or exceed minimum required sight distance. (Per Article 7. Driveway and Driveway Entrance Ordinance)

8. If the application concerns a house building site, which in whole or part is within any Shoreland Zone, the criteria included in Article 10 Shoreland Zoning Ordinance shall be reviewed concurrently with the Backlot application.

Section 11. REGULATIONS

A. A lot-of-record (as defined in Article 2 Definitions) may be divided only once into a backlot and remaining front lot (as defined in Article 2. Definitions)

B. A backlot created under this ordinance shall be recorded on a surveyed plan in the CCRD. The plan shall prominently name the new backlot as created pursuant to this ordinance.

C.

1. Upon completion of the applicable requirements of Sections 10 and 11 and notation to that effect on the plan, the (CEO) shall grant final approval and shall sign the plan. The applicant shall be responsible for filing a copy of the approved plan with the Municipal Officers and for having a copy recorded in the Cumberland County Registry of Deeds. The applicant shall be responsible for presenting evidence to the CEO of the recording. Any Backlot Plan not so filed or recorded within ninety (90) days of the date upon which such plan is approved and signed by the CEO as herein provided shall become null and void unless the particular circumstances of said applicant warrant the CEO to grant an extension which shall not exceed two additional periods of ninety (90) days.

2. No changes, erasures, modifications or revisions shall be made to any final plan after approval has been given by the CEO and endorsed in writing on the plan unless the plan is first resubmitted and the CEO approves any modifications. In the event that a Final Plan is recorded without complying with this requirement, the same shall be considered null and void and the CEO shall institute proceedings to have the Plan stricken from the records of the Municipal officers and the Registry of Deeds.
D. Backlots that are created must be 5 acres or larger, not including the ROW (right-of-way) over the front lot.

E. There shall be at least a 50-foot right-of-way (ROW) across the front lot (as defined) to the backlot, controlled by the backlot, through the means of a deeded easement.

F. The creation of a Backlot cannot leave the front lot non-conforming.

G. Any driveway serving a back lot shall conform to Article 7 Driveway and Driveway Entrance Ordinance. A legal description (recorded in the CCRD) of the deeded Right of Way by metes and bounds shall be attached to any building permit application for construction on the Backlot. The ROW shall be maintained by the Backlot owner.

H. A backlot (as defined) shall only be allowed one single-family dwelling and accessory structures.

I. The front lot line of a backlot shall be the lot line most parallel to the public road that provides the frontage to the front lot. The front lot line of the backlot shall be at least 300 feet long.

J. All the setbacks and other requirements of the District shall apply to structures built on the backlot.

K. Approved backlots shall have a Tax Map and Lot number assigned by the Town assessor.

Section 12. APPEALS AND VARIANCES

A. An appeal from any decision of the Planning Board may be taken to the Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.

B. An appeal from any decision of the CEO may be taken to the Board of Appeals in accordance with 30-A M.R.S.A. Section 2691. Such appeal shall be filed with the Town within 30 days of the date of the CEO’s decision.

C. An appeal from any decision of the Board of Appeals may be taken to Superior Court of Cumberland County in accordance with the requirements of 30-A M.R.S.A. Section 2691.

D. Reconsideration. The Board of Appeals may reconsider any decision within 45 days of its prior decision. Any request for reconsideration, unless made by a member of the Board, shall be filed within 10 days of the decision to be reconsidered. A vote to reconsider and all action on the reconsideration must be completed within 45 days of the vote on the original decision. The Board may conduct additional hearings and receive additional evidence and testimony. Appeal of a reconsidered decision must be made within 15 days after the decision on reconsideration, as required by 30-A M.R.S.A. §2691(3)(F).

Section 13. ENFORCEMENT

A. Nuisances

Any violation of this Ordinance shall be deemed to be a nuisance as defined by 30-A M.R.S.A. §4302 and shall be subject to enforcement under the provisions of 30-A M.R.S.A §4452.

B. Code Enforcement Officer

1. This ordinance shall be administered and enforced by a (CEO) appointed by the Municipal Officers. 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.

2. The Code Enforcement Officer shall conduct onsite inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance. 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.

3. The Code Enforcement Officer shall be responsible for administering the provisions of this ordinance, including interpreting the provisions hereof. Any person who believes that the CEO has made an error in the interpretation or application of the provisions of this ordinance may appeal, within the time limits for such appeals, such determination to the Board of Appeals as an administrative appeal. If the Appeals Board finds that the CEO erred in his/her interpretation of the ordinance, it shall modify or reverse the action accordingly.

C. 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 CEO, 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 town. The Municipal Officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

D. Fines
Any person, including but not limited to a landowner, a landowner’s agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with 30-A M.R.S.A. §4452.

Appendix: Amendments and dates added as they occur.
The Town of Pownal, acting by and through its municipal officers, HEREBY ORDAINS the following Cable Television Ordinance:

Section 1. PURPOSE

The purpose of this ordinance is to provide for Town regulation and use of the community antenna television system including its construction, operation and maintenance in, along, upon, across, over and under the streets, alleys, public ways and public places now laid out or dedicated, and all extensions thereof and additions thereto in the Town of Pownal, including poles, wires, cables, underground conduits, manholes, conductors and fixtures necessary for the maintenance and operation in the Town of Pownal, of the Community antenna television system and to provide conditions accompanying the grant of franchise; and providing for the Town regulation of CATV operation.

Section 2. DEFINITIONS

a. "CATV" shall mean any community antenna television system or facility that, in whole or in part, receives directly or indirectly over the air, and amplifies or otherwise modifies signals transmitting programs broadcast by one or more television or radio stations, or originates its own signal or signals produced through any of its community access channels and distributes such signals by wire or cable to subscribing members of the public who pay for such services, but such term shall not include any such facility that serves only the residents of one or more apartment dwelling under common ownership, control or management.

b. "Cable Television Company" shall mean any person, firm or corporation owning, controlling operation, managing or leasing a CATV system within the Town of Pownal, sometimes hereinafter referred to as "the company."

c. "Town" shall mean the Town of Pownal, organized and existing under the laws of the State of Maine and the area within its territorial limits.

Section 3. FRANCHISE REQUIRED

No person, firm or corporation shall install, maintain or operate within the Town or any of its public ways or other public areas any equipment or facilities for the operation of a CATV system unless a franchise authorizing the use of said public ways or areas has first been obtained pursuant to the provisions of this Ordinance and unless said franchise is in full force and effect.
Section 4. FRANCHISE CONTRACT

a. The municipal officers of the Town may contract on such terms, conditions and fees as they deem in the best interests of the Town and its residents with one or more Cable Television Companies for the operation of a CATV system within the Town, including the granting of a franchise or franchises for the operation thereof for a period not to exceed fifteen (15) years.

b. Applicants for a franchise shall pay a nonrefundable filing fee to the Town of $250.00 to defray the cost of public notice and advertising expenses relating to such application. The applications shall be filed with the Town Clerk and shall contain such information as the Town may require including, but not limited to, a general description of the applicant’s proposed operation, a schedule of proposed charges, a statement detailing its previous two (2) fiscal years and estimated ten (10) year financial projection of its proposed system, its proposed annual Town franchise fee, if any, or the basis for same and a statement detailing the prior operational experience of the applicant in both CATV and microwave service including that of its officers, management and staff to be associated with the proposed operation.

c. Any franchise contract may be revoked by the municipal officers for good and sufficient cause, after due notice to the company and a public hearing thereon, with the right to appeal to the Superior Court under Rule 80B of the Maine Rules of Civil Procedure.

Section 5. PUBLIC COMMENT PERIODS

a. Before issuance of a request for proposals, the Town shall hold a public hearing with at least seven (7) days advance notice for the purpose of determining any specific local needs or interests regarding Cable Television or

b. Any proposal submitted by a prospective CATV franchise shall be filed in triplicate with the Town Clerk's office, shall be deemed a public record, shall be available for a period of not less than ten (10) days prior to the Town’s taking any formal action thereon, and public notice of the filing shall be given.

c. Before authorizing the issuance of any such franchise contract, the municipal officers shall review the applicant’s character, financial and technical qualifications and the adequacy and feasibility of its qualifications to operate a CATV system within the Town, and shall conduct a public hearing thereon with at least seven (7) days advertising notice prior to said public hearing.
Section 6. PERFORMANCE BOND & INSURANCE COVERAGE

Upon the execution of any such franchise contract the Cable Television Company shall file a surety company performance bond in an amount not less than $25,000 conditioned upon the faithful performance of said contract and full compliance with any laws, ordinances, regulations governing said franchise, including cost of dismantling the system, and also evidence of such public liability, copyright infringement and other insurance coverage as the municipal officers may require. When the Cable Television Company has completed its proposed system as set forth in its proposal, and in compliance with its franchise agreement, the municipal officers may permit the company to cancel said bond except for an amount to cover cost of dismantling the system.
Purpose:
The purpose of the Pownal Compensation Policy, and of subsequent amendments thereto, is to provide for:
1. Compliance of town employment practices with applicable laws and regulations;
2. Fiscal responsibility in identifying and meeting town staffing needs;
3. Competitiveness in recruiting and retaining skilled and motivated employees;
4. Consistency of operations to allow for rational planning; and
5. Fairness in meeting the needs of taxpayers and employees.

Employee Classification for Benefit Eligibility

Level I
An employee who works (or is expected to work) on average at least thirty-six (36) hours per week for the town is eligible for “Level I” benefits. The term “work” means time spent on town business for which the individual receives monetary compensation. The hours worked will be based on the records of the town’s payroll system. The “average” will be based on a rolling full three (3) months average as determined at the end of each month. For this calculation, any Employee Benefit Time taken within these guidelines will be considered as “work” time.

Level II
An employee who works (or is expected to work) less than the hours needed to meet the definition of Level I but works an average of at least twenty (20) hours per week using the same method as outlined under Level I Benefits for measuring hours worked is eligible for “Level II” benefits.

Level III
An employee who works for the town and receives compensation but does not otherwise meet the criteria for Level I or Level II benefits is “Level III” and ineligible for any benefits. Fire and rescue personnel shall be considered Level III employees regardless of number of hours worked.
Details of Benefits

Primary Healthcare Plan
Pownal should shift from offering MMA Traditional Point of Service Health Care Plan to the MMA Point of Service POS 200 Plan as of January 1, 2014.

Benefit Eligibility

<table>
<thead>
<tr>
<th>Recommended Benefit &amp; Effective Date</th>
<th>Level I Employee</th>
<th>Level II Employee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Healthcare Insurance MMA POS Plan B (Payroll deduction to begin April 1, 2003 for implementation effective May 1, 2003)</td>
<td>Town pays 100% of Single Person premium. The employee can elect to contribute to Family Plan. * in which event the cost shall be withheld weekly from the employee’s pay.</td>
<td>Town pays 75% of Single Person premium. The employee can elect to contribute to Family Plan. * in which event the cost shall be withheld weekly from the employee’s pay.</td>
</tr>
<tr>
<td>Companion Plan (Effective April 1, 2003)</td>
<td>Retired employee can elect to contribute to employee or family plan. There is no cost to the town.</td>
<td>Retired employee can elect to contribute to employee or family plan. There is no cost to the town.</td>
</tr>
<tr>
<td>Dental Insurance MMA Plan A</td>
<td>Town is to pay no premium. Employee can elect to contribute to employee or family plan, in which case the cost shall be withheld weekly from the employee’s pay.</td>
<td>Town is to pay no premium. Employee can elect to contribute to employee or family plan, in which case the cost shall be withheld weekly from the employee’s pay.</td>
</tr>
<tr>
<td>Short Term Disability (Effective April 1, 2003)</td>
<td>Town is to pay no premium. Employee can elect to contribute to employee or family plan, in which event the cost shall be withheld weekly from the employee’s pay.</td>
<td>Town is to pay no premium. Employee can elect to contribute to employee or family plan, in which event the cost shall be withheld weekly from the employee’s pay.</td>
</tr>
<tr>
<td>Long Term Disability (Effective April 1, 2003)</td>
<td>Town is to pay no premium. Employee can elect to contribute to employee or family plan, in which event the cost shall be withheld weekly from the employee’s pay.</td>
<td>Town is to pay no premium. Employee can elect to contribute to employee or family plan, in which event the cost shall be withheld weekly from the employee’s pay.</td>
</tr>
<tr>
<td>Life Insurance Basis (1 x pay)</td>
<td>No charge w/ Health Insurance Employee pays 100%</td>
<td>No charge w/ Health Insurance Employee pays 100%</td>
</tr>
<tr>
<td>Supplemental</td>
<td>Employee pays 100%</td>
<td>Employee pays 100%</td>
</tr>
<tr>
<td>Dependent Life (Effective April 1, 2003)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pension Plan Contribution</td>
<td>Town to contribute 6% of annual Basic Gross Pay, including Overtime Pay. Town to contribute at the end of each month based on the Town’s payroll records.</td>
<td>Employees may elect to defer pay into the pension plan but there will be no Town contribution. If the employee elects to contribute, the contribution will be withheld weekly and paid to the pension plan on a monthly basis.</td>
</tr>
<tr>
<td>Eligibility</td>
<td>Employee is eligible to participate after 90 days of service as a Level I employee.</td>
<td>Employee is eligible to participate after 90 days of service as a Level II employee.</td>
</tr>
<tr>
<td>Vesting</td>
<td>Employee’s interest in Town contribution vests 20% for each year of service. Employee is 100% vested after 5 years of service. Applies to employees hired after 5/1/08. Any employee hired before 5/1/08 are grandfathered under earlier vesting schedule. If employee terminates, non-vested portion reverts to Town.*</td>
<td>Not applicable.</td>
</tr>
</tbody>
</table>

Paid Time Off

Only Level I employees are eligible for paid time off based on the schedule below. The time off is to be used for Vacations, Illness, Bereavement, Doctor visits, etc. If an employee terminates having taken time off prior to the accumulated accrual time, such employee will owe any such wages back to the Town.*

<table>
<thead>
<tr>
<th>Time Worked for Town</th>
<th># of Annual Paid Days Off</th>
<th>Monthly Accrual Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 Days - 4 years</td>
<td>15</td>
<td>1.25 days</td>
</tr>
<tr>
<td>5-9 years</td>
<td>20</td>
<td>1.66 days</td>
</tr>
<tr>
<td>10 + years</td>
<td>25</td>
<td>2.08 days</td>
</tr>
</tbody>
</table>

Unused paid time off may accrue to the next fiscal year, however unused paid time off may not be “cashed in” with the employee collecting that unused paid time off while continuing to work his/her regular schedule and being paid for that time. It is the desire of the Town of Pownal that earned paid time be used for it intended purpose of providing rest and vacation time to the employee.
Paid Holidays
The Town’s employees will receive the same paid holidays as Maine State Workers. In 2003, this amounted to 12 holidays. Additionally, employees who work on those Holidays will be paid time and a half for the hours worked.

Wages, Salaries and Stipends

Wage and Salary Scales for Hired Positions
A wage/salary scale is maintained for each active position. The scale defines the value to the town of that position and its structured to show its minimum and maximum levels of compensation. New hires are offered an amount within that range as proposed by the department supervisor and approved by the Selectmen. Each employee’s compensation is reviewed annually in accordance with the performance review process, but may not increase beyond the upper limit set by the scale for his or her position.

Each wage and salary scale is based on a market analysis, and is established as of the 2004 town meeting or, thereafter, when a new position is created. Each market analysis is updated every three years, beginning in 2004 and the revised scales are approved by a town vote in the same year (e.g. 2004, 2007, 2010, etc.). The market analyses are the joint responsibility of the Selectmen and the Budget Committee. The result of the market analyses will be maintained in the town records and be available for inspection by the taxpayers.

Performance Evaluation and Compensation Adjustment Process

<table>
<thead>
<tr>
<th>Employee</th>
<th>Supervisor/ Evaluator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Assistant (AA) &amp; Road Commissioner</td>
<td>Selectmen</td>
</tr>
<tr>
<td>Administrative Office Staff</td>
<td>Administrative Assistant</td>
</tr>
<tr>
<td>Public Works Crew</td>
<td>Road Commissioner</td>
</tr>
<tr>
<td>Public Safety</td>
<td>Fire Chief</td>
</tr>
</tbody>
</table>

The Selectmen shall adopt, and supervisors shall use, a performance evaluation process that is consistent with established best practices. Because economic conditions may limit the town’s ability to provide appropriate financial rewards and incentives, the evaluation process must function to provide employees with effective non-financial support and recognition for effort and achievement.

In addition to promoting employee retention and professional growth, the evaluation process shall create an objective basis for determining adjustments in employee compensation from year to year. To allow incorporation of evaluation results into the budgeting process, the process shall make use of a five point rating scale (1-5), which shall be linked to target compensation adjustments according to the following schedule:

<table>
<thead>
<tr>
<th>Overall Rating from Performance Evaluation</th>
<th>Resulting Wage &amp; Oversight Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 3.0</td>
<td>No wage change; Corrective Action Plan</td>
</tr>
<tr>
<td>= &gt; 3.0 - &lt; 3.5</td>
<td>Wage increase according to CPI¹</td>
</tr>
<tr>
<td>= &gt; 3.5 - &lt; 4.0</td>
<td>Wage increase = CPI plus 1%</td>
</tr>
<tr>
<td>= &gt; 4.0</td>
<td>Wage increase = CPI plus 2%</td>
</tr>
</tbody>
</table>

¹ CPI = Consumer Price Index

Compensation adjustments may be less than these targets in response to economic conditions. The extent to which those economic conditions impose limits is based on: (1) changes in the non-compensation portion of the municipal budget or (2) the growth limit prescribed by the LD 1 formula. To determine actual compensation adjustments, the following method will be employed:

1. Supervisors conduct annual evaluations and establish an overall rating for each employee. Preparation, approval, and delivery of the performance appraisal should be completed in time to be included in the town’s budget preparation process.
2. Selectmen review all evaluations to determine that procedures and standards have been applied consistently across departments and levels of responsibility. Any concerns about consistency are worked out with supervisors before the evaluation results are shared with employees. Contents of individual evaluations, other than the final overall rating, are maintained confidential and are not shared with any person other than the employee, the supervisor and the Selectmen.

3. The Administrative Assistant computes the target compensation change for each employee and totals any individual increases to determine the Aggregate Target Increase for compensation for the coming year.

4. For purposes of computing compensation, the budget lines are divided into three categories:
   a. Operations (non-compensation items)
   b. Compensation (wages, salaries, & stipend)
   c. Contingents (payroll taxes & benefits)

5. The Budget Committee and Selectmen prepare their recommendations for the non-compensation budget lines – the Operations portion of the budget and calculate the percentage change from the previous year. They also compute the increase in the Operations budget targeted under the LD1 formula.

6. The lesser of the two percentage from step #4 is applied to the previous year’s Compensation budget to create an amount funds to be made available for increase in compensation – the Compensation Pool.

7. If the size of the Compensation Pool is larger than the Aggregate Target Increase, each employee receives the target adjustment.

8. If the size of the Compensation Pool is smaller than the Aggregate Target Increase, each employee’s adjustment is prorated according the this formula:

   \[
   \text{Actual Adjustment} = \frac{\text{Target Adjustment} \times (\text{Compensation Pool})}{\text{(Aggregate Target Increase)}}
   \]

9. If the operations budget is smaller than the previous year, compensation is frozen at the previous level for all employees.

10. Contingents are calculated last

**Elected Positions**
Annual pay is to be recommended by the Budget Committee for each elected position and approved each year by the voters at Town Meeting.*

**Other Guidelines** (Effective April 1, 2003)
- There will be a 30-day waiting period before any new employee is eligible for benefits.
- If an employee falls outside the eligibility requirements, the benefit will cease unless employee falls outside of eligibility due to a Short Term Disability event, then up to 3 months of the event is excluded from the rolling average of hours worked.
- Stipends are to be paid as follows:
  - If stipend is $1,000 or less, then paid semi-annually on June 30th and December 31st of each year
  - If stipend is more than $1,000, then paid in 12 equal monthly payments in the payroll week that contains the 20th of the month.
• For eligibility purposes, hours works for stipends are calculated as follows:
  Annual Stipend / $1,000 x 2.0 = Weekly Hours Worked
  Stipend - $2,000
  Weekly Hours Worked = $2,000/$1,000 x 2.0 = 4 Hours

• Any recommendations that do not adhere to this policy must have justification provided at Town Meeting in the Warrant.
• The Budget Committee ensures proper execution of the performance evaluation and compensation adjustment process.

*Amended at Annual Town Meeting March 12, 2008*
ARTICLE 7, DRIVEWAY AND DRIVEWAY ENTRANCE ORDINANCE

SECTION 1 PURPOSE

This Ordinance provides for the review of any new or substantially reconstructed driveway and driveway entrance onto a public way for compliance with sound construction and design practices to ensure that traffic safety, drainage and public improvements are not adversely affected. Provisions shall be made for convenient and safe emergency vehicle access to all buildings and structures at all times. A permit is not required for paving, sealing, or repairs to driveways of record (grandfathered) unless the driveway is relocated.

SECTION 2 PERMIT REQUIRED

A. No driveway, entrance or approach or other improvement within the limits of the Right of Way for any public or approved public road may be constructed, altered or relocated except in accordance with a Driveway and Driveway Entrance Permit issued by the Town of Pownal Codes Enforcement Officer (CEO) upon application.

B. The selectmen may establish the fee for such permit.

C. The Driveway/Driveway Entrance Permits shall be valid for a period of twelve months from the date of original issue.

D. No entrance, approach or other improvement constructed on the Right of Way shall be relocated or its dimensions altered without a Driveway/Driveway Entrance Permit from the Town.

E. The Owner is responsible for future maintenance of the driveway surface and its entrance, and shall maintain the driveway and entrance in accordance with the approved permit.

F. When a town road undergoes a major reconstruction, the Town may also reconstruct existing affected driveways as needed within the Right of Way, but generally to five (5) feet back more or less, from the traveled way. The Town may also pave or repave existing driveways and/or install berms and other facilities within the Right of Way and farther onto private property as needed in order to maintain proper stormwater control and safe ingress and egress to and from the traveled way. The Owner is responsible for future maintenance of the driveway surface and its
entrance after a town road reconstruction project and shall maintain the driveway and entrance in accordance with the Town’s reconstruction and/or paving or repaving of the driveway.

SECTION 3 TOWN HELD HARMLESS

The applicant shall hold harmless the Town of Pownal and its duly authorized agents and employees against any action for personal injury or property damage sustained by reason of the exercise of a Driveway/Driveway Entrance Permit.

SECTION 4 APPROVAL CRITERIA

A. General. Driveways and Driveway Entrances should be designed and constructed to provide safe access to the public way. Applicants are encouraged to comply with the “Access Management Handbook for Local Officials” as developed by the Maine Department of Transportation, 1994.

B. Applicant. The applicant for a permit shall be the owner of the property being served. Any driveway or approach constructed by the Owner shall be for the bona fide purpose of securing access to the Owner’s property and not for the purpose of parking or servicing vehicles on the Right of Way.

C. Sight Distance Criteria:

1. All entrances shall be so located such that vehicles approaching or using the entrance will be able to obtain adequate sight distance in both directions along the public or private road or to maneuver safely and without interference with traffic.

2. Measurements to determine sight distance shall be made in the proposed entrance at a point ten feet (10’) from the edge of shoulder line with the height of eye three and one-half feet (3.5’) above the pavement. The sight distance shall be computed from this point measuring along the roadway to a point where an approaching height of object four and one-quarter feet (4.25’) is first seen.

3. Driveway placement shall be such that an exiting vehicle has an unobstructed sight distance according to the following schedule:
<table>
<thead>
<tr>
<th>Highway Speed (MPH)</th>
<th>Minimum Sight Distal (in feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>25</td>
<td>160</td>
</tr>
<tr>
<td>40</td>
<td>275</td>
</tr>
<tr>
<td>45</td>
<td>325</td>
</tr>
<tr>
<td>50</td>
<td>350</td>
</tr>
<tr>
<td>55</td>
<td>425</td>
</tr>
</tbody>
</table>

D Geometry:

1. If the driveway elevates above the traveled way, then the first 10 feet of the driveway shall be sloped to a negative 3%, unless otherwise approved by the Road Commissioner, and constructed to prevent run-off onto the traveled way. If the driveway descends from the traveled way, the first twenty-five (25) feet of driveway shall not exceed minus three percent (-3%) slope unless approved by the Road Commissioner and the Department of Public Safety.

2. The entrance should intersect the traveled way at a horizontal angle of ninety (90) degrees but in no case shall the horizontal angle be less than seventy-five (75) degrees without approval from the Road Commissioner. The entrance width at the traveled way shall be wide enough to allow emergency vehicles to enter from either direction. Radii for the edge of the driveway for ninety (90) degree intersections shall be twenty-five (25) feet. Less than ninety (90) degree intersections shall be thirty (30) feet.

3. No part of the entrance shall extend beyond the property lot frontage for the lot being served unless approved by the Pownal Planning Board.

4. The entrance shall not be located closer than fifty (50) feet to an intersection.

E Drainage:

1. Existing roadside drainage in gutter or ditch lines shall not be altered or impeded by the applicant. The applicant must provide at his/her expense suitable and approved drainage structures at all entrances.

2. Surface drainage shall be provided so that all surface water on the areas adjacent to the road shall be carried away from the roadway.
3. Where a drainage culvert is required to maintain roadside drainage the Road Commissioner must approve the pipe diameter/length and type pipe material prior to installation. In any case, the pipe size shall be at least fifteen (15) inches in diameter and a minimum length of twenty-four (24) feet. The maximum continuous entrance width shall not exceed sixty (60) feet.

F Construction:

1. The Owner is responsible for all construction and restoration of disturbed areas for the entrance within the limits of the Right of Way.

2. The entire portion of any entrance within the limits of the Right of Way shall be constructed with a minimum fifteen (15) inch well-graded gravel base course (MDOT Type C).

3. The driveway entrance within edge of the traveled way shall be a maximum of a negative three percent (-3%) slope.

SECTION 5 DRIVEWAY STANDARDS

A. Maximum Grade. Maximum grade plus or minus (+/-) of the driveway shall not exceed twelve percent (12%).

B. Construction. Driveways shall be constructed of fifteen (15) inches of bank run gravel. Driveways shall be crowned a minimum of one-quarter (1/4") inch per one (1) foot. Provisions shall be made for convenient and safe emergency vehicle access to all buildings and structures at all times. Driveway width shall be a minimum of twelve (12) feet and clearing on each side of the driveway shall allow for snow removal from the driveway. Driveways of eight hundred (800) feet or more shall have at least one turn-out to allow for two-way traffic at mid-point. The Fire Chief and the CEO shall ensure that emergency vehicles are provided with adequate turn around and access to the buildings. All vegetation shall be cut close to ground level at least 3 feet back on both sides of the traveled way and cut to 16 feet above the driveway to make for safe access for emergency vehicles.

C. Curves. Minimum centerline radii on curves shall be one hundred and twenty-five (125) feet. Minimum tangent length between reverse curves shall be fifty (50) feet.

D. Culverts. Drainage culverts shall have a minimum diameter of fifteen (15) inches.
E. **Side Slopes.** Driveway side slopes and banks shall not be steeper than a slope of two (2) horizontal to one (1) vertical.

**SECTION 6 APPEALS PROCESS**

A. Whenever a person shall deem themselves aggrieved by an order made by the Code Enforcement Officer, the person may file an appeal to the Board of Appeals within ten (10) days of the date of the order, and the person shall be afforded a hearing on the matter before the Board of Appeals, and unless by their authority the aggrieved order is revoked, such order shall remain in force and be forthwith complied with by the person.

B. In cases of applicability or interpretation of the rules, the Board of Appeals may revoke such order made by the Code Enforcement Officer.

C. In cases where compliance with such order made by the Code Enforcement Officer would cause undue hardship, the Board of Appeals may extend the time limit of such order, or may grant exceptions to, or waive requirements of, or grant a variance from the specific provisions of the rules, subject always to the rule that the Board of Appeals shall give due consideration to the purposes of the rules in preserving public safety and convenience, integrity of public infrastructure, and the operational safety and function of the public Right of Way.
THE ADOPTION OF ISSUING ELECTRICAL PERMITS,
THEIR FEES AND FEE SCHEDULE
Adopted November 29, 1993

PREAMBLE:

WHEREAS, The Town of Pownal now having an appointed Codes Enforcement Officer, is required to issue Electrical Permits, and enforce the State accepted Electrical Code (National Electrical Code); and

WHEREAS, The accepted method of raising the revenue required to cover the cost incurred in the performance of the enforcement of the State Electrical Code, is by issuing Permits, and charging an associated fee for said permits; and

WHEREAS, The Board of Selectmen of the Town of Pownal declare that an Ordinance needs to be adopted by the Town that would authorize its Board of Selectmen to issue Electrical Permits, charge a fee for such permits, and set the fee schedule for said permits as follows:

On November 29, 1993 at a Special Town Meeting the voters of the Town of Pownal authorized its Board of Selectmen in behalf of the Town of Pownal to issue Electrical Permits, charge a fee for such permits, and set the fee schedule for such permits in conjunction with the State Electrical Code requirements and the current practices of various local municipalities.
Town of Pownal
Pownal, Maine 04069

Town of Pownal
EMERGENCY MANAGEMENT ORDINANCE

Adopted: March 10, 2007 @ Town Meeting

Section 1. Purpose
It is the intent and purpose of this Ordinance to establish an Emergency Management Agency in compliance and in conformity with the provisions of Title 37-B, MRSA, Section 781 et seq., to ensure the complete and efficient utilization of the Town’s facilities and resources to combat disaster as defined herein.

Section 2. Definitions
The following definitions shall apply in the interpretation of this ordinance:

2.1 Emergency Management Agency. “Emergency Management Agency” means the agency created under this ordinance for the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, in order to minimize and repair injury and damage resulting from disasters or catastrophes caused by enemy or terrorist attacks, sabotage, riots or other hostile action, or by fire, flood, earthquake or other natural or man-made causes. These functions include, without limitation, firefighting, police, medical and health, emergency welfare, rescue, engineering, public warning and communications services; evacuation of persons from stricken areas; allocation of critical materials in short supply; emergency transportation; other activities related to civilian protection and other activities necessary to the preparation for the carrying out of these functions.

2.2 Emergency Management Agency Forces. “Emergency Management Agency Forces” shall mean the employees, equipment and facilities of all town departments, boards, institutions and commissions; and in addition, it shall include all volunteer persons, equipment and facilities contributed by or obtained from volunteer persons or agencies. Director. “Director” means the director of the Town of Pownal Emergency Management Agency, appointed as prescribed in this ordinance.
2.3 Disaster. “Disaster” means the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause including, but not limited to, fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, critical material shortage, infestation, explosion or riot.

Section 3. Organization
The Pownal Board of Selectmen shall oversee the development and implementation of the Town’s Emergency Operation Plan and will ascertain the Pownal Emergency Management Director’s responsibilities, subject to the review of the Board of Selectmen, for the agency’s organization, administration and operation. The Pownal Emergency Management Director may employ, subject to the prior review and approval of the Board of Selectmen, such permanent or temporary employees as he deems necessary and prescribe their duties. The Pownal Board of Selectmen shall review the existing operational organization to ascertain the agency’s ability to cope with its responsibilities and shall approve the Town’s Emergency Operations Plan.

3.1 Appointment of Director / Duties and Responsibilities.
The Pownal Board of Selectmen shall appoint and may replace the Pownal Emergency Management Director, who shall take an oath of office before assuming his/her duties, coordinate the activities of all Town departments, organizations and agencies for civil emergency preparedness within the Town, and maintain a liaison with other emergency management agencies, public safety agencies, and have such additional duties as prescribed by the Pownal Board of Selectmen.

3.2 Rules and Regulations.
The Pownal Emergency Management Director shall, subject to the review and approval of the Board of Selectmen, prepare such policies as may be deemed necessary for the administration and operational requirements of the agency, which policies must be approved by the Pownal Board of Selectmen prior to becoming effective.

3.3 Emergency Proclamation.
The Pownal Emergency Management Director shall have the power and authority, subject to the prior approval of a member of the Board of Selectmen, to issue a proclamation that an emergency exists whenever a disaster or civil emergency exists or appears imminent, provided, however, that if the Director is not able to reach a Selectman in a timely fashion to obtain such prior approval, a temporary proclamation may be issued on the Director’s own authority, with continuation subject to obtaining a Selectman’s approval at the earliest possible moment. If neither the Pownal Emergency Management Director nor the person designated to act in the Pownal Emergency Management Director’s absence is available, then the following persons shall have the power and authority to issue a proclamation that an emergency exists, in the following order of succession: the Fire Chief and the Road Commissioner. A copy of such proclamation shall be filed within twenty-four (24) hours in the office of the Town Clerk. The Pownal Emergency Management Director shall be responsible for submitting a full report to the Pownal Board of Selectmen of all actions taken as a result of the declared emergency as soon as the Pownal Board of Selectmen can be convened.
3.4 Termination of Emergency.
When the Pownal Emergency Management Director or his successor as outlined above is satisfied that a disaster or civil emergency no longer exists, he shall terminate the emergency proclamation by another proclamation affecting the sections of the Town covered by the original proclamation, or any part thereof said termination of emergency shall be filed in the office of the Town Clerk. No state of emergency may continue for longer than five (5) days unless renewed by the Pownal Board of Selectmen.

3.5 Pownal Emergency Management Director’s Duties and Emergency Powers.
During any period when an emergency proclamation is in effect, subject to the prior approval of a member of the Board of Selectmen, provided, however, that if the Director is not able to obtain such prior approval in a timely fashion, the Pownal Emergency Management Director may promulgate such regulations, as he deems necessary to protect life and property and to preserve critical resources within the purposes of this ordinance. Such regulations may include, but are not limited to, the following:

a. Regulations prohibiting or restricting the movement of vehicles in areas within or without the Town;
b. Regulations facilitating or restricting the movement of persons within the Town;
c. Regulations pertaining to the movement of persons from hazardous areas within the Town;
d. Such other regulations necessary to preserve public peace, health and safety.

Nothing in this section shall be construed to limit the authority or responsibility of any department to proceed under powers and authority granted to them by state statute, town ordinance or the charter of the Town of Pownal. The Pownal Emergency Management Director or his designee may order the evacuation of persons from hazardous areas within the town. The Pownal Emergency Management Director or his designee shall be authorized to request aid or assistance from the state or any political subdivision of the state and may render assistance to other political subdivision under the provisions of Title 37-B, M.R.S.A. The Pownal Emergency Management Director may, subject to the prior approval of a member of the Board of Selectmen, provided, however, if the Director is not able to obtain such prior approval in a timely fashion, obtain vital supplies; equipment and other items found lacking and needed for the protection of health, life and property during an emergency without following normal purchasing or formal bid procedures. The provisions of this section will terminate at the end of the declared emergency.

Section 4. Emergency Operational Plans
The Emergency Management Director shall prepare an all hazard emergency operational plan for the Town, which shall be submitted to the Pownal Board of Selectmen for approval. It shall be the responsibility of all municipal departments and agencies to perform the functions assigned and to maintain their portions of the plan in a current state of readiness. The Pownal Emergency Management Director in conjunction with all the town department heads shall review the town plan periodically.
Section 5. Immunity from Liability
All Emergency Management Agency Forces, while engaged in Emergency Management Agency activities, shall be immune from liability, as set forth in Title 37-B, Section 822 M.R.S.A.

Section 6. Compensation for Injuries
All of Emergency Management Agency Forces shall be deemed to be employees of the state when engaged in training or on duty and shall have all of the rights of state employees under the Workmen’s Compensation Act, as set forth in Title 37-B, Section 823 M.R.S.A.

Section 7. Violation of Regulations
It shall be unlawful for any person to violate any provisions of this ordinance or of the regulations or plans issued pursuant to the authority contained herein, or to obstruct, hinder or delay any Emergency Management Agency Forces as herein defined in the enforcement of the provisions of this ordinance or any regulation or plan issued hereunder.

Section 8. Penalty
Any person, firm or corporation violating any provision of this ordinance or any rule or regulation promulgated hereunder, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars ($100.00) and not more than five hundred dollars ($500.00) and the costs of prosecution.

Section 9. Severability
Should any provisions of this ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions or of this ordinance as a whole, it being the legislative intent that the provisions of this ordinance shall be severable and remain valid notwithstanding such declaration.

Section 10. Conflicting Ordinances, Orders, Rules and Regulations Suspended
At all times when an emergency proclamation is in effect, the orders, rules and regulations made and promulgated pursuant to this ordinance shall supersede all existing ordinances, orders, rules and regulations, insofar as the latter may be inconsistent herewith.
MUNICIPALITY OF POWNAL, MAINE

ORDINANCE
EXEMPTING ELEIGIBLE ACTIVE DUTY MILITARY PERSONNEL FROM VEHICLE EXCISE TAX

Section 1. Authority.

This ordinance is enacted pursuant to 36 M.R.S.A ss 1483-A, which expressly authorizes such ordinances.

Section 2. Excise tax exemption; qualifications.

Vehicles owned by a resident of this municipality who is on active duty serving in the United States Armed Forces and who is either permanently stationed at a military or naval post, station or base outside this State or deployed for military service for a period of more than 180 days and who desires to register that resident’s vehicle(s) in this State are hereby exempted from the annual excise tax imposed pursuant to 36 M.R.S.A. ss 1482.

To apply for this exemption, the resident must present to the municipal excise tax collector certification from the commander of the resident’s post, station or base, or from the commander’s designated agent, that the resident is permanently stationed at that post, station or base or is deployed for military service for a period of more than 180 days.

For purposes of this section, “United States Armed Forces” includes the National Guard and the reserves of the United States Armed Forces.

For purposes of this section, “deployed for military service” has the same meaning as in 26 M.R.S.A. ss 814(1)(A).

For purposes of this section, “vehicle” has the same meaning as in 36 M.R.S.A ss 1481(5) and does not include any snowmobiles as defined in 12 M.R.S.A. 13001.

Section 3. Effective date; duration.

This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect unless and until it or 36 M.R.S.A. ss 1483-A is repealed.
Municipal Fire and Rescue Department Ordinance for the Town of Pownal, Maine

Adopted June 14, 2005 @ Special Town Meeting

Article I: Title, Purpose, Authority, and Definitions

Section 101: Title
This ordinance shall be known as the "Town of Pownal Fire and Rescue Department Ordinance".

Section 102: Purpose
The purposes of this ordinance are to establish in the manner provided by law a municipal fire and rescue department and to define the powers and duties of the chief of that department. The further purpose of this ordinance is to provide the maximum legal protection available to the department chief and municipal firefighters and rescue personnel, and to best protect the health, safety, and welfare of the residents of Pownal.

Section 103: Authority
This ordinance is enacted pursuant to 30-A M.R.S.A. § 3001, et seq. and Section 3151, et seq.

Section 104: Definitions

104.1 Municipal fire and rescue department
A municipal fire and rescue department is an organized unit providing fire, rescue, and emergency services to the municipality and, if requested, to mutual aid partners.

104.2 Municipal firefighters and rescue personnel
Municipal fire and rescue personnel are active members of the fire and rescue department who aid in the extinguishment of fires, and/or aid in the provision of rescue services, and/or aid in the provision emergency services.

Article II: Municipal Fire and Rescue Department

Section 201: Establishment
This ordinance establishes a municipal department to be known as the Pownal Fire and Rescue Department.

Section 202: Duties
The Pownal Fire and Rescue Department shall provide fire protection services, rescue services, and emergency services within the Town of Pownal and elsewhere as provided by mutual aid or other contractual agreements approved by the municipal officers.
Section 203: The Fire and Rescue Chief

203.1 Election

The head of the Pownal Fire and Rescue Department shall be the Fire and Rescue Chief who shall be appointed by the Board of Selectmen for a three year term. *

203.2 Terms and compensation

The term of office shall be three years. The compensation will be determined by the Town Meeting.

203.3 Powers and duties

The Chief of Fire and Rescue shall have the powers and duties established by 30 A M.R.S.A. 3153 as amended. The Chief shall employ all volunteer and on-call members of the department. The Chief shall direct and control all department members in the performance of their duties, shall provide a training program such that all mandated technical proficiencies are maintained, provide for the maintenance of all department equipment and buildings owned by the Town of Pownal, and annually submit a departmental budget to the Selectmen. The chief shall submit a monthly written report on the activities of the department, and shall discharge other duties as may be required by the Selectmen.

203.4 Privileges and immunities

Members of the Pownal Fire and Rescue Department shall enjoy the privileges and immunities provided by the Maine Tort Claims Act.

Article III: Severability and effective date

Section 301: Severability

The invalidity of any portion of this ordinance shall not invalidate any other part thereof.

Section 302: Effective date

This ordinance shall be effective January 1, 2006.

*Amended at June 16, 2008, Town Meeting.
TOWN OF POWNAL

FLOODPAIN MANAGEMENT ORDINANCE

March 9, 2009
(Special Town Meeting)
# Town of Pownal

## FLOODPLAIN MANAGEMENT ORDINANCE

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60.3 (b) Rev. 4/05  
(ordinance prepared Jan - 31, 2008 by SPO/bnn)
ARTICLE I - PURPOSE AND ESTABLISHMENT

Certain areas of the Town of Pownal, 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 Pownal, 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 Pownal, 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 Pownal 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 Pownal 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 Pownal, 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 Pownal, Maine, Cumberland County,” dated December 2, 1980, 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 Pownal, Maine.

ARTICLE III - APPLICATION FOR PERMIT

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

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

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

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

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

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

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

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

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

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

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

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

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

1. a Floodproofing Certificate (FEMA Form 81-65, 01/03, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;

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

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

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

L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,

M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.
ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of $50.00 for all minor development and $50.00 for all new construction or substantial improvements shall be paid to the Pownal 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 Pownal, 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.I.; 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.I., 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 VII.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 Pownal 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, 02/06, as amended) that:

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

b. is required for purchasing flood insurance.
Flood or Flooding - means:

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

1. The overflow of inland or tidal waters.

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

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

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

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

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

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

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

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

Floodway - see Regulatory Floodway.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

100-year flood - see Base Flood.

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).

60.3 (b) Rev. 4/05
prepared by SPO/bnn
# POWNAL HAZARDOUS MATERIALS CONTROL ORDINANCE

Adopted August 11, 1980

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POWNAL HAZARDOUS MATERIALS CONTROL ORDINANCE

Section I: Regulation

Whereas, hazardous materials of many types are used and produced in manufacturing any other activities in Cumberland County; and

Whereas, some municipalities in Cumberland County have been severely harmed by the effect of disposal of hazardous materials within their borders, and

Whereas, adequate regulations to ensure the safe disposal of hazardous materials so that future generations will be protected from exposure to them would require an enforcement staff and highly technical regulations, and

Whereas, the Town of Pownal is a rural community with limited resources and without services such as a public water supply, professional fire department and full time employees to enforce regulations requiring advanced technological knowledge; and

Whereas, the Town of Pownal has adopted a Comprehensive plan in which future growth and development will be similar to that which is presently here; and

Whereas, the Comprehensive Plan states that "Pownal is a community which consists of low density residential development with large amounts of open space and forest land currently being used for or suitable for use in farming and wood and wood products related industry"; and

Whereas, the Comprehensive Plan states that "there is no suitable waterway in which to dispose of treated wastes and land surface treatment could lead to the contamination of groundwater supplies on which the residents depend"; and

Whereas, it is the policy of the Town of Pownal to protect wildlife and natural resources from needless abuse, to protect the environment from contamination which might lead to death and/or disease, and to preserve the prime agricultural lands for farming and livestock operations; and

Whereas, the hazardous materials listed below are of an inherently dangerous nature and may cause permanent damage to the environment and to its inhabitants by contaminating the air, water and/or land;
Therefore, the Town of Pownal, in order to protect the health, safety and welfare of the citizens of Pownal, hereby ordains and enacts the Pownal Hazardous Materials Ordinance.

Section II: Prohibition

The use, storage, and/or disposal of hazardous materials as defined in this ordinance, or as adopted by the Pownal Town Meeting, are prohibited. Specifically excluded from the regulations of this ordinance are the following: solid wastes lawfully deposited in a municipal landfill, domestic sewage, domestic sewage sludge, nonradioactive cooling water, boiler blow down water, sand and gravel washing waste, waste that is lawfully discharged to surface waters or any public sewerage system, virgin petroleum products for retail sales or use on site as a fuel, agricultural organic wastes, radioactive materials of less than eight ounces, and other hazardous materials in quantities less than 120 gallons, 16 cubic feet, or 100 pounds at any one time or 180 gallons or 24 cubic feet or 1500 pounds per month, whichever standard is more restrictive.

Section III: Purpose

The regulations set forth in this ordinance are adopted to:

A. Provide for the protection of groundwater and surface water quality through the prohibition of hazardous materials handling, storage, transportation, or disposal;
B. Prevent the establishment of operations with potential dangers from fires, explosives, toxic emissions and infections.
C. Protect the health, safety, and welfare of the citizens of Pownal.

Section IV: Legislative Authority

This ordinance is enacted pursuant to authority granted in 30 M.R.S.A. §215 and 38 M.R.S.A. §1311.

Section V: Severability

If any parts, section or subsection, sentence, clause or phrase of this ordinance or the rules and regulations promulgated thereunder is for any reason declared to be unconstitutional or invalid, such shall not affect the validity or constitutionality of the remaining portions of this ordinance or the rules and regulations promulgated thereunder.
Section VI: Definitions

Disposal: Salvage, process, reduce, recover, incinerate, separate, treat, discharge, dump, spill, leak, or place any hazardous materials into or on the land or in or out of buildings.

Hazardous Materials:
"Hazardous Materials" shall mean all materials in quantities controlled by this Ordinance with the characteristics listed in categories 1-7 below:

1. "Type 1 Toxic Materials" shall mean a material which, due to toxicity, ability to harm genetic material, or persistence of a representative sample of a standard leachate from the waste, has any of the properties defined below.
   - Has a concentration of any substance, for which a federal drinking water standard exists, greater than or equal to 10 times that drinking water standard.
   - Has a concentration (mg/l) of any substance in the NIOSH Registry of Toxic Effects of Chemical Substances ("Registry") greater than or equal to 0.35 times the lowest oral mammalian LD 50 expressed in mg/kg units for that substance.
   - Has a concentration (mg/l) of any substance equal to 10 times the lowest 96 hour LC50 (mg/l) for that substance as listed in the "Registry."

2. "Type 2 - Reactive Materials" shall mean a material which has any of the following properties:
   - Materials which in themselves are normally unstable and readily undergo violent chemical change but do not detonate. Also materials which may react violently with water, which form potentially explosive mixtures with water, or which generate toxic fumes when mixed with water.
   - Materials which in themselves are capable of detonation or explosive reaction but require a strong initiating source or which must be heated under confinement before initiation or which react explosively with water.
   - Materials which in themselves are readily capable of detonation or of explosive decomposition or reaction at normal temperatures and pressures.
   - Reactive materials can also be identified by the following tests:
(i) Thermally unstable liquid materials can be identified using the JANAF (Joint Army-Navy-Air Force) L.P. Test No. 6.

(ii) Thermally unstable liquid or nonfluid materials can be identified using the protocol specified in ASTM Standard Method E-476-73.


3. "Type 3 - Radioactive Materials" shall mean low level liquid and gaseous radioactive materials and high level solid liquid or gaseous materials. Low level liquid and gaseous radioactive materials shall mean all liquid and gaseous materials that exceed the maximum permissible concentrations for discharge to unrestricted areas as listed in Appendix B, Table II, Columns 1 and 2 of Title 10, part 20 of the Code of Federal Regulations except that defined as high level liquid or gaseous radioactive waste. High level liquid and gaseous radioactive waste includes the liquid and gaseous wastes resulting from the operation of the first cycle solvent extraction system, or equivalent, and concentrated wastes from subsequent extraction cycles, or equivalent, in a facility for reprocessing of irradiated reactor fuel; and, any other radioactive waste which the Planning Board shall subsequently specify as high level radioactive waste as adopted by order of the Pownal Town Meeting.

4. "Type 4 - Flammable Waste" shall mean any waste such that any sample of that waste has a flash point less than 140 degrees Fahrenheit (60 degrees centigrade) determined by the Pensky-Martens closed Cup Tester, using the protocol specified in ASTM Standard D-93-73.

5. "Type 5 - Corrosive Waste" shall mean any waste such that any sample of that waste has either of the following properties:

   (a) A pH less than 2. or greater than 12. as determined by the pH meter, using the protocol specified in the "Manual of Methods for Chemical Analysis of Water and Wastes" (EPA-625-16-74-003).

   (b) A corrosion rate greater than 0.250 inch per year on steel (SAE 1020) at a test temperature of 130 degrees Fahrenheit as determined using the protocol specified...
in NACE (National Association of Corrosion Engineers)
Standard TM-01-69.

6. "Type 6 - Infectious Waste" shall mean any waste which is
generated from the following sources:
(a) Health care facilities
   Certain department of hospitals as defined by Standard
   Industrial Classification (SIC) Codes 8062 and 8069 in
   (i) Obstetrics department including patients' rooms
   (ii) Emergency department
   (iii) Surgery department including patients' rooms
   (iv) Morgue
   (v) Pathology department
   (vi) Autopsy department
   (vii) Isolation rooms
   (viii) Laboratories
   (ix) Intensive care unit
   (x) Pediatrics department
(b) Laboratories, as defined by SIC codes 7391, 8071 and
    8922 but does not include any waste is discharged
directly to an underground septic system at the site at
which it is generated.

7. "Waste Oil" shall mean discarded oil generated by
   residential, institutional, commercial, industrial, agricultural
   sources or oil recovered from spills.

Storage:
The placement of materials in drums, tanks, lagoons, or other
structures intended to retain the materials for subsequent use or
disposal, regardless of their location in the ground or in a building
or other physical location.

Use:
The employment of materials regulated by this Ordinance.

Waste:
Waste is any garbage, refuse, sludge or solid, liquid, semi-solid or
contained gaseous material resulting from industrial, commercial or
mining operations, or from community activities, which is discarded
or stored prior to being discarded, is disposed of, or is a
manufacturing or mining by-product.
Section VII. Administration

1. **Enforcement officer** - It shall be the duty of the Building Inspector of the Town of Pownal to enforce the provisions of this Ordinance. The Inspector or any deputy designated by him/her may at all reasonable hours enter any building or premises and inspect its records for the purpose of making an inspection which under the provisions of this Ordinance is deemed necessary to be made. If the Building Inspector shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by the Ordinance to insure compliance with or to prevent violation of its provisions.

2. **Legal action and violations** - When any violation of any provision of this Ordinance shall be found to exist, the Building Inspector shall notify the Municipal Officers who shall then institute any and all actions to be brought in the name of the Town.

3. **Fines** - Any person, firm, or corporation being the owner of or having control or use of any building or premises who violates any of the provisions hereof, shall be subject to a fine of not less than $250 and not more than $1000 for each offense. Each day such violation is permitted to exist after notification thereof shall constitute a separate offense. All fines collected hereunder shall inure to the Town of Pownal.

4. **Enforcement Costs** - If a violation occurs, the person, firm, or corporation owning or controlling use of the building or premises shall be liable for costs incurred by the Town of Pownal for professional services needed for enforcement and the Town of Pownal shall assess those parties for those costs.

5. **Cleanup Costs** - The person, firm or corporation owning or controlling use of the building or premises where the violation occurs, shall be responsible for all cleanup costs. If the Town of Pownal incurs costs related to the enforcement of protection of the health, safety and welfare of the citizens of Pownal, the violators shall be responsible for those costs and shall repay the Town of Pownal.
Section VIII: Present Hazardous Material Users

No hazardous materials uses, as defined by this Ordinance, are presently located in the Town of Pownal, so special provisions for existing activities are not necessary.

Section IX: Conflict With Other Ordinances

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

Section X: Effective Date

This Ordinance shall take effect immediately on adoption by the vote of the majority present at the Pownal Town Meeting.
IMPACT FEE ORDINANCE
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SECTION 1. PURPOSE
The purpose of this impact fee ordinance is to ensure that new development in Pownal will be accomplished in a safe and healthful manner. Such development should bear a proportional or reasonably related share of the cost of new, expanded, or modified infrastructure necessary to service the development through the payment of impact fees. Impact fees shall be dedicated to the needed improvements or the constructions of appropriate improvements as provided for in the individual Impact Fee and Calculation Methodologies.

SECTION 2. AUTHORITY
The Town of Pownal, under the authority of 30A M.R.S.A. section 4354 and its statutory and constitutional home rule provisions adopts the impact fee ordinance. This impact fee ordinance is a growth management tool that supports some of the goals of the Pownal Comprehensive Plan and the most recent update.

SECTION 3. ADMINISTRATION
The Board of Selectmen of the Town of Pownal or its agent shall administer the provisions of this ordinance. A written decision regarding the fees will be provided within thirty (30) days of a completed application. A copy of this decision and proof of impact fee payment resolution shall be placed in the appropriate tax file in the town office.

SECTION 4. ACTIVITIES SUBJECT TO THE FEES
Any construction or development that involves the creation of a new dwelling unit or business, as defined by the zoning ordinance, including, but not limited to, single family homes, apartment units, manufactured housing units, mobile homes, as well as additional bedroom units added to existing homes or square footage added to existing businesses, shall be subject to the payment of an impact fee for this project except as provided below:

a. No impact fee shall be paid if the new dwelling unit is to be constructed on a lot where a dwelling unit has been demolished or permanently removed from use within the last twelve months. The fee shall be charged for any unit beyond the number demolished or permanently removed from use.

b. No impact fee shall be paid if the dwelling unit is moved from one lot within the Town to another lot within the Town.

SECTION 5. PAYMENT OF IMPACT FEES
Impact fees shall be paid to the Town of Pownal in care of the Board of Selectmen of the Town of Pownal or their agent. Fees will be paid when receiving an approved building permit and before construction commences. A form detailing the payment of the fee will be completed, with a copy of the form placed in the appropriate tax file in the Town Office.
SECTION 6. IMPACT FEE ACCOUNTS
All impact fees collected under the provisions of this ordinance shall be segregated and accounted for in separate impact fee accounts designated for the particular improvements in question.

SECTION 7. USE OF IMPACT FEES
Impact fees collected under the provisions of this article shall be used only to pay for the capital cost of the infrastructure improvement specifically associated with the fee. None of the fees shall be used for routine maintenance or operational activities. The following costs may be included in the capital cost of the infrastructure improvement:

a. Acquisition of land or easements including conservation easements.
b. Engineering, surveying and environmental assessment services directly related to the design, construction and oversight of the construction of the improvement.
c. The actual construction of the improvement including, without limitation, demolition costs, clearing and grading of the land, and necessary capital equipment.
d. Mitigation costs.
e. Legal and administrative costs associated with construction of the improvement including any borrowing necessary to finance the project.
f. Debt service costs if the Town borrows for the improvement.
g. Relocations costs.
h. Similar costs that are directly related to the project.

Impact fees collected shall be expended as approved by the Legislative Body of the Town of Pownal.

SECTION 8. WAIVER, VARIANCE, REFUND, OR OTHER MODIFICATION OF IMPACT FEES
Impact fees shall be refunded in the following cases:

a. If a building permit is surrendered or if a subdivision or site plan approval lapses without commencement of construction, the permit holder or developer shall be entitled to a refund, less a 2% administration fee, and without interest, of any impact fee paid in conjunction with that project. A request for a refund shall be made in writing to the Board of Selectmen of the Town of Pownal and shall occur within ninety (90) days of the lapse of the approval or the expiration of the permit.

b. Any fees collected that are not spent or obligated by contract for an improvement by the end of the calendar quarter immediately following ten (10) years from the date the fee was paid shall be returned to the current owner of the property for which the fee was paid.
c. Additionally, the Board of Selectmen of the Town of Pownal may, by formal vote following a public hearing, refund some or the entire required impact fee if the Board finds that:

1. The developer or property owner who would otherwise be responsible for the payment of the impact fee voluntarily agrees to construct the improvement for which the impact fee would be collected or an equivalent improvement approved by the Board of Selectmen of the Town of Pownal, or

2. The developer or property owner is required, as part of a development approval by the Town or a state or federal agency, to make or to pay for infrastructure improvements that are of the same nature as the improvement to be funded by the impact fee, or

3. The project subject to the impact fee involves the construction of Affordable Housing as defined by the U.S. Department of Housing and Urban Development or the Maine State Housing Authority. If only part of the project is affordable housing, the Board of Selectmen of the Town of Pownal may refund only the portion of the fee attributable to the affordable units, or

4. The project involves the construction of elderly congregate housing, assisted living housing, or other eldercare facilities.

SECTION 9. CALCULATION OF THE FEE:

The Legislative Body of the Town of Pownal will determine fees after a public hearing. The fee will be based upon the Town's Impact Fee and Calculation Methodology for each fee. See the individual Town of Pownal Impact Fee and Calculation Methodologies for details.

SECTION 10. REVIEW AND REVISION:

The Board of Selectmen of the Town of Pownal, or its designee, shall periodically review each impact fee based on Town of Pownal Impact Fee and Calculation Methodologies. If the Board of Selectmen of the Town of Pownal finds that the anticipated cost of an improvement has changed or that the identification of developments subject to a fee is no longer appropriate, the Legislative Body of the Town of Pownal may adopt changes to the Town of Pownal Impact Fee Ordinance and to the appropriate Town of Pownal Impact Fee and Calculation Methodology.

SECTION 11. APPEALS

The Board of Appeals of the Town of Pownal 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 Board of Selectmen of the Town of Pownal, or their designee, in the administration or enforcement of the provisions of this ordinance.
SECTION 12. ADMINISTRATIVE PROVISIONS, VALIDITY, SEVERABILITY AND EFFECTIVE DATE

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

Whenever the specific requirements within this ordinance are inconsistent with the specific requirements within any other ordinance, code, or statute, the more restrictive specific requirement will apply.

This ordinance shall take effect immediately upon adoption of the same by the Legislative Body of the Town of Pownal.
Town of Pownal ~ Recreation Impact Fee and Calculation Methodology

SECTION 1. PURPOSE
The Recreation Impact Fee is to be administered in accordance with the Town of Pownal Impact Fee Ordinance and according to the methodology described below.

SECTION 2. AUTHORITY
The Recreation methodology establishes the fees that should be paid by developers of new residential development in the Town of Pownal in accordance with the statutory requirements for impact fees as set out in Title 30-A MRSA, Section 4345. The Impact Fee Ordinance is a growth management tool that supports some of the goals of the most recent Pownal Comprehensive Plan.

SECTION 3. CALCULATION OF THE FEE
Based upon national studies of occupancy levels or various types of housing in the northeast, a single family home (s.f.h.) contains 3.2 people. Thus a single family home can be considered to have two bedrooms. The Recreation Impact Fee is assessed on a per bedroom basis and the fee is based on a Pownal population of 1,500 residents.

The Recreation fee is based on the most recent State Comprehensive Outdoor Recreational Plan (SCORP) which reports that the typical Maine community has approximately 14 acres of municipal recreational acres per 1,000 residents. The calculation is:

\[
\frac{14 \text{ acres}}{1000 \text{ residents}} \times \frac{15,000 \text{ / acre to buy & develop}}{1} \times 3.2 = 672.00 \text{ per s.f.h.}
\]
\[
672.00 \text{ per s.f.h.} / 2 \text{ bedrooms per s.f.h.} = 336.00 \text{ per bedroom.}
\]

SECTION 4. EXCEPTIONS
The public recreational facilities portion of the impact fee may be refunded if the unit is located in a residential subdivision or other residential development that has provided public recreational facilities in accordance with the requirements of the Town’s Subdivision Regulations.
SECTION 1. PURPOSE
The Open Space Impact Fee is to be administered in accordance with the Town of Pownal Impact Fee Ordinance and according to the methodology described below.

SECTION 2. AUTHORITY
The Open Space methodology establishes the fees that should be paid by developers of new residential development in the Town of Pownal in accordance with the statutory requirements for impact fees as set out in Title 30-A MRSA, Section 4345. The Impact Fee Ordinance is a growth management tool that supports some of the goals of the most recent Pownal Comprehensive Plan.

SECTION 3. DEFINITIONS
Open Space: Land, water, wetlands, ravines, forests, fields, or other land with no structures, streets, right of ways, parking lots of development on the land.
Public Open Space: Land owned by the Town or by state or federal government to be shared by all people. Fees for entrance and parking are permitted. Outbuildings and other structures are permitted.

SECTION 4. CALCULATION OF THE FEE
Based upon national studies of occupancy levels or various types of housing in the northeast, a single family home (s.f.h.) contains 3.2 people. Thus a single family home can be considered to have two bedrooms. The Open Space Impact Fee is assessed on a per bedroom basis and the fee is based on a Pownal population of 1,500 residents.

The Open Space fee is based on current town owned open space, town population, and the current assessed value of raw land in Pownal. The calculation is:

\[ \frac{480 \text{ acres Town owned land}}{1,500} \times 3.2 \times 248.00 \text{ / acre} = \frac{254.00}{\text{per s.f.h.}} \]

\[ \frac{254.00}{\text{per s.f.h.}} \times 2 \text{ bedrooms per s.f.h.} = 127.00 \text{ per bedroom.} \]

SECTION 5. EXCEPTIONS
The Open Space Impact fee may be refunded if the unit is located in a residential subdivision or other residential development that has provided public / common open space in accordance with the requirements of the Town's Subdivision Regulations.
SECTION 1. PURPOSE
The Public Works Impact Fee is to be administered in accordance with the Town of Pownal Impact Fee Ordinance and according to the methodology described below.

SECTION 2. AUTHORITY
The Public Works Impact Fee Calculation Methodology establishes the fees that should be paid by developers of new residential development in the town of Pownal in accordance with the statutory requirements for impact fees as set out in Title 30-A MRSA, Section 4345. The Impact Fee ordinance is a growth management tool that supports some of the goals of the most recent Pownal Comprehensive Plan.

SECTION 3. CALCULATION OF THE FEE
Based upon national studies of occupancy levels of various types of housing in the northeast, a single family home (s.f.h.) contains 3.2 people. Thus a single family home can be considered to have two bedrooms. The Public Works Impact Fee is assessed on a per bedroom basis and the fee is based on a Pownal population of 1,500.

The Public Works impact fee is based upon costs associated with the replacement of existing infrastructure as determined by the Capital Project Committee spreadsheet, which projects anticipated costs over a fifteen-year period. The calculation is:

Public Works needs ($2,082,500) / 1,500 residents X 3.2 occupants / 15 yrs. = $296.00 per s.f.h.

$296.00 per s.f.h. / 2 bedrooms per s.f.h = $148.00 per bedroom.
Town of Pownal - Solid Waste Impact Fee and Calculation Methodology

SECTION 1. PURPOSE
The Solid Waste Impact Fee is to be administered in accordance with the Town of Pownal Impact Fee Ordinance and according to the methodology described below.

SECTION 2. AUTHORITY
This methodology establishes the fees that should be paid by developers of new residential development in the town of Pownal in accordance with the statutory requirements for impact fees as set out in Title 30-A MRSA, Section 4345. The Impact Fee ordinance is a growth management tool that supports some of the goals of the most recent Pownal Comprehensive Plan.

SECTION 3. CALCULATION OF THE FEE
Based upon national studies of occupancy levels of various types of housing in the northeast, a single family home (s.f.h.) contains 3.2 people. Thus a single family home can be considered to have two bedrooms. The Solid Waste Impact Fee is assessed on a per bedroom basis and the fee is based on a Pownal population of 1,500 residents.

The solid waste fee is based on the tipping fee costs for the previous year divided by the number of households in Pownal, with that amount then divided by twelve to get a cost per household per month. The applicant will then pay that monthly amount times the number of months the applicant has lived in the dwelling before receiving a Town of Pownal property tax bill. The calculation is:

\[
\text{Tipping fees ($32,516.56) / 500 households / 12 = $5.44 per s.f.h. per month} \\
\text{$5.44 per s.f.h. / 2 bedrooms per s.f.h. = $2.72 per month per bedroom}
\]
Town of Pownal - Public Safety Impact Fee and Calculation Methodology

SECTION 1. PURPOSE
The Public Safety Impact Fee is to be administered in accordance with the Town of Pownal Impact Fee Ordinance and calculated according to the method described below.

SECTION 2. AUTHORITY
The Public Safety methodology establishes the fees that will be paid by developers of new residential development in the town of Pownal in accordance with the statutory requirements for impact fees as set out in Title 30-A MRSA, Section 4345. The Impact Fee ordinance is a growth management tool that supports some of the goals of the most recent Pownal Comprehensive Plan.

SECTION 3. CALCULATION OF THE FEE
Based upon national studies of occupancy levels of various types of housing in the northeast, a single family home (s.f.h.) contains 3.2 people. Thus, a single family home can be considered to have two bedrooms. The Public Safety Impact Fee is assessed on a per bedroom basis and the fee is based on a Pownal population of 1,500. The Public Safety impact fee is based upon costs associated with the replacement or upgrading of existing infrastructure as determined by the Capital Project Committee spreadsheet, which projects anticipated costs over a fifteen-year period. The calculation is:

Public Safety needs ($1,196,000) / 1,500 X 3.2 / 15 yrs. = $170.00 per s.f.h.
$170.00 per s.f.h. / 2 bedrooms per s.f.h. = $85.00 per bedroom
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TOWN OF POWNAL
Mass Gathering Ordinance
March 10, 2003

Permit Required

1.1. Hazard. The town of Pownal finds that mass gatherings frequently create a hazard to the public health, safety and peace. The town finds that mass gatherings endanger the environment, the safety of attendees, significantly and adversely impact neighbors to the mass gathering, and cause an enormous burden on town government and resources. Accordingly, it is appropriate to regulate mass gatherings within the town of Pownal.

1.2. Definition. For the purposes of this ordinance, a mass gathering means any gathering held within the town where more than 500 people attend at any one time during the mass gathering.

1.3. Permit required. No person, corporation, partnership, association or group of any kind shall sponsor, promote or conduct a mass gathering until a permit has been obtained from the town in accordance with the provisions of this ordinance.

Application

2.1. Form. Attached to this ordinance is a form which must be used in applying for a permit for a mass gathering. A person applying for a small mass gathering of between 500 and 999 persons shall use the application form so designated. If applying for a large mass gathering 1000+, use the small mass gathering application form and then fill in the extra section for large mass gathering.

2.2 Notice. The applicant shall place a notice in the newspaper serving Pownal 3 days after acceptance of the application by the town clerk of the intended date of the mass gathering. This notice informs the public of the applicant’s intention to hold a mass gathering, and invites public comments to be addressed at the hearing on the application.

2.3. Compliance with other town of Pownal ordinances. No application for a mass gathering is complete without a certificate from the Pownal codes enforcement officer.
that the applicant has complied with, or is exempt from, all existing Pownal ordinances, including, but not limited to the site plan review ordinance.

2.4. Approval of Pownal Fire and Rescue and the Cumberland County Sheriff’s Office. No application for a mass gathering is complete without a certificate from the chief of Pownal Fire and Rescue that in his or her opinion, town resources for fire and EMS services to the mass gathering are likely to be sufficient. Should the chief of Pownal Fire and Rescue decline to issue this certificate, he or she shall certify as to the additional fire and rescue resources necessary. The applicant shall bear the burden of arranging for the actual presence of such additional fire and rescue personnel at the mass gathering, and shall provide with the application written certificates from other non-town but public entities with the application that the applicant has complied with this burden.

2.4.1. Because the town does not have its own police force, the applicant shall obtain the certificate of the Cumberland County Sheriff or his or her designee as to the arrangements that have been made for the presence of sheriff’s deputies during the mass gathering. The certificate of the sheriff must recite that enough deputies will be present, in his or her judgment. The applicant shall bear the total financial burden hereunder.

2.5. Contract with the landowner. Attached to the application must be a valid contract between the applicant and the landowner(s), which contract must be signed and notarized by all persons owning any land to be used for the mass gathering.

2.6. Bond. The applicant shall provide an irrevocable bond issued by an authorized public surety company qualified to do business in this state guaranteeing the proper performance of the applicant of any permit condition for a mass gathering issued by the town of Pownal, in an amount equal to $20.00 per person likely to attend. In addition to guaranteeing cleanup by the applicant of the area used for the mass gathering, this bond must guarantee compliance by the applicant with any applicable state or local law or regulation, and payment by the applicant of all proper claims against the applicant for damage to real or personal property in Pownal arising out of facts done or omitted to be done by the applicant, his agents or employees. Any bond hereunder shall provide that the presentation of any claims against the bond may be made without first having presented such claims against the applicant or landowner.

2.7. Application fee. The applicant shall pay to the town of Pownal as an application fee for a large mass gathering permit the sum of $1000 and, in the case of a small mass gathering, $125 for a non-profit event and $250 when the gathering is for profit. These fees are irrevocable.

2.8. Consequence of failure to submit complete application. Any application for a mass gathering permit in the town of Pownal but which is not complete and detailed in all its parts hereunder, shall be deemed denied from the date it is received. No part of the application fee shall be returned or refunded to the applicant in this case.
Hearing

3.1. Town clerk’s duties. Upon receipt of any application for a mass gathering, the town clerk shall immediately review it for completeness and compliance with the provisions of Article 2 of this ordinance. In the event that the clerk believes the application is incomplete or does not comply in some fashion, he or she shall inform the selectmen for the town of Pownal forthwith of such deficiency in the application. It shall be the affirmative duty of the town clerk to verify with the codes enforcement officer that indeed all Pownal land use codes and other ordinances have been already complied with by the applicant.

3.2. Hearing tribunal. The selectmen for the town of Pownal are herewith designated the hearing tribunal. Any person aggrieved shall have the right to appeal a determination by the hearing tribunal to the Pownal Board of Appeal by filing a notice of appeal with the town clerk within 5 business days of the date of the determination by the selectmen.

3.3. Hearing procedure. The hearing tribunal shall receive relevant and probative documents and other evidence, such as persons would normally use in the conduct of serious affairs. The hearing tribunal shall cause the hearing to be tape-recorded. The clerk shall maintain the official copies of any such tapes made. The applicant shall bear the burden of persuasion on every point raised in the application. The hearing tribunal has full discretion to judge the credibility of any evidence presented.

3.4. Hearing time. The hearing tribunal shall conduct the hearing not sooner than 7 nor later than 30 business days after receipt of a complete and proper application. The hearing tribunal may allow more time to pass before the hearing should the need arise. Under normal circumstances, the hearing will be concluded within 90 days. Under extraordinary circumstances, the hearing tribunal has the authority to continue the hearing beyond the 90 days. The applicant has every incentive to submit the application as early as possible.

3.5. Hearing Decision. The decision of the hearing tribunal shall be given at the conclusion of the hearing. The simple majority rules.

Performance Standards

4.1. Any permit for a mass gathering shall be conditioned upon the following minimum performance standards. The hearing tribunal is empowered and authorized to strengthen these performance standards as is necessary in its judgment given the purposes of this ordinance, or to impose additional reasonable conditions as the circumstances may require upon the mass gathering permit.
4.1.1. Water Supply

4.1.1.2. Where water is distributed under pressure for drinking, washing, flushing toilets, and showers, the water supply system shall deliver water at normal operating pressures (20 lb. per sq. in. minimum) to all fixtures at a rate of at least 30 gallons per person per day.

4.1.1.3. Where water is not available under pressure, and non-water carriage toilets are used, at least 3 gallons of water per person per day shall be provided for drinking and washing purposes.

4.1.1.4. In all events, potable water shall be adequate and safe, meeting the requirements of the Maine department of human services, health engineering division. Transported water shall come from a source approved by the health engineering division of Maine DHS.

4.1.1.5. Water points or drinking fountains, shall be conveniently accessible and well identified. Common drinking cups shall not be used.

4.1.2. Refuse Disposal

4.1.2.1. One fifty (50) gallon refuse container or its equivalent shall be provided for each one hundred (100) persons anticipated., which container shall be readily accessible. One 16-cubic yard trash container shall be provided for every 5000 persons anticipated. All trash barrels shall be lined with plastic bags.

4.1.2.2. All refuse shall be collected from the mass gathering area at least twice every twelve hours during the assembly and disposed of in an approved area. Such refuse shall be collected, stored and transported in a manner not causing odor or the infestation of insects or vermin or creating any other nuisance or conditions which are inconsistent with the health, safety and welfare of human beings.

4.1.2.3. The mass gathering area, grounds and immediate surrounding properties shall be cleaned of refuse within twenty-four (24) hours following the mass gathering.

4.1.2.4. Area where cars and recreational vehicles are parked shall have adequate rubbish disposal facilities. There shall be at least one disposal facility for each 25 vehicles.

4.1.3. Grounds

4.1.3.1. The assembly area shall be adequately lighted but not unreasonably reflect beyond the assembly area boundaries unless adjacent properties are uninhabited.

4.1.3.2. Light level intensities shall be at least five foot-candles.
4.1.3.3. There shall be at least 20 square feet per person at the site for daytime assemblage and at least 40 square feet per person for overnight assemblage.

4.1.3.4. Vermin, insects and other animals shall be controlled at all times.

4.1.3.5. Each mass gathering area shall be well drained and so arranged to provide sufficient space for persons assembled, vehicles sanitary facilities, and appurtenant equipment.

4.1.3.6. Trees, underbrush, large rocks and other natural features shall be left intact and undisturbed whenever possible, and the natural vegetative cover shall be retained, protected, and maintained so as to facilitate drainage, prevent erosion, and preserve the scenic attributes.

4.1.4. Roads, Traffic and Parking Space

4.1.4.1. Width of service roads shall be at least 12 feet for one traffic lane, 24 feet for two traffic lanes, and 8 feet for parallel parking lane. Roads, public and on-site, shall be in good condition and able to support the weight of fire apparatus weighing 10 tons. Openings through wooded areas shall be 12 feet high and 12 feet wide and provide access to the main area of function, parking lots and any trailer camping lots.

4.1.4.2. Traffic on public and private property associated with the mass gathering shall be regulated as required by the Cumberland County Sheriff and as required by state law.

4.1.4.3. There shall be at least one parking space for every three persons and the density shall not exceed 100 passenger cars or 30 buses per usable acre.

4.1.4.4. Off-street parking facilities shall be situated on the site of the mass gathering or on an adjacent site not more than 750 feet from the entrance to the mass gathering.

4.1.4.5. The applicant shall tow at his or her expense any vehicle parked illegally.

4.1.5. Sanitary Facilities

4.1.5.1. Toilets shall be provided at a rate of one (1) for each 75 persons.

4.1.5.2. Urinals and sanistands may substituted for up to one-third (1/3) of the required number of toilets. Twenty-four inches (24") of trough urinals in a men's room shall be considered the equivalent of one urinal or toilet.

4.1.5.3. Sanitary facilities shall be conveniently accessible and well identified.

4.1.5.4. Each toilet shall have a continuous supply of toilet paper.
4.1.5.5. Service buildings or rooms housing necessary plumbing fixtures, shall be constructed of easily cleanable, non-absorbent materials. The buildings, service rooms and required plumbing fixtures located therein shall be maintained in good repair and in a clean and sanitary condition and built to comply with the Pownal plumbing code.

4.1.5.6. Separate service buildings or rooms containing sanitary facilities, clearly marked, shall be provided for each sex and each toilet room shall be provided with a self-closing door to insure privacy or the entrance should be screened so that the interior is not visible from the outside.

4.1.5.7. Wastewater shall be discharged only as required by the State and local codes. Excrement or liquid waste shall be treated or disposed of as required by law.

4.1.6. Medical Facilities

4.1.6.1. Emergency medical services shall be provided under the supervision of a licensed physician. All personnel must be licensed by the state of Maine as a physician, P.A., or R.N., or EMT. The applicant must provide proof of such current licenses with his application.

4.1.6.2. One such licensed medical person shall be provided per 250 persons attending, at the applicant’s expense. One person licensed at the paramedic level, or higher, with proper regional credentials, must be provided for each 500 persons in attendance. The applicant must provide 24-hour on site medical coverage for the mass gathering.

4.1.6.3. A first aid building or tent, with adequate medical supplies, shall be available.

4.1.6.4. Emergency first aid vehicles shall be available on site during the complete time of mass gathering.

4.1.6.5. A telephone or other two way electronic communication facilities shall be available to emergency personnel. Emergency personnel must be able to communicate with the communications center of Pownal Fire and Rescue.

4.1.6.6. Operator of mass gathering shall contact area hospitals and advise them that a mass gathering will be held and approximate number of people attending.

4.1.7. Safety

4.1.7.1. The mass gathering electrical system or electrical equipment shall comply with applicable state standards and regulations.

4.1.7.2. Fire prevention equipment shall be present at site of mass gathering.
4.1.8. Noise Control

4.1.8.1. The sound of the mass gathering shall not carry unreasonably beyond the boundaries of the mass gathering area.

4.1.8.2. Between the hours of 9 a.m. to 10 p.m., the noise level at the perimeters of the area shall not exceed 70 decibels on the A scale of a sound level meter meeting specifications of the American National Standards Institute unless the mass gathering area is remotely located and surrounding adjacent properties are uninhabited.

4.1.8.3. Between the hours of 10 p.m. to 9 a.m. the noise level at the perimeters of the area shall not exceed 45 decibels on the A scale of a sound level meter meeting specifications of the American National Standards Institute unless the mass gathering area is remotely located and surrounding adjacent properties are uninhabited.

4.1.9. Camping

4.1.9.1. All tents and RV’s shall be removed from the site with 24 hours after a mass gathering.
4.1.9.2. Camping trailers shall have at least 20 feet separation from the next camping trailer.

4.1.9.3. Any cooking area must be clear of all debris down to mineral soil in a twelve foot circle. The fire pit must be centered in the cooking area and no greater than three feet in diameter. It must be completely enclosed with rocks or other fireproof material. There must be no overhanging combustible materials. Any cooking areas hereunder shall be drawn on the application.

4.1.9.4. Any gas or charcoal grill must be 10 feet away from any camping trailer, tent or vehicle.

4.1.10. Crowd management

4.1.10.1. The applicant shall provide a comprehensive crowd management plan.

Sanctions

5.1. Anyone violating any provision of this ordinance shall be fined as a civil penalty $1000 for each violation. Each day of any one violation constitutes a separate violation. By way of example only, should someone hold a mass gathering for three days without a permit, the fine is $3000. Should that same person hold a mass gathering for three days without providing the correct number of toilets during those three days, the total fine is $6000. Permits issued under this ordinance are not transferrable or assignable. As an additional sanction, the town shall be awarded its attorney’s fees incurred in enforcing any provision of this ordinance.
Miscellaneous Provisions

6.1. Interplay with other town ordinances and state laws. This ordinance supersedes no state law or other town ordinance. Any mass gathering within Pownal must comply with every such law or ordinance fully. It is the applicant's burden to show compliance to the hearing tribunal under this ordinance.

6.2. Savings clause. Should any provision of this ordinance be found unlawful or otherwise legally unenforceable, every other provision of this ordinance remains in full force and effect.

6.3. Selectpersons’ authority. The selectpersons shall have the authority to change the application as they in their discretion require.
Article 12, Mobile Home Park Ordinance

A. Purpose and Intent

The purpose of the Ordinance is to regulate the administration of mobile home parks by providing general standards for the layout and siting of mobile homes within a mobile home park to promote both individual householder privacy within harmonious community arrangement and to conserve environmental quality and wildlife habitat. The intent of this Ordinance is to protect the general welfare, public health and safety.

B. Authority

The Pownal Planning Board is hereby vested with the authority by Town Meeting (06/15/2015) to review and approve, conditionally approve or reject any application for a mobile home park as defined by three or more mobile homes situated on a parcel of single ownership. This ordinance is adopted pursuant to 30-A M.R.S.A. Section 3001 (Home Rule), 30-A M.R.S.A. M.R.S.A. Sections 4401-4452 (Subdivisions) and 30-A M.R.S.A. Section 4358 (Regulation of Manufactured Housing).

C. Conflicts with Other Ordinances

Wherever a specific provision of this Ordinance conflicts or is inconsistent with another specific provision within this Ordinance or a specific provision of any other ordinance, regulation or statute, the more restrictive specific provision shall apply, except as specifically provided to the contrary.

D. Severability

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

E. Definitions

See the Article 2. Definitions.
F. Performance Standards for Mobile Home Parks

1. Applicability

Sections F. and G. of this Ordinance shall apply to all development proposals for new and expanded mobile home parks.

Notwithstanding other provisions of this Section, the Planning Board, in reviewing and approving proposed mobile home park developments, shall apply the provisions of this Article, as well as the applicable requirements of the Subdivision Ordinance and the Site Plan Review Ordinance. Where the provisions of this Section conflict with specific provisions of the Subdivision Ordinance or the Site Plan Review Ordinance, the more restrictive shall apply unless 30-A M.R.S.A. Section 4358, as amended, shall supersede such Provision. Except as otherwise provided in this Ordinance, new mobile home parks and expansions of mobile home parks shall comply with all other applicable local, State or Federal requirements.

2. Mobile Home Park Application

a. Application

An application for a mobile home park shall be reviewed under the requirements, procedures, and review criteria of the Subdivision and Site Plan Review Ordinances. In addition to the submission requirements of the Subdivision Ordinance and the Site Plan Ordinance, an applicant shall also submit the following before an application will be deemed complete:

b. Supplemental Submission Requirements

1. For groundwater impacts for mobile home parks not served by a public sewer, an assessment of the impacts of park development on groundwater quality shall be submitted prior to final approval of the park. The assessment shall be prepared by a Certified Geologist or Registered Professional Engineer, and shall include the following:

   a) A map showing the basic soil types.

   b) The depth to the water table at representative points throughout the mobile home park.

   c) Drainage conditions throughout the mobile home park for both pre-development and post development conditions.
d) Data on the existing ground water quality, either from test wells in the mobile home park or from existing wells on neighboring properties.

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

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

2. A detailed subdivision plan showing the mobile home park lots and the location of all buildings and structures, recreation facilities and service facilities.

3. Any proposed open space shall be shown on the subdivision plan and with appropriate notation on the face thereof to indicate that the open space shall be permanently maintained as open space and that there shall be no division of open space.

4. The application shall contain an estimate of the average daily traffic projected to be generated by the park. Estimates of traffic generation shall be based on the Trip Generation Manual, most recent edition, published by the Institute of Transportation Engineers. If the park is projected to generate more than 400 trips per day (80 units), the application shall also include a traffic impact analysis, by a registered professional engineer with experience in transportation engineering.

5. Legal documents relating to the ownership, use, management and maintenance of all mobile home park facilities, including open space, recreation facilities, utilities, roads and parking areas and structures. Legal documents shall also restrict sites from being sold to individuals unless the use of the property as a mobile home park is discontinued or abandoned and an alternative use is approved pursuant to ordinances and
laws then in effect at the time of the propose change.

6. A copy of the proposed park rules and regulations.

G. General Requirements

All proposed mobile home park developments shall meet the following general requirements:

a. Ownership - The applicant must demonstrate to the Planning Board that he/she has sufficient right, title and interest in the site of the mobile home park to control and complete its development as approved. The applicant shall provide a performance bond to cover the full cost of required improvements.

b. Overall Area –

The overall area of a mobile home park shall be no less than the combined area of the individual lots plus:

1. The area for road rights-of-way;

2. The area required for buffer strips, if any;

3. The area of any shore land setbacks required under the Shoreland Zoning Ordinance.

c. Lot Size, Width, Setbacks and Density

1. Lots served by individual subsurface waste water disposal systems:

   Minimum lot area Minimum lot width Minimum Setbacks
20,000 sq. feet 100 feet (front & side) 20 feet, (rear) 10 feet

2. Parks served by central subsurface waste water disposal systems:

Minimum lot area 12,000 sq. feet

Overall density of the park—No less than 20,000 square feet per mobile home unit.

Minimum lot width 75 feet
Minimum setbacks (front, side and rear) 15 feet

3. Lots within a shoreland area as defined by Title 38 M.R.S.A. §435 shall comply with the Shoreland Zoning Ordinance.

4. Mobile homes in a mobile home park adjacent to a public road shall be set back from the public road a distance equal to the setback requirements for other residential developments in the zone.

5. All buildings on the lot, including accessory buildings and structures, shall not cover more than 50% of the lot area.

6. Packaged treatment plants for sewage shall be of the current and best standards or shall conform to current standards for mobile home park development according to the State Plumbing Code.

H. Design Standards

Except as stipulated below, mobile home parks shall meet all the requirements for residential subdivision, and shall conform to all applicable State laws and local ordinances or regulations. Where the provisions of this Ordinance conflict with specific provisions of the Subdivision Ordinance, Site Plan Review Ordinance or Road Ordinance, the provisions of this section will prevail.

1. Groundwater Impact Standards

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

b. No mobile home park shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No mobile home park shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards. The Board may require permanent ground water monitoring wells be installed and periodically tested.

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

d. The mobile home park shall not cause the concentration of the existing secondary parameters to exceed 150% of the Ambient concentration or to exceed the secondary drinking water standards, whichever is less.

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

2. Road Design, Circulation and Traffic Impacts

All streets, roads, access drives and parking areas shall be designed to conform to reasonable safety standards. The road network shall provide for vehicular and pedestrian safety, emergency access, delivery and collection services and snow storage.
Streets within a park shall be designed by a professional engineer, registered in the State of Maine.

a. Streets which the applicant proposes to be dedicated as public ways shall be designed and constructed in accordance with the standards for streets in the Road Ordinance. The approval by the Planning Board of a mobile home park shall not be deemed to constitute or be evidence of any acceptance by the Town of any street on such Plan.

b. Streets which the applicant proposes to remain as private roads shall meet the following geometric standards:

1) Minimum right-of-way: 23 feet
2) Minimum width of traveled way: 20 feet

c. Any mobile home park expected to generate average daily traffic of 200 trips per day (40 units) or more, shall have at least two street connections with existing public streets.

d. Dead-end roads or cui-de-sacs shall have a maximum length of 600 feet. Cui-de-sacs turnarounds shall have a minimum radius of 50 feet at the outer edge of the pavement, exclusive of any parking areas.

e. Parking lanes shall be a minimum of eight feet in width, if provided.

f. No individual lot within a park shall have direct vehicular access onto an existing public street.

g. The intersection of any street within a park and the existing public street shall meet the following standards:

1) Angle of intersection: The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees.

2) Maximum grade within 75 feet of intersection: The maximum permissible grade within 75 feet of intersection shall be 2%.

3) Minimum Sight Distance: A minimum sight distance of 10 feet for every mile per hour of posted speed limit on the existing road shall be provided. Sight distance shall be measured from the driver's seat of a vehicle that is
10 feet behind the curb or edge of shoulder line with the Height of the eye 3 1/2 feet above the pavement and the height of the object 4 1/4 feet.

4) Distance from other intersections: the centerline of any street within a park intersection and existing public street shall be no less than 125 feet from the centerline of any other street intersecting with that public street.

5) Where a private road intersects with a public way, the curb radii shall be 40 feet at a 90 degree intersection and the radii shall be 50 feet for an intersection less than 90 degrees.

3. Parking requirements

a. For each mobile home lot there shall be provided and maintained at least two off-street parking spaces. Each parking space shall contain minimum dimensions of 10 feet by 20 feet.

b. In addition to occupant parking, off-street guest and service parking shall be provided within the boundaries of the park at a ratio of 1 space for each 4 mobile home lots. Such parking spaces shall be reserved for that sole use and shall be located within reasonable proximity to the mobile home units. This requirement may be waived by the Planning Board if a parking lane is provided and will accommodate all required spaces.

4. Pedestrian Circulation

All mobile home parks shall contain pedestrian walkways between all units and all service and recreational facilities. Such walkways shall be adequately surfaced and lit. (See Zoning and Site Plan Ordinances) A portion of the road surface may be reserved for walkways provided the roadway width is widened accordingly. Walkways shall be a minimum of 3 feet.
5. Utilities

a. All mobile home parks shall provide permanent electrical, water and sewage disposal connections to each mobile home in accordance with applicable state and local rules and regulations.

b. Electrical utilities and telephone lines may be located above ground.

c. Utilities may be located anywhere within the mobile home park development except the transformer boxes, meters, pumping stations and other components of the utility system which may be located above ground shall be located as not to be unsightly or hazardous to the public.

6. Lighting

Outdoor lighting shall be provided to adequately illuminate internal streets and pedestrian walkways in accordance with the provisions of Section 11 Site Plan Review, D. Criteria and Standards, 8. Lighting and in accordance with the IDA recommendations.

7. Utilization of Parcel

The plan for the development shall reflect the natural capabilities of the site to support development. Buildings and support facilities shall be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas such as wetlands as defined by the Maine Department of Environmental Protection, steep slopes, floodplains and unique natural features may be included in any common open space. Natural drainage areas shall be preserved to the maximum extent.

8. Buffer Strips

a. A 50 foot wide buffer strip shall be provided along all property boundaries that:

1) Abut developed residential land which has a gross density (dwelling units per acre) of less than half of that proposed in the park, or
2) Abut undeveloped residential land that is zoned at a residential density of less than half of that proposed in the park.

3) Further/ no structures, streets or utilities shall be placed in the buffer strip except that utilities may cross a buffer strip to provide services to the park.

b. within the first 25 ft. of the buffer, measured from the exterior boundary of the park, visual screening and/or landscaping shall be provided. The visual screening may consist of fences/berms, landscaping (such as evergreen shrubs and trees in double staggered rows) and/or natural existing vegetation. The screening shall form an effective visual barrier along the exterior lot lines of the park, except that driveways shall be kept open to provide visibility for vehicles entering and leaving the park.

9. Unified Ownership

No Mobile Home Park development or subdivision which is approved under this Ordinance as a mobile home park may be converted to a subdivision as defined in the Zoning or Subdivision Ordinance nor may mobile home park lots or any portion thereof be transferred out of the Mobile Home Park without the approval of the Planning Board. Any such lot sold or conveyed shall meet the lot size requirement of the district in which it is located and any other applicable requirements. A Mobile Home Park plan to be recorded at the Registry of Deeds and filed with the Town shall include the following restrictions as well as any other notes or conditions of approval.

a. The land within the park shall remain in a unified ownership and the fee to individual Mobile Home Park lots or portions of Mobile Home Park lots shall not be transferred without prior review and approval by the Planning Board.

b. No dwelling unit other than a mobile home unit shall be located within the park.

10. Park Administration

The owner and operator of a mobile home park shall not require as a condition of tenancy the purchase of a mobile home unit from the owner or any particular agent or organization.

Compliance with this ordinance shall not exempt the park owner, developer, or manager from complying with other applicable local, State and Federal codes and regulations.
11. Approval Standard

a. Approval Criteria

Prior to approving the mobile home park, the Planning Board shall find that:

1. The plan complies with the applicable provisions of the Subdivision Ordinance and Site Plan Review Ordinance and is in accordance with the state subdivision review law, except for those standards which are in conflict with Maine’s Mobile Home Park Law;

2. The plan will not pollute a public water supply or aquifer; and

3. The plan protects environmentally sensitive areas in accordance with State statutes and the Comprehensive Plan.

b. Approval Procedure

The Planning Board shall follow the applicable review procedures set forth in the Subdivision Ordinance, the Site Plan Review Ordinance, and any additional procedures required by this ordinance.

12. Development According to Approved Plan

All development activities, including site work, clearing, construction of buildings and utilities and landscaping shall be in accordance with the approved plan.
ORDINANCE ENFORCING THE MAINE UNIFORM BUILDING AND ENERGY CODE (MUBEC) FOR THE TOWN OF POWNAL

Section 1. Title and Authority.
This ordinance shall be known as the "Ordinance Enforcing the Maine Uniform Building and Energy Code (MUBEC) for the Town of Pownal". It is adopted pursuant to the enabling provisions of the Maine Constitution, the provisions of 10 M.R.S.A. section 9724(1-A), and the provisions of 30-A M.R.S.A. section 3003.

The Town of Pownal adopts and enforces the Maine Uniform Building and Energy Code ("MUBEC"), as authorized by 10 M.R.S.A. section 9724 (1-A). The Code Enforcement Officer of the Town of Pownal shall serve as the building official as defined in 25 M.R.S.A. section 2371 and shall be responsible for issuing building permits and certificates of occupancy. The Code Enforcement Officer shall be responsible for inspecting all permitted construction for compliance with all components of MUBEC, as such components may be revised from time to time by the Technical Building Codes and Standards Board. Administration and enforcement of MUBEC, including permits, fees, violations, penalties and appeals shall be in accordance with this Ordinance.

Section 3. Violation Penalties.
Any person who violates a provision of this Ordinance or fails to comply with any of the requirements thereof, or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of the Ordinance, shall be subject to penalties in accordance with 30-A M.R.S.A. section 4452. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 4. Fees.
The fee for a building permit and certificate of occupancy hereunder shall be as specified in the Town of Pownal Fee Schedule (2008), and may be revised from time to time by the Board of Selectmen.

Section 5. Effective Date.
This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby be effect upon adoption.

ADOPTED: 2013
PREAMBLE

WHEREAS, the 124th Maine Legislature has enacted Public Law 2009, Chapter 591, “An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act”; and

WHEREAS, that Act authorizes a municipality that has adopted a Property Assessed Clean Energy (“PACE”) Ordinance to establish a PACE program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the City/Town, financed by funds awarded to the Efficiency Maine Trust under the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and by other funds available for this purpose, and to enter into a contract with the Trust to administer functions of its PACE program; and

WHEREAS, the Municipality wishes to establish a PACE program; and

NOW THEREFORE, the Municipality hereby enacts the following Ordinance:

ARTICLE I - PURPOSE AND ENABLING LEGISLATION

§ XX-1 Purpose

By and through this Chapter, the Town of Pownal declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy (“PACE”) program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town. The Town declares its purpose and the provisions of this Chapter/Ordinance to be in conformity with federal and State laws.

§ XX-2 Enabling Legislation

The Town enacts this Chapter/Ordinance pursuant to Public Law 2009, Chapter 591 of the 124th Maine State Legislature -- “An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act” (codified at 35-A M.R.S.A. § 10151, et seq.).

ARTICLE II - TITLE AND DEFINITIONS

§ XX-3 Title
This Chapter/Ordinance shall be known and may be cited as “the Town of Pownal Property Assessed Clean Energy (PACE) Ordinance” (the “Ordinance”).

§ XX-4 Definitions

Except as specifically defined below, words and phrases used in this Chapter/Ordinance shall have their customary meanings; as used in this Chapter/Ordinance, the following words and phrases shall have the meanings indicated:

1. **Energy saving improvement.** “Energy saving improvement” means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:

   A. Will result in increased energy efficiency and substantially reduced energy use and:

      (1) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Energy Star program or similar energy efficiency standards established or approved by the Trust; or

      (2) Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or

   B. Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the trust.

2. **Municipality.** “Municipality” shall mean the Town of Pownal, Maine.

3. **PACE agreement.** “PACE agreement” means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.

4. **PACE assessment.** “PACE assessment” means an assessment made against qualifying property to repay a PACE loan.

5. **PACE district.** “PACE district” means the area within which the Municipality establishes a PACE program hereunder, which is all that area within the Municipality’s boundaries.

6. **PACE loan.** “PACE loan” means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.
7. **PACE mortgage.** "PACE mortgage" means a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.

8. **PACE program.** "PACE program" means a program established under State statute by the Trust or a municipality under which property owners can finance energy savings improvements on qualifying property.

9. **Qualifying property.** "Qualifying property" means real property located in the PACE district of the Municipality.

10. **Renewable energy installation.** "Renewable energy installation" means a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and any other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.

11. **Trust.** "Trust" means the Efficiency Maine Trust established in 35-A M.R.S.A. § 10103 and/or its agent(s), if any.

**ARTICLE III - PACE PROGRAM**

1. **Establishment; funding.** The Municipality hereby establishes a PACE program allowing owners of qualifying property located in the PACE district who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust or its agent. PACE loan funds are available from the Trust in municipalities that 1) adopt a PACE Ordinance, 2) adopt and implement a local public outreach and education plan, 3) enter into a PACE administration contract with the Trust to establish the terms and conditions of the Trust’s administration of the municipality’s PACE program, and 4) agree to assist and cooperate with the Trust in its administration of the municipality’s PACE program.

2. **Amendment to PACE program.** In addition, the Municipality may from time to time amend this Ordinance to use any other funding sources made available to it or appropriated by it for the express purpose of its PACE program, and the Municipality shall be responsible for administration of loans made from those other funding sources.

**ARTICLE IV – CONFORMITY WITH THE REQUIREMENTS OF THE TRUST**

1. **Standards adopted; Rules promulgated; model documents.** If the Trust adopts standards, promulgates rules, or establishes model documents subsequent to the
Municipality’s adoption of this Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, the Municipality shall take necessary steps to conform this Ordinance and its PACE program to those standards, rules, or model documents.

ARTICLE V – PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY

1. Program Administration

A. PACE Administration Contract. Pursuant to 35-A M.R.S.A. §10154(2)(A)(2) and (B), the Municipality will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the Municipality. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:

i. the Trust will enter into PACE agreements with owners of qualifying property in the Municipality’s PACE district;

ii. the Trust, or its agent, will create and record a Notice of the PACE agreement in the appropriate County Registry of Deeds to create a PACE mortgage;

iii. the Trust, or its agent, will disburse the PACE loan to the property owner;

iv. the Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;

v. the Trust, or its agent, will be responsible for collection of the PACE assessments;

vi. the Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;

vii. the Trust or its agent on behalf of the Municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.

B. Adoption of Education and Outreach Program. In conjunction with adopting this Ordinance, the Municipality shall adopt and implement an education and outreach program so that citizens of the Municipality are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.
C. **Assistance and Cooperation.** The Municipality will assist and cooperate with the Trust in its administration of the Municipality’s PACE program.

D. **Assessments Not a Tax.** PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

2. **Liability of Municipal Officials; Liability of Municipality**

A. Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.

B. Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article VI, §1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.
FEES AND FEE SCHEDULES FOR PLUMBING SYSTEMS, AND SUBSURFACE WASTE WATER DISPOSAL SYSTEMS PERMITS
ORDINANCE
Adopted November 29, 1993

PREAMBLE:

WHEREAS, State Statute (30-A M.R.S.A. §4211 and 5215) requires the Town of Pownal to issue Plumbing and Subsurface Waste Water Disposal system permits, in accordance with the State Plumbing Code promulgated by the Maine Department of Human Services (DHS) and to enforce the State Plumbing Code; and

WHEREAS, the Town has no ordinance to grant authority to its Board of Selectmen to charge a fee for plumbing and subsurface waste water disposal systems permits, and to establish a schedule of fees for said permits; and

WHEREAS, the Town’s cost to enforce the State Plumbing Code under the rates established by (Me. P.L. 1993, C.404), minimum fees, would greatly exceed permit fees; and

WHEREAS, the Board of Selectmen find that enactment of an Ordinance to authorize them to charge, and fix a schedule of fees for plumbing and subsurface waste water disposal permits, is necessary;

THEREFORE, the Board of Selectmen of the Town of Pownal hereby declare that an Ordinance to authorize them to charge a permit fee, and to fix a schedule of permit fees for all plumbing and subsurface waste water disposal systems be enacted as follows:

At a Special Town Meeting on November 29, 1993 the Voters of the Town of Pownal authorized its Selectmen to issue Permits for work to be accomplished on a new or existing plumbing system, or subsurface waste water disposal system, charge a fee for said permits and set a schedule of fees for said permits in conjunction with the State Plumbing Code, and common practices established by various municipalities in the local area.
It shall be unlawful to place, dump, spread or discharge on any property within the limits of the town for disposal, fertilizer or any other purpose, the discarded viscera or any other refuse from any poultry or fish processing plant or establishment.

Violation of this ordinance shall be punishable by a fine of not less than $10.00 nor more than $100.00 and each day’s violation shall be considered a new offense. Violation thereof may be restrained through injunction proceedings to be instituted and prosecuted by the town officers.

This law shall take effect on date passed.

From Town Clerk’s Record Book #7 Pages 85, 93
ARTICLE 8, PUBLIC AND PRIVATE ROADS ORDINANCE

SECTION 1. PURPOSE:
This ordinance provides standards for the design and construction of all new public or private roads and for substantial reconstruction of existing roads. The purpose of the ordinance is to assure the comfort, convenience, safety, health and welfare of the people, to protect our environment and natural resources and this Ordinance conforms to the 2005 Pownal Comprehensive Plan. In this Ordinance, streets, roads, public and private roads are interchangeable. Driveways and logging roads, so called, are not subject to this ordinance.

SECTION 2. AUTHORITY:
This Ordinance is adopted under the home rule provision of 30-A M.R.S.A. Sections 3001 et seq.

SECTION 3. APPLICABILITY:
All new or substantially reconstructed public town or private roads shall be subject to the requirements of this ordinance. This includes all existing town public or private roads for which the traveled way is proposed to be moved outside, at any point or points, to beyond its existing right-of-way boundary.

SECTION 4. ADMINISTRATION:
The Planning Board shall administer the standards of this ordinance. The Codes Enforcement Officer and Town Road Commissioner shall oversee construction of public and private roads in the field and certify to the Planning Board that new roads are constructed to the designs of the particular roads as approved by the Planning Board. Pownal Public Works Dept. is exempt from Planning Board approval. Routine maintenance does not require Planning Board approval.

SECTION 5. APPLICATIONS:
A. Submission: An applicant shall submit an application to the Planning Board for review of a proposed new public or private road in the form of a surveyed preliminary single-lot division plan, a site plan or a preliminary minor or major subdivision plan. The proposed new road shall be shown by metes and bounds. The applicant may have her/his agent submit the surveyed plan provided an authorized agent is designated by the owner on the application form.

B. Site Plan: The Planning Board shall require a surveyed site plan as part of the application for any new or substantially reconstructed public road outside its existing right-of-way or private road such as to enable the new or reconstructed
public road outside its existing right-of-way or private road to be accurately located on the ground.

C. Complete Application: After determining the applicant has provided a complete application and after any additional information or re-drafting of the preliminary road plan by the applicant into a final plan, the Planning Board shall inform the applicant in writing of its decision within 45 days.

D. The applicant shall submit a list of all abutters within 500 feet of the proposed road right-of-way.

E. Fee: All applications shall be accompanied by an application fee determined by the Pownal Board of Selectmen. (See fee schedule)

F. Road Naming: The name proposed by the builder of any new private road shall be submitted to the Selectmen, under the Addressing and Road Naming Ordinance, for the approval who may then consult with the Road Commissioner. A pole and sign is obtained through the Selectmen. (See fee schedule)

SECTION 6. STANDARDS:

In approving new public or private roads within the Town, the Planning Board shall be directed by the following criteria in: (See SECTION 15; APPENDIX A-G)

In addition to being designed in compliance to all the standards of this ordinance, all roads, right-of-ways and storm drainage and other facilities subject to this ordinance shall also be subject to all other applicable local, state or federal environmental standards. In the case of a conflict between local, state and federal regulations, the stricter standards shall apply, except that roads located in mobile home parks shall be subject to the requirements of the Mobile Home Park Ordinance.

SECTION 7. VARIANCES AND WAIVERS:

A. The Planning Board may hear and decide waiver requests brought by a public or private road applicant. Variance appeals shall be heard by the Board of Appeals which shall follow the procedures set forth in Section 9 of the Subdivision Ordinance to determine variances.

B. The Planning Board may allow minor modification to the 600' standard for minor dead end streets to accommodate aesthetics and topography as long as the minimum road frontage requirement established by the applicable zoning district is maintained and no more than four lots are created on the private dead-end road.

C. In considering minor modifications to private dead-end roads, the Planning Board may waive the standards in the Public and Private Roads Ordinance for 'Minor Dead-End Streets 600 feet or less' in Appendix A, ‘DESIGN AND CONSTRUCTION STANDARDS FOR STREETS’; in Appendices B and C, ‘GEOMETRIC STANDARDS –
STREETS’ in Appendices D, E, F and G, ‘CONSTRUCTION NOTES AND SPECIFICATIONS FOR DEAD END ROADS 600 FEET OR LESS’ in Appendices B and C, so long as the Planning Board determines that the public health, safety and general welfare would be met by the modified standards.

D. In granting other variances and modifications (those not delegated to the Planning Board in this Ordinance), the Board of Appeals shall require such conditions as would, in its judgment, secure substantially the objectives of the requirement so varied or modified.

SECTION 8. PLANNING BOARD DECISION:

A. The Planning Board may approve the final road plan, may approve with conditions or may disapprove it.

SECTION 9. APPEALS:

A. An appeal from any decision of the Planning Board, the Code Enforcement Officer or the Road Commissioner may be taken to the Board of Appeals in accordance with 30-A M.R.S.A., Section 2691 and Section 11 of the Zoning Ordinance.

B. An appeal from any decision of the Board of Appeals may be taken to the Superior Court of Cumberland County in accordance with Maine Rules of Civil Procedure, Rule 80B.

SECTION 10. PERFORMANCE BOND:

The same regulations for a performance bond to cover the cost of installation of public improvements (including roads) in an approved subdivision plan may be applied by the Planning Board as a condition of approval for a new public or private road on a single-lot division or a site plan. (See Subdivision Ordinance, Section 6. C.1. Inspection of Required Improvements)

SECTION 11. INSPECTION OF NEW ROADS:

The builder of any approved new road during construction is subject to the inspection requirements of the Town as specified in the Subdivision Ordinance, Section 6.C. The Codes Enforcement Officer and the Road Commissioner shall represent the Town in conducting inspections pursuant to the Subdivision Ordinance, Section 6.C.

SECTION 12. ENFORCEMENT:

Failure to comply with any conditions of this Ordinance shall be a violation and subject to enforcement under the provisions of 30-A M.R.S.A. Section 4452. The Codes Enforcement Officer and Road Commissioner shall also have the authority to issue a stop work order when any work is undertaken that does not comply with the
requirements of this Ordinance or any approval granted under this Ordinance. Legal proceedings shall be initiated by the Codes Enforcement Officer or the Board of Selectmen to enjoin construction or any specific activity violating the conditions of approval.

SECTION 13. CONFLICT WITH OTHER ORDINANCES:

Whenever the requirements of this Ordinance are inconsistent with the requirements of any other Ordinance, Code or Statute, the more restrictive shall apply.

SECTION 14. SEVERABILITY AND EFFECTIVE DATE:

A. The invalidity of any provision of these standards shall not invalidate any other part.

B. These standards shall take effect immediately on adoption of the same by the legislative body of the Town of Pownal June 15, 2015.

C. A copy of this Ordinance certified by the Town Clerk shall be retained in town files.

SECTION 15. AMENDMENT:

This Ordinance may be amended by majority vote of the registered voters of the Town.
### SECTION 16: APPENDICES

#### APPENDIX A: DESIGN AND CONSTRUCTION STANDARDS FOR STREETS

<table>
<thead>
<tr>
<th>ITEM</th>
<th>Collector Streets</th>
<th>Minor Streets</th>
<th>Minor Dead-end St. 600 feet or less</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Minimum width: ROW</td>
<td>60'</td>
<td>60'</td>
<td>60'</td>
</tr>
<tr>
<td>2. Minimum width of pavement⁽¹⁾</td>
<td>24'</td>
<td>22'</td>
<td>20'</td>
</tr>
<tr>
<td>3. Minimum grade</td>
<td>.5%</td>
<td>.5%</td>
<td>.5%</td>
</tr>
<tr>
<td>4. Maximum grade</td>
<td>6%</td>
<td>10%</td>
<td>10%</td>
</tr>
<tr>
<td>5. Maximum grade 3% within 50 feet of intersections for collector &amp; minor streets</td>
<td></td>
<td></td>
<td>3% within 25' of intersection of Pownal maintained road</td>
</tr>
<tr>
<td>6. Minimum angle of intersections</td>
<td>60 degrees</td>
<td>60 degrees</td>
<td>60 degrees</td>
</tr>
<tr>
<td>7. Width of shoulders</td>
<td>4'</td>
<td>4'</td>
<td>4'</td>
</tr>
<tr>
<td>8. Minimum centerline radii on curves</td>
<td>200'</td>
<td>200'</td>
<td>200'</td>
</tr>
<tr>
<td>9. Minimum tangent length between reverse curves</td>
<td>200'</td>
<td>100'</td>
<td>100'</td>
</tr>
<tr>
<td>10. Road base (min.) 22&quot; + geotextile Sub-base bank gravel 18&quot; Upper base - crushed g. 4&quot;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Bituminous paving, base surface 2.5&quot;</td>
<td>2.5&quot;</td>
<td>2.5&quot;</td>
<td>2.5&quot; (conforms to standards MDOT)</td>
</tr>
<tr>
<td>12. Road crown (minimum) .25'/1 ft.</td>
<td>.25'/1 ft.</td>
<td>.25'/1 ft.</td>
<td>.25'/1 ft. (gravel: .50'/ft.)</td>
</tr>
<tr>
<td>13. Sidewalks Width (minimum where required)</td>
<td>5'</td>
<td>5'</td>
<td>NA</td>
</tr>
<tr>
<td>14. Dead-end streets Length, not more than turn-around Property line (minimum) NA</td>
<td>65'</td>
<td>10' for intersections Pavement (minimum) NA</td>
<td>50'</td>
</tr>
<tr>
<td>15. Property line radii at intersection (minimum) NA</td>
<td>10'</td>
<td>10'</td>
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<tr>
<td>16. Curb radii at intersections 90 degrees intersections 25'</td>
<td>25'</td>
<td>25'</td>
<td></td>
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<tr>
<td>17. Road-side Drainage Minimum depth of ditch NA</td>
<td>NA</td>
<td>18&quot; (Appendix E &amp; F)</td>
<td></td>
</tr>
<tr>
<td>18. Turn-around Required use NA</td>
<td>NA</td>
<td>all streets (Appendix D)</td>
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⁽¹⁾ See definitions for Collector, Minor Dead-End Street in Article 2 Definitions
APPENDIX B: CONSTRUCTION NOTES FOR MINOR STREETS AND DEAD END ROADS 600 FEET OR LESS

CONSTRUCTION NOTES

a. CROSS SLOPE (CROWN)
   • Cross slope on a paved surface shall be 1/4” per foot.
   • Cross slope on a gravel surface shall be 1/2” per foot.
   • All sections of the road shall be graded and compacted to achieve the proper cross slope, (sub grade, sub base, base and surface).
   • Shoulder cross slope shall be consistent to or slightly greater than the road.

b. DRAINAGE
   • Culverts shall be a minimum of 15” diameter and sized based on a drainage area study with capacity for a 50 year storm and shall be approved by the Road Commissioner.

c. DITCHES
   • In slope shall be no greater than 3:1
   • Back slope shall be no greater than 2:1
   • Ditch bottom elevation shall be no higher than the bottom of sub base gravel or base gravel on gravel road.
   • Ditches with a slope greater than 5% shall be stone lined (rip rap over filter fabric).

APPENDIX C. SPECIFICATIONS

a. GRAVEL ROADS:
   • Base gravel shall meet MDOT 703.06 Type “D” specifications.
   • Woven geotextile shall be installed between sub base and base gravel.
   • Surface gravel shall be modified from MDOT 703.06 Type “A” crushed, which increases the percentage passing through a #200 sieve from 0-5.0 to 7.0-12.0.

b. PAVED ROADS:
   • Woven geotextile shall be installed between sub grade and sub base gravel.
   • Sub base gravel shall meet MDOT 703.06 Type “D” specifications.
   • Base gravel shall meet MDOT 703.06 Type “A” crushed specifications.

c. BITUMINOUS PAVEMENT:
   • Binder course shall meet MDOT superpave specifications for 19.5 mm. or modified “B” mix (to be approved by the Road Commissioner).
   • Surface course shall meet MDOT superpave specifications for 12.5 mm. or “C” mix. (To be approved by the Road Commissioner).
d. CULVERT PIPE:

- If depth of fill is more than 1’ and less than 8’ culvert pipe shall be double wall polyethylene (ADS N-12 or similar) unless otherwise approved by the Road Comm.
- If depth of fill is over 8’ the culvert pipe shall be reinforced concrete unless otherwise approved by the Road Commissioner.

e. EROSION CONTROL AND SEDIMENTATION:

- All erosion control and sedimentation devices shall be constructed using Best Management Practices as defined by MDOT/MDEP.
- Erosion control blanket shall be bio or photodegradable and installed to manufacturers specifications.
- Vegetated areas shall be hydro-seeded using an erosion control, conservation mix designed for fast germination and stabilization.

f. SEPARATION GEO-TEXTILE:

- Separation geo textile shall be woven GTF 200 (LINQ Industrial Fabrics, Inc.) or similar to be approved by the Road Commissioner. Non-woven or slit tape geo-textile will not be permitted.
- All specifications that refer to MDOT standards shall follow that of the most recent revisions.

**Note:** The following Appendices E, F & G are for illustrative purposes. Refer to Appendices A, B & C for specifications.
**Amended by Special Town Meeting 09/18/2006**
MINIMUM REQUIREMENTS
GRAVEL SURFACE

GEOMETRIC STANDARDS – STREETS
MINIMUM REQUIREMENTS
GRAVEL SURFACE
APPENDIX G: GEOMETRIC STANDARDS - STREETS MINOR, COLLECTOR
APPENDIX H: REFERENCE DOCUMENTS ON DESIGN, ENGINEERING AND ENVIRONMENTAL QUALITY MAINTENANCE OF NEW AND SUBSTANTIALLY RECONSTRUCTED ROADS IN POWNAL

NOTE: The reference documents below are only to provide information and guidance in BMPs (best management practices) and are not ordinance requirements per se for Pownal roads.

Design, Engineering, Reconstructing and Maintenance of Roads:

- REVISED PERFORMANCE & DESIGN STANDARDS FOR ACCESSES AND STREETS IN MODEL SUBDIVISION REGULATIONS, SMRPC for Maine DOT Regional Transportation Advisory Committee - Contract 7/03-6/04 Task 4.


- APPENDIX O - STREET DESIGN STANDARDS AND CROSS SECTION EXAMPLES.
  (no author cited), (no date)

Environmental Standards:

  Section 5.G. ROADS and DRIVEWAYS.

Web links:

MDOT ACCESS MANAGEMENT RULES.

MDEP Erosion BMPs,

MDOT Standard Specifications.
PUBLIC RIGHT OF WAY ORDINANCE
AND EXCAVATIONS IN PUBLIC RIGHT OF WAYS
Adopted June 19, 2000
And
UTILITY LOCATION PERMIT

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PUBLIC RIGHT OF WAY ORDINANCE
AND EXCAVATIONS IN PUBLIC RIGHT OF WAYS

Section 1. Intent and Purpose

The purpose of this Ordinance is the regulation of the use of public Right of Ways in the interest of public safety and convenience, and the operation and protection of public works infrastructure. Excavation and restoration standards are required to preserve the integrity, operational safety, and function of the public Right of Way. This Ordinance is pursuant to Maine State Statute 23 MRSA §3301-3454, Protection of Highways (as may be amended) and 35-A MRSA §2501-2520, Regulation of Facilities in the Public Way (or as may be amended).

Section 2. Administration

The Road Commissioner is the principal Town official responsible for the maintenance of the public Right of Ways, Right of Way Permits, and the ordinances related thereto. The Road Commissioner shall establish Rules & Regulations governing street excavations and implementing this ordinance.

Section 3. Definitions

The following words and phrases, when used in this ordinance, shall have the meanings respectively ascribed to them:

Dig Safe shall mean the “Underground Protection of Facilities Act,” commonly known as the Dig Safe law, found at 23 MRSA §3360-A or most recent revisions. Any excavation undertaken or authorized by this ordinance shall comply with all requirements of this law. In the State of Maine a One-Call system has been established for obtaining locations of underground facilities prior to excavation. The utilities required to join the One-Call Dig Safe system include those who furnish electricity, gas, oil, cable TV, telephone, or telegraph services by underground lines. Utilities not required to join are water districts, sewer districts, municipal underground facilities, and utilities having fewer than five (5) full-time employees or fewer than 300 customers. The excavator is solely responsible to notify all possible utilities with underground facilities at least three (3) full business days prior to the start of any excavation, trenching, or boring work.

Emergency shall mean any event which may threaten public health or safety including, but not limited to, damaged or leaking water or gas conduit systems; damaged, plugged, or leaking sewer or storm drain conduit systems; damaged underground electrical and communications facilities; or downed overhead pole structures.

Excavate shall mean to dig into or in any way remove or physically disturb or penetrate any part of a Right of Way.
Facility or Facilities shall mean any tangible asset in the Right of Way required to provide Utility Service.

Licensed excavator shall mean any person who has been issued a license by the Town to excavate in public places in the Town.

Newly constructed, reconstructed or rehabilitated streets or roads shall mean any Town road that has been newly constructed, reconstructed or rehabilitated within the past five (5) years.

Permittee shall mean a person who has obtained a permit as required by this ordinance.

Person shall mean any natural or corporate Person, business association or other business entity including, but not limited to, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity.

Plant. See “Utility plant.”

Pole placement shall mean an excavation associated solely with a single placement or replacement of a utility pole.

Public place shall mean any public street or road, way, place, alley, sidewalk, park, square, plaza, or any other similar public property owned or controlled by the Town and dedicated to public use.

Rehabilitation shall mean that activity of work on any street which provides structural improvement having a minimum service life of fifteen (15) years with minor maintenance, which includes pavement overlay of one and one-half (1½) inches minimum depth, and partial or full depth reconstruction.

Right of Way shall mean the area on, below, or above a public roadway, highway, street, cartway, bicycle lane and public sidewalk in which the Town has an interest, including other dedicated Right of Ways for travel purposes and utility easements of the Town. A Right of Way does not include the airwaves above a Right of Way with regard to cellular or other non-wire telecommunications or broadcast service.

Road Commissioner shall mean the person and/or his designee appointed by the Board of Selectmen to oversee and administer the public rights of way of the Town.

Rules & Regulations shall mean the Road Commissioner shall establish rules and regulations governing street excavations and implementing this ordinance.
Substructure shall mean any pipe, conduit, duct, tunnel, manhole, vault, buried cable, or wire, utility system appurtenance, or any other similar structures located below the surface of any public place.

Town shall mean Town of Pownal.

Utility shall mean a public utility, as defined in 35A M.R.S.A. §102 or most recent revisions and shall specifically include the non-regulated activities of such a utility.

Utility plant shall mean all pipes, wires, conduits and other equipment or hardware a utility has or intends to lay underground. The term “plant” shall have the same meaning as “utility plant.”

Section 4. Protective Measures and Routing of Traffic

4.1 Safe crossings. The permittee shall in general maintain safe crossings for two (2) lanes of vehicle traffic where possible and safe crossings for pedestrians at intervals of not more than two hundred (200) feet. If any excavation is made across any public street, road, alley or sidewalk, adequate crossings shall be maintained for vehicles and for pedestrians. If the street or road is not wide enough to hold the excavated material without using part of the adjacent shoulder, a passageway at least forty-eight inches (48”) in width shall be maintained along such shoulder line.

4.2 Barriers and warning devices. It shall be the duty of every permittee cutting or making an excavation in or upon any public place, to place and maintain barriers and warning devices necessary for safety of the general public. Traffic control near all excavations affecting vehicular, pedestrian and other traffic shall be subject to final review and approval of the Road Commissioner. Barriers, warning signs, lights, etc., shall conform to the latest edition of the “Manual on Uniform Traffic Control Devices” (MUTCD).

4.3 Normalizations of traffic conditions. The permittee shall take appropriate measures to assure that during the performance of the excavation work, traffic conditions shall be maintained at all times as near normal as possible so as to minimize inconvenience to the occupants of the adjoining property and to the general public.

4.4 Closing of streets. When traffic conditions permit, the Road Commissioner, with the approval of the Selectmen of the Town, may by written approval (or by verbal approval in the case of emergency), permit the closing of streets and alleys to all traffic for a period of time prescribed by him or her, if in his or her opinion it is necessary. The written approval of the Road Commissioner may require that the permittee give notification to various public agencies and to the general public. In such cases, such written approval shall not be valid until such notice is given. In case of emergency work during non-business hours, the utility company having such
emergency shall contact the Town Dispatch Center at 865-4800 before closing a street or road to traffic.

4.5 Warning signs to channel traffic. Warning signs shall be placed in accordance with the applicable section of the most current edition of the MUTCD in advance of the construction operation to alert traffic within a public street or road, and cones or other approved devices shall be placed to safely channel traffic. The Maine Department of Transportation and/or local police may make a final determination of how to most safely channel traffic.

4.6 Interference with arterial streets. Construction activities (unless an emergency condition exists) shall not interfere with the normal flow of traffic on arterial streets or roads of the Town. A list of arterial streets shall be kept at the offices of the Road Commissioner and at the Town Offices.

Section 5. Relocation and Protection of Utilities

The permittee shall not interfere with any existing facility without the written consent of the Town and the owner of the facility. If it becomes necessary to relocate an existing facility, this shall be done by its owner. No facility owned by the Town shall be moved to accommodate the permittee unless the cost of such work is borne by the permittee. The cost of moving privately-owned facilities shall be similarly borne by the permittee unless it makes other arrangements with the person owning the facility. The permittee shall support and protect by timbers or otherwise all pipes, conduits, poles, wires or other apparatus which may in any way be affected by the excavation work, and do everything necessary to support, sustain and protect them under, over, along or across the work. The permittee shall secure approval of method of support and protection from the owner of the facility. In case any of the pipes, conduits, poles, wires or apparatus should be damaged, and for this purpose pipe coating or other encasement or devices are to be considered as part of a substructure, the permittee shall promptly notify the owner thereof. All damaged facilities shall be repaired by the agency or person owning them and the expense of such repairs shall be charged to the permittee. It is the intent of this section that the permittee shall assume all liability for damage to facilities and any resulting damage or injury to anyone because of such facility damage and such assumption of liability is a contractual obligation of the permittee. The only exception will be such instances where damage is exclusively due to the negligence of the owning utility. The Town shall not be made a party to any action because of this section. The permittee shall inform itself as to the existence and location of all underground facilities and protect the same against damage.

The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, underground vaults, valve housing structures, traffic signal cables and loops and all other vital equipment as designated by the Town and/or Dig-Safe.
Section 6. Abandonment of Structure

6.1 Whenever the use of a substructure is abandoned or becomes an unusable facility, except the abandonment of service lines designed to serve single properties, the person or utility owning, using, controlling, or having an interest therein, shall within thirty (30) days after such abandonment, file with the Town a statement in writing giving in detail the location of the substructure so abandoned. If such abandoned substructure is in the way, or subsequently becomes in the way, of an installation of the Town or any other public body, the owner of such substructure, after having been contacted by the excavator, shall establish if the substructure is abandoned and make the first cut or tap before allowing the substructure to be removed by the excavator.

6.2 When gas or other flammable service to buildings is discontinued, the existing service line for such service shall be terminated at a point outside the building.

Section 7. Protection of Public Property

7.1 The permittee shall not remove, even temporarily, any trees or shrubs which exist in a public place without first obtaining the consent of the appropriate Town department or Town official having control of such property.

7.2 Any monument set for the purpose of locating or preserving the lines of any street, road, or property subdivision, or a precise survey reference point, a permanent survey bench mark or a Town line marker within the Town, shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission in writing from the Board of Selectmen to do so. Permission to remove or disturb such monuments, reference points or benchmarks shall be granted only when no alternate route for the proposed substructure or conduit is available. If the Board of Selectmen is satisfied that no alternate route is available, permission shall be granted only upon condition, by an agreement in writing, that the person or utility applying for such permission shall pay all expenses incident to the proper replacement of this monument by the Town.

7.3 No person or utility shall remove, damage, haul away or cause misalignment of any curbing, including radius curb and catch basin, stones, for any reason whatsoever without first receiving written permission from the Town.

7.4 No person or utility shall remove, damage, haul away or otherwise disturb any manhole and/or catch basin castings, frames, and/or covers owned by the Town without first receiving written permission from the Town. Any manhole and/or catch basin castings, frames and/or covers missing, damaged, or disturbed shall be repaired and/or replaced by the Town, and the cost will be charged to the permittee.
Section 8. Prompt Completion of Work

8.1 After an excavation is commenced, the permittee shall carry out with diligence and expedition all excavation work covered by the permit and shall promptly complete such work and restore the street, road or sidewalk as specified in this ordinance and the Rules & Regulations enacted by the Road Commissioner. The permittee shall perform such restoration work so as not to obstruct, impede or create a safety hazard to public travel.

8.2 All excavations shall be covered or backfilled at the end of each workday. “Covered” shall mean a steel plate placed over the entire trench plus two (2) feet around the edges. The steel plate shall be of such strength so as to hold all traffic. Barriers approved by the Road Commissioner must be installed if the excavation is to be placed.

8.3 All road trenches in existing paved roads must be repaved within 24 hours of opening. All driveway crossings must be paved or graveled and brought back to original grade within 48 hours of opening.

Section 9. Urgent Work

When traffic conditions, the safety or convenience of the traveling public or the public interest require that the excavation work be performed as emergency work, the Town shall have the full power to order, at the time the permit is granted, that a crew and adequate facilities be employed by the permittee beyond normal working hours, including up to twenty-four (24) hours a day, to the end that such excavation work may be completed as soon as possible.

Section 10. Emergency Action

Nothing in this ordinance shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for the location of trouble in conduit or pipe which may be a threat to life or property, or for making emergency repairs, provided that the person making such excavation shall apply to the Town for such a permit on the first working day after such work is commenced. Before any excavation work is started, the person or utility excavating must contact all utilities for on the spot locations.

Section 11. Noise, Dust and Debris

Each permittee shall conduct and carry out excavation work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. To the fullest extent practicable, the permittee shall act to reduce noise, dust, and unsightly debris in the performance of the excavation work. Excavation work, including the use of any tool, appliance, or equipment, shall be performed between
the hours of 7:00 a.m. and 7:00 p.m. only, exclusive of emergency work. Time waiver requests may be submitted to the Road Commissioner or Board of Selectmen for work outside of this time period and will be subject to neighborhood concerns. **Excavation work shall not occur on Sundays, holidays or on major holiday weekends**, unless expressly authorized by the Road Commissioner or Selectmen or as a result of emergency need.

**Section 12. Excavations During Winter**

12.1 No person or utility shall be granted a street opening permit or open any street, road, or sidewalk from the time of November 1st of each year to April 15th of the following year unless an emergency or special condition exists and permission is obtained in writing from the Town.

12.2 Any person or utility wishing to obtain a street or road opening permit during the off-season outside the aforementioned dates shall first explain fully in writing the emergency situation or special condition existing to the Town before a permit may be granted. If an emergency condition which could endanger life or property exists, excavation work shall not be delayed by this section; however, a written explanation shall be delivered to the Town as soon as possible and a street opening permit obtained for the opening made. A moratorium surcharge shall be added to the regular permit fee for any permit issued between the aforementioned dates for an excavation that is not due to an emergency situation.

12.3 For the purpose of this section, an emergency shall be defined as one of the following: damaged or leaking water or gas conduit systems; damaged, plugged or leaking sewer or storm drain conduit systems; damaged underground electrical and communications facilities; or downed overhead pole structures. All remaining excavations will be considered non-emergency situations and may only be authorized upon written documentation of special circumstances.

**Section 13. Restoration of Streets, Roads and Sidewalks**

All street, road and sidewalk restorations, including temporary and permanent work within any street or road shall be performed by and at the permittee’s sole expense and in accordance with the Town’s codes or ordinances and according to the Rules and Regulations promulgated by the Road Commissioner pursuant to **Section 2 of this Ordinance**. All repairs and restoration work shall be completed by the permittee in a manner and to the extent deemed acceptable to the Road Commissioner.
Section 14. Warranty of Work

14.1 The permittee shall, for a period of one (1) year thereafter, be fully liable for all defects in materials and workmanship relating to such replacement or realignment and shall promptly repair or replace the same upon notice from the Road Commissioner and to the satisfaction thereof.

Pavement repairs guaranteed by each permittee shall meet all of the following conditions in order to remain in conformance with this Ordinance:

(1) The entire area shall be free from delamination of the approved surface material.

(2) No distortion of one-half inch (1/2") or greater shall exist over more than five percent (5%) of the total surface area of the repair.

(3) No cracks of one-quarter inch (1/4") or greater shall exist in the surface or edge of the repair totaling more than five percent (5%) of the repair perimeter.

(4) The hot-mixed asphalt within the trench shall not be completely flushed and bleeding.

14.2 Non-conformance with any of the above conditions shall constitute a breach of guarantee and subject the permittee to remedial actions as provided in the Rules and Regulations.

14.3 Severe [over one inch (1")] distortion conditions shall be considered street or road defect conditions and may be subject to all legal remedies available to the Town for breach of the permittee's Street/Road Opening Permit and shall necessitate that full repairs be completed within twenty-four (24) hours of notification by the Town.

Section 15. Liability of Town Insurance

15.1 This ordinance shall not be construed as imposing upon the Town or any official or employee any liability or responsibility for damages to any person injured by the performance of an excavation work for which a permit is required under this ordinance, nor shall the Town or any official or employee thereof be deeded to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit, or the approval of any excavation work.

15.2 For purposes of this section, every licensed excavator shall maintain at all times comprehensive general liability and property damage insurance coverage in a suitable amount, not less than $300,000, protecting himself, his agents and the Town from all such claims for damages or injuries and naming the Town as an additional insured. All such insurance shall include without being limited to
endorsements for completed operations and special hazards/underground collapse, and shall be primary to any insurance or self-insurance of the Town. Evidence of such coverage shall be a condition precedent to the issuance of any license or permit hereunder and shall be submitted in a form satisfactory to the public works authority.

Section 16. Maintenance of Excavation Areas

16.1 If any part of any excavation, including the excavation, backfilling and repairs fails to conform with the standards of this chapter and the rules, the Town shall notify the permittee and require the appropriate corrective actions to be undertaken. Permittee shall take corrective action within twenty-four (24) hours after the issuance of notice if the failure could trigger tort liability or liability for a street defect, as defined in 23 M.R.S.A. §3651, et sequence or as may be amended. In all other instances, permittee shall have a reasonable time as provided in Section 21 to undertake corrective action.

16.2 If the permittee fails to respond within the required time period, the Town shall cause the necessary repairs to be accomplished, and shall keep an account of the expense thereof, and in such case the permittee shall be billed an amount equal to one hundred (100) percent of the whole of the expense incurred by the Town. Bills rendered in accordance with this section shall be due and payable by the permittee immediately upon receipt. The Town shall issue no further or new permits to the permittee until full payment of the billed costs have been received.

16.3 If for any reason, the Town has to perform repair work to an excavation after the permittee’s guarantee period has started, that guarantee period shall start over again upon completion of the repairs.

Section 17. Inspections

17.1 The Town shall make such inspections as are reasonably necessary in the enforcement of this ordinance and the Rules and Regulations.

17.2 In the event that any dispute exists as to the amount, nature, or scope of the work required under this ordinance or the Rules and Regulations, the decision and judgment of the responsible Town official will be final and binding unless appealed to or stayed by a court of competent jurisdiction.

Section 18. Testing Requirements

The Town may order a test (at its own initial expense) on any subsequent restoration of a street excavation in order to determine if the work has been or is being completed in accordance with Town specifications and regulations. If the test shows the street restoration phase or phases to be in material violation of this ordinance and the Rules and
Regulations, the permittee shall pay the cost of the testing and all required subsequent tests to verify the proper restoration in accordance with this ordinance and the Rules and Regulations.

Section 19. Maintenance of Drawings

Every person or utility owning, using, controlling or having an interest in substructures under the surface of the public way or public property, used for the purpose of supplying or conveying gas, electricity, communications, impulses, water, steam, ammonia or oil in the Town, shall file with the Town a map or set of maps each drawn to a scale of not less than one (1") inch to forty (40') feet, showing in detail the plan, location, size and kind of installation, if known, of all new or renewed substructures. These maps shall be provided to the Town no later than sixty (60) days after the completion date of construction in digital file and in paper form acceptable to the Road Commissioner or Board of Selectmen.

Section 20. Fees and Charges

20.1 Each street or road opening permit may be assessed two (2) fees: an administrative charge and a permanent pavement or gravel restoration charge.

(1) Administrative: This fee shall reimburse the Town for the direct cost of labor and equipment necessary to administer this ordinance and the Rules and Regulations and the rehabilitation of Town streets and roads primarily due to excavations.

(2) Permanent pavement restoration: This fee shall cover the Town’s cost of permanently restoring the disturbed pavement area and shall be based on the final measured size of each permitted street or road opening.

(3) Permanent gravel road restoration: This fee shall cover the Town’s cost of permanently restoring the disturbed gravel area and shall be based on the final measured size of each permitted street or road opening.

20.2 All fees shall be enacted annually by order of the Board of Selectmen. The Road Commissioner shall endeavor to notify currently licensed excavators in advance of any fee revisions.

20.3 Upon permit application, the administrative charge, estimated permanent pavement or gravel road restoration charge, and moratorium/remaining life fees shall be paid to the Town Treasurer unless waived by the Road Commissioner as provided below. No permit shall be issued without appropriate payment of fees.
20.4 Waiver of fees:

(1) To prevent untimely delays to construction activities within the limits of Town and/or MDOT planned reconstruction areas, the Town shall waive street or road opening repair charges for utilities and individuals having work to do in such areas until the time reconstruction takes place.

(2) The Road Commissioner may waive all permit fees in streets, roads or sidewalk/driveway areas to contractors under contract to the Town or MDOT.

(3) To promote the use of tunneling, jacking, and boring technologies, permanent restoration and moratorium/remaining life fees will not be assessed to any excavation area achieved by these technologies which does not result in pavement damage.

(4) The Board of Selectmen may authorize special waivers of permit fees if special conditions exist which can be supported by the Road Commissioner in writing.

Section 21. Violations

21.1 Any person or utility failing to comply with or violating any provision of this ordinance or the rules shall be served by the Road Commissioner with written notice stating the nature of the failure or violation and providing a reasonable time limit for the necessary corrective actions. Such person or utility shall, within the period of time stated in such notice, permanently cease or correct all failures or violations.

21.2 In order to ensure public safety, the Road Commissioner shall have the right to verbally notify and require immediate corrective actions of any person or utility whose failure to comply with this ordinance or the rules could cause a safety hazard.

21.3 Any person or utility who shall continue any failure or violation beyond the time limit required for compliance in any notice given pursuant to this ordinance or the rules shall be guilty of a violation of this ordinance.

21.4 Any person or utility violating any of the provisions of this ordinance or the rules shall be liable to the Town for any expense, loss, or damage occasioned by the Town by reason of such violations. The Town may seek injunctive relief for the purposes of enforcing this ordinance or the rules.
21.5

(1) Any violation of this ordinance which is also a violation of 35 MRSA §2509 or 2511 or a violation of 23 MRSA §3353 or 3355 shall subject the permittee or party to a fine as provided in said statutes, as said statutes may be amended from time to time.

(2) Any violation of this ordinance other than the violations of state law prescribed in the preceding paragraph shall subject the permittee or party up to five hundred (500) dollars fine per day as determined by the Board of Selectmen for each day that a violation continues.

21.6 Any permittee or party who continues to violate any section of this ordinance or the rules and fails to correct violations in a timely manner shall receive no further permits and will be invoiced for permanent repairs until such time as the Town is satisfied that the permittee or party shall have corrected all violations in compliance with the terms of this ordinance and the Rules and Regulations.

21.7 The Town reserves the right to notify a permittee’s insurance and/or bond carrier of repeated violations.

Section 22. Failure to Obtain a Permit

Any person or utility found to be conducting any excavation activity within the public right-of-way without having first obtained the required permit(s) shall immediately cease all activity (exclusive of actions required to stabilize the area) and be required to obtain a permit before work may be restarted. A surcharge of two hundred fifty dollars ($250.00) shall be required in addition to all applicable permit fees.

Section 23. Appeals Process

23.1 Whenever a person shall deem herself or himself aggrieved by an order made by the Road Commissioner, the person may file an appeal to the Board of Selectmen within ten (10) days of the date of the order, and the person shall be afforded a hearing on the matter before the Board of Selectmen or a designee, and unless by their authority the aggrieved order is revoked, such order shall remain in force and be forthwith complied with by the person. A person who deems herself or himself aggrieved by an order made by a Selectman or the Board of Selectmen may file an appeal at the County Superior Court.

23.2 The interpretation of this ordinance is to be made by the Road Commissioner and Board of Selectmen. Appeal from any such interpretation may be taken to the Board of Appeals.
23.3 In cases where compliance with such order made by the Road Commissioner or Board of Selectmen would cause undue hardship, the Board of Appeals may extend the limit of such order, or may grant exceptions to, or waive requirements of, or grant a variance from the specific provisions of the rules, subject always to the rule that the Board of Appeals shall give due consideration to the purposes of the rules in preserving public safety and convenience, integrity of public infrastructure, and the operational safety and function of the public right-of-ways.

End of Ordinance
### APPLICATION FOR STREET/ROAD OPENING

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<tr>
<th>Town of Pownal</th>
<th>Street/Road Opening Permit</th>
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<tbody>
<tr>
<td>Road Commissioner/Board of Selectmen</td>
<td>APPLICATION No.: ____________ (For Office Use Only)</td>
</tr>
<tr>
<td>Date/Time Received: ______________</td>
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<td>Fee (if applicable): $ ____________</td>
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<table>
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<tr>
<th>Applicant:</th>
<th>Contractor Performing Work:</th>
<th>Property Owner:</th>
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<tr>
<td>Address:</td>
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<tr>
<th>Applicant's Phone No.:</th>
<th>Contractor's Phone No:</th>
<th>Owner's Phone No.:</th>
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<tr>
<th>24-Hour On Call Phone No.:</th>
<th>Contact Person (if different from applicant)</th>
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<thead>
<tr>
<th>Location of Excavation:</th>
<th>Map Page:</th>
<th>Map Lot:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Street/Box Number &amp; Name of Street)</td>
<td>__________</td>
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<tr>
<th>Purpose of Work:</th>
<th>Except in an Emergency, no excavation is permitted from Nov. 15th of each year to April 15th of the following year.</th>
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Page 1 of 3
Describe Proposed Opening on Sketch Below or Attach Sketch or Plan to This Application

Show distance of opening from curb or pavement edge, width, depth and length of opening, nearest intersecting street, street numbers and abutting properties, existing utilities, proposed locations of barricades, warning signs, detour signs and detour routes.

☐ Check here if sketch or plan is attached. Please reference the sketch or plan to this application.
Notice to Applicant

1. This form is an application only and no excavation work is to commence until the Street Opening Permit has been issued. When this application is signed by a Town Official it then becomes a permit.

2. No excavation work is to commence until DIG SAFE and all underground facility operators have been duly notified of the work three (3) business days in advance in accordance with the current State of Maine statutory requirements.

3. All work must conform to the requirements of the Street Opening Permit and the current copy of the “Rules and Regulations” as issued by the Town.

4. Permanent Pavement or Gravel Road Restoration (Section 20) Fee ___________ Make checks payable to Town of Pownal.

Statement of Agreement

I am duly authorized to execute this application and have reviewed and will comply with the above. I further agree to comply with all requirements of the Street Opening Permit and agree to pay any subsequent charges which may become due as a result of my failure to comply with any of the permit requirements of the Pownal ROW Ordinance.

Signature of Applicant __________________________ Date ____________

Signature of Town Official Granting a Street/Road Opening Permit

Signature of Road Commissioner and/or Selectman __________________________ Date ____________
Utility Location Permit
Town of Pownal
Board of Selectmen
Utility Location Permits
Preparation of Application for a Utility Location Permit
(and Additional Requirements and Information)

Section 1. Definitions

Application: A written statement, requesting a location permit from the licensing authority, describing the work proposed by the applicant.

General Location (or permit area): That portion of the highway to be occupied or crossed by the proposed installation.

Specific Location Plan: A plan or sketch showing the location within the highway or the principal units of the proposed installation.

Section 2. Application

The application is designed for publication without plans. The statement in the application must provide:

(1) Description of the general location.

(2) Description of the proposed installation.

(3) Minimum depth below ground or height above ground.

Four copies of each application shall be submitted to the Pownal Town Office, PO Box 95, Pownal, ME 04069.

Any number of general locations and proposed installations may be included in one application. However, each general location and the applicable proposed installation shall be stated separately.

Section 3. Plans

Unless otherwise noted, four copies of general location maps shall be provided with the application, showing each or all general locations and specific location plans (4 copies for each specific location) shall be submitted with the application.
An as-built survey of the Utility post construction shall be provided at a scale of 1" = 40' on a 24" x 36" Vellum or mylar. A digitized electronic drawing file copy may be required for larger projects as determined by the Town.

Section 4. General Location

The purpose of the general location (or permit area) description is to fix the location along the highway, to identify the highway system and to determine the licensing authority. The location shall be established by reference to a town line, readily identified intersection, major stream crossing, railroad crossing, or bridge number.

A general location map is required and shall be tied to the highway system. The map may be a photocopy of a portion of an accurate area map or sketch traced from such a map.

Section 5. Proposed Installation

Describe the immediate proposed installation and the ultimate reasonable replacement or addition. Indicate the size, type and purpose of pipes, poles, voltage and phase of electrical line, number of cables or strands, etc. Mention hydrants, services, protective and supporting equipment and associated appurtenances or any other proposed utility not listed above.

Section 6. Specific Location Plan

The specific location plan or sketch shall show the location of the principal units of the installation. Longitudinal distances between control points, bends, manholes, poles, etc. shall be given. Offset distances from the highway centerline, edge of pavement, curb or other well-defined applicable reference shall be given. Offsets shall be to the centerline of underground installations. Offsets shall be in feet and inches to the near side of poles, hydrants, etc., which are less than 10 feet from the face of curb or outer edge of shoulder. The safety minimum offset for the location is acceptable for all poles, which will be at or beyond that offset. Edge of traveled way or assumed Right of Way lines, and other pertinent highway features shall be indicated.

A separate specific location plan shall be submitted for each proposed installation. No more than two highways should be shown on one sheet.

Section 7. Supporting Data

The application should contain or be accompanied by a statement indicating:

1. That a copy of the application has been given to the municipal officers.
2. The newspaper in which the application will be published.
3. Any proposed joint use or ownership of the facility.
4. Any existing facility or permit of the applicant at this location.
(5) Any existing facility of others with which the proposed installations may conflict.

(6) Person available to review proposed locations at the site. NAME, ADDRESS, TELEPHONE NUMBER

(7) An as-built survey of the Utility post-construction to a scale of 1” = 40’ on a 24” x 36” vellum or mylar must be provided. A digitized electronic drawing file copy may be required for larger projects as determined by the Town.

Section 8. Publication

Per MRSA Title 35A Chapter 25 Section 2503 or as may be amended, the applicant shall give public notice by publishing the text of the application once in a newspaper circulated in the municipality or municipalities encompassing the limits of the proposed location. The publication shall include a statement equivalent to the following: “Any person, firm, or corporation claiming to be adversely affected by this proposed location, shall file a written objection with the Town stating the cause of said objection within fourteen (14) days after the publication of this notice.” Evidence of publication shall be submitted to the Town before a permit can be issued.

Section 9. Bridges

If the installation is to be made on or close to a bridge, the application must be accompanied by plans showing the location, method of construction, clearances and other data pertinent to the safety and use of the bridge. For detailed requirements and more information of installations adjacent and/or attachments to bridges, please contact Bridge Maintenance, Maine Department of Transportation, in the Augusta office.

Section 10. Highway Construction

In order that an adequate permit may be issued for the location of utility plant relocated because of highway construction or retained within the limits of highway construction, the utility shall submit a statement in substantially the same form and substance as an application for a Location Permit.

(1) Reference shall be made to the highway construction project.

(2) The specific location plan shall show highway stations, except for a project for which highway construction plans are not available.

(3) If highway construction is a federal aid project, the specific location plan shall show the normal edge of pavement, the curb or outside edge of shoulder, Right of Way line and other pertinent highway features.

Section 11. Site Visit

The Application shall be of sufficient detail to permit review without the need of a site visit. But the Board of Selectmen may conduct a site visit before issuing a permit.
Section 12. Permits

As far as practicable, the utility’s description and specific location plan will be made a part of the permit.

Section 13. Highway Re-construction

(1) Title 35-A MRSA Section 2503, Subsection 8, requires the Board of Selectmen to issue a Location Permit for facilities that are to be relocated because of highway construction.

For highway construction that changes the relationship between existing utility plant and the new highway, but without any utility relocation, the Board of Selectmen is required to issue a Location Permit to confirm that the utility plant which has not been relocated does not impair the highway improvement or interfere with the free and safe flow of traffic.

When Right of Way is taken from a utility for enlargement of highway Right of Way and the utility must, or chooses to, leave its plant in the public way, the licensing authority should issue a Location Permit as evidence of the legality of the location.

Federal regulations require the equivalent of the above wherever utility plant is to be retained, relocated or constructed within the limits of federal aid highway project.

(2) Title 35-A MRSA Section 2503, Subsection 9, does not require a new location permit for the replacement of existing utility plant or for additions to existing utility plant made within the terms of an existing permit as determined by the Road Commissioner or Board of Selectmen.

Section 14. Work Not Requiring a Permit

A new location permit is not required for:

(1) Replacements, repairs or reconstruction in place.*
(2) Additions provided for in the original permit.
(3) Improvements provided for in the original permit.
(4) Services.
(5) Hydrants, transformer, street lights, valves, switches, etc. and associated equipment.
(6) The applicant is advised to read State law for conditions under which a Location Permit is not required.

*If the existing installation appears to impair the highway improvement or to interfere with the free and safe flow of traffic, and if anything more than a minor replacement or reconstruction is planned, the utility should move its utility plant to a location which is in compliance with the current standards.
APPLICATION
Town of Pownal
To Board of Selectmen
For Utility Location Permit
Or For Utility in ROW After Highway Construction

DATE

(Name of Utility): The ________________________________________________________________ is duly authorized under the laws of the state of Maine to construct, maintain and operate (Type of Utility) ________________________________________________________________ within the Right of Way of highways within the State, hereby applies, pursuant to Title 35A M.R.S.A., Section 2503, as amended, (1967, 1973, 1987), for a Location Permit for the following installation in the Town of Pownal.

Description of Project
1) General Location: ________________________________________________________________
   (Use separate application _______________________________________________________
   for projects in separate _______________________________________________________
   general locations.) ____________________________________________________________

2) Proposed Installation: ____________________________________________________________
   (See Section 5 of Ordinance) ____________________________________________________

3) Minimum Depth Below Ground or Height Above Ground:
   ____________________________________________________________

"Any person, firm or corporation claiming to be adversely affected by this proposed location shall file a written objection with the Town of Pownal, stating the cause of said objection within fourteen (14) days after the publication of this notice."

The entire text of this application above will be published:

________________________________________

NAME OF NEWSPAPER: ____________________________

DATE FOR PUBLICATION: __________________________

SIGNATURE: ____________________________________
ATTACHMENTS
Please attach the following items to this application:

1) **Plans** – Four (4) copies of general location maps that show each and all general locations and specific location plans.

2) **As-Built Plans** – One (1) 24" x 36" vellum or mylar map at 1" = 40' showing the as-built project after completion of the project.

3) **Supporting Data** – Submit statements attesting:
   
   (1) That a copy of the application has been given to the municipal officers.

   (2) The newspaper in which the application will be published.

   (3) Any proposed joint use or ownership of the facility.

   (4) Any existing facility or permit of the applicant at this location.

   (5) Any existing facility of others with which the proposed installations may conflict.

   (6) Person available to review proposed locations at the site. NAME, ADDRESS, TELEPHONE NUMBER.

---

**Signature of Applicant Attesting to a Complete Application**

Signature of Applicant

Date

---

**Signature of Town Official Granting a Utility Location Permit**

Signature of Road Commissioner and/or Selectman

Date
Town of Pownal

SHORELAND ZONING ORDINANCE

Adopted on July 20, 2009
Special Town Meeting
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Town of Pownal
Shoreland Zoning Ordinance

Section 1. Purposes.

The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

Section 2. Authority.

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

Section 3. Applicability.

This Ordinance applies to all land areas within 250 feet, horizontal distance, of the
• normal high-water line of the upland edge of a freshwater wetland,
• and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream,

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

Section 4. Effective Date

A. Effective Date of Ordinance and Ordinance Amendments. This Ordinance and amendments, which was adopted by the Town Meeting on July 20, 2009, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance and Amendments, attested and signed by

* Amended by Special Town Meeting - 8/19/75
** Amended by Special Town Meeting - 6/28/76
*** Amended by Special Town Meeting - 9/14/81
**** Amended by Special Town Meeting - 8/11/83
***** Amended by Special Town Meeting - 3/29/85
****** Amended by Special Town Meeting - 6/11/90
******* Amended at Town Meeting - 3/8/99
******** Amended by Special Town Meeting - 6/19/00
** Amended by Special Town Meeting - 7/20/09
the Town Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance and Amendments within forty-five (45) days of receipt of the Ordinance and Amendments, it shall be deemed approved.

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

B. Section 15(N). Section 15(N) “Timber Harvesting” is repealed on the statutory date (month: __________ day: __________ year: ________) when established under M.R.S.A. Section 438-A(5). At this time, Section 14 - Table 1, Item 4. ‘Timber Harvesting’ shall be amended to read, “Administered by the Maine Forest Service.”

Section 5. Availability

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

Section 6. Severability.

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

Section 7. Conflicts with Other Ordinances

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

Section 8. Amendments

This Ordinance may be amended by majority vote of the Town legislative body. Copies of amendments, attested and signed by the Town Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the legislative body.

* Amended by Special Town Meeting - 8/19/75
** Amended by Special Town Meeting - 6/28/76
*** Amended by Special Town Meeting - 9/14/81
**** Amended by Special Town Meeting - 8/16/83
***** Amended by Special Town Meeting - 5/29/85
****** Amended by Special Town Meeting - 6/11/90
******* Amended at Town Meeting - 3/8/99
********* Amended by Special Town Meeting - 6/19/00
** Amended by Special Town Meeting - 7/20/09
and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of the Commissioner's receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the Town within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

Section 9. Districts and Zoning Map

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

1. Resource Protection District
2. Stream Protection District
3. Limited Residential

B. Scale of Map. The Town of Pownal 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 Town of Pownal Shoreland Zoning Map shall be certified by the attested signature of the Town Clerk and shall be located in the municipal office. The Town 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 Town of Pownal Shoreland Zoning Map, such changes shall be made on the Town of Pownal Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

Section 10. Interpretation of District Boundaries

Unless otherwise set forth on the Town of Pownal 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.
Where there is not specific written descriptions of district boundaries, the Town of Pownal Shoreland Zoning Map is the primary tool to which to refer in determining district boundaries. Where there is inconsistency between the Map and general text descriptions of the shoreland districts, the Map prevails.

The Map is illustrative of the location of the Shoreland District boundaries. Actual locations on the ground shall be identified and flagged in the field. The Planning Board may hire its own wetland surveyor or other licensed professional to peer-review applicant’s surveyor at applicant’s expense.

Section 11. Land Use Requirements

A. 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.

B. In the Limited Residential District, as defined in Section 13 of the Ordinance, all permitted uses, special exception uses, space standards, performance standards, and nonconformance provisions of the underlying zoning district shall govern, except when the specific applicable provisions of this Ordinance are more restrictive.

Section 12. Non-conformance

A. Purpose. It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance and 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.

* Amended by Special Town Meeting - 8/19/75
** Amended by Special Town Meeting - 6/28/76
*** Amended by Special Town Meeting - 9/14/81
**** Amended by Special Town Meeting - 8/11/83
***** Amended by Special Town Meeting - 5/29/85
****** Amended by Special Town Meeting - 6/11/90
******* Amended at Town Meeting - 3/8/99
******** Amended by Special Town Meeting - 6/19/00
****** Amended by Special Town Meeting - 7/20/09
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 which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

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 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, tributary stream or upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 12(C)(3), and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing 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 the 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 for 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 replanted, 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 or 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 distributed,
damaged or removed must be re-established 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.

* Amended by Special Town Meeting - 8/19/75
** Amended by Special Town Meeting - 6/28/76
*** Amended by Special Town Meeting - 9/14/81
**** Amended by Special Town Meeting - 8/11/83
***** Amended by Special Town Meeting - 3/29/83
****** Amended by Special Town Meeting - 6/11/90
******* Amended at Town Meeting - 3/8/99
******** Amended by Special Town Meeting - 6/19/00
^ Amended by Special Town Meeting - 7/20/09

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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 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 and 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 2(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, flood plain management, archaeological and historic resources and other functionally water-dependent uses.

D. Non-conforming Uses

1. **Expansions**: Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as permitted 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 the effective date of this Ordinance and recorded in the Cumberland County 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

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* Amended by Special Town Meeting - 8/19/75
** Amended by Special Town Meeting - 6/28/76
*** Amended by Special Town Meeting - 9/14/81
**** Amended by Special Town Meeting - 8/16/83
***** Amended by Special Town Meeting - 5/29/85
****** Amended by Special Town Meeting - 6/11/90
******* Amended at Town Meeting - 3/8/99
******** Amended by Special Town Meeting - 6/19/00
++ Amended by Special Town Meeting - 7/20/09
12(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

Section 13. Establishment of 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, including within the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Residential District need not be included within the Resource Protection District.

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands 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 March, 2008 and which are mapped on the Pownal Shoreland District Map.

2. Areas within shoreland areas of two or more contiguous acres with sustained slopes of 20% or greater. To be determined in the field by site visit of the Planning board and property owner.

3. Areas within shoreland 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 normal spring high water.

B. 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 upland edge of a wetland defined as a resource protection wetland. Where a stream and its associated...
shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above identified water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland. Streams flowing out of a great pond are Stream Protection District streams.

C. 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 and Stream Protection District.

Section 14. Table of Land Uses

All land use activities, as indicated in Table 1, ‘LAND USES IN THE SHORELAND ZONE’, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Town of Pownal 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

Abbreviations:

RP - Resource Protection

SP - Stream Protection

LR - Limited Residential

* Amended by Special Town Meeting - 8/19/75
** Amended by Special Town Meeting - 6/28/76
*** Amended by Special Town Meeting - 9/14/81
**** Amended by Special Town Meeting - 8/16/83
***** Amended by Special Town Meeting - 5/29/85
****** Amended by Special Town Meeting - 6/17/90
******* Amended at Town Meeting - 3/8/99
******** Amended by Special Town Meeting - 6/19/00
*** Amended by Special Town Meeting - 7/20/09
# Table 1 - Land Uses in the Shoreland Zone

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>DISTRICT</th>
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<tbody>
<tr>
<td></td>
<td>SP</td>
</tr>
<tr>
<td>1. Non-intensive recreational uses not requiring structures such as hunting, fishing or hiking</td>
<td>yes</td>
</tr>
<tr>
<td>2. Motorized vehicular traffic on existing roads or trails</td>
<td>yes</td>
</tr>
<tr>
<td>3. Forest management activities except for timber harvesting or land management roads</td>
<td>yes</td>
</tr>
<tr>
<td>4. Timber harvesting</td>
<td>yes</td>
</tr>
<tr>
<td>5. Clearing or removal of vegetation for activities other than timber harvesting</td>
<td>CEO</td>
</tr>
<tr>
<td>6. Fire prevention activities</td>
<td>yes</td>
</tr>
<tr>
<td>7. Wildlife management practices</td>
<td>yes</td>
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<tr>
<td>8. Soil and water conservation practices</td>
<td>yes</td>
</tr>
<tr>
<td>9. Mineral exploration</td>
<td>no</td>
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<tr>
<td>10. Mineral extraction including sand and gravel extraction</td>
<td>no</td>
</tr>
<tr>
<td>11. Surveying and resource analysis</td>
<td>yes</td>
</tr>
<tr>
<td>12. Emergency operations</td>
<td>yes</td>
</tr>
<tr>
<td>13. Agriculture</td>
<td>yes</td>
</tr>
<tr>
<td>14. Aquaculture</td>
<td>PB</td>
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<tr>
<td>15. Principal structures and uses:</td>
<td></td>
</tr>
<tr>
<td>A. One and two-family residential, including driveways</td>
<td>PB^4</td>
</tr>
<tr>
<td>B. Multi-unit residential</td>
<td>no</td>
</tr>
<tr>
<td>C. Commercial</td>
<td>no</td>
</tr>
<tr>
<td>D. Industrial</td>
<td>no</td>
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<tr>
<td>E. Governmental and institutional</td>
<td>no</td>
</tr>
<tr>
<td>F. Small non-residential facilitates for educational, scientific or nature interpretation purposes</td>
<td>no</td>
</tr>
<tr>
<td>16. Structures accessory to allowed uses</td>
<td>PB^4</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></td>
</tr>
<tr>
<td>A. Temporary</td>
<td>CEO^11</td>
</tr>
<tr>
<td>B. Permanent</td>
<td>PB</td>
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<tr>
<td>18. Conversions of seasonal residences to year-round residences*</td>
<td>CEO</td>
</tr>
<tr>
<td>19. Home occupations</td>
<td>PB</td>
</tr>
<tr>
<td>20. Private sewage disposal systems for allowed uses*</td>
<td>CEO</td>
</tr>
</tbody>
</table>

*Amended by Special Town Meeting - 8/19/75
**Amended by Special Town Meeting - 6/26/76
***Amended by Special Town Meeting - 9/1/81
****Amended by Special Town Meeting - 8/11/83
*****Amended by Special Town Meeting - 3/28/85
******Amended by Special Town Meeting - 6/11/90
*******Amended at Town Meeting - 3/8/99
********Amended by Special Town Meeting - 6/19/00
**Amended by Special Town Meeting - 7/20/09
<table>
<thead>
<tr>
<th>LAND USES</th>
<th>DISTRICT</th>
<th>SP</th>
<th>RP</th>
<th>LR</th>
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<tr>
<td>21. Essential services</td>
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<tr>
<td>A. Roadside distribution lines (34.5kV and lower)</td>
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<tr>
<td>B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone</td>
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<tr>
<td>C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone</td>
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<td>D. Other essential services</td>
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<tr>
<td>22. Service drops, as defined, to allowed uses</td>
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<tr>
<td>23. Public and private recreational areas involving minimal structural development</td>
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<tr>
<td>24. Individual private campsites</td>
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<tr>
<td>25. Campergrounds</td>
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<tr>
<td>26. Road construction*</td>
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<tr>
<td>27. Land management roads</td>
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<tr>
<td>28. Parking facilities</td>
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<tr>
<td>29. Marinas**</td>
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<tr>
<td>30. Filling and earth moving of &lt;10 cubic yards</td>
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<tr>
<td>31. Filling and earth moving of &gt;10 cubic yards</td>
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<tr>
<td>32. Signs</td>
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<tr>
<td>33. Uses similar to allowed uses</td>
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<tr>
<td>34. Uses similar to uses requiring a CEO permit</td>
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<tr>
<td>35. Uses similar to uses requiring a PB permit</td>
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<tr>
<td>36. Mobile home parks*</td>
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</tbody>
</table>

FOOTNOTES:
1 - In RP not allowed within 75 feet horizontal distance of the normal high-water line of great ponds except to remove safety hazards.
2 - Requires permit from the CEO if more than 100 sq. ft. of surface area, in total, is disturbed.
3 - In RP not allowed in areas so designated because of wildlife value.
4 - Provided that a variance from setback requirements is obtained from Board of Appeals.
5 - Functionally water-dependent uses and uses accessory to such water-dependent uses only.
6 - See further restrictions in Section 15 (L)(2).
7 - Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.
8 - Except as provided in Section 15(G)(4).
9 - 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.
10 - Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.

* Amended by Special Town Meeting - 8/19/75
** Amended by Special Town Meeting - 6/28/76
*** Amended by Special Town Meeting - 9/14/81
**** Amended by Special Town Meeting - 8/16/83
***** Amended by Special Town Meeting - 5/29/85
****** Amended by Special Town Meeting - 6/11/89
******* Amended at Town Meeting - 3/8/99
******** Amended by Special Town Meeting - 6/19/00
** Amended by Special Town Meeting - 7/20/09
11 - Excluding bridges and other crossings not involving earthwork, in which case no permit is required.
12 - Permit not required but must file a written "Notice of intent to construct" with CEO.

NOTE: A person performing any of the following activities shall require a permit from the
Department of Environmental Protection, pursuant to 38 MRSA Section 480-C, if the
activity occurs in, on, over or adjacent to any freshwater wetland, stream or brook and
operates in such a manner that material or soil may be washed into them:

A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other
materials;
B. Draining or otherwise dewatering;
C. Filling, including adding sand or other material to a sand dune; or
D. Any construction or alteration of any permanent structure.

Section 15. Land Use Standards

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

A. Minimum Lot Standards

1. Minimum Lot Standards

a. Residential per dwelling unit
   Minimum Lot Area (Sq. feet) | Minimum Shore Frontage (feet)
   90,000                      | 200

b. Governmental, Institutional,
   Commercial, or Industrial
   per principal structure
   90,000                      | 300

c. Public and Private Recreational
   Facilities
   Minimum Lot Area (Sq. feet) | Minimum Shore Frontage (feet)
   90,000                      | 200

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 seventy-five (75) feet from the normal high-water line of streams, tributary streams, or the upland edge of a wetland. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified shall apply.

In addition:

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

b. On a non-conforming lot of record on which only a residential structure exists and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the Code Enforcement Officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height and shall 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, Stream Protection and Limited Residential 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 flood plain 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.

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

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

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

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

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

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

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Amended by Special Town Meeting - 3/8/99
Amended by Special Town Meeting - 6/19/00
Amended by Special Town Meeting - 7/20/09
f. The area behind the wall is vegetated with grass, shrubs, trees or a combination thereof and no further structural development will occur within the setback area, including patios and decks; and

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

1. 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;

2. Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;

3. Only native species may be used to establish the buffer area;

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

5. A foot path not to exceed the standards in Section 15(P)(2)(a) may traverse the buffer.

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

* Amended by Special Town Meeting - 8/19/75
** Amended by Special Town Meeting - 6/28/76
*** Amended by Special Town Meeting - 9/14/81
**** Amended by Special Town Meeting - 8/11/83
***** Amended by Special Town Meeting - 5/26/85
****** Amended by Special Town Meeting - 6/11/90
******* Amended at Town Meeting - 3/8/99
******** Amended by Special Town Meeting - 6/19/00
** Amended by Special Town Meeting - 7/20/09
C. Piers, Docks, Wharfs, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line of a Water Body or Within a Wetland.

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

2. The location shall not interfere with existing developed or natural beach areas.

3. The facility shall be located so as to minimize adverse effects on fisheries.

4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf shall not be wider than six (6) feet for non-commercial uses.

5. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

6. New permanent piers and docks shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible and a permit has been obtained from the Department of Environmental Protection pursuant to the Natural Resources Protection Act.

7. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

8. Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

D. Campgrounds

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

* Amended by Special Town Meeting - 8/19/75
** Amended by Special Town Meeting - 6/28/76
*** Amended by Special Town Meeting - 9/14/81
**** Amended by Special Town Meeting - 8/11/83
***** Amended by Special Town Meeting - 5/29/85
****** Amended by Special Town Meeting - 6/11/90
******* Amended at Town Meeting - 3/8/99
******** Amended by Special Town Meeting - 6/19/00
^* Amended by Special Town Meeting - 7/20/09

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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 seventy-five (75) feet from the normal high-water line of streams, tributary streams or the upland edge of a wetland.

E. Individual Private Campsites

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

1. One campsite per lot existing on the effective date of this Ordinance, or on 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 at least seventy-five (75) feet from the normal high-water line of water bodies, streams, tributary streams or the upland edge of a wetland.

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

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

5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

* Amended by Special Town Meeting - 8/19/75
** Amended by Special Town Meeting - 6/28/76
**** Amended by Special Town Meeting - 9/14/81
***** Amended by Special Town Meeting - 8/11/83
****** Amended by Special Town Meeting - 5/19/85
******* Amended by Special Town Meeting - 9/11/90
******** Amended at Town Meeting - 3/8/99
********* Amended by Special Town Meeting - 6/19/00
*^ Amended by Special Town Meeting - 7/20/09
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. 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 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 storm water runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.

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

G. Roads and Driveways

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

1. Roads and driveways shall be set back at least seventy-five (75) feet, horizontal distance, from the normal high-water line of water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by

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* Amended by Special Town Meeting - 8/19/75
** Amended by Special Town Meeting - 6/28/76
*** Amended by Special Town Meeting - 9/14/81
**** Amended by Special Town Meeting - 8/16/83
***** Amended by Special Town Meeting - 5/29/85
****** Amended by Special Town Meeting - 6/11/90
******* Amended at Town Meeting - 3/8/99
******** Amended by Special Town Meeting - 6/19/00
** Amended by Special Town Meeting - 7/20/09
the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

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

Section 15(G)(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 temporary use. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(G)(1) except for that portion of the road or driveway necessary for direct access to the structure.

2. Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a water body, tributary stream or wetland.

3. New roads and driveways are prohibited in a Resource Protection District except 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 District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

4. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(P).
5. Road and driveway grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.

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

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

   a. Ditch relief 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 road grade is ten (10) percent or less.

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

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

8. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

II. Signs

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

1. Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. 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 aggregate.

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

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

5. Signs relating to public safety shall be permitted without restriction.

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

7. Signs may be illuminated only by shielded, downward directed, non-flashing lights.
I. 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 storm water.

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

J. Septic Waste Disposal

1. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (Rules) and the following:

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

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

Note: The minimum setback for new subsurface sewage disposal systems, excluding fill extensions, to be constructed to no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distances from water bodies for new subsurface sewage disposal systems may not be reduced by variance.

   c. Replacement systems shall meet the standards for replacement systems as contained in the Rules.

* Amended by Special Town Meeting - 8/19/75
** Amended by Special Town Meeting - 6/28/76
*** Amended by Special Town Meeting - 9/14/81
**** Amended by Special Town Meeting - 8/16/83
 ***** Amended by Special Town Meeting - 3/28/85
****** Amended by Special Town Meeting - 6/11/90
******* Amended at Town Meeting - 3/8/99
******** Amended by Special Town Meeting - 6/19/00
** Amended by Special Town Meeting - 7/20/09
K. 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 roadside distribution lines, is not permitted in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

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

L. 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(L)(3) below.

2. No part of any extraction operation, including drainage and runoff control features, shall be permitted within seventy-five (75) feet, horizontal distance, of the normal high-water line of any water body, tributary stream or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line, without written permission of the owner of such adjacent property.
3. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:

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

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

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

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

M. Agriculture

1. All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001 and the Nutrient Management Law (7 M.R.S.A. Sections 4201 - 4209).

2. Manure shall not be stored or stockpiled within seventy-five (75) feet horizontal distance, of water bodies, tributary streams or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area within the shoreland zone shall require a Conservation * Amended by Special Town Meeting - 8/19/75 ** Amended by Special Town Meeting - 6/28/76 *** Amended by Special Town Meeting - 9/14/81 **** Amended by Special Town Meeting - 8/16/83 ***** Amended by Special Town Meeting - 5/19/85 ****** Amended by Special Town Meeting - 6/11/90 ******* Amended at Town Meeting - 3/8/99 ******** Amended by Special Town Meeting - 6/19/00 ^^ Amended by Special Town Meeting - 7/20/09
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. (Assistance in preparing a soil and water conservation plan may be available through the Cumberland County Soil and Water Conservation District office.)

4. There shall be no new tilling of soil within seventy-five (75) feet, horizontal distance, from water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and wetlands. Operations in existence on the effective date of this Ordinance and not in conformance with this provision may be maintained.

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

N. **Timber Harvesting**

Timber harvesting shall conform with the following provisions:

1. 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:

   a. Within seventy-five (75) feet, horizontal distance, of the normal high-water line of 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.

   b. At distances greater than seventy-five (75) feet, horizontal distance, of the normal high water line of water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten
thousand (10,000) square feet in the forest canopy. Where such openings exceed five thousand (5,000) square feet they shall be at least one hundred (100)
feet, 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.

c. Timber harvesting operations exceeding the 40% limitation in Section 15(N(1)
above, may be allowed by the Planning Board upon a clear showing, including a
forest management plan signed by a Maine licensed professional forester, that
such an exception is necessary for good forest management and will be carried out
in accordance with the purposes of this Ordinance. The Planning Board shall
notify the Commissioner of the Department of Environmental Protection of each
exception allowed, within 14 days of the Planning Board's decision.

2. 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.

3. Timber harvesting equipment shall not use stream channels as travel routes except
when:

a. Surface waters are frozen; and

b. The activity will not result in any ground disturbance.

4. 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.

5. 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.

* Amended by Special Town Meeting - 8/19/75
** Amended by Special Town Meeting - 6/28/76
*** Amended by Special Town Meeting - 9/14/81
**** Amended by Special Town Meeting - 8/11/83
***** Amended by Special Town Meeting - 5/29/85
****** Amended by Special Town Meeting - 8/11/90
******* Amended at Town Meeting - 3/8/99
********* Amended by Special Town Meeting - 6/19/00
***** Amended by Special Town Meeting - 7/20/09

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6. 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.

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

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

2. Except in areas as described in Section 0(1), above, and except to allow for the development of permitted uses, within a strip of land extending seventy-five (75) feet, horizontal distance, from any 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 crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.

   b. Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other vegetation is maintained. For the purposes of Section 15(O)(2)(b) a “well-distributed stand of trees” adjacent to water bodies, tributary streams, and wetlands is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

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* Amended by Special Town Meeting - 8/19/75
** Amended by Special Town Meeting - 6/28/76
*** Amended by Special Town Meeting - 9/14/81
**** Amended by Special Town Meeting - 8/1/83
***** Amended by Special Town Meeting - 3/29/83
****** Amended by Special Town Meeting - 6/11/90
******* Amended at Town Meeting - 3/8/99
******** Amended by Special Town Meeting - 6/19/00
** Amended by Special Town Meeting - 7/20/09

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

Note: As an example, if a 25-foot x 50 foot plot contains four (4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three (3) trees between 8 and 12 inches in diameter and two (2) trees over 12 inches in diameter, the rating score is:

\[(4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36\] points

Thus, the 25-foot by 50-foot plot contains trees worth 36 points. Trees totaling 20 points (36 - 16 = 20) may be removed from the plot provided that no cleared openings are created.

The following shall govern in applying this point system:

1. The 25-foot by 50-foot rectangular plots must be established where the landowner or leasee proposes clearing within the required buffer;
2. Each successive plot must be adjacent to, but not overlap, a previous plot;
3. Any lot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
4. Any lot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;
5. Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For purposes of Section 15(O)(2)(b) “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover under three (3) feet in height.
and retaining at least five (5) saplings less than two (2) inches in diameter at 4 and one-half (41/2) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

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

c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and ground cover, including leaf litter and the forest duff layer, shall not be cut, covered or removed except to provide for a footpath or other permitted uses as described in in Section 15(0) paragraphs (2) and (2)(a) above.

d. Pruning of tree branches, on the bottom 1/3 of the tree is allowed.

c. 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.

3. The provisions contained in Section 15(0)(2) above shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the minimum area necessary.

4. At distances greater than seventy-five (75) feet, horizontal distance, from the normal high-water line of any water body, stream, tributary stream or the upland edge of a wetland, there shall be allowed 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.

5. Legally existing non-conforming cleared openings legally in existence on the effective date of this Ordinance may be maintained, but shall not be enlarged, except as permitted allowed by this Ordinance.

6. 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(0).

P. Erosion and Sedimentation Control

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

   a. Mulching and revegetation of disturbed soil.

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

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

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

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

* Amended by Special Town Meeting - 8/19/75
** Amended by Special Town Meeting - 6/28/76
*** Amended by Special Town Meeting - 9/14/81
**** Amended by Special Town Meeting - 8/19/85
***** Amended by Special Town Meeting - 6/11/90
****** Amended at Town Meeting - 3/8/99
******* Amended by Special Town Meeting - 6/19/00
***** Amended by Special Town Meeting - 7/20/09
4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

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

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

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

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

6. For all soil disturbing activities referred to in Section 15(P)(1) above, except agriculture and timber harvesting, erosion and sedimentation control plans shall be consistent with the standards of this subsection and, except where the standards of this subsection are more restrictive, the erosion and sedimentation control strategies contained in each erosion and sedimentation control plan shall be selected from the “Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices” by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, March 1991 or as subsequently amended.

7. Erosion and sedimentation control plans for agriculture and timber harvesting shall meet the applicable standards of this subsection. Erosion and sedimentation controls for agriculture and for timber harvesting shall also be consistent with the standards of Section (15)(M) ‘Agriculture’ and (15)(N) ‘Timber Harvesting’ (so long as it has not been repealed).
Q. 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.

R. 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.

S. Archaeological Sites

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.
Section 16. Administration

A. Administering Bodies and Agents

1. Code Enforcement Officer

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

2. Board of Appeals

A Board of Appeals shall be created and maintained in accordance with the provisions of Title 30-A Section 2691.

3. Planning Board

A Planning Board shall be created and maintained 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 non-conforming 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; and

   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 that the crossing does not block fish passage in the water course.

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****** Amended by Special Town Meeting - 6/11/90
******* Amended at Town Meeting - 3/8/99
******** Amended by Special Town Meeting - 6/19/00
** Amended by Special Town Meeting - 7/20/09
2. A permit is not required for an archeological excavation so long as the excavation is conducted by an archeologist listed on the State Historic Preservation Officer’s level 1 or level 2 approved list and unreasonable erosion or sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

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

C. Permit Application

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

2. All applications shall be signed by the owner or owners of the property or other person 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. A fee shall be paid as set by the Board of Selectmen.

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

5. For those applications which require Planning Board Review, the applicant or owner shall deposit in escrow with the Town an amount of money sufficient to cover the costs for any professional review of the erosion and sedimentation control plan or other engineering, landscaping, architectural, historic or archeological plan which is required to be submitted with the application which the Planning Board may determine is reasonably necessary to protect the surface water quality of the Town.

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Amounts required for this escrow payment are established by the Board of Selectmen and listed in the Town Fee Schedule. This escrow payment shall be made before the Board engages any outside party to undertake this review and to make recommendations to the Board. Any part of this escrow payment which in excess of the final costs for the professional review shall be returned to the applicant or owner.

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;

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********** Amended by Special Town Meeting - 6/19/00
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5. Will conserve shore cover and visual, as well as actual, points of access to inland waters;

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

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

8. Is in conformance with the provisions of Section 15, Land Use Standards.

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

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 Cumberland County Registry of Deeds 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 one-half (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 no less than seventy-five (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 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 under this Ordinance:

a. Administrative Appeals: To hear and decide 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 permitted only under the following conditions:

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

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

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

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

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(2) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

(i) That the land in question cannot yield a reasonable return unless a variance is granted;

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

(iii) That the granting of a variance will not alter the essential character of the locality; and

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

d. Notwithstanding Section 16 (H)(2)(c)((2)) above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides 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 property" 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 the action of 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 of 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

(1) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters 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.

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

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

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

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

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

b. Decision by Board of Appeals

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

(2) The person filing the appeal shall have the burden of proof.

(3) The Board shall decide all administrative appeals and variance appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

(4) The Board of Appeals shall state the reasons and basis for its decisions, including a statement of 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

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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, MRSA 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 MRSA Section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five days (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 requested to be reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision.

Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision and proper notification to the landowner, petitioner, Planning Board, Code Enforcement Officer and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

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

I. **Enforcement**

1. Nuisances

Any violation of this Ordinance shall be deemed to be a nuisance.
2. Code Enforcement Officer

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

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

c. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, beginning on March 1, 1994, 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, MRSA Subsection 4452.

NOTE: Current penalties include fines of not less than $100 nor more than $2500 per violation for each day that the violation continues. However, in a Resource Protection District the maximum penalty is increased to $5000. (38 MRSA Section 4452)

Section 17. Definitions

Accessory structure or use - a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure. Other examples of accessory structures are free-standing garages, barns, and workshops.

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.

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

Basal Area - the area of a 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.

Boarding (Lodging or Rooming) House - A dwelling or part thereof, in which lodging is provided by the owner or operator to more than three boarders. This does not include a family living as a single housekeeping unit regardless of whether meals are supplied as part of the fee, or to a health facility licensed by the Maine Department of Human Services.

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

Bureau - State of Maine Department of Conservation's Bureau of Forestry.

Business and Professional Use - Establishments primarily engaged in rendering services on a fee or contract basis such as: advertising and mailing; building maintenance, employment services; research, or the office of a member of a recognized profession maintained for the conduct of that profession.

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.

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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 a 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 educational, vocational rehabilitation, or related services.

**Driveway** - a vehicular access-way serving two lots or less. Driveways shall not be considered as affording road or street frontage.

**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.

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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, whether or not related to each other by birth, adoption or marriage, but no group shall consist of more than five unrelated persons, as distinguished from a group occupying a boarding house, lodging house or hotel as defined herein.

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 (approximately twenty (20) feet) tall or taller.

Foundation - the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, 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.

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Functionally water-dependent uses - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and which cannot be located away from these waters. The uses include, but are not limited to recreational fishing and boating facilities, navigation aides, basins and channels, industrial uses requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site, and uses which primarily provide general public access to inland waters.

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 accessory use of a dwelling unit or an accessory structure for gainful employment involving the manufacture, provision or sale of goods and/or services. It is clearly incidental and secondary to the uses of the dwelling unit for residential purposes. It is so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence other than for a sign as permitted under Section 15 I. Any home occupation shall be permitted if it complies with the requirements of this section.

1. The home occupation shall be carried on by one or more members of the family residing in the dwelling unit. Only two employees who are not part of the family are permitted at any one time.

2. The home occupation shall be carried on wholly within the principal or accessory structure.

3. Exterior displays or signs other than those permitted under Section 15 I., exterior storage of materials, and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.

4. Objectionable circumstances such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced beyond what is normally produced in the zoning district.

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5. Traffic generated shall be in keeping with the character of the neighborhood. Parking needs shall be met off-street.

6. If a home occupation is located in an accessory structure, the square footage used for that occupation shall not be larger than the first floor square footage of the principal residential structure.

Hotel - A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms and recreational facilities.

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 of 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 non-conforming 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 the water body, tributary stream or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

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

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

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

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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.

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.

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.

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

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

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

Native - indigenous to the local forests.

Non-conforming condition - non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time of 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 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 during the period of normal high-water are considered part of the river.

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

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

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

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

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

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

*Amended by Special Town Meeting - 8/19/75
**Amended by Special Town Meeting - 6/28/76
*** Amended by Special Town Meeting - 9/14/81
**** Amended by Special Town Meeting - 8/1/83
***** Amended by Special Town Meeting - 4/30/85
****** Amended by Special Town Meeting - 6/11/90
******* Amended at Town Meeting - 3/8/99
******** Amended by Special Town Meeting - 6/19/00
** Amended by Special Town Meeting - 7/20/09
Recent flood plain soils - the following soil series as described and identified by the National Cooperative Soil Survey:

- Alluvial
- Fryeburg
- Lovewell
- Podunk
- Suncook
- Cornish
- Hadley
- Medomak
- Rumney
- Sunday
- Charles
- Limerick
- Ondawa
- Saco
- 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 flood plain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

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* Amended by Special Town Meeting - 8/19/75
** Amended by Special Town Meeting - 6/28/76
*** Amended by Special Town Meeting - 9/14/81
**** Amended by Special Town Meeting - 8/1/83
***** Amended by Special Town Meeting - 5/29/85
****** Amended by Special Town Meeting - 6/11/90
******* Amended by Special Town Meeting - 3/8/99
******** Amended by Special Town Meeting - 6/19/00
^ Amended by Special Town Meeting - 7/20/09
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.

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, tributary stream or upland edge of a wetland to the nearest part of a structure, road, parking space or other regulated object or area.

Shorefrontage - 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, the upland edge of a freshwater wetland; or within seventy-five (75) feet of the normal high-water line of a stream.

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 a shoreland zone.

* Amended by Special Town Meeting - 8/19/75
** Amended by Special Town Meeting - 6/28/76
*** Amended by Special Town Meeting - 9/14/81
**** Amended by Special Town Meeting - 8/16/83
***** Amended by Special Town Meeting - 5/29/85
****** Amended by Special Town Meeting - 6/11/90
******* Amended at Town Meeting - 3/8/99
******** Amended by Special Town Meeting - 6/19/00
^ Amended by Special Town Meeting - 7/20/09
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 guys 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 MRSA 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(0), '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 on exposed soil, parent material or bedrock; and which is connected hydrologically to 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.

* Amended by Special Town Meeting - 8/19/75
** Amended by Special Town Meeting - 6/28/76
*** Amended by Special Town Meeting - 9/14/81
**** Amended by Special Town Meeting - 8/11/83
***** Amended by Special Town Meeting - 5/29/85
****** Amended at Town Meeting - 3/1/90
******* Amended by Special Town Meeting - 6/19/90
******** Amended by Special Town Meeting - 7/20/99
^ Amended by Special Town Meeting - 7/20/09
NOTE: Water setback requirements apply to tributary streams within the shoreland zone.

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

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

Wetland - a freshwater wetland.

Woody vegetation - live trees or woody, non-herbaceous shrubs.
Town of Pownal
Shoreland Zoning Map

Buildings
- Church
- Civic Building
- Commercial
- Single Family/Mobile Home

Tax Parcels (April 1, 2016)
- Water

Town
- Community Center
- Park
- Shoreline
- Utility
ARTICLE 5, SINGLE LOT ORDINANCE

SECTION I. PURPOSE
The purpose of this ordinance shall be to assure the comfort, convenience, safety, health and welfare of the citizens of Pownal, and to protect Pownal’s environment and natural resources.

SECTION 2. AUTHORITY
This Ordinance supports the Pownal Comprehensive Plan of 2006, follows the guidelines as laid out in the Maine statute, Resolve ch.145, 2005, and is adopted under the authority of the home rule provision of 30-A MRSA Sections 3001.

SECTION 3. APPROVAL REQUIRED
The creation of a new lot shall comply with the procedures and requirements of this Ordinance.

SECTION 4. ADMINISTRATION
A. Any Single Lot being divided from a lot recorded on a previous Subdivision will be reviewed and administered by the Planning Board as an Amended Subdivision.

B. Any Single Lot being divided from a Lot of Record, not of a previous Subdivision will be reviewed by the Codes Enforcement Officer (CEO).

C. The CEO may ask the Planning Board to conduct an onsite inspection of a proposed new single lot and submit an advisory report of their findings.

D. A file will be maintained on each new single lot application. This file will contain documentation of which criteria and standards of this ordinance have been met. The record in this file for any lot, either new or residual, not meeting the criteria and standards of this ordinance will be marked, “NOT APPROVED FOR BUILDING UNTIL ALL APPLICABLE POWNAL ORDINANCE, STATE AND FEDERAL REQUIREMENTS AND STANDARDS HAVE BEEN MET.” The survey plan required under this ordinance, sections 6(A)(3) and 6(B)(1), to be filed at the Cumberland County Registry of Deeds (CCRD) will also be marked with this statement.

E. 1. The CEO shall inform the applicant in writing of his/her decision within 45 days after receipt of the completed application and any advisory reports.
2. All single lot divisions are required to be filed in the CCRD. In addition, the single lot divisions shall reference the name and the book and page number(s) of the original lot.

F. The CEO will notify the assessors of his/her decision by submitting to them a signed and dated form for both the new and residual lot indicating that the lot is either “APPROVED FOR BUILDING” or “NOT APPROVED FOR BUILDING UNTIL ALL APPLICABLE POWNAL ORDINANCES, STATE AND FEDERAL REQUIREMENTS AND STANDARDS HAVE BEEN MET.” These forms will be kept in the town's property record folder for the respective lots.

SECTION 5. APPLICATION
A. Application
1. The property owner shall submit an application for the creation of a single lot to the CEO.
2. The owner may have her/his agent submit the application providing an owner-signed Authorized Agent Form is attached to the application.
3. A survey plan shall be submitted with the application for a Lot Approved for Building or a Lot Not Approved for Building unless an adjustment has been made by the CEO as outlined in Sections 6.A.3 or 6.B.1.
4. All applications shall be accompanied by an application fee. Fee Schedule established by the order of the Board of Selectmen.

SECTION 6. CRITERIA AND STANDARDS
Before approving new single lots within the Town, the CEO shall consider the following criteria and any person proposing to create a lot shall, prior to the creation of such lot by any means, including but not limited to conveyance, lease, building, development, gift or bequest or otherwise, shall demonstrate that the following standards have been complied with:

A. Lot Approved for Building
1. Net Developable Area will be met for the construction of buildings and other improvements without utilizing land unsuitable for development as outlined in the Land Use Ordinance, Article 2, Definitions (net residential acreage). The minimum required net developable area required for this Ordinance shall be as established for the minimum net residential area in Section 9 of Article 3, Zoning Ordinance.
2. Lot Dimensions: All single lots created must meet all applicable land use ordinances.
3. Survey:
   a. A survey plan by a Licensed Maine Professional Land Surveyor showing both the lot being created and the residual lot will be made and stamped by the surveyor. The plan will show:
      1. Road frontage.
      2. Boundary lines of tract, bearing, and distance.
      3. Tax Map and Lot numbers assigned by the Tax Assessors.
      4. Gross area and developable area of each lot.
      5. Monuments (pins) set or found at all corners of lots.
      6. The location of a suitable septic system site. Amended 6/18/18
   b. The CEO will have the discretion to adjust the survey requirements for lots larger than 10 acres. If the survey plan is not filed with the Cumberland County Registry of Deeds within 90 days of approval of the application the approval will become null and void and any new lot created will be in violation of this Ordinance. Evidence of recording shall be presented to the CEO and added to the file.
4. Septic Systems: A soils suitability report for a septic system shall be submitted for the lot on HHE 200 forms before a building permit is issued. Additional studies for water quality maintenance such as a plume study may be required pursuant to the Maine Department of Human Services regulations under Title 22, MRSA, Chapter 241, Section 42. Amended 6/18/18
5. Shoreland, Stormwater, Wetland and Floodplain Management: All applicable Pownal, State and Federal shoreland, stormwater, wetland and floodplain regulations must be met.
6. Private Roads: The construction of a private road shall be pursuant to the requirements of Article 8, Public & Private Road Ordinance.
7. Any other applicable Pownal ordinance, state and federal requirements and standards in effect at the time of the application shall be met.

B. Lot Not Approved for Building
1. Survey: A survey plan of the lot being created and the residual lot will be made by a Maine Licensed Surveyor. The plan will show:
   a. Boundary lines of tract, bearing, distance, Tax Map and Lot numbers.
   b. Gross area.
   c. Monuments (pins) set or found at all corners of lots.

The CEO will have the discretion to adjust the survey requirements for lots larger than 10 acres. If the survey plan is not filed with the Cumberland County Registry of Deeds within 90 days of approval of the application the approval will become null and void and any new lot created will be in violation of this Ordinance. Evidence of recording shall be presented to the CEO and added to the file.
lot approval will be null and void and any new lot created will be in violation of this Ordinance. Evidence of recording shall be presented to the CEO and added to the file.

2. Shoreland, Stormwater, Wetland and Floodplain Management. All applicable local, State or Federal stormwater, wetland and floodplain regulations must be met.

3. The owner of a Lot Not Approved for Building may apply for the status of the lot to be changed to Lot Approved for Building by:
   a. Submitting an application to the CEO for change of status and
   b. Demonstrating to the CEO that the lot meets all criteria and standards for a Lot Approved for Building.

SECTION 7. ENFORCEMENT
Failure to comply with any conditions or requirements of this Ordinance shall be considered a violation of this Ordinance. Legal proceedings shall be initiated to enjoin construction or any specific activity violating the conditions of approval or any other violation of this Ordinance. Violations shall be subject to enforcement under the provisions of 30-A M.R.S.A. Section 4452.

SECTION 8. APPEALS
A. An appeal from any decision of the CEO may be taken to the Town of Pownal Board of Appeals in accordance with Title 30-A M.R.S.A., Section 2691.
B. An appeal from any decision of the Board of Appeals may be taken to the Superior Court of Cumberland County in accordance with Maine Rules of Civil Procedure, Rule 80B.

SECTION 9. VARIANCES AND WAIVERS
A. Variances: the Board of Appeals may hear and decide zoning variance within this ordinance under the procedures in Article 3. Zoning Ordinance, Section 11.
B. Waivers:
   1. The CEO may hear and decide waiver requests concerning the criteria and standards for proposed single lots in Section 6.
   2. The Planning Board may hear and decide waiver requests concerning the criteria and standards for a proposed new private road under Article 8, Public and Private Roads Ordinance, Section 7.

SECTION 10. CONFLICT WITH OTHER ORDINANCES
Whenever the specific requirements within this Ordinance are inconsistent with the specific requirements within any other ordinance, code or statute, the more restrictive specific requirement will apply.

SECTION 11. SEVERABILITY AND EFFECTIVE DATE
A. The invalidity of any provision of these standards shall not invalidate any other part.
B. This Ordinance shall take effect immediately on adoption of the same by the legislative body of the Town of Pownal.

This ordinance was initially adopted at September 17, 2007, Special Town Meeting.
Amended and adopted, Town Meeting, 20, June 2016.
A. Purpose
1. The purpose and objectives of this Ordinance are to:
   a. Conserve the Town's natural beauty and visual character by insuring that structures, signs and other developments are properly related to their sites and to surrounding sites and structures, especially in regard to the natural terrain and landscaping, and that the exterior appearances of structures, signs and other improvements harmoniously relate to their environment.
   b. Promote and protect the health, safety and welfare of the Town of Pownal.

B. Authority
1. No development shall take place within Pownal nor shall any land be cleared or altered, nor shall any watercourse be diverted or its channel or floodplain dredged or filled, nor shall any parking areas, accessory or otherwise, be constructed, installed or enlarged, nor shall any building permit, certificate of occupancy or other required permit be issued with respect to any such structures, land or parking area, except in accordance with an approval by the Planning Board of such development granted according to the requirements of this Ordinance.
2. Exempted from this ordinance are the construction, on one lot, of one single or one two-family residential structure and accessory uses as permitted by applicable zoning regulations, normal agriculture and forestry uses, sand and gravel pits, the construction of a parking area for less than three vehicles, interior improvements which meet code requirements and home occupations.
3. Construction, site development and landscaping shall be carried out in accord with the plans, drawings, sketches and other documents approved by the Board, unless altered with Board approval.

C. Administration
1. All applications for site plan review shall be made in writing to the Planning Board on the forms provided for this purpose. The application shall be made by the owner of the property or his/her agent, and shall be accompanied by the payment of an application fee to the Town of Pownal to cover the administrative costs of processing the application. The following are subject to fees:
   - Building less than 2000 square feet in size
   - Buildings between 2000 sq. ft. & 10,000 sq. ft. in size
   - Each additional 10,000 sq. ft. of building size
   - Development which does not include buildings
2. The completed application for site plan review, together with the documentation required in these regulations, shall be placed on the Planning Board’s agenda for consideration at its next scheduled meeting. Within sixty (60) days of the hearing, the Board shall act to approve or disapprove the site plan as submitted or amended, unless the time is extended by agreement of the Board and the applicant. The Board shall specify in writing its reasons for modifications or disapproval.
3. Prior to taking final action on any site plan review application, the Planning Board shall hold an onsite inspection and may hold a public hearing to afford the public the opportunity to comment on the application. If a public hearing is held, abutting property owners shall be notified by mail of a pending application for site plan review. The hearing shall be advertised in a newspaper of general circulation and notice shall be posed in three (3) prominent places in Pownal at least ten (10) days prior to the hearing. This notice shall indicate that nature of the application, the time, date, and place of hearing. Applicants shall provide the Planning Board with stamped envelopes addressed to all property owners within 500
feet of the entire lot, including both sides of any streets. The owners of property entitled to notice shall be determined through the Town’s assessing records.

4. One copy of the approved site plan shall be included in the application for a building permit.

5. Prior to formal application, an owner or his/her authorized agent may request an informal review of the site plan by Planning Board to determine its compliance with town regulations. Any pre-application review under this section shall not be considered a substantive review for purposes of 1 M.R.S.A. Section 302.

6. The Board may require the applicant to show financial capacity to complete the development as approved and may require the posting, prior to the issuance of any building permit or the commencement of any work, of a bond or escrow agreement, in such amount as is approved by the Board as being reasonably necessary to ensure completion of all improvements required as conditions of approval of such plan, in such form as approved by the Board.

7. The applicant must comply with all State and Federal requirements and receive all relevant approvals before any development activities may begin.

D. Submission Requirements

1. When the owner of the property or his/her authorized agent makes formal application for site plan review, the application shall contain at least the following exhibits and information:
   a. A fully executed and signed copy of the application for site plan review.
   b. Two (2) copies of the site plan drawn at a scale sufficient to allow review of the items listed under the following general standards, but at not more than 50 feet to the inch for that portion of the total tract of land being proposed for development, and showing the following:
      b.1. Owner’s name, address and signature.
      b.2. Names and addresses of all abutting property owners of the entire parcel including those across the street.
      b.3. Sketch map showing general location of the site within the town.
      b.4. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.
      b.5. The zoning classification of the property.
      b.6. The location of all existing and proposed buildings (including size and height), access points, driveways, sidewalks, parking spaces, loading areas, open spaces, large trees, open drainage courses, service areas, and easements.
      b.7. The location of all buildings within 200 feet of the parcel to be developed and the location of intersecting roads or driveways within 200 feet of the parcel.
   c. Building plans showing, as minimum, the first floor plan.
   d. Copies of any proposed or existing easements, covenants, deed restrictions, etc.
   e. Copies of applicable State and Federal approvals and permits, provided however, that the Board may approve site plans subject to the issuance of specified State and Federal licenses and permits in cases where it determines that it is not feasible for the applicant to obtain them at the time of site plan review.
   f. Include stamped envelopes addressed to all abutters within 500 feet of the entire lot, including both sides of any streets.

2. The Board may require the following submissions where it determines that, due to the scale or nature of the proposed development, such information is necessary to assure compliance with the intent and purposes of this Ordinance.
   a. Existing and proposed topography of the site at two foot contour intervals.
b. The bearings of distances of all property lines and the source of this information.

c. A storm water drainage plan showing:
   c.1. The existing and proposed method of handling storm water run-off.
   c.2. The direction of flow of the run-off through the use of arrows.
   c.3. The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.
   c.4. Engineering calculations used to determine drainage requirements based upon a 10-year storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.

d. A utility plan showing provisions for water supply and waste water disposal including the size and location of all piping, holding tanks, leach fields, etc., and showing the location and nature of any solid waste collection facility and all electrical, telephone and any other utility services to be installed on the site.

e. A landscaping plan keyed to the site plan and indicating the varieties and sizes of trees, shrubs, and other plants to be planted on the site and other landscaping arrangements.

f. The location, size and character of all signs.

g. An erosion and sedimentation plan showing plans for before and after construction. Approval from the appropriate State of Federal Soil and Water Conservation agency in this area is required.

h. Lighting plans showing the location, type, radius and intensity in foot-candles of all exterior lighting.

3. The approval of a site plan shall become void if substantial construction is not commenced within one (1) year of the date of such approval unless such time limit is extended by the Board.

E. Criteria and Standards

1. The following criteria and standards shall be utilized by the Planning Board in reviewing applications for site plan review. These standards are intended to provide a guide for the applicant in the development of the site and building plans as well as a method of review of the Board.

   The Planning Board may require an expert consultant or consultants to study and report as to compliance or noncompliance with these standards and to advise, if necessary, of procedures which will result in compliance. Such consultants shall be fully qualified to provide the required information and shall be mutually acceptable to the Town and the applicant. Costs shall be borne by the applicant.

   For good and sufficient reasons properly documented, the Planning Board may waive and/or vary standards and criteria as they may apply to a specific site plan application.

2. Landscaping
   a. The purpose of landscaping is to define, soften or screen the appearance of off street parking areas or other uses from the public right-of-way and abutting properties, to enhance the physical design of the building(s) and site, and to minimize the encroachment of the proposed use on neighboring land uses. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping shall include trees, bushes, shrubs, ground cover, perennials annuals, plants, grading and the use of the building and paving materials in an imaginative manner.
b. The landscaping plan submitted with each application shall identify major existing and proposed trees, shrubs, bushes, plant material, ground cover and natural features such as boulders and rock outcroppings. It should show present or proposed locations and planting details. Applicant shall include in the plan proposed methods to protect existing trees and growth during and after construction. These may include fences, berms, curbing, tree walls and similar devices.

c. The following criteria shall be followed:
   c.1. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas.
   c.2. Landscaping should be provided in public areas, recreation sites and adjacent to buildings.
   c.3. Deciduous trees should have at least two-inch caliper at planting and evergreens should be at least two feet tall at planting. All trees should be balled and burlapped.
   c.4. Wherever possible, existing large trees should be saved. Maximum effort should be made to save clumps of trees rather than individual ones.
   c.5. Parking lots should be located to provide buffering for adjacent properties. Sight distance, safety and appearance should be considered in determining landscaping plans.

3. Buffers
   a. Buffers are fences, landscaping, berms, rocks, boulders, mounds or combination thereof designed to minimize any potential adverse impacts or nuisances on the site from adjacent areas. Extensive buffering will be required where intensive land uses abut less intensive land use, i.e., significant density or classification of land use differences.
   b. The following criteria shall be followed:
      b.1. Existing natural vegetation shall retain if it can appropriately act as suitable buffers.
      b.2. Buffer (other than fences and walks) shall be located around the perimeter of the site at the property lines to minimized headlights of vehicles, noise, light from structures, the movement of people and to shield activities from adjacent properties when necessary.
      b.3. Parking areas, garbage collection areas, utility buildings, loading and unloading areas, outdoor storage areas and similar accessory areas and structures shall be buffered.
      b.4. Evergreens can be used as buffers if two or three rows of staggered plantings are proposed. The rows should be at least five feet apart.

4. Environmental considerations.
   a. Environmental elements relating to prevention of soil erosion, preservation of trees, protection of water soil and animal life shall be reviewed and the design of the plan shall minimize any adverse impact on these elements.
   b. The following criteria shall be followed:
      b.1. The design and layout of buildings and/or other development area shall encourage safety and fire protection.
      b.2. Proposed structure(s) shall relate harmoniously to the terrain and to existing building(s) in the vicinity which have a visual relationship to the proposed building(s). Special attention shall be paid to the scale of the proposed building(s), massing of the structure(s), and such natural features as slope, orientation, soil type and drainage courses.
      b.3. Adequate provision shall be made for on-site surface drainage so that removal of vegetation will not adversely affect neighboring properties, downstream conditions, or a public storm drainage system. On-site absorption shall be utilized to minimize discharge whenever possible. All drainage calculations shall be based on a ten year storm of duration equal to the time of concentration for the area addressed.
      b.4. The erosion and sedimentation plan shall be based on the following principles, when applicable.
a) Stripping of vegetation, regarding or other development shall be done in such a way as to minimize erosion.

b) Development shall preserve salient natural features, keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.

c) Whenever feasible natural vegetation shall be retained, protection and supplemented.

d) The disturbed area and the duration of exposure shall be kept to a practical minimum.

e) Disturbed soils shall be stabilized as quickly as practicable.

f) Temporary vegetation or mulching shall be used to protect exposed critical areas during development.

g) The permanent (final) vegetation and mechanical erosion control measures shall be installed as soon as practical on the site. Ground cover planting shall be used, if appropriate.

h) Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods.

i) Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair and damage at his expense as quickly as possible.

5. Site Conditions:

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

b. Disposal of dead trees, litter, building materials. Developed area shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris and excess or scrap building materials shall be removed or destroyed immediately upon the request of and to the satisfaction of the Building Inspector prior to issuing an occupancy permit.

c. Changes in elevation. No change shall be made in the elevation or contour of any lot or site by the removal of earth to another lot or site other than as shown on an approved site plan.

d. Temporary improvements. Prior to or during construction, the Building Inspector may require the installation or construction of improvements to prevent or correct any temporary condition on the site which could cause personal injury, damage to property or constitute a health hazard. These conditions may result from erosion and landslide, flooding, heavy construction traffic, creation of steep grades and pollution. Improvements may include berms, mulching, sediment traps, detention and retention basins, grading, planting, retaining walls, culverts, pipes, guardrails, temporary roads and others appropriate to the specific condition. All temporary improvements shall remain in place and in operation until otherwise directed by the Building Inspector.

6. Vehicular Access

a. The proposed site layout shall ensure that vehicular and pedestrian traffic conditions shall not exceed reasonable limits for the neighborhood. Special consideration shall be given to the location, number and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, existing or proposed traffic signalization and pedestrian vehicular contacts. The Planning Board has
the authority to determine the type of surface to be used on interior driveways and shall consider location and intensity of use when making its decision.

b. The following criteria shall be followed:
   b.1. No access drive or driveway or other means of ingress and egress shall be located in any residential zone to provide access to uses other than those allowed in such residential zone.
   b.2. All entrance and exit driveways shall be located and designed in profile and grading to afford maximum safety to traffic, provide for safe and convenient ingress and egress to and from the site and to minimize conflict with the flow of traffic.
   b.3. The dimensions of driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated to be attracted daily onto the land development for which a site plan is prepared.
   b.4. Provision shall be made for convenient and safe emergency vehicle access to all buildings and structures at all times.
   b.5. Any exit driveway or driveway land shall be so designed in profile and grading and so located as to provide the following minimum sight distance measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle a minimum of ten (10) feet behind the curbline or edge of shoulder, with the height of the eye three and seventy-five hundredths (3.75) feet to the top of an object four and five-tenths (4.5) feet above the pavement.

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<tr>
<th>Dist.</th>
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<td>55</td>
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7. Parking and Circulation
a. The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives and parking areas, shall be safe and convenient and shall not detract from the proposed building(s) and neighboring properties. General interior circulation, separation of pedestrian and vehicular traffic, service traffic, parking and loading areas shall be reviewed.
   b. The following criteria shall be followed:
    b.1. Parking areas shall be landscaping to minimize noise, glare and other nuisances and to enhance the site and surrounding area.
    b.2. Sidewalks and other pedestrian linkages may be required to provide safe conditions.
    b.3. Adequate off-street parking spaces shall provided according to the requirements stated in the Zoning Ordinance, Section 9, Performance Standards, 4 a-d
    b.4. Parking areas shall have suitable drainage facilities.
    b.5. Lighting shall be shielded so it will not create a hazard or nuisance to adjoining properties or to the traveling public.
    b.6. Spaces, drives and aisles shall be clearly marked.
    b.7. No off-street parking or loading area shall be located in a minimum required setback.
    b.8. The number of off-street loading bays required by the site plan shall be determined by the Planning Board. Each loading space shall be no less than twelve feet in width, fifty feet in length and fourteen feet in height.

8. Lighting
a. Adequate lighting shall be provided to ensure safe movement of persons and vehicles and for security purposes. Lighting standards shall be of a type approved by the Planning Board in accordance with the International Dark Sky Association (IDA) sample ordinance.
b. The following criteria shall be followed:
b.1. Blinking lights are prohibited.
b.2. Directional or display lighting shall be arranged so as to minimize glare and reflection on adjacent properties and the traveling public.
b.3. All lights shall be shielded away from residences and roads. All light shall be shielded to comply with current IDA recommendations.
b.4. Direct or indirect light from the source shall not cause illumination in excess of current IDA recommendations.
b.5. The maximum height of freestanding lighting shall be the same as the principal building or not exceed thirty-five feet.
b.6. Spot-light type fixtures attached to buildings shall be avoided.
b.7. Lighting shall be located along streets, parking areas, at intersections and crosswalks and where various types of circulation systems merge, intersect or split.
b.8. All exterior lighting shall be turned on no earlier than one hour before the opening of business and turned off no later than one hour after the closing or business, except for necessary security lighting.

9. Signs
Sign specifications are regulated by the Zoning Ordinance, Section 12, Signs.

10. Utilities
a. All utilities included in the site plan shall be reviewed as to their adequacy, safety and impact on surrounding properties. Storm drainage, sanitary waste disposal, solid waste collection and disposal, water supply, electricity and communication and energy services shall be reviewed.
b. The following criteria shall be followed:
b.1. Emphasis shall be placed on the protection of flood plains; reservation of stream corridors; establishment of drainage rights-of-way and the adequacy of the existing systems; the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage: provide for treatment of effluent, and maintain an adequate supply of potable water at sufficient pressure in accordance with the State Plumbing Code.
b.2. Whenever feasible, utility lines shall be installed underground.
b.3. Any utility installations above ground shall be located so as to have a harmonious relationship with neighboring properties and the site.

a. The following performance standards are designed to control industrial, commercial, business and professional uses so that potential nuisances may be assessed factually and objectively and the community protected from hazards and nuisances. Because residential uses may also be located in a zone where these uses are allowed, specifications are designated to result in a nuisance-free performance.
b. Air Pollution. All air pollution control shall comply with minimum Federal, State and local requirements.
b.1.a. Smoke. Emission of smoke from any chimney, stack, vent, opening or combination process shall not exceed density or equivalent capacity of Ringelmann No. 1. (Ringelmann Chart published by the United States Department of the Interior, Bureau of Mines.)
b.1.b. Particulate matter. Particulate matter shall be defined as combustion products made up of smoke, soot, flyash, etc., and industrial dust from foundries, paint spraying and rock crushing. Allowed particulate emissions shall not exceed 0.10 grams per standard cubic foot emitted from a stack.

2. Noise. The volume of sound, measured by a sound level meter and frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute), inherently and recurrently generated shall not exceed 55 decibels on the A-weighted scale (dBA) between 7:00 AM and 7:00 PM and 7:00 AM (the nighttime hourly limit) at lot boundaries, excepting air raid sirens and similar warning devices.

3. Violation. Vibration inherently and recurrently generated shall be imperceptible without instruments at lot boundaries.

4. Heat, Fumes. Heat of fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.

5. Fire and Explosive Hazards. Materials which decompose by detonation shall be stored, handled, utilized or manufactures in accordance with the National Fire Codes published by the National Fire Protection Association. Flammable solid materials must be stored, manufactured or utilized in fire resistant and fire protected buildings and spaces; materials stored outdoors must be at least 50’ from all lot lines. This section shall regulate types and quantities of materials not prohibited by the “Pownal Hazardous Materials Control Ordinance.”

F. Enforcement
The Building Inspector shall issue a building permit if he/she determines that the application complies with the plan approved by the Board. Permit enforcement procedures of the Building Code shall be followed. Failure to comply with any conditions of the Site Plan Review, subsequent to approval of the Plan, shall be construed to be a violation of this Ordinance and shall be the grounds for initiating legal proceedings to enjoin construction or any specific activity violating the conditions of approval, or applying a fine in accordance with the provisions of 30-A M.R.S.A. Section 4452.

G. Appeals
An appeal from any order, relief, or denial of the Planning Board may be taken by any party to Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80B.

H. Conflict with Other Ordinances
Whenever the requirements of this Ordinance are inconsistent with the requirements of any other Ordinance, Code or Statute, the more restrictive requirements shall apply.

I. Severability
In the event that any Section, Subsection, portion or provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other Section, Subsection, portion or provision of this Ordinance. The provisions of this Ordinance are hereby declared to be separable.
ARTICLE I

A. TITLE
This ordinance shall be known and may be cited as the Town of Pownal Solid Waste Collection and Disposal Ordinance.

B. PURPOSE
The purposes of this ordinance are to protect the health, safety, and general well-being of the citizens of Pownal, to enhance the quality and character of life in the town, to enhance and maintain the quality of the environment, to conserve natural resources, and to prevent land, water, and air pollution. This ordinance shall provide a comprehensive, rational, effective, fair and economical means of regulating the collection and disposal of solid waste in the Town of Pownal in accordance with 38 M.R.S.A. §§1304-B, 1305, and others, as amended.

C. PRIORITIES
The Pownal solid waste management policy is to design and implement an integrated solid waste management program that encourages responsible solutions for the management of solid waste generated in the Town of Pownal. Pownal’s solid waste management priorities are, in order of importance:

1. Reduction of waste at the source, including weight, volume, and toxicity;
2. Removal of hazardous wastes from the local waste stream, and the proper and responsible disposal thereof;
3. Reuse of items and materials;
4. Recycling of waste (reprocessing of waste to create a new useable material other than fuel);
5. Composting of biodegradable waste;
6. Waste processing that reduces the volume of waste needing disposal and that yields energy which can be recovered, including incineration and other waste-to-energy technologies.

D. DEFINITIONS
The definitions set forth in 38 M.S.R.A. §1303-C apply to this ordinance and are incorporated herein by reference, unless redefined in this section. Any word or term not otherwise defined shall have its ordinary meaning. As used in this ordinance, the following terms shall have the following meanings:

Acceptable waste: Solid waste which ecomaine or other designated disposal facility will accept for disposal at its incinerator or other disposal facilities, as defined in agreements between the disposal facility and the Town of Pownal.
Acceptable residential waste: Ordinary domestic waste generated by the occupants of single family and/or multi-family residences, apartments, and condominiums, and by the operators of home occupations as defined in the town of Pownal Zoning Ordinance. Residential waste may also include solid waste generated by the Pownal town offices, highway department, and fire department. Acceptable residential waste excludes electronic waste, commercial waste, construction and demolition waste, household hazardous or toxic waste, universal wastes, and other wastes defined as unacceptable in agreements between the designated disposal facility and the Town of Pownal.

Bulky waste: Residential waste which is too large to fit in a town-approved trash bag. For example, mattresses, beds, chairs, tires.

Commercial waste: Any waste generated in the conduct of business or occupation. For the purposes of this ordinance, waste generated in the conduct of a home occupation as defined in the Pownal Zoning Ordinance is not considered commercial waste.

Construction and demolition waste: Waste generated during the construction, remodeling, or demolition of a building.

Contractor/temporary hauler: Any person, such as a building contractor, construction company, developer, or landscaper, who generates, collects, or transports waste resulting from a specific job or project of limited duration, but is not a waste hauler.

Designated disposal facility: The ecomaine facility located in Portland, Maine, or such other facility as the Selectmen of Pownal may designate.

Designated waste hauler: The waste hauler hired by the Town of Pownal to collect acceptable residential waste generated within the town and to deliver the waste to the designated disposal facility.

Electronic waste (e-waste): E-waste consists of all unwanted or surplus electronic equipment, including but not limited to computers, televisions, and mobile phones.

Household hazardous waste: Waste materials generated from residential households that, if improperly managed or disposed of, may pose substantial hazards to human health and the environment. These materials include but are not limited to paints, solvents, motor oil, antifreeze, insecticides, herbicides, fungicides, appliances containing refrigerants, unwanted electronic equipment, mercury-containing devices, propane cylinders, caustics and some cleaning agents, and some smoke-detectors.

Universal waste: Universal wastes are waste materials not designated hazardous waste, but which contain materials that need to be prevented from being released into the environment. Universal wastes include but are not limited to such items as batteries, mercury-containing equipment such as many thermostats and most electronic equipment, lamps containing mercury (e.g., fluorescent tubes and compact fluorescent lamps), and many pesticides.

Waste hauler: Any person engaged in the business of collecting, transporting, or transferring solid waste generated by or collected from any other person.
White goods: Refrigerators, freezers, and other large household appliances.

ARTICLE II. DISPOSAL OF WASTE

A. Residential waste

1. Recyclable and non-recyclable residential waste will be collected curbside by the designated waste hauler for the town on a weekly basis insofar as possible, and on a day agreed upon between the Selectmen and the designated waste hauler. The waste may be set out for collection no earlier than 4:00 PM the day before collection. It is the responsibility of the resident to protect all the waste placed curbside from dogs, raccoons, crows and other scavengers and weather.

2. The Town of Pownal requires acceptable residential waste to be separated into recyclable waste and non-recyclable waste, pursuant to 38 M.R.S.A. §1304-B(2).

3. Recyclable waste shall be set out for collection in suitable containers as defined in the agreement between the town and the designated waste hauler.

4. Non-recyclable waste shall be set out for collection in tightly-sealed town-approved plastic bags. These town-approved bags may be purchased at designated locations.

5. The Town of Pownal strongly encourages all residents to keep biodegradable wastes such as garden and lawn waste and food scraps out of the waste stream by composting.

6. Everything which is not acceptable residential waste shall be removed from the town’s waste stream by the homeowner or the operator of a home occupation and disposed of by the generator of such waste at an appropriate facility. Waste not generated within the Town of Pownal shall not be introduced into the Pownal waste stream.

7. Fees
   a. Receipts from sales of town-approved plastic bags will offset the costs of disposal of acceptable residential waste generated within the town.

   b. The collection of acceptable household waste will be paid for through taxation.

   c. The Selectmen will review the costs of disposal annually, and will adjust the bag costs to reflect changes in disposal costs. Should bag receipts exceed disposal costs, the excess shall be used to reduce taxation in the following fiscal years.
B. Commercial waste
   1. Everything which is not acceptable waste shall be removed from the town’s waste stream and disposed of by the generator of such waste at an appropriate facility.

   2. The Town of Pownal requires acceptable waste to be separated into recyclable waste and non-recyclable waste, pursuant to 38 M.R.S.A. §1304-B(2).

   3. Generators of commercial waste shall contract with their own haulers for the collection of both recyclable and non-recyclable waste and for its delivery to the town of Pownal’s designated disposal facility. Contractors and others involved in construction or demolition activities and in landscaping may haul their own waste to the designated disposal facility.

C. Disposal of any waste generated in the Town of Pownal in any manner that is in violation of Federal, State or Pownal laws, statutes, rules or ordinances is prohibited. Specifically prohibited by this ordinance is any disposal of waste along roads, in forests, woodlands, swamps, fields, backyards, or by incineration other than at the designated disposal facility. This does not prohibit responsible composting of biodegradable waste.

ARTICLE III. ENFORCEMENT AND PENALTIES

A. This ordinance shall be enforced by the Codes Enforcement Officer, the Health Officer, the Road Commissioner, and the Selectmen.

B. Any person or business violating the provisions of this ordinance may be subject to a fine of not more than $100 per violation plus court costs, attorney’s fees, and reimbursement to the town for the cost of abatement of the violation.
TOWN OF POWNAL

MUNICIPAL SOLID WASTE
CURBSIDE COLLECTION AGREEMENT

This Agreement made and entered into this 26th day of July, 2009, by and between the Town of Pownal, Maine, a municipal corporation existing under the laws of the State of Maine, hereinafter called "Town" and Pine Tree Waste, Inc., hereinafter called "Contractor", with legal address and principal place of business at 87 Pleasant Hill Road, Scarborough, ME 04074.

Witnesseth:

That the parties to these present, each in consideration of the covenants and agreements on the part of the other, do hereby covenant and agree as follows:

That this Agreement includes the following solid waste collection and disposal general specifications hereinafter referred to as the Agreement.

GENERAL SPECIFICATIONS

1.0 DEFINITIONS

1.01 Solid waste includes discarded solid material with insufficient liquid content to be free-flowing, including rubbish, scrap materials, junk, refuse, provided in all events the solid waste is dry. Specifically excluded as acceptable household waste are brush, stumps, so-called white goods, automobiles, auto parts, yard waste such as leaves and grass clippings, kitty litter, ash, construction debris, and other waste deemed not acceptable by ecomaine, Inc. Hazardous waste, of any sort, is excluded. Human or animal waste is excluded, except for disposable diapers. Pownal encourages residents to keep recyclables, i.e. paper, cardboard, aluminum cans and foil, glass, and plastics 1 through 7, out of the solid waste stream. This is also true of scrap metals. We would want our haulers to comply with these practices.

1.02 Acceptable Trash Bags for Collection means Town of Pownal pay-as-you-throw plastic trash bags only. All bags should be clearly identifiable upon collection day as a Town purchased pay-as-you-throw plastic bag (see Town Ordinance for further specifications). These bags can be stored inside Residential trash containers for curbside collection on the Town's day of service.

1.03 Acceptable Curbside Recycling Containers means containers to hold the recyclables appropriately and be able to be handled safely. Standard blue curbside collection bins or common rubber trash cans are acceptable so long as they do not exceed 30 pounds in weight. Covers may be used to keep material dry and from blowing, but are not required.
1.04 Curbside refers to that portion of a right-of-way adjacent to paved or traveled Town roadways. Solid Waste shall be placed as close to the roadway as practicable without interfering with or endangering the movement of vehicles or pedestrians. When construction work is being performed in the right-of-way, refuse shall be placed as close as practicable to an access point for the collection vehicle. The Contractor shall decline to collect any refuse or recyclables not so placed.

1.05 Designated Disposal Facility: Under 38 M.R.S.A. § 1304-B, as amended, Pownal has designated the ecomaine Disposal Facility on Congress Street in Portland, Maine, as the disposal facility.

1.06 Contractor: The person, corporation or partnership chosen from bidders to perform solid waste collection and disposal under Agreement with the Town.

1.07 Contract: The Agreement that is entered into between the Town of Pownal (the Town) and the Contractor with regard to the collection of the Town's solid waste and recyclables.

2.0 SCOPE OF WORK

2.01 Contractor shall provide curbside collection of solid waste and recyclables from residential units, one time per week. Pownal currently has about 580 households. The Contractor shall also pick up a 2 yard rear-load container located at and for use at the Town Office/Town Garage. This container will also contain municipal solid waste for weekly collection.

2.02 All solid waste shall be placed at the curbside in acceptable Town pay-as-you-throw bags and recyclables placed into clearly marked or visible acceptable curbside recycling containers for collection. The contractor shall leave at curbside any household solid waste not in an acceptable Town pay-as-you-throw plastic bags, or an acceptable curbside recycling containers.

2.03 Care shall be taken in the loading and transporting of solid waste and recyclables so that none of the material is scattered or spilled. Any waste or recyclables spilled shall be immediately picked up and removed by the Contractor.

2.04 The Contractor shall only pick-up solid waste and recyclables from the Town of Pownal on the set day of collection to insure that the Town only pays tipping fees on its own solid waste and recyclables that are delivered to ecomaine.

2.05 Once a year Pownal conducts Pownal Pride Day. The Town provides residents with clear plastic bags so that the hauler will be better able to identify it as Pride Day trash, although townspeople may use their own bags for this purpose as well. For the two weeks prior to this day, town residents pick up garbage and
debris around town, place it in plastic bags, and bring it to a driveway. The hauler is required to collect these put out for collection.

3.0 OPERATION

3.01 Hours of Operation: Collection of solid waste and recyclables shall not start before 7:00 a.m. or continue after 6:00 p.m. on the same day. Exceptions to collection hours shall be effected only upon the mutual agreement of the Town and Contractor, or when the Contractor reasonably determines that an exception is necessary in order to complete collection on an existing collection route due to unusual circumstances.

3.02 Holidays: The following shall be holidays for purposes of this Agreement:

- New Year’s Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Day

The Contractor may decide to observe any or all of the above mentioned holidays by suspension of collection service on the holiday, but such decision shall not relieve that Contractor of its obligation to provide collection service at least once per week. A regular alternate day will be agreed upon with the Town of Pownal.

3.03 Complaints: All complaints to the Contractor shall be given prompt and courteous attention. In the case of missed and scheduled collections, the Contractor shall arrange for the collection of the residential refuse not collected within 24 hours after the complaint is received.

3.04 Collection Equipment: The Contractor shall provide an adequate number of compactor-type trucks for regular collection services. All vehicles and other equipment shall be kept in good repair and appearance and in a sanitary condition at all times.

3.05 The contractor has a continuing obligation to the town to provide evidence, satisfactory to the Board of Selectmen, of his or her capability of providing reliable service and the availability of back-up equipment. The selectmen are authorized under the Town’s Solid Waste Collection Ordinance to make such temporary or emergency provision for the collection of solid waste as they deem necessary, in the event that any contractor engaged to collect such solid waste is unable to fulfill its obligations or is otherwise in default under its contract, and in the event that the Town reasonably incurs expenses in this regard, either:
3.05.1 The Contractor shall reimburse the Town for such expense within thirty (30) days of receipt of such bill or

3.05.2 The Town shall deduct such expense from any future payment to the Contractor.

3.06 Office: The Contractor shall maintain an office or such other facilities through with he can be contacted. It shall be equipped with sufficient telephones and shall have a responsible person in charge from 8:00am to 4:30pm on normal business days.

3.07 Hauling: All refuse and recyclables hauled by the Contractor shall be so contained, tied or enclosed so that leaking, spilling or blowing are prevented.

4.0 COMPLIANCE WITH LAWS
During the term of the Contract, the Contractor shall conduct operations in accordance with all applicable laws and Town Ordinances.

5.0 NONDISCRIMINATION
The Contractor shall not discriminate against any person because of race, age, sex, creed, color, religion, disability or national origin.

6.0 INDEMNITY
The Contractor shall indemnify, save harmless, and exempt the Town, its officers, agents, servants and employees from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, expenses and attorney’s fees incident to any work done in the performance of this Agreement arising out of a willful or negligent act or omission of the Contractor, its officers, agents, servants and employees; provided, however, that the Contractor shall not be liable for any suits, actions, legal proceedings, claims, demands, damages, costs, expenses and attorney’s fees arising out of a willful or negligent act or omission of the Town, its officers, agents servants or employees.

7.0 LICENSES AND TAXES
The Contractor shall obtain all necessary licenses and permits and shall promptly pay all fees and taxes required to the Town.

8.0 EFFECTIVE DATE AND CONTRACT TERMS
This Agreement shall be for the following specified periods and annual rates:

Year One (September 15, 2009 to September 14, 2010): $58,300*
Year Two (September 15, 2010 to September 14, 2011): $60,632*

*The above pricing includes one trip per week to ecomaine for deposit of residential solid waste and recyclables. If additional trips are needed, the cost per trip would be invoiced to the Town at $75.00.
This Agreement may be extended at the option of the Town of Pownal, for an additional two (2) years. The terms of said renewal shall be determined by mutual agreement of the parties.

9.0 INSURANCE
The Contractor shall at all times during the Agreement maintain in full force and effect Employer’s Liability, Workers’ Compensation, Public Liability and Property Damage Insurance, including contractual liability coverage for the provisions of Section 6.0. All insurance shall be by insurers and for policy limits acceptable to the Town and before commencement of work hereunder the Contractor agrees to furnish the Town certificates of insurance or other evidence satisfactory to the Town to the effect that such insurance has been procured and is in force. The certificate shall contain the following express obligation: “This is to certify that the policies of insurance described herein have been issued to the insured for whom this certificate is executed and are in force at this time. In the event of cancellation or of material change in a policy affecting the certificate holder, thirty (30) days prior written notice will be given the certificate holder”.

For purpose of the Agreement, the Contractor shall carry the following types of insurance in at least the limits specified below:

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<th>Coverages</th>
<th>Limit of Liability</th>
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<tr>
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<tr>
<td>Except Automobile</td>
<td>$1,000,000 aggregate</td>
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<tr>
<td>Bodily Injury Liability</td>
<td>$500,000 each person</td>
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<tr>
<td>Automobile</td>
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<tr>
<td>Property Damage Liability</td>
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<tr>
<td>Automobile</td>
<td>$500,000 aggregate</td>
</tr>
<tr>
<td>Excess Umbrella Liability</td>
<td>$1,000,000 each occurrence</td>
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10.0 BASIS AND METHOD OF PAYMENT
The Contractor shall be entitled to payments for work performed under this agreement to be made in the following manner: On a monthly basis, the Contractor shall provide the Town with an invoice that conforms with the terms of the agreement of the parties, which shall be paid within thirty (30) days from the date of receipt of the invoice.

11.0 TRANSFERABILITY OF CONTRACT
No assignment of the Agreement or any right accruing under this Agreement is permitted without the express written consent of the Town. In the event of any assignment, the assignee shall assume the liability of the Contractor.

**12.0 EXCLUSIVE CONTRACT**

The Contractor shall have the sole and exclusive franchise, license and privilege to provide curbside collection of municipal solid waste from residential units within the Town. This exclusive contract does not include the collection or transportation of the silver recycling roll-off containers currently provided by ecomaine.

**13.0 TERMINATION CLAUSE**

If the Selectmen of the Town of Pownal determine that the Contractor has failed to fulfill in a timely and proper manner its obligations under this Agreement, or if the Contractor should violate any of the covenants, agreements or stipulations, or disregard laws or ordinances, the Town will have the following options:

13.1: Notify the Contractor, by e-mail, fax or U.S. mail, with a minimum of ten (10) days notice, that as of a date certain, the contract is terminated or

13.2: Notify the contractor by e-mail, fax or U.S. mail of such determination, and the contractor shall have thirty (30) days from the date of such notice to rectify such issue.

In witness whereof, the contracting parties, by our duly authorized agents, hereto affix our signatures on this 26th day of July 2009.

**TOWN OF POWNAL, MAINE**

Alfred Fauver, Board of Selectman

Timothy Giddinge, Board of Selectman

Jon Morris, Board of Selectman

**PINE TREE WASTE, INC. – Scarborough, ME**

Brian Oliver, Regional Vice President
ARTICLE 6 SUBDIVISION ORDINANCE

SECTION 1 PURPOSE
A. The purpose of these standards shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Pownal, Maine, the Board shall consider the following criteria and before granting approval shall determine that the proposed subdivision:

1. Will not result in undue water or air pollution. In making this determination it shall at least consider: The elevation of land above sea level and its relation to the flood plains; the nature of soils and subsoils and their ability to adequately support waste disposal; the slop of the land and its effect on effluents, and the applicable State and local health and water resources regulations;

2. Has sufficient water available for the reasonable foreseeable needs of the subdivision;

3. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;

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

5. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;

6. Will provide for adequate solid and sewage waste disposal;

7. Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;

8. Will not place an unreasonable burden on the ability of the local governments to provide municipal or governmental services;

9. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas;

10. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any;

11. The subdivider has adequate financial and technical capacity to meet the above stated standards;

12. Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water;

13. Based on the Federal Emergency Management Agency's flood Boundary and Floodway and Floodway Maps and Flood Insurance RateMaps, 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 boundaries within the subdivision. The proposed subdivision plan must include a condition of a plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;
14. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district;  

15. 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;  

16. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section “river, stream or brook” has the same meaning as in Title 38, Section 480-b, sub section 9;  

17. The proposed subdivision will provide for adequate storm water management;  

18. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;  

19. 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;  

20. 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; and  

21. Timber on the parcel being subdivision has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority 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. A municipal reviewing authority may request technical assistance from the Department of Agriculture, Conservation and forestry, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority’s request. If the bureau notifies the Planning 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, section 8868, subsection 6 and “parcel” means a contiguous area within the Town owned by one person or a group of persons in common or joint ownership. This subsection takes effect of the effective date of rules adopted pursuant to Title 12, section 8869, subsection 14.  

SECTION 2 AUTHORITY AND ADMINISTRATION  
A. Authority  
1. These standards have been prepared in accordance with the provisions of Title 30 M.R.S.A., Chapter 454, Section 4956.  
2. These standards shall be known and may be cited as “Subdivision Standards of the Planning Board of the Town of Pownal, Maine.”
B. Administration
1. The Planning Board of the Town of Pownal, hereinafter called the Board, shall administer these standards.
2. The provisions of these standards shall pertain to all the land proposed for subdivision as herein defined within the boundaries of the Town of Pownal.

SECTION 3 PRE-APPLICATION
A. Procedure
1. In order that the Planning Board may be fully informed about the site and in a knowledgeable position to prescribe the contour interval to be employed on topographic maps and grading plans and to save himself the cost of needless changes at a later date, the subdivider shall arrange for a joint inspection of the site with the Planning Board, or individual appointed to act as the Board’s representative for such inspection. This inspection may be waived at the discretion of the Planning Board.

2. At the time of the pre-application inspection, the subdivider shall submit for informal discussion a Sketch Plan and other data relative to the proposed subdivision which may be of assistance to the Planning Board in making its determinations.

3. After such preliminary inspection, the Planning Board shall within 35 days inform the subdivider in writing of the contour interval which will be required for his subdivision plans; and will classify the Sketch Plan into one two categories as defined herein:
   - Minor Subdivision
   - Major Subdivision

B. Submissions
1. The Sketch Plan shall be submitted to the Planning Board at the time of or prior to the on-site inspection.
2. The Sketch Plan shall show, in simple sketch form on a topographic map the proposed layout of street, lots, and other features in relation to existing conditions including such data as the Planning Board determines is necessary for its consideration of the proposed sketch plan.

SECTION 4 REVIEW AND APPROVAL OF MINOR SUBDIVISION
A. Procedure
1. Within six months after classification of the Sketch Plan as a Minor Subdivision by the Planning Board, the subdivider shall submit an application for approval of a Final Plan. Failure to do so shall require re-submission of the Sketch Plan to the Planning Board for reclassification. The Final Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board.

2. All applications for Plan approval for Minor Subdivisions shall be accompanied by a fee (see fee schedule) for each lot payable by check to the Town of Pownal, Maine, stating the specific purpose of the fee.

3. The Planning Board shall, within forty-five (45) days from the date of submission (as deemed by the Planning Board), approve, modify and approve, or disapprove the Final Plan. The Board shall specify in writing its reasons for any such modification or disapproval.

B. Submission
1. The subdivision plan for a Minor Subdivision shall consist of one original and three copies of one or more maps or drawings drawn to a scale of not more than one hundred (100) feet to the inch. Space shall be reserved thereon for endorsement by all appropriate agencies.

   Additional information shall include:
a. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

b. The Planning Board may require an actual field survey of the boundary lines of the tract, giving complete descriptive data by bearing, and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments as herein required, and shall be referenced as shown on the Plan of with Planning Board approval this requirement may be modified to a scale drawing.

c. The Planning Board may require a soils report identify the soils boundaries and names in the proposed development with the soils information superimposed upon the plot plan in accord with the USDA Soil Conservation Service National Cooperative Soil Classification. The intensity of this study must identify changes in soil conditions down to one eighth acre. A lot by lot soils suitability determination for each dwelling with septic sewage disposal is required.

d. All on-site sewerage and water supply facilities shall be designed to meet the minimum specifications of these standards and all pertinent State and local ordinances. Compliance shall be stated on the Plan and signed by a licensed civil engineer. (An onsite sewage system shall be shown on an HHE 200 form before a building permit is issued.) Amended 6/18/18

e. Proposed name of the subdivision or identify title, and the name of the Municipality in which it is located.

f. The date, north point, graphic map scale, name and address of record owner and subdivider, and names of adjoining property owners on both sides of the street, within 500 feet of the entire parcel.

g. If the Planning Board in reviewing an application for a minor subdivision determines that the impact upon the community of such proposed subdivision will exceed the normal impact of a minor subdivision it may require as a condition of approval that such subdivision meet one or more of the requirements applicable to a major subdivision.

h. If a private road that is a minor dead-end street or road 600 feet or less is part of a proposed Minor Subdivision, the subdivider shall obtain, as a condition of approval, a permit for the private road from the Codes Enforcement Officer. The permit (as it may be amended from time to time by the Planning Board) is herein adopted by reference by this Article.

i. The Planning Board may allow minor modification to the 600' standard for minor dead end streets to accommodate aesthetics and topography as long as the minimum 300' road frontage requirement is maintained and the maximum four lots allowed is upheld.

C. Final approval, Filing and Revisions after Approval

1. Upon completion of the requirements in Section 4.A. and B., and notation to that effect upon the Plan, it shall be deemed to have final approval and shall be properly signed by a majority of the members of the Planning Board and shall be filed by the applicant with the Municipal Officers. The applicant shall be responsible for having the Plan files with the Cumberland County registry of Deeds. The applicant shall be responsible for presenting evidence to the Planning Board of the filing. Any subdivision Plan not so filed or recorded within ninety (990) days of the date upon which such Plan is approved and signed by the Planning Board as herein provided shall become null and void, unless the particular circumstances of said applicant warrant the Planning Board to grant an extension which shall not exceed two additional periods of ninety (90) days.
2. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Planning Board and endorsed in writing on the Plan unless the plan is first resubmitted and the Planning Board approves any modifications. In the event that a Final Plan is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the records of the Municipal Officers and the Registry of Deeds.

SECTION 5 PRELIMINARY PLAN FOR MAJOR SUBDIVISION

A. Procedure

1. Within six months after classification of the Sketch Plan as a Major Subdivision by the Planning Board, the subdivider shall submit an application for the consideration of a Preliminary Plan for a major Subdivision. Failure to do so shall require resubmission of the Sketch Plan to the Planning Board for reclassification. The Preliminary Plan shall conform to the layout shown on the Sketch plan plus any recommendations made by the Planning Board.

2. The application for conditional approval of the Preliminary Plan shall be accompanied by a fee (see fee schedule) for each lot payable by check to the Town of Pownal, Maine, stating specific purpose of the fee.

3. Within forty-five (45) days after formal submission of a Preliminary Plan, the Planning Board shall take action to give preliminary approval, with or without modifications, or disapprove such Preliminary Plan. The reasons for any modifications or the grounds for disapproval shall be stated upon the records of the Planning Board. Prior to preliminary approval the Planning Board shall hold a public hearing.

4. When granting approval to a Preliminary Plan, the Planning Board shall state the conditions of such approval, if and with respect to: (1) the specific changes which it will require in the Final Plan; (2) the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, and general welfare; (3) the amount of improvement of the amount of all bonds therefore which it will require as prerequisite to the approval of the Final Subdivision Plan. The decision of the Planning Board plus any conditions imposed shall be noted on three (3) copies of the Preliminary Plan. One copy shall be returned to the subdivider, one retained by the Planning Board and one forwarded to the Municipal Officers.

B. Submissions

1. Location Map. The Preliminary Plan shall be accompanied by a Location Map drawn at a scale not over four hundred (400) feet to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The Location Map shall show all the area within two thousand (2,000) feet of any property line of the proposed subdivision. Within such area the Location Map shall show:
   a. All existing subdivisions and approximate tract lines of acreage parcels together with the names of the record owner; of all adjacent parcels of land, namely, those directly abutting or directly across any street adjoining the proposed subdivision.
   b. Locations, widths and names of existing, filed or proposed streets, easements, building lines and alleys pertaining to the proposed subdivision and to the adjacent properties as designated in Paragraph (1), above.
   c. The boundaries and designations of zoning districts, school districts and parks or other public spaces.
d. An outline of the proposed subdivision together with its street system and an indication of the future probable street system of the remaining portion of the tract, if the Preliminary Plan submitted covers only part of the subdivider’s entire holding.

2. Preliminary Plan. The Preliminary Subdivision Plan shall be submitted in four (4) copies of one or more maps or drawings which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to a scale of 1 inch equals not more than one hundred (100) feet, showing or accompanied by the following information:
   a. Proposed subdivision name or identifying title and the name of the Municipality.
   b. Name and address of record owner, subdivider and designer or Preliminary Plan.
   c. Number of acres within the proposed subdivision, location or property lines, existing easements, buildings, watercourses and other essential existing physical features.
   d. The names of all subdivisions immediately adjacent and the names of owners or record of adjacent acreage.
   e. The provisions of the Zoning Ordinance applicable to the area to be subdivided and any zoning district boundaries affecting the subdivision.
   f. The location and size of any existing sewers and water mains, culverts and drains on the property to be subdivided.
   g. Location, names and present widths of existing and proposed streets, highways, easements, building lines, parks and other public open spaces.
   h. The width and location of any streets or other public ways or places shown upon the Official Map and the Comprehensive Plan, if any, within the area to be subdivided, and the width, location, grades, and street profiles of all streets or of the public ways proposed by the subdivider.
   i. The Planning Board may require contour lines at intervals of not more than five (5) feet or at such intervals as the Planning Board may require, based on United States Geological Survey datum of existing grades where change of existing ground elevation will be five (5) feet or more.
   j. The Planning Board may require a soils report identifying the soils boundaries and names in the proposed development with the soils information superimposed upon the plot plan in accord with the USDA Soil Conservation Service National Cooperative Soil Classification. The intensity of this study must identify changes in soil conditions down to one eighth acre. A lot by lot soils suitability determination for house building with septic sewage disposal, or if appropriate, house building with public sewage disposal, will be made in accord with Soil Suitability Guide for Land use Planning in Maine and will accompany the plot plan soils study.
   k. Typical cross sections of the proposed grading for roadways and sidewalks.
   l. Date, true north point and graphic scale.
   m. Deed description and map of survey of tract boundary made and certified by a registered land surveyor, tied into established reference points.
n. Connection with existing water supply or alternative means of providing water supply to the proposed subdivision.

o. Connection with existing sanitary sewerage system or alternative means of treatment and disposal proposed.

p. If a private sewage disposal system is proposed, location and results of tests to ascertain subsurface soil and ground water conditions, depth to maximum ground water level, location and results of percolation test.

q. Provisions for collecting and discharging storm drainage, in the form of a drainage plan.

r. Preliminary designs of any bridges or culverts which may be required.

s. The proposed lot lines with approximate dimensions and suggested locations of buildings.

t. The location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field.

u. The location of all natural features or site elements to be preserved.

   a. Any Major Subdivision must provide an alternative water source for fire suppression operations under the following circumstances:
      1. the furthest building is more than 1500 feet from a public water system capable of handling large flows needed for fire suppression.

      2. The furthest building is more than 1500 feet from a certified water source with a dry hydrant installed. The water source must be certified in writing by a qualified hydrologist or engineer.

   b. Underground Cisterns
      1. A minimum storage capacity of 10,000 gallons shall be provided for a subdivision containing 5 lots. They shall be constructed of concrete or fiberglass and shall be buried fixtures. If there are more than 5 lots additional storage of 2000 gallons per lot or principal building shall be provided. The Planning Board and Fire Chief may require additional storage capacity upon a recommendation from the Fire Chief that such additional capacity is necessary due to the specific conditions of the subdivision.

      2. Hydrants or other provisions for drafting water shall be provided to the specifications of the Fire Department. Minimum pipe size connecting dry hydrants to cisterns shall be 8 inches with a 6
inch hose connector. The cistern must also be provided with a 4 inch fill port and an appropriate size vent pipe.

3. The dry hydrant shall be located so that fire trucks may connect to the hydrant by means of one 10 foot section of hard suction hose.

4. The applicant shall be responsible for the maintenance of the fire protection water supply for a period of one year following its installation and shall be responsible for any improvements determined to be necessary by the Fire Chief during this period to provide the required storage capacity and flows.

5. Where the dry hydrant or other water source is not within the right-of-way or existing street and easement to the town shall be provided to allow access for use and maintenance. A suitable access way to the hydrant or other water source shall be constructed to the same standard as the subdivision road. The area within 37.5 feet each side of the hydrant, parallel to the road and extending to the roadway shall be kept clear of all obstacles and shall be posted “NO PARKING, FIRE LANE”.

c. Fire Ponds

1. Fire ponds may be allowed in lieu of holding tanks if the water source is approved by the Fire Chief. A fire ponds shall be constructed with a 2:1 sloped (horizontal: vertical) banking and minimum depth of 10 feet. The fire pond shall have a minimum capacity of 120,000 gallons as certified by a Maine registered professional engineer and shall be maintained at or above that volume at all times. An overflow system shall be installed and maintained.

2. Where ponds are proposed for water storage the capacity of the pond shall be calculated based on the lowest water level less an equivalent of three feet of ice.

3. All prior dry hydrant specifications shall apply.

SECTION 6 FINAL PLAN FOR MAJOR SUBDIVISION

A. Procedure

1. The subdivider shall, within six months after the preliminary Plan, file with the Planning Board an application for approval of the Final Subdivision Plan in the form described herein. If the Final Plan is not submitted to the Planning Board within six months after the approval for the Preliminary Plan, the Planning Board may refuse without prejudice to act on the Final Plan and require re-submission of the Preliminary Plan.

2. If the proposed subdivision:
   a. Occupies a land area in excess of 20 acres, or
   b. Involves a structure or structures, having in excess of 60,000 square feet of ground area coverage, or
   c. Requires a license from the Department of Environmental Improvement under some other regulation such as waste discharge or air quality, or
   d. In any other way falls within the jurisdiction of and is subject to review by the State of Maine Department of Environmental Improvement, then:

      The approval of the DEP shall be secured in writing before official submission of the Final Plan.

3. Water supply system proposals contained in the Subdivision Plan shall be approved in writing by:
   a. The servicing Water Department if existing public water service is to be, or
b. The State of Maine Department of Health and Welfare if the subdivider proposes to provide a central water supply system, or
c. A civil engineer registered in the State of Maine if individual wells serving each building site are to be used. The Board may also require the subdivider to submit the results of water quality tests as performed by the Maine Department of Health and Welfare.
d. In any other way falls within the jurisdiction of and is subject to review by the State of Maine Department of Environmental Improvement, then:
The approval of the DEP shall be secured in writing before official submission of the Final Plan.

4. Sewage disposal system proposals contained in the Subdivision Plan shall be properly endorsed and approved in writing by:
a. The servicing sanitary sewer district of existing public disposal systems are to be used, or
b. The DHHS if a separate central sewage collection and treatment system is to be utilized or if individual septic tanks are to be installed by the developer, or
c. The DEP is the municipal system to be utilized is inadequate by State Standards and the waste generated is of a "significant" nature, or if the waste is to be discharged, treated or untreated, into any body of water.
d. Such approval shall be secured before official submission of the Final Plan.

B. Submission

1. The Final Plan shall consist of four copies of one or more maps or drawings. Space shall be reserved thereon for endorsements by all appropriate agencies. The Final Plan shall show:
a. All of the information presented on the Preliminary Plan and Location Map and any amendments thereto suggested or required by the Board.
b. The name, registration number and seal of the land surveyor, architect, engineer or planning consultant who prepared the plan.
c. Street names, land lines, pedestrian ways, lots, easements and areas to be reserved for or dedicated to public use.
d. Sufficient data acceptable to the Municipal Engineer to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. Where practical these should be tied to reference points previously established.
e. The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves tangent distances and tangent bearings, for each street.
f. By proper designated, all public open space for which offers of cession are made by the subdivider and those spaces to which title is reserved by him.
g. Lots and blocks within the subdivision numbered in accordance with local practice.
h. Permanent reference monuments shown thus: “X” They shall be constructed in accordance with specifications herein and their location noted and referenced upon the Final Plan.

2. There shall be submitted to the Board with the Final Plan:
a. Written offers of cession to the Municipality of all public open space shown on the Plan, and copies of agreements or other documents showing the manner in which spaces, title to which is reserved by the subdivider are to be maintained.

b. Written evidence that the Municipal Officers are satisfied with the legal sufficiency of the documents referred to in Paragraph (1), above. Such written evidence shall not constitute an acceptance by the Municipality of any public open space referred to the Paragraph (1), above.

c. A performance bond to secure completion of all improvements required by the Planning Board and written evidence that the Board of Selectmen is satisfied with the sufficiency of bond.
3. A public hearing shall be held by the Planning board within thirty (30) days after the time of submission of the Final Plan for approval. This hearing shall be advertised in a newspaper of local circulation at least ten (100 days before such hearing and notice of said hearing shall be posted in at least three (3) prominent places at least ten days prior to the hearing.

4. The Planning board shall, within forty-five (45) days from the public hearing, approve, modify and approve or disapprove the Final Plan. the reasons for any modification required or the grounds for disapproval shall be stated upon the records of the Planning Board.

C. Inspection of Required Improvements

1. Before the Building Inspector issues any building permit and before any work begins on improvements in or related to the subdivision, the subdivider shall, in an amount set by the Planning board, either file with the town Treasurer a certified check, performance bond or a letter of credit from a bank, acceptable to the town to cover the full cost of the required improvements. A period of one year (or such other period as the Planning Board may determination appropriate, not to exceed three years) shall be set forth in performance guarantee within which required improvements must be completed. The performance guarantee shall include an amount required for recreation land or improvements as specified.

2. At least five (5) days prior to commencing construction of required improvements the subdivider shall:
   a. Pay an inspection fee equal to two (2) percent of the cost of the required improvements, or
   b. Pay an inspection fee equal to the estimated cost of inspection by the Town Engineer, or consulting engineer
   c. The fee is payable by check to the Town of Pownal stating the purpose of the fee. The subdivider shall notify the Municipal Officers in writing of the time when s/he proposes to commence construction of such improvements so that the Municipal Officer can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

3. If the Town Engineer or consulting engineer shall find, upon inspection of the improvements performed before expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, s/he shall so report to the Board of Selectmen, Building Inspector and the Planning Board. The Board of Selectmen shall then notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the performance bond guarantee.

4. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Town Engineer or consulting engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Town Engineer or consulting engineer may, upon approval of the Planning Board, authorize modifications provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Town Engineer or consulting engineer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.

5. The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the legislative body.

D. Final Approval and Filing

1. Upon completion of the requirements in Sections 5 and 6 above and notation to that effect upon the Plan, it shall be deemed to have final approval and shall be properly signed by a majority of the members of
the Planning Board and shall be filed by the applicant with the Board of Selectmen. The Plan shall then be filed with the Cumberland County Registry of Deeds. Any Subdivision Plan not so filed or recorded within ninety (90) days of the date upon which such Plan is approved and signed by the Planning Board as herein provided shall become null and void, unless the particular circumstances of said applicant warrant the Planning Board to grant an extension which shall not exceed two additional periods of ninety (90) days.

2. At the time the Planning Board grants Final Plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to insure the orderly development of the Plan. The applicant may file a section of the approved Plan with the Board of Selectmen and the Registry of Deeds if said section constitutes at least 10% of the total number of lots contained in the approved Plan. In these circumstances, Plan approval of the remaining sections of the Plan shall remain in effect for three years of a period of time mutually agreed to by the Board of Selectmen, Planning Board and the subdivider.

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

F. Public Acceptance of Streets, Recreation Areas
   1. The approval by the Planning Board of a Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the Municipality of any street, easement, or other open space shown on such plan.

SECTION 7. ENFORCEMENT
A. No plan of a subdivision of land within the municipal boundaries which would constitute a subdivision as defined herein shall hereafter be filed or recorded in the Registry of Deeds until a Final Plan thereof shall have been approved by the Planning Board in accordance with all of the requirements, design standards, and construction specifications set forth elsewhere in these standards, nor until such approval shall have been entered on such Final Plan by the Planning Board.

B. No person, firm, corporation or other legal entity may convey, offer or agree to convey and land in a subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds.

C. Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this section shall be in violation of the provisions of these standards and shall be subject to enforcement under 30-A M.R.S.A. Section 4452. The Attorney General, the Town or the appropriate municipal officers may institute proceedings to enjoin the violation of this section.

D. No public utility, water district, sanitary district or any utility company of any kind serve any lot in a subdivision for which a Final Plan has not been approved by the Planning Board.

E. Not only is making a subdivision without Planning Board approval a violation of law, but so also within such a subdivision is grading or construction of roads, grading of land or lots, or construction of buildings until such time as a Final Plan of such subdivision shall have been duly prepared, submitted, reviewed, approved and endorsed as provided in these standards, and until the original copy of the Final Plan so approved and
endorsed has been duly recorded in the Cumberland County Registry of Deeds and any required performance guarantee and fees have been paid to the Town.

SECTION 8 RELEASE OF GUARANTY CHECK OR BOND
A. Before a subdivider may be released from any obligation required by his guarantee of performance, the Board will require certification from the Town Engineer or consulting engineer and whatever other agencies and department may be involved, to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards, State and local codes and ordinances.

SECTION 9 VARIANCES AND WAIVERS
A. Where the Board of Appeals finds that extraordinary and unnecessary hardships may result from strict compliance with these standards or where there are special circumstances of a particular plan, it may vary these standards so that substantial justice may be done and the public interest secure; provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, or the Zoning Ordinance, where such exist.

B. Waiver or Required Improvements or Standards.
1. Where the Board of Appeals finds that, due to special circumstances of a particular plan, the provision of certain required improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.

2. In the case of Performance Standards, the Planning Board may modify provisions of the Zoning Ordinance relating to space and bulk as specified in Section 10 Special Provisions of the Pownal Zoning Ordinance.

3. The Planning Board may waive the standards in Article 8 Public and Private Roads Ordinance for ‘Minor Dead-End Streets 600 feet or less so long as the Planning Board determines that the public health, safety and general welfare would be met by the modified standards.

4. The Planning Board may waive a standard or allowed modification or any standard or requirement of this ordinance if it is determined if such waiver or modification will not have the effect of nullifying the intent or purpose of the ordinance or have a negative impact on public health, safety or welfare. In granting variances and modifications, the Board of Appeals shall require such conditions as will, in its judgement, secure substantially the objectives of the requirement so varied or modified.

SECTION 10 APPEALS
A. An appeal from a decision of the Planning Board may be taken to the Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

SECTION 11 SEVERABILITY AND EFFECTIVE DATE
A. The invalidity of any provision of these standards shall not invalidate any other part.
B. These standards shall take effect immediately on adoption of the same by the Planning Board or legislative body.
ORDINANCE FOR THE KEEPING OF SWINE
Adopted March 11, 1963

It shall be unlawful to own, establish, maintain, possess or use any property within the limits of the Town of Pownal on which swine are housed, kept or possessed which are fed by garbage or swill or other obnoxious material gathered from this or any other municipality. This law shall not, nor is it intended to, prohibit inhabitants of the town from keeping and raising swine fed by wholesome and inoffensive materials and offals from the owners table.

Violation of this Ordinance shall be punishable by a fine of not less than $10.00 nor more than $100.00 and each day's violation shall be considered a new offense. Violation thereof may be restrained through injunction proceedings to be instituted and prosecuted by the town officers.

This law shall take effect on date passed.
REGULATION OF WIRELESS TELECOMMUNICATIONS
FACILITIES ORDINANCE
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REGULATION OF WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE
FOR THE TOWN OF POWNAL

Adopted March 8, 1999

Section 1. Authority and Scope

1.1 Home Rule and Maine Statute. This ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section I of the Maine Constitution; the provisions of Title 30-A M.R.S.A. Section 3001 (Home Rule), and the provisions of the Planning and Land Use Regulation Act, Title 30-A M.R.S.A. Section 4312 et seq.

1.2 Pre-emption by federal law. The Communications Act of 1934 as amended by the Telecommunications Act of 1996 ("the Act") grants the Federal Communications Commission (FCC) exclusive jurisdiction over the regulation of the environmental effects of radio frequency (RF) emissions from Telecommunications Facilities and the regulation of radio signal interference among users of the RF spectrum. Pownal’s regulation of Towers and Telecommunications Facilities in the town will not have the effect of prohibiting any Person from providing wireless telecommunications services in violation of the Act.

1.3 Severability and Interpretation. In the event that any Section, Subsection, portion or provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other provision of this Ordinance. The provisions of this Ordinance are hereby declared to be separable. Whenever the requirements of this Ordinance are inconsistent with the requirements of any other Ordinance, Code or Statute, the most restrictive requirements shall apply, except that:

1.3.1 Towers as described in section 8.9 and 8.10 of this Ordinance can be approved by the Planning Board in any zone.

1.4 Exemptions. Exempted from this Ordinance are radio, citizens band or television satellite dish or mast antennas for private use and not for profit or commerce, provided that no such mast has an antenna height of greater than forty feet from the ground. A ground, building or tower mounted antenna, operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, which is no higher than one hundred (100) feet in height, and is not licensed or used for any commercial purpose, is also exempt. The Codes Enforcement Officer may permit additional height in excess of one hundred (100) feet if it is technically necessary to successfully engage in this activity, as outlined in the attached guide by the American Radio Relay League (ARRL), Antenna Height and Communications Effectiveness, copyright 1998. Also refer to PRB-1, 101 FCC 2d 952 (1985), and 47 C.F.R., part 97.15e.
1.5 Not intended to replace Pownal's Site Plan ordinance. Nothing in this Ordinance shall be read to exempt anything from the requirements of Pownal's Site Plan Ordinance.

Section 2. Purpose

The purpose of this Ordinance is to provide a uniform and comprehensive set of performance standards and requirements to be used by the Planning Board during the site plan review process when it reviews an application for the placement and construction of wireless telecommunication facilities. These standards and requirements are intended to regulate the location and installation of such facilities in order to:

2.1 Protect and promote public health, safety and welfare from potential problems, examples of which are falling ice, telecommunication wave interference and attractive nuisance of towers to children;

2.2 Protect and preserve the aesthetic quality of Pownal as set forth in the goals, policies and objectives of the Pownal Comprehensive Plan, examples of which are the protection of scenic vistas, rural character and important historical areas, and the regulations of the Pownal Zoning Ordinance, examples of which are buffering requirements, by carefully regulating siting and design of wireless telecommunication facilities;

2.3 Protect adjacent properties from potential damage from tower failure and falling ice through careful siting regulations and engineering requirements;

2.4 Facilitate and encourage the managed development of telecommunications infrastructure while at the same time not unduly restricting the development of needed telecommunications facilities, including amateur radio installations, and

2.5 Encourage co-location on existing and future wireless telecommunication towers and maximize the use of existing and approved towers and other existing structures such as utility poles, or buildings (including community facility sites) to accommodate new wireless telecommunication antennas in order to reduce the number of new towers needed to serve the community's needs.

Section 3. Application Requirements

Applications. The following procedures and requirements shall apply to all applications for a tower permit under this Ordinance:

3.1 Fees for applications. Application for a tower permit hereunder for a co-located Tower is $1000.00. Application for a tower permit for a single use tower is $2000.00. The town shall be exempt from such fees.
3.2 Consequence of application. By applying, an applicant agrees to comply with this Ordinance in all ways, including by committing him/herself and successors in interest to respond in a timely, comprehensive manner to a request for information from a potential co-location applicant and to negotiate in good faith for shared use by other parties that have received or applied for federal licenses.

3.3 Form of application. All applications hereunder shall be made in writing to the Planning Board on the forms provided for this purpose. The application shall be made by the owner of the property or by agent of the owner, and shall be accompanied by the payment of an application fee to the Town of Pownal to cover the administrative costs of processing the application.

3.4 Compliance with other laws. The applicant must comply with all State and Federal requirements and receive all relevant approvals before any development activities may begin.

3.5 Required exhibits and information. When the owner of the property or his/her authorized agent makes formal application for a tower permit hereunder, the application shall contain at least the following exhibits and information.

3.5.1 A fully executed and signed copy of the application for a tower permit.

3.5.2 Two copies of the tower application site plan drawn at a scale sufficient to allow review of the items listed under this Ordinance, but at not more than 50 feet to the inch for that portion of the total tract of land being proposed for the tower location, and showing the following:

3.5.2.A. Owner's name, address and signature.

3.5.2.B. Names and addresses of all abutting property owners.

3.5.2.C. Sketch map showing general location of the site within the town.

3.5.2.D. Boundaries of all contiguous properties under the control of the owner or applicant regardless of whether all or part is being developed at this time.

3.5.2.E. The zoning classification of the property.

3.5.2.F. The location of all existing and proposed buildings (including size and height), access points, driveways, sidewalks, parking spaces, loading areas, open spaces, large trees, open drainage courses, service areas, and easements. Copies of any proposed or existing easements, covenants, deed restrictions, etc., shall be provided.
3.5.2.G. The location of all buildings within 200 feet of the parcel to be used to site the tower and the location of intersecting roads or driveways within 200 feet of the tower's location.

3.5.2.H. Applicants shall identify all existing and proposed towers, including their heights, located in the town and within one mile of the town boundaries. Applicants must provide evidence of the lack of antenna space on all such towers, (except in cases where tower access is denied by tower owner), and shall identify alternative tower structures and sites which have been investigated as alternative to constructing a new tower.

3.5.3 Building plans showing, as a minimum, the construction detail of the tower and any ancillary buildings. Such detail shall include:

3.5.3.A. Elevation drawings, cross-sectional area or silhouette, of the facility, drawn to scale and showing all measurements, both linear and volumetric, showing front, sides and rear of the proposed facility including all fencing, supporting system for transmission cables running between the tower and accessory structures, control panels, antennas, and existing structures and trees. Reference any design characteristics that have the effect of reducing or eliminating visual obtrusiveness. A visual study depicting where within a three-mile radius any portion of the proposed tower could be seen must also be provided by the applicant.

3.5.3.B. Detail of the tower base or method attachment to a structure. If the facility will be attached to an existing building or structure, provide measurements and elevations of the structure.

3.5.3.C. Details of all accessory structures including buildings, parking areas, utilities, gates, access roads, etc.

3.5.3.D. Certification from a Registered Professional Engineer in the State of Maine that this proposal will not interfere with established public safety telecommunications.

3.5.3.E. Written approval by all applicable state and federal agencies, including but not limited to the FAA and FCC, or a statement from the agency that no approval is required, including a description of any conditions or criteria for the approval or exemption from approval.

3.5.3.F. An inventory of all of the provider's existing and approved towers, antennas or sites within the Town of Pownal and locations in surrounding communities where wireless telecommunications are proposed to be utilized in conjunction with the facility proposed in this
application. Service area maps or network maps of the applicant's existing and proposed facilities in Cumberland and Androscoggin Counties.

3.5.3.G. Site photos showing site vegetation, existing and adjacent structures, and views of and from the proposed site. Topography and land uses on the proposed parcel and on abutting properties.

3.5.3.H. Landscaping plan reflecting location of proposed screening and fencing, planting areas, proposed plantings, existing plant materials to be retained and trees or shrubs to be removed.

3.5.3.I. Identify any other telecommunication facilities existing or proposed on the site.

3.5.3.J. A visual analysis, which may include photo montage, field mock up, or other techniques, shall be prepared by or on behalf of the applicant which identifies the potential visual impacts at design capacity, after the leaves have fallen, of the proposed facility. Consideration shall be given to views from public areas as well as from private residences and from archaeological and historic resources including historic areas and structures, specifically those listed in the National Register of Historic Places or eligible for inclusion. The analysis of the impact on historical and archaeological resources shall meet the requirements of the Maine State Historic Preservation Officer in his/her review capacity for the FCC. The overall analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable telecommunication facilities in the area, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed telecommunication service.

3.6 Co-location information required. In addition to all other application requirements, the applicant must provide in the application:

3.6.1 Notice to other tower users in Town. Applicants for a wireless telecommunication tower must notify by mail all other tower owners and telecommunication providers in the Town utilizing existing towers, stating siting needs and co-location requirements. Evidence of such notification shall be submitted to the Planning Board and shall include a name and address list, a copy of the notice which was sent and a statement under oath that the notices were sent.

3.6.2 Certification of inability to co-locate. An application for a new wireless telecommunication tower must include evidence that existing or previously approved towers cannot accommodate the telecommunications equipment.
(antennas, cables, etc.) planned for the proposed tower, if appropriate. Such evidence would be:

3.6.2. A. Planned necessary equipment would exceed the structural capacity of existing and approved towers, considering the existing and planned use of those towers, and existing and approved towers cannot be reinforced to accommodate planned or equivalent equipment.

3.6.2. B. Planned equipment will cause electromagnetic frequency interference with other existing or planned equipment for that tower, and the interference cannot be prevented.

3.6.2. C. Existing or approved towers do not have space on which planned equipment can be placed so it can function effectively.

3.6.2. D. Other documented reasons that make it technically or financially unfeasible to place the equipment planned by the applicant on existing and approved towers.

3.6.2. E. The applicant must assess whether another tower site could be changed to accommodate the proposed tower, and generally describe the means and projected cost of shared use of the existing or approved tower site.

3.7 Commitment of user required. A proposal to construct or modify a wireless telecommunication tower must include evidence of a commitment from a duly licensed entity to utilize the tower within 6 months of its completion to provide wireless telecommunication services. Proof of financial capacity to build, maintain, and remove the proposed tower must also be submitted.

3.8 Information on the general capacity of the tower and information necessary to assure that ANSI standards are met.

Application for Construction of New Towers or for Building, Pole Mounted or Tower Facilities

3.9 Applications for construction permits for such towers must include, in addition to all other application requirements:

3.9.A. An application to construct a new co-located wireless telecommunication tower taller than the maximum height permitted for a single user must include evidence that the tower can structurally support a minimum of three (3) antenna arrays for co-location purposes.
3.9.B. The Planning Board shall require evidence of adequate structural support to accommodate any proposed additional arrays.

3.9.C. A report from a Registered Professional Engineer in the State of Maine that describes the tower, the technical reasons for the tower design and the capacity of the tower, including the number(s), type(s) and volume of antenna(e) that it can accommodate and the basis for the calculation of capacity.

3.10 For building, pole mounted or tower facilities, in addition to all other application requirements, the application must include certification by a Registered Professional Engineer in the State of Maine that the design is adequate to support, without failure, the maximum forces expected from wind, earthquakes, ice/snow loading when the pole or tower is fully loaded with antennas, transmitters, other equipment, and camouflaging, as described in the submitted plan.

Section 4. Criteria and Standards – Administrative provisions

4.1 Upon approval by the Planning Board, a building permit shall be issued by the C.E.O. Permits will be valid for one (1) year from the date of issue.

4.2 Modification to approved plans. Any change to existing, previously approved and proposed towers requires site plan approval. This includes modifications to approved height and to approved attachments such as antennas and dishes as well as requests for additional attachments.

4.3 Appeals. Any person aggrieved by a decision of the CEO or the Planning Board under this Ordinance may appeal the decision to the Board of Appeals. Written notice of an appeal must be filed with the Board of Appeals within thirty (30) days of the decision. The notice of appeal shall clearly state the reasons for the appeal.

4.4. Enforcement. Failure to comply with any conditions of the Telecommunications Facilities Siting Ordinance or of the Site Plan Review, subsequent to approval of the plan, shall be construed to be a violation of this Ordinance and shall be grounds for revoking the approval, initiating legal proceedings to enjoin construction or any specific activity violating the conditions of approval, or applying a fine of not more than $500.00 for each day that the violation continues after official notification by the Planning Board.
Engineering Standards

4.5 Maximum Height. The height of any tower must be approved by the Planning Board as part of the site plan review process. The maximum height must not exceed 100 feet for single user and 150 feet for co-located user tower. The Planning Board may approve a height that is up to 150 feet only if:

4.5.A. For existing towers, probative evidence is presented by the owner that the existing tower height is not sufficient to meet the reasonable needs of the proposed additional user(s) and the additional height requested is the least height technically necessary to serve all of the proposed users.

4.5.B. For new towers, applicants accommodate co-location even if only one user will be located on the tower at the time of site plan review and approval. Only when additional users locate on the tower may it be constructed to the approved co-located height.

4.6 Mass of Antennas Per User. The mass of antennas, including required antenna support structures, on a tower shall not exceed four hundred fifty (450) cubic feet per user, with no one dimension (not including, Omni-direction antennas, such as whip antennas) exceeding fifteen feet per user. The mass shall be determined by the appropriate volumetric calculations using the smaller regular rectilinear, cuboidal, conical, cylindrical or pyramidal geometric shapes encompassing the entire perimeters of the array and all of its parts and attachments.

4.7 Construction materials for Towers. Towers shall be constructed of metal or other nonflammable material unless specifically waived by the Planning Board.

4.8 Accessory facilities, construction and location. Such facilities shall be adjacent to the tower base unless an alternative location will be less visually obtrusive or topographic considerations require an alternative location. Accessory facilities shall be constructed out of non-reflective exterior materials and shall be placed underground, if possible.

4.9 Security measures. Sufficient anti-climbing measures and other security measures preventing access to the site shall be incorporated into the facility, as needed, to reduce the potential for trespass and injury. Only manually operated or motion detecting security lighting is permitted.

Location Standards

4.10 Minimize visibility and number. Wireless telecommunications facilities shall not be sited in areas of high visibility unless a finding is made that no other location is technically feasible and unless the facility is sited below the ridgeline or designed to minimize its profile by blending with the surrounding existing natural and man-made environment in such a manner as to be effectively unnoticeable.
4.11 Protect wildlife. No facility shall be located so as to create a significant threat to the health or survival of rare, threatened or endangered plant or animal species.

4.12 Area. A wireless telecommunications tower shall not be constructed on a lot that does not conform to the minimum lot area required in the zoning district even if such lot is a lawful non-conforming lot of record. If it is located on a lot containing another use, the lot shall be of sufficient area to meet the minimum lot area requirement for each use.

4.13 Setbacks:

4.13.A. The center of the base of any telecommunications tower must be set back from all property lines a minimum of 125% of the tower height.

4.13.B. No part of the structure, including anchors, guy wires, overhead lines, masts, etc., shall be located in the required setback or in any required buffer area both on the ground or in the air space above the ground; i.e., any part of the structure must be located within the building envelope.

4.13.C. Accessory support buildings containing electronic equipment and any other structures accessory to the telecommunications tower shall meet the required building setback and the required buffer setback and be located within the building envelopes.

4.13.D. If more than one tower is proposed on a single lot or parcel, they shall be located as closely together as possible.

4.13.E. If other non-accessory uses are located on the same lot or parcel as a wireless telecommunications tower, all structures associated with such other uses shall be located a minimum distance of 125% of the tower height from the base of the tower.

4.13.F. A tower's setback may be reduced by the Planning Board to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure.

Design Standards

In addition to the criteria and standards listed in the Site Plan Review Ordinance, these additional criteria and standards shall be utilized by the Planning Board in reviewing applications for site plan review of proposed wireless telecommunications facilities.
4.14 Blending. All telecommunications facilities shall be designed to blend into the surrounding environment to the greatest extent feasible. To this end all of the following measures shall be implemented.

4.15 Height for accessory buildings. New accessory facilities shall be no taller than one story in height and shall be treated to look like a building or facility typically found in the area.

4.16 Painting. All buildings, poles, towers, antenna supports, antennas and other components of each wireless telecommunications facility site shall be initially painted and thereafter repainted as necessary with a "flat" paint. The color(s) selected shall be one that the Planning Board determines will minimize their visibility to the greatest extent feasible. To this end, improvements which will be primarily viewed against soils or trees shall be painted colors matching these landscapes while elements which rise above the horizon shall be painted a blue gray that matches the typical sky color at that location unless the Board determines that an alternative proposal will minimize visibility.

4.17 Decoration prohibitions. No obstruction painting, advertising, signage or any lighting shall be permitted on any tower.

4.18 Mitigation measures.

4.18.A Screens must be utilized to screen antennas and towers from view from public rights-of-way or scenic vistas, either via landscaping, fencing or other architectural screening.

4.18.B Network interconnections from the communications site via land lines have been proposed rather than the use of microwave link dishes, in order to minimize visual impact.

4.18.C Creative design measures must be employed to camouflage facilities by integrating them with existing buildings and among other uses. When lighting is required and is permitted by the FAA or other federal or state authority, it shall be oriented inward so as not to project onto surrounding residential property.

4.19 Special authority of Planning Board. The Planning Board may require special design of the facilities where findings of particular sensitivity are made (e.g. proximity to historic or aesthetically significant structures, views and/or community features).
Inspections

The owner of any tower in Pownal has the affirmative inspection duties specified hereunder:

4.20 Inspection by neutral expert. A Registered Professional Engineer in the State of Maine shall certify the inspection report of the tower to insure structural integrity.

4.20.A. Monopole towers must be inspected at least once every seven years following completion of construction. The inspection shall take place between the sixth and seventh year of the repeat sequence.

4.20.B. Self-supporting towers must be inspected at least once every five years following completion of construction. The inspection shall take place between the fourth and fifth year of the repeat sequence.

4.20.C. Guyed towers must be inspected at least once every three years following completion of construction. The inspection shall take place between the second and third year of the repeat sequence.

4.21 Submission of inspection reports. The inspection report shall be submitted to the Town CEO within thirty (30) days of its receipt by the tower owner. Based upon the results of the inspection, the CEO may require repair or demolition of the tower.

4.22 Costs for inspections borne by owner. The cost of such inspections, reports, repairs or demolition required under this Ordinance shall be borne entirely by the tower owner. Required repairs shall be completed within sixty (60) days or less as required by the CEO.

4.23 Presumption of abandonment. Failure to provide required inspection reports or to perform necessary repairs in the required time schedule shall be deemed prima facie evidence of abandonment.

Abandonment and Removal of Tower

4.24 Responsibility of owner to notify Town. If the tower ceases to be used or if the use of the tower is abandoned for any reason, it shall be the responsibility of the owner of the facility to notify by certified mail the Codes Enforcement Officer and the Town Clerk of the date of abandonment or cessation of use. If the owner shall fail to give the required notice, the CEO shall make a determination of such date, which determination shall be conclusive as to such date.

4.25 Obligation of owner to remove Tower. In the case of a tower which is abandoned or the use of which ceases, it shall be removed by the owner within one (1) year of its abandonment or cessation of use. All above ground structures, equipment,
foundations, guy anchors, utilities and access roads or driveways specifically constructed to service the tower, structures, equipment or utilities shall be removed, and the land returned to a condition as near to the original pre-construction condition as possible. In the event the owner/applicant does not perform his/her obligations under this paragraph, his/her removal bond shall be used to do so.

4.26 Removal bond required. At the time of approval, the applicant for a new tower shall submit to the Town a bond or other financial surety, to be approved by the Town Selectmen, in the amount of 150% of the estimated demolition cost of the tower and the removal of all accessory facilities, such cost to be determined by an independent Registered Professional Engineer in the State of Maine and the amount shall be acceptable to the Town Selectmen. The bond or other financial surety shall be in effect for as long as the tower is in place.

4.27 Application to Selectmen to release bond. The owner may apply to the Town Selectmen for release of the bond at such time that the owner or assigns removes the tower, accessory facilities and associated abandoned structures as described above, and such completed removal is found to be satisfactory by the Town CEO. Any cost of inspection by the Town CEO shall be borne by the owner.

Section 5. Prohibition

5.1 No tower shall be erected, developed, or otherwise altered without the approval of the Planning Board of such development granted according to the requirements of this Ordinance. Construction, site development and landscaping and maintenance shall be carried out in accord with the plans, drawings, sketches, and other documents approved by the Planning Board, unless altered with the Planning Board's approval.

Section 6. Effective Date

6.1 This Ordinance becomes effective on March 8, 1999.

Section 7. Administration of Application

7.1 Public Hearing. Prior to taking final action on any site plan review application, the Planning Board must hold a public hearing to afford the public the opportunity to comment on the application. Abutting property owners shall be notified by mail of a pending application for a tower permit hereunder. The hearing shall be advertised in a newspaper of general circulation and notice shall be posted in three prominent places in Pownal at least ten days prior to the hearing. This notice shall indicate the nature of the application, the time, date, and place of hearing.
7.2 Experts. The Planning Board may require the applicant to retain an expert consultant or consultants to study and report as to compliance or noncompliance with these standards and to advise, if necessary, on procedures which will result in compliance. Such consultants shall be fully qualified and licensed to provide the required information and shall be mutually acceptable to the Town and the applicant. Costs shall be borne by the applicant.

7.3 Informational and informal hearing. Prior to formal application, an owner or his/her authorized agent may request an informal review of the tower application by the Planning Board to determine its compliance with town regulations.

7.4 Planning Board tower approval with building permit application. One copy of the approved tower application shall be included in the application for a building permit.

7.5 Bond required. The Board may require the applicant to show financial capacity to complete the development as approved and may require the posting, prior to final approval of any plan, of a bond or escrow agreement, in such amount as is approved by the Board as being reasonably necessary to ensure completion of all improvements required as conditions of approval of such plan, in such form as approved by the Board.

Section 8. Definitions

The following terms have the designated meanings within this Ordinance, unless otherwise clear from the text:

8.1 Antenna: Any structure or device used for the purpose of the wireless transmitting or receiving electromagnetic waves, digital signals, analog signals or other communication signals, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

8.2 Antenna Support Structure: Any pole, telescoping mast, tower tripod, or any other structure which attaches to a tower and supports one or more antenna(e).

8.3 Building Envelope: The area of an approved building lot that is not part of any setback requirements, stream or wetland protection zones, excess slope or other buffer areas that have been determined by the Planning Board or the Board of Appeals.

8.4 Height, Wireless Telecommunication Tower: The vertical distance measured from the lowest point within ten (10) feet of the base of the structure on the ground to the highest point of the tower, including the base pad, all antennas and other attachments. When towers are mounted upon buildings or other structures, the total vertical height is measured from the lowest point within ten (10) feet of
the ground level of the supporting structure to the highest point of all appurtenances on the tower.

8.5 FAA: Federal Aviation Administration.

8.6 FCC: Federal Communications Commission.

8.7 Public Utility Facilities: A facility, whether publicly or privately owned, which provides direct or indirect utility service to the public, such as, but not limited to, sewage and water pumping stations and treatment facilities, telephone electric equipment structures, electric power substations and transformer stations, and major electrical power lines or pipelines whose major purpose is transport through a municipality. Local utility transmission lines are excluded from this definition. Wireless telecommunications facilities are not considered public utility facilities.

8.8 Wireless Telecommunications Facility: A facility that transmits, receives, distributes, provides or offers telecommunications services, radio or television signals, or any other spectrum-based transmissions/receptions, together with the facility's associated antennas, microwave dishes, horns, cables, wires, conduits, ducts, lighting roads, electronics and other types of equipment for the transmission, receipt, distribution or offering of such signals; wireless telecommunication towers, antenna support structures and other structures supporting said equipment and any attachments to these structures including guy wires and anchors, equipment buildings, generators, parking areas, utility services, driveway and roads and other accessory features.

8.9 Wireless Telecommunication Facility - Co-Located: A wireless telecommunications facility that includes a telecommunication tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity.

8.10 Wireless Telecommunication Tower ("Tower"): Any new or existing ground mounted or structure mounted pole, spire, structure, or combinations thereof, designed and constructed primarily for the purpose of supporting, fixing or attaching one or more antennas, including supporting lines, cables, wires, brace and masts. The term includes, but is not limited to, radio and television transmission towers, microwave towers, common carrier towers, cellular towers, personal communications service towers, and other similar towers.
ARTICLE 3 ZONING ORDINANCE

SECTION 1: INTRODUCTION
A. **Title**
   This Ordinance shall be known and may be cited as the “Zoning Ordinance of the Town of Pownal, Maine.”

B. **Effective Date:** Adopted August 12, 1971

C. **Authority**
   This Ordinance is adopted pursuant to the enabling provisions of Article VII l-A of the Maine Constitution, the provisions of Title 30-A, M.R.S.A. Section 3001 (Home Rule), the State’s Growth Management Law, Title 30-A M.R.S.A Section 4312 Et Seq., and the Mandatory Shoreland Zoning Act, Title 38 M.R.S.A. Sections 435 et seq.

D. **Purpose**
   This Ordinance is designed for all the purposes of zoning embraced in Maine Revised Statutes and has been pursuant to, and to be consistent with, the Comprehensive Plan adopted by the Town of Pownal to provide for the health, safety and welfare of Pownal citizens. Among other things it is designed to:
   - Promote the coordinated development of unbuilt areas
   - Provide for adequate public services
   - Promote traffic safety
   - Provide safety from fires and other elements
   - Provide adequate light and air
   - Promote a wholesome home environment
   - Provide an adequate street system
   - Prevent overcrowding of real estate
   - Prevent housing development in unsanitary areas
   - Encourage the formation of community units
   - Encourage development that is aesthetically pleasing
   - Encourage flexibility of municipal planning
   - Conserve the value of lands and buildings
   - Protect the environment and conserve natural resources
   - Control and minimize noise and light pollution

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

F. **Conflicts with Other Ordinances**
   Wherever the requirements of the Ordinance appear to be in conflict with any other lawfully adopted statute, rule, regulations, or ordinance, the most restrictive or that imposing the higher standards shall govern.

G. **Changes and Amendments**
   No zoning regulation or amendment thereof shall be adopted until after the Planning Board shall have held a public hearing thereon at least ten (10) days before it is submitted to Town for consideration.
notice of the hearing shall be made at least fourteen (14) days prior to such hearing in order to meet the requirements of 30-A M.R.S.A. Section 4352.

H. Applicability
The provisions of this ordinance shall govern all land and all structures within the boundaries of the Town. It is the intent of this Ordinance that any use not expressly allowed as either a permitted or special exception use is specifically prohibited.

I. Fees and Fines
Unless otherwise noted all fees are set by the Selectmen or voted at town meeting. A fee schedule is available and kept on record with the town clerk. Fines for violations shall be as established by 30-A M.R.S.A. Section 4452.

SECTION 2: ESTABLISHED OF ZONES
A. Districts
To implement the provisions of this Ordinance the Town is hereby divided into the following classes of Districts:
1. Village District, (V)
2. Rural District (RA)
3. Rural District (RB)

B. Zoning Map
The districts above are shown upon a map entitled "Zoning Map of the Town of Pownal, Maine" dated May 2014 and filed in the office of the Town Clerk. Said map is hereby incorporated in and made a part of this Ordinance and shall be final authority as to the current status of district locations. Where uncertainty exists with respect to district boundaries as shown upon the above map the following rules shall apply:
1. Unless otherwise indicated, district boundary lines are the center line, plotted at the time adoption of this Ordinance, of streets, alleys, parkways, waterways or right-of-way of public utilities and railroads or such lines extended.
2. Other district boundary lines which are not listed in the preceding paragraph shall be considered as lines paralleling a street and at distances from the center lines of such streets as indicated by the official Zoning Map on file in the office of the Town Clerk. In absence of a written dimension, the graphic scale on the official Zoning Map shall be used.

SECTION 3: CONFORMITY
A. No building or structure shall be erected, altered, enlarged, rebuilt, moved, or used and no premises shall be used unless in conformity with the provisions of this Ordinance except those existing, which by the provisions of this Ordinance become legally nonconforming upon its adoption.

B. The regulations specified by this Ordinance for each class of district shall be minimum requirements and shall apply uniformly to each class or kind of structure or land.

C. Land within the lines of a street on which a lot abuts shall not be considered as part of such lot for the purposes of meeting the area requirements of this Ordinance notwithstanding the fact that the fee to such land may be in the owner of such lot.

D. No part of a yard or other open space, or off-street parking, or loading space about or in connection with any building and required for the purpose for complying with this Ordinance, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.
E. When a lot of record at the time of enactment of this Zoning Ordinance is transected by a zoning district boundary, the regulations set forth in this Ordinance applying to the larger part by area of such lot may also be deemed to govern in the smaller area beyond such zoning district boundary but only to an extent not more than fifty (50) linear feet in depth beyond said zoning district boundary.

F. In any district, notwithstanding limitations imposed by other sections of this Ordinance, single lots of record at the effective date of adoption or amendment of this Ordinance may be built upon, with the approval of the Building Inspector (BI) and/or Code Enforcement Officer (CEO). Such lots shall be in separate ownership and not contiguous with other lots in the same ownership. This provision shall apply even though such lots fail to meet the minimum requirements for area or width or both, which are applicable in the district, provided that yard dimensions and other requirements, not involving area or width, of the lot shall conform to the regulation for the district in which such lot is located. Variance of yard and other requirements not involving area or width shall be obtained only through action of the Board of Appeals.

G. No more than one principal building and its accessory buildings are regulated by this Ordinance may be located on any one lot used as a residential lot, except in cases of a planned unit development or multiple dwelling units that meet all other applicable sections of the Ordinance.

SECTION 4: NONCONFORMITY

A. Any lawful use of buildings, structures, premises, land or parts thereof existing at the effective date of this Ordinance and made nonconforming by the provisions of this Ordinance or any amendments thereto, may be continued subject to the provisions of this section.

B. If any nonconforming use ceases for any reason for a period of two years or more any subsequent nonconforming use shall only be allowed if it receives approval from the Board of Appeals as a special exception.

C. An existing nonconforming use may be changed to another nonconforming use provided that the Board of Appeals shall find that the proposed use is equally of more appropriate to the zoning district than the existing nonconforming use and provided that the Board of Appeals shall review such change as a special exception.

D. Whenever a nonconforming use is changed to an allowed use, such use shall not thereafter revert to nonconforming status notwithstanding any other provisions of this Ordinance.

E. Any individual use for which an individual special exception has been granted in accordance with this Ordinance shall not be deemed a nonconforming use.

F. The Board of Appeals may grant permission for the enlargement of any use made legally nonconforming by the district provision of this Ordinance. In reviewing all such applications for enlargement, the Board of Appeals shall use the criteria established herein for the consideration of special exceptions.

SECTION 5: ADMINISTRATION, ENFORCEMENT AND PENALTIES

A. Enforcement Officer-
It shall be the duty of the Building Inspector/Codes Enforcement Officer to enforce the provisions of this Ordinance. If the BI/CEO shall find that any of the provisions of this Ordinance are being violated, he or she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He or she may order discontinuance of illegal use of land,
buildings, or structures, removal of illegal buildings or structures or of any additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by the Ordinance to insure compliance with or to prevent violation to its provisions.

B. **Legal Action and Violations**
   When any violation of any provision of this Ordinance shall be found to exist, the Building Inspector shall notify the Board of Selectmen who may then institute any and all actions to be brought in the name of the Town.

C. **Fines**
   Any person, firm, or corporation being the owner of or having control of or use of any building or premises who violates any of the provisions thereof, shall be subject to a fine. Each day such violation exists after notification the violation shall constitute a separate offense. All fines collected hereunder shall inure to the Town. The Town may also seek correction of the violation or any other appropriate relief.

D. **Building permit**
   No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the BI/CEO. No building permit shall be issued except in conformity with the provisions of this Ordinance, except after written order from the Board of Appeals. No building permit shall be issued for new residential dwelling until such time as a valid plumbing permit has been issued for a system of private sewage disposal by the Plumbing Inspector. In the case of a subdivision, or a site plan, the Planning Board must review and approve the subdivision or site plan in accordance with all applicable land use regulations prior to the issuance of the permit to build. The building permit shall be valid for one year from the date of issuance. If construction has not been completed within the twelve-month period, the permit may be renewed without charge for a second twelve-month period. Thereafter, if substantial construction has not been completed, a new permit shall be applied for and the fee paid. Substantial construction shall be defined, at a minimum, as the installation of a foundation and shall be determined by the Building Inspector.

E. **Application for Building Permit**
   All applications for building permits shall be accompanied by plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any, and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Building Inspector to determine conformance with and provide for the enforcement of this Ordinance. The provision of this Ordinance related to the issuance of building permits and soils condition shall apply.

F. **Certificate of Occupancy**
   It shall be unlawful to use or occupy or allow the use or occupancy of any building or premises until a Certificate of Occupancy shall have been issued therefor by the Building Inspector and endorsed to the effect that the proposed use of the building or land conforms with the requirements of this Ordinance.
   1. A Certificate of Occupancy shall be issued in conformity with the provisions of this Ordinance upon completion of the work described in the application for a Building Permit.
   2. A temporary Certificate of Occupancy may be issued by the Building Inspector for a period of six months during construction or alterations for partial occupancy of a building pending its completion, provided that such temporary Certificate may require such conditions and safeguards as will protect the health, welfare and safety of the occupants and the public.
   3. The Building Inspector shall maintain a public record of all Certificates of Occupancy.
4. Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance.

G. Temporary Trailers During Construction-
The Building Inspector shall issue a permit to an applicant who is constructing his/her residence on a site to place a temporary trailer on that site to be used as the owner’s temporary living quarters for six months if the following conditions are met:
1. The applicant must have obtained valid plumbing and building permits for the residence.
2. The permanent foundation, septic disposal system and water supply for the residence must be completed before the trailer is placed on the site. The temporary trailer shall be similar to a travel trailer. It shall have either self-contained plumbing facilities or a plumbing connection to the residence’s septic system and water supply.
3. No trailer shall be set at the site as provided above unless the Building Inspector shall issue, for a period no longer than six months, a temporary Certificate of Occupancy which may require such conditions and safeguards as will protect the health, welfare and safety of the occupants and the public.
4. After the six months have expired, the applicant may apply to the Board of Appeals for one six month extension if the residence has not been completed. No further extensions are allowed.
5. If a six month extension is granted by the Board of Appeals as provided above, the Building Inspector shall extend the temporary Certificate of Occupancy for such additional period subject to conditions and safeguards as he deems appropriate.
6. Occupancy must cease when the permit expires. Failure to cease occupancy shall be a violation of this Ordinance.

SECTION 6. VILLAGE DISTRICT
A. Purpose-
To provide a central village area in which a variety of community and service uses may be located in accordance with the performance standards of this Ordinance.

B. Permitted Uses
1. Dwellings and detached Accessory Dwelling Units, except mobile home parks.
2. Community buildings including public and semi-public uses, churches, places of assembly and recreation (exclusive of drive-in theaters and fairgrounds).
3. Professional and business uses.
4. Motel and Hotels.
5. Accessory uses and buildings, including home occupations.

C. Special exceptions
1. Cemeteries.
2. Industry and Manufacturing activities.
3. Used car sales.
4. Public utility installations.
5. Construction in a floodplain as defined under Section 13A of this Ordinance. Amended 6/18/18
SECTION 7 RURAL DISTRICT – RA

A. **Purpose:**
   To conserve the integrity and natural qualities of rural open space for the betterment of the community and future needs.

B. **Permitted Uses:**
   1. General purpose farming and forestry.
   2. Farm Stand – Retail sales of farm produce most of which is grown on the same premises or premises leased or owned by the operator of the farm stand.
   3. Open space recreational uses, exclusive of drive-in theaters, fairgrounds, amusement parks, race tracks, and stadiums.
   4. Dwellings and detached Accessory Dwelling Units.
   5. Accessory uses and buildings, including home occupations.
   6. Mobile Home Park on the parcel identified as lot number 43 on the Town Tax Map number 9.

C. **Special exceptions**
   1. Fairgrounds
   2. Cemeteries
   3. Municipal uses and public utility installations.
   4. Motels and Hotels.
   5. Medical and professional buildings, with individual units subject to Subsection 8.
   6. Construction in a flood plain as defined under Section 13A of this Ordinance. Amended 6/18/18
   8. Business and professional uses provided that they meet the following standards:
      a. Each use shall not cover more than 5,000 square feet of floor space.
      b. The design of the structure shall be compatible with the predominantly residential nature of the district.
      c. All parking shall be located off street and shall not be located in the required front yard.
      d. A natural buffer of 75’ shall be maintained as side and rear setbacks.
      e. Objectionable circumstances such as noise, vibration, smoke, dust, electrical disturbances, odors, heat or glare shall not be produced beyond what is normally produced in the rural district.
   9. Mobile Home Parks, 30-A M.R.S.A. 4358

SECTION 8. RURAL DISTRICT – RB

A. **Purpose.**
   To provide for the placement of mobile homes on individual lots in areas which contain undeveloped acreage and which have few historically significant structures.

B. **Permitted Uses.** These are the same as Rural District –RA.
   1. Lots south of Tuttle Road must have the required frontage on Tuttle Road and only Tuttle Road may be used for access to the lot if a mobile home is place on it.
   2. Mobile Home Park on the parcel identified as lot number 30 on the Town Tax Map number 2.

C. **Special Exceptions.** These are the same as Rural District RA.
SECTION 9 PERFORMANCE STANDARDS

The performance standards contained in this Section shall apply to all districts, uses and activities, unless otherwise specified, whether or not specific approval or a permit is required.

1. Residential Uses
   The Codes Enforcement Officer or the Planning Board shall make the final determination of net residential acreage/area. Where the Planning Board determines that the extent of unsuitability in a specific case requires interpretation, it shall be guided by whether or not the potential unsuitable area in its natural state could be incorporated into a minimum size developable lot in a traditional subdivision. If it can be so incorporated, that area shall not be subtracted from the gross acreage/area. The following densities are necessary because of the limited availability of soil suitable to on-site septic systems and the limited number and size of aquifers and aquifer recharge areas:

SPACE AND DIMENSIONAL STANDARDS

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>VILLAGE</th>
<th>RURAL A</th>
<th>RURAL B</th>
<th>BACKLOT</th>
</tr>
</thead>
<tbody>
<tr>
<td>RESIDENTIAL USES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MINIMUM LOT SIZE with on-site sewer and water</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-family dwelling Amended 6/18/18</td>
<td>90,000 sf</td>
<td>90,000 sf</td>
<td>90,000 sf</td>
<td>5 Acres *(3)</td>
</tr>
<tr>
<td>Two-family dwelling Amended 6/18/18</td>
<td>150,000 sf</td>
<td>150,000 sf</td>
<td>150,000 sf</td>
<td></td>
</tr>
<tr>
<td>MINIMUM NET RESIDENTIAL AREA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attached dwelling of more than two units</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>First Unit</td>
<td>90,000 sf</td>
<td>90,000 sf</td>
<td>90,000 sf</td>
<td></td>
</tr>
<tr>
<td>Each Additional Unit</td>
<td>60,000 sf</td>
<td>60,000 sf</td>
<td>60,000 sf</td>
<td></td>
</tr>
<tr>
<td>MINIMUM NET RESIDENTIAL AREA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Detached Accessory Dwelling</td>
<td>150,000 sf</td>
<td>150,000 sf</td>
<td>150,000 sf</td>
<td></td>
</tr>
<tr>
<td>MINIMUM LOT WIDTH</td>
<td>200 ft</td>
<td>200 ft</td>
<td>200 ft</td>
<td>200 ft</td>
</tr>
<tr>
<td>MINIMUM STREET FRONTAGE</td>
<td>300 ft</td>
<td>300 ft</td>
<td>300 ft</td>
<td>300 ft *(4)</td>
</tr>
<tr>
<td>MINIMUM FRONT YARD, all Buildings</td>
<td>40 ft</td>
<td>40 ft</td>
<td>40 ft</td>
<td>40 ft</td>
</tr>
<tr>
<td>MINIMUM SIDE &amp; REAR YARD, All Buildings</td>
<td>25 ft</td>
<td>25 ft</td>
<td>25 ft</td>
<td>25 ft</td>
</tr>
<tr>
<td>MAXIMUM BUILDING COVERAGE OF LOT 20%</td>
<td>20%</td>
<td>20%</td>
<td>20%</td>
<td></td>
</tr>
<tr>
<td>MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS ON THE SAME LOT</td>
<td>The height equivalent of the taller building</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NON-RESIDENTIAL USES (exclusive of manufacturing)

| MINIMUM LOT AREA | 90,000 sf | 90,000 sf | 90,000 sf |         |
| MINIMUM STREET FRONTAGE | 300 ft | 300 ft | 300 ft |         |
| MINIMUM SIDE AND REAR YARDS | 25 ft | 25 ft | 25 ft |         |
| MAXIMUM BUILDING COVERAGE OF LOT none | none | none | none |         |
| MINIMUM FRONT YARDS | 100 ft | 100 ft | 100 ft |         |

MANUFACTURING USES

| MINIMUM LOT AREA | 90,000 sf |         |         |         |
| MAXIMUM BUILDING COVERAGE OF LOT *(1) |         |         |         |         |
| MINIMUM FRONT YARD, all Buildings | 100 ft |         |         |         |
| MINIMUM SIDE AND REAR YARDS *(2) |         |         |         |         |
*(1): Maximum Building Coverage – Any manufacturing facility shall provide two square feet of open space for each one square foot of industrial plant space. Industrial plant space shall be the sum total of all floors.

*(2): Minimum Side and Rear Yards – 25 feet or 50% of building height, whichever is greater, except that all such yards abutting residential uses shall be a minimum of 50 feet or the height equivalent of the principal building, whichever is greater.

*(3): Minimum lot size does not include access easement over the front lot.

*(4): Minimum 300 feet of lot line most parallel to the road fronting the front lot.

**INDUSTRIAL WASTE** - the disposal of industrial waste by any means shall comply with all the laws of the State of Maine concerning pollution, conservation, health, safety, and welfare.

**NUISANCE** - No manufacturing or industrial activity shall create a nuisance of any kind which shall erode the natural qualities or living environment of the Town. In case of doubt, the Town Selectmen may employ an independent recognized consultant at the expense of the applicant, to assure abatement of nuisance.

2. **Off-street parking and Loading**
   a. Off-street parking for dwelling, business or accessory use, shall have for each space a minimum of 10 feet by 20 feet, either in open air or in a garage.
   b. The following minimum off-street parking requirements shall be provided and maintained in case of new construction, alterations and changes of use.

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling</td>
<td>2 parking spaces for each dwelling unit</td>
</tr>
<tr>
<td>Motels, tourist homes</td>
<td>1 parking space for each sleeping room</td>
</tr>
<tr>
<td>Hotels</td>
<td>1 parking space for each sleeping room</td>
</tr>
<tr>
<td>Schools</td>
<td>1 parking space for each room used for purposes of instruction</td>
</tr>
<tr>
<td>Health facilities</td>
<td>1 parking space for each 500 square feet or major fraction thereof of floor area, exclusive of basement</td>
</tr>
<tr>
<td>Theaters, auditoria, and churches</td>
<td>1 parking space for each 4 seats or for each 100 square feet or major fraction thereof of assemblage space if no fixed seats</td>
</tr>
<tr>
<td>Retail &amp; service stores</td>
<td>1 parking space for each 180 sq. ft. of major leasable area</td>
</tr>
<tr>
<td>Restaurants</td>
<td>1 parking space for every 3 seats</td>
</tr>
<tr>
<td>Offices, professional, businesses and public buildings</td>
<td>1 parking space for each 250 square feet or major fraction thereof, of gross leasable area</td>
</tr>
<tr>
<td>Industry and manufacturing</td>
<td>1 parking space for each 1.2 employees, based on the highest expected employee occupancy</td>
</tr>
</tbody>
</table>

   c. Off-street loading: Space logically and conveniently located for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used by, and accessible to, such vehicles when required off-street parking spaces are filled, shall be provided for all commercial and industrial uses. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

   d. Required off-street parking shall be located on the same lot as the principal building or use.
SECTION 10: Special provisions for Cluster Subdivision Performance Standards – All Districts

These special provisions, related to space and bulk, allow for innovative approaches to housing and environmental design in construction.

A. Notwithstanding other provisions of this ordinance relating to space and bulk, the Planning Board, in reviewing and approving proposed residential subdivisions, may modify said provisions related to space and bulk in order to allow for innovative and environmental approach and design with the following standards. This shall not be construed as granting Variances to relieve hardship:

1. The purpose and intent of this Zoning Ordinance shall be upheld.

2. There shall be compliance with all State and local codes and ordinances.

3. There shall be no approval of any proposed development which exceeds that net residential density allowable in the district in which it is located.

4. Front yard setback requirement shall not be modified by a reduction of more than 50%.

5. Yard requirements between principal buildings shall not be modified to less than the height equivalent of the higher of any two adjacent principal buildings.

6. Frontage requirements shall not be modified by a reduction of more than 75%.

7. Each building shall be an element of an overall plan for site development.

8. Where possible, buildings shall be oriented with respect of scenic vistas, natural landscape features, topography, solar access and natural drainage areas.

9. Development proposals shall include a landscape program to illustrate the proposed treatment of space, roads, paths, service and parking areas. Screening devices shall not impair pedestrian and vehicular safety.

10. All utilities shall be installed underground insofar as practical. All transformer boxes, substations, pumping stations, and meters shall be located and designed as not to be unsightly or hazardous to the public.

11. Residential open space accumulated by modifying space, bulk, and dwelling type requirements within the allowable density limits shall be dedicated to the recreational amenity and environmental enhancement of the subdivision and shall be dedicated and protected as such. Such protections may include private deed covenants or arrangements to preserve the integrity of agricultural open spaces and their use for farming or conservation purposes, including, but not limited to, deeding as an easement or in fee to a land trust or similar not-for-profit organization.

12. After approval of a proposed subdivision there shall be no further subdivision of land within the proposed development which will exceed the allowable net density. This shall be guaranteed by restrictive covenants prepared by the developer who shall provide a draft copy as part of the approval of the subdivision by the Planning Board. The covenants shall be recorded and referred to in all lot deeds in the subdivision and the developer shall provide evidence of the recording of the covenants prior to the issuance of the first building permit in the subdivision.
13. The developer shall file with the Town at the time of submission of final plans a performance guarantee. This may be tendered in the form of a certified check, performance bond or other accepted guarantee to ensure the completion of all required improvements and shall be issued to the Town. The conditions and amount of such check or other performance guarantee shall be determined by the Board of Selectmen with the advice of the various Town departments or agencies concerned. The amount shall be at least equal to the total cost of furnishing, installing, connecting and completing all of the street grading, paving, storm drainage or drainage ditches and utilities or other improvements specified in the final plan, and shall be conditioned on the satisfactory completion of all such specified improvements within a period agreed upon by the developer and the Planning Board.

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

B. Corner clearances –
For purposes of traffic safety, in all Districts, between the lines of intersecting streets and a line joining points on such lines, twenty feet distant from their point of intersection, or in the case of a rounded street corner, the point of intersection of their tangents, no building or structure may be erected and no vegetation other than shade trees may be maintained above a height of three feet above the plane through their curb grades. Shade trees shall be pruned to the height of eight feet above grade.

SECTION 11 BOARD OF APPEALS
A. Appointment and Composition –
There shall be a Board of Appeals of five members and one associate member, all of whom shall be residents of the Town. The members of the Board shall be appointed by the Board of Selectmen. Terms of members shall be for 3 years except that initial appointments shall be such that the terms of office of no more than two members shall expire in any single year. The associate member shall be appointed for a term of 3 years and shall act on said Board in place of any member who may be unable to act due to conflict of interest, absence or physical incapacity. The members of the Board shall annually elect one of their number as Chairman to preside at all meetings of the Board. The members of the Board shall annually elect a secretary who shall provide for the keeping of the minutes of the proceedings of the Board of Appeals, which shall show the vote of each member upon each question. All minutes of the board shall be public record. A quorum shall consist of 3 members.

B. Powers and Duties –
Appeals shall lie from the decision of the Building Inspector to the Board of Appeals and from the Board of Appeals to the Superior Court according to the provisions of the Maine Revised Statutes.

The Board of Appeals shall have the following powers and duties:
1. Administrative Appeals. To hear and decide where it is alleged there is an error in any order, requirement, decision, or determination made by the Building Inspector in the enforcement of this Ordinance. The action of the Building Inspector may be modified or reversed by the Board of Appeals, by majority vote.

2. Variance Appeals. To hear and decide, upon appeal, in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance would result in undue hardship. (Disability structure variances go before the CEO pursuant to 30-A M.R.S.A 4353 and 4353-A.) Amended 6/18/18

Undue hardship 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.

3. Miscellaneous Appeals. To hear and decide appeals which are authorized in the following situations:
a. Enlargement or re-establishment of a nonconforming use as prescribed by Section 4.
b. Extension of temporary trailer permit as prescribed by Section 5G.
c. Construction in the flood plain as prescribed by Section 13.

4. Conditions. In granting by majority vote any variance, the Board of Appeals may prescribe conditions and safeguards as are appropriate under this ordinance.

5. Considerations. In hearing appeals under this Section, the Board of Appeals shall take into consideration at least the following:
   a. The maintenance of safe and healthful conditions.
   b. The prevention and control of water pollution and sedimentation.
   c. The control of building sites, placement of structures and land use.
   d. The protection of spawning grounds, fish, aquatic life, bird and other wildlife habitat.
   e. The compatibility of the proposed use with adjacent land uses.
   f. The need of a particular location for the proposed use.
   g. Access to the site from existing or proposed roads.
   h. The amount and type of wastes to be generated by the proposed use and the adequacy of the proposed disposal systems.
   i. The impact of the proposed use on the land and adjacent water bodies and the capability of the land and water to sustain such use without degradation.
   j. Existing topographic and drainage features and vegetation cover on the site.
   k. The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.
   l. The impact of the proposed use on transportation facilities.
   m. The impact of the proposed use on local population and community facilities.
   n. The impact of the proposed use on local water supplies.

6. In granting appeals under this Section, the Board of Appeals may impose such conditions as it deems necessary in furtherance of the intent and purpose of this Ordinance.

7. Before granting any special exception, the Board of Appeals shall refer the appeal application to the Town Planning Board for a report. The Town Planning Board report shall be considered informational in character and may take into consideration the effect of the appeal proposal upon the character of the neighborhood or any other pertinent data in respect of the Comprehensive Plan.

8. The Planning Board report shall be submitted to the Board of Appeals for its consideration no later than the officially scheduled time of the public hearing on the appeal.

C. Appeal Procedure Amended 6/18/18

1. In all cases a person aggrieved by a decision of the Building Inspector or Codes Enforcement Officer shall commence his/her appeal within 30 days of the date of the decision. The appeal shall be filed with the Board of Appeals on forms to be approved by the Board, and the aggrieved person shall specifically set forth on said form the grounds for said appeals.
2. Before taking action on any appeal, the Board of Appeals shall hold a public hearing. In special exception appeals the Board of Appeals shall notify by mail the owners of all property within 500 feet of the property involved of the nature of the appeal and of the time and place of the public hearing thereon.

3. In the case of administrative or variance appeals, the Board of Appeals shall notify by mail the owners of property abutting the property for which an appeal is taken of the nature of the appeal and of the time and place of the public hearing thereon.

4. For purposes of this Section, the owners of property to be notified shall be considered to be the parties listed by the Assessor of Taxes as those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Board of Appeals.

5. Following the filing of an appeal, the Board of Appeals shall notify forthwith the Building Inspector/Code Enforcement Officer and the Planning Board, and the appeal shall be in order for hearing at the next meeting of the Board of Appeals following by at least 10 days the mailing of notices.

6. At any hearing a party may appear by agent or attorney. Hearing shall not be continued to other times except for good cause.

7. The Building Inspector or his designated assistant shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material he deems appropriate for an understanding of the appeal.

8. The appellant’s case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions maybe asked through the Chair. All persons at the hearing shall abide by the order of the Chairman.

9. A right of Appeal under the provisions of this Ordinance secured by vote the Board of Appeals shall expire if the work or change involved is not commenced within six months of the date of which the appeal is granted, and if the work of change is not substantially completed within one year of the date on which such appeal is granted. If the Board of Appeals grants a variance, the applicant must record a copy of the variance in the Registry of Deeds within 90 days of final written approval of the variance of the variance is void. The variance is not valid until recorded as provided in this subsection. For the purpose of this subsection, the date of the final written approval shall be the date stated on the written approval.

10. If the Board of Appeals shall deny an appeal, a second appeal of a similar nature shall not be brought before the Board within six months from the date of denial by the Board of the first appeal, unless in the opinion of a majority of the Board, substantial new evidence shall be brought forward, or unless the Board finds, in its sole and exclusive judgement, that an error or mistake of law or misunderstanding of facts shall have been made.

D. Fees Amended 6/18/18

A request for a hearing before the Board of Appeals shall be accompanied by a fee (see fee schedule) payable in advance by the aggrieved party or parties. In the case of an Administrative Appeal as defined in this Ordinance in Article 3, Section 11.B.1, Administrative Appeals, the entire fee will be returned to the aggrieved party upon a favorable finding by the Board. In all other cases the fee is non-refundable.
E. Special Exceptions. The Planning Board will hear and decide only those special exceptions which are authorized by the Ordinance and which are specifically listed as special exceptions. To decide such questions as are involved in determining whether such special exceptions should be granted; and by majority vote to grant special exceptions with such conditions and safeguards as are appropriate under this Ordinance, and Article 4. Site Plan Review Ordinance; or to deny such special exceptions that do not comply with the requirements of this Ordinance and 5. Considerations. Appeals of Special Exceptions shall lie from the Planning Board to the Board of Appeals and from the Board of Appeals to the Superior Court according to the provisions of the Maine revised Statutes. Amended 6/18/18

Section 12 – Signs

A. Purpose
   This section is intended to:
   1. Promote the public safety and welfare
   2. Protect property values by providing standards to control the location, area, number, overall design of signs and illumination in accordance with International Dark Sky Association (IDA), recommendations.
   3. Prevent undue distraction of motorists and pedestrians
   4. Ensure compatibility of signs with allowed land uses

B. General Requirements – All Districts
   1. Permitting
      a. No business sign may be erected, altered or relocated without issuance of a permit from the Code Enforcement Officer.
      b. Fees for signs shall be set by order of the Board of Selectmen
   2. Design
      a. All signs are encouraged to be consistent with and proportional to those in the neighborhood of the property or of the town if none exist in the area.
      b. All business signs shall be made of wood, metal, natural materials or contemporary materials that have the appearance of traditional materials.
   3. Lighting
      a. Signs may be illuminated by shielded, non-flashing, non-moving lights.
      b. All lighting of signs is to be from above; the light source shielded so it is not visible to traffic or off property. The amount of luminance from any sign shall not exceed 1 foot-candle beyond any lot line.
      c. All exterior lighting shall be turned on no earlier than one hour before opening of business and turned off no later than one hour after the closing of business, except for necessary security lighting.
   4. Location
      a. No sign, other than official street or highway signs, shall be erected or maintained within street or highway right-of-ways.
      b. No sign shall be placed so as to interfere in any way with the vision of pedestrian or vehicular traffic, traffic signals or signs, or obscure a clear view of, or confuse with, official street signs, highway signs or signals.
      c. All signs must be on owner’s property and no part within the public right-of-way.
      d. e. Wall signs shall occupy no more than twenty-five percent of the wall to which they are affixed or attached, or shall not exceed the maximum sign area allowed in that District, whichever is less.
5. Size
   a. The measurement of a sign area shall be based upon the outer perimeter of all boards, panels or sheets of material, but does not include the supporting posts or structural elements outside the limits of the sign perimeter.
   b. Residential Use – All districts
      b.1. A single sign, either attached to a building or freestanding, shall not be over sixteen square feet in area and shall be located in the front yard. Freestanding signs may have content on both sides of the sign board. On corner lots a single sign may be in either yard having road frontage, but not both yards.
      b.2. A maximum of two detached signs located in front yard describing farm products raised or produced on premises. The display area of each sign shall not exceed twenty square feet, except that a single double-faced sign may be erected with a display area not to exceed twenty square feet on each side.
      b.3. Maximum height of free-standing signs shall be no more than six feet.
   c. Non-Residential Use
      c.1. Attached, detached, or projecting signs, single or double-faced, identifying uses or goods sold or services rendered on the premises, a maximum of thirty two square feet in area.
      c.2. A shopping center developed under a single ownership may have a single freestanding sign with a maximum of sixty four square feet area on each side. Each unit may have an attached sign with a maximum of six square feet in area.
      c.3. The top-most part of any detached signs shall not be of elevation greater than twenty feet above the level of the ground on which they are erected.

C. Permitted – All Districts
   1. Temporary event information signs may be placed in street right-of-ways at least five feet from the traveled way, no more than five days before the event and removed within forty eight hours after event ends. Maximum sign area is four square feet.
   2. No trespassing/hunting signs.
   3. Trail markers.
   4. Temporary or permanent state or municipal signs.
   5. Historical designation signs.
   6. Temporary realtor’s or contractor’s signs, maximum area four square feet.
   7. Private property control/use signs.
   8. Political signs concerning candidates for elective office, political messages related to an election or a ballot measure in any local, state or federal election. Such signs in any number and of any size less than the maximum normally allowed in the district, may be erected on public property so long as they do not detract from pedestrian or vehicle operator’s safety. Such signs may be placed six weeks before an election and shall be removed within one week after an election.

D. Prohibited – All Districts
   1. Billboards, all districts.
   2. Internally lighted signs.
   3. Signs with moving parts or signs that appear to have moving parts.
   4. Flashing signs – signs when lighted shall be continuously lit.
5. Changeable signs - any sign that periodically changes its message by any means, including mechanically, electronically or digitally, including time-and-temperature signs.

E. Maintenance and Removal
1. All signs and their supporting structures shall be properly maintained in safe, presentable and good structural condition.
2. Signs no longer applicable because of business termination, change or relocation shall be removed by the owner or lessee within thirty days.
3. Failure to comply with the requirements of this Ordinance within thirty days of written notice from the Codes Enforcement Officer shall be considered a violation and may result in enforcement action.

SECTION 13 FLOODPLAIN
A. To protect natural floodplain, prevent pollution and conserve natural resources, no construction or other development shall be performed in floodplain areas defined in Pownal by the Federal Emergency Management Agency in a report entitled, "Flood Insurance Report, Town of Pownal, Map, Cumberland County," dated December 2, 1980, with accompanying "Flood Insurance Rate Map" without written approval obtained from the Code Enforcement Officer of and in accordance with the current Floodplain Management Ordinance.

SECTION 14 HEIGHT RESTRICTIONS
A. No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, whichever is lower, except that these height requirements shall not apply to farm buildings not used for human habitation, windmills, flagpoles, wind power generators or communications towers.

SECTION 15 SAFETY STANDARDS FOR MANUFACTURED HOUSING
These standards shall apply to all mobile homes built before June 15, 1976, or not built according to the National Manufactured Housing Construction and Safety Standards Act of 1974, Title 42 U.S.C.A., Chapter 70, as amended, to be located on an individual lot or in a mobile home park. The owner of the mobile home unit shall have the burden of proving that these standards are met.

1. Exit Facilities – Exterior Door
   a. Required egress doors shall not be located where a lockable interior door must be used in order to exit.
   b. Homes shall have a minimum of two exterior doors not less than 12 feet from each other as measured in any straight line direction regardless of the length of the travel between doors. One of the required exit doors must be accessible from the doorway of each bedroom without traveling more than 35 feet.
   c. All exterior swinging doors shall provide a minimum of 28 inches wide by 74 inches high clear opening. All exterior sliding glass doors shall provide a minimum 28 inches wide by 72 inches high clear opening. Locks shall not require the use of a key for operation from the inside.

2. Exit Facilities – Egress Windows and Devices
   Homes shall have the following emergency egress facilities:
   a. Every room designed expressly for sleeping purposes, unless it has an exit door, shall have at least one outside window or approved exit device. If an exit window or device is installed, it shall be listed in accordance with procedures and requirements of AAMA 1704-1985.
   b. The bottom of the window opening shall not be more than 36 inches above the floor.
   c. Locks, latches, operating handles, tabs and any other window, screen or storm devices, which need to be operated in order to allow exiting, shall not be located in excess of 54 inches from the finished floor.

3. Interior Doors
Each interior door, when provided with a privacy lock, shall have a privacy lock that has an emergency release on the outside to allow entry when the lock has been locked by a locking knob, lever, button, or other locking devices on the inside.

4. Fire Detection Equipment
At least one smoke detector (which may be single station alarm device) shall be installed in the home in the following locations:
   a. A smoke detector shall be installed on any wall in the hallway or space communicating with each bedroom area between the living area and the first bedroom door unless a door separates the living area from that bedroom area, in which case the detector shall be installed on the living area side as close to the door as practical. Homes having bedroom areas separated by any one or combination of communication areas such as kitchen, dining room, living room, or family room (but not a bathroom or utility room) shall have at least one detector protecting each bedroom area.
   b. When located in hallways, the detector shall be between the return air intake and the living area.
   c. The smoke detector shall not be placed in a location which impairs its effectiveness.
   d. Smoke detectors shall be labeled as conforming to the requirements of Underwriters Laboratory Standards No. 217, Third Edition, 1985, as amended for single and multiple station smoke detectors.
   e. Each smoke detector shall be installed in accordance with its listing. The top of the detector shall be located on a wall 4 inches to 12 inches below the ceiling. However, when a detector is mounted on an interior wall below a sloping ceiling, it shall be located 4 inches to 12 inches below the intersection on the connecting exterior wall and the sloping ceiling (cathedral ceiling). The required detector(s) shall be attached to an electrical outlet box and the detector connected by permanent wiring method into a general electrical circuit. There shall be no switches in the circuit to the detector between the overcurrent protection device protecting the branch circuit and the detector. The smoke detector shall not be places on the same branch circuit or any circuit protected by a ground fault circuit interrupter.

5. Flame Spread
   a. Ceiling interior finish shall not have a flame spread rating exceeding 75.
   b. Walls and ceilings adjacent to or enclosing a furnace or water heater shall have an interior finish with a flame spread rating not exceeding 25. Sealants and other trim material two inches or less in width used to finish adjacent surfaces within this space are exempt if supported by framing members or by materials having a flame spread rating not exceeding 25.
   c. Exposed interior finishes adjacent to the cooking range shall have a flame spread rating not exceeding 50.
   d. Kitchen cabinet doors, countertops, back splashes, exposed bottoms, and end panels shall have a flame spread rating not to exceed 200.
   e. Finish surfaces or plastic bathtubs, shower units, and tub or shower doors shall not exceed a flame spread of 200.
   f. No burner of a surface cooking unit shall be closer than 12 horizontal inches to a window or an exterior door.
6. Kitchen Cabinet Protectors  
   a. The bottom and side of combustible kitchen cabinets over cooking ranges to a horizontal distance of six inches from the outside edge of the cooking range shall be protected with at least 5/16-inch thick gypsum board or equivalent limited combustible material. One-inch nominal framing members and trim are exempted from this requirement. The cabinet area over the cooking range or cooktops shall be protected by a metal hood with not less than a 3-inch eyebrow projecting horizontally from the front cabinet face. The 5/16-inch thick gypsum board or equivalent material which is above the top of the hood may be supported by the hood. A 3/8-inch enclosed air space shall be provided between the bottom surface of the cabinet and the gypsum board or equivalent material. The hood shall be at least as wide as the cooking range.

   b. The metal hood will not be required if there is an oven installed between the cabinet and the range.

   c. Ranges shall have a vertical clearance above the cooking top of not less than 24 inches to the bottom of combustible cabinets.

7. Carpeting  
   Carpeting shall not be used in a space or compartment designed to contain only a furnace and/or water heater. Carpeting may be installed in other areas where a furnace or water heater is installed, provided that it is not located under the furnace or water heater.

8. Roof Loads  
   All homes with roofs added after construction will require a professional engineer to inspect the roof to determine that the roof and home can withstand the rigors of a State of Maine winter or wind uplifts that may occur.

9. Heating and Fuel Burning System  
   Any or all heating systems shall meet the requirements of the NFPA or other applicable state, local and federal standards.

10. Electrical System  
    A person holding a master license issued by the State of Maine Electricians Examining Board shall inspect and certify that the electrical system is safe and meets the National Electrical Code in effect at the time the home was constructed.