Section 1 Establishment

There is hereby established a board of appeals pursuant to 30-A M.R.S.A. §§ 2691 and 3001.

Section 2 Appointment

2.1. Members of the board of appeals shall be appointed by the municipal officers, who shall determine their compensation, and shall be sworn by the municipal clerk or other person authorized to administer oaths.

2.2. The board shall consist of five (5) regular members and two (2) alternate members.

2.3. Regular members shall serve three (3) year staggered terms, except that the initial appointments shall be (1) for one year, (2) for two years, and (2) for three years. Alternate board members shall be appointed for three year terms.

2.4. When there is a permanent vacancy, the municipal officers shall appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, or when a member fails to attend four (4) consecutive regular meetings without a reasonable excuse. The municipal officers may remove members of the board of appeals by majority vote, after providing notice and an opportunity for a hearing.

2.5. Neither a municipal officer nor his or her spouse may serve as a member or alternate member of the board of appeals.

Section 3 Organization, Rules, and Procedures

3.1. The board shall elect a chairperson and a secretary from among its full voting members and create and fill such other offices as it may determine. The term of all offices shall be one (1) year with eligibility for reelection.

3.2. When a member is unable to act because of interest, physical incapacity, absence or any other reason satisfactory to the chairperson, the chairperson shall designate an alternate member to sit in his or her place.

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

3.4. An alternate member may attend all meetings of the board. He/she may ask questions or offer comments only when members of the public are allowed to do so, and may make and
second motions and vote only when he or she has been designated by the chairperson to sit for a member.

3.5. The chairperson shall call one regular meeting each month, provided there is business to conduct. Special meetings can be called at any time by the chairperson or by a majority of the members. Notice of regular, special and emergency meetings shall be given in accordance with the Maine Freedom of Access Act.

3.6. No meeting of the board shall be held without a quorum consisting of three (3) members or alternate members authorized to vote. No action shall be taken by the board without at least three (3) concurring votes on the issue before the board.

Section 4 Duties and Powers

4.1. The board of appeals shall adopt bylaws governing board functions.

4.2. The board of appeals may adopt rules and procedures for transaction of business, and the secretary shall keep a record of its resolutions, transactions, correspondence, findings, and determinations.

4.3. The board of appeals shall file all bylaws, rules and procedures and subsequent revisions, and decisions with the municipal clerk.

4.4. The board of appeals shall perform such duties and exercise such powers as are provided by Rome ordinances and the laws of the State of Maine.

4.5. The board of appeals may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose by the legislative body of the municipality.

Section 5 Severability Clause

Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance.
Title:
This Ordinance shall be known and referred to as the “Minimum Lot Size Ordinance of the Town of Rome, Maine”, and will be referred to herein as “This Ordinance”.

Effective Date of Ordinance and Ordinance Amendments:
This Ordinance was adopted 6/21/87
Amended 3/7/03
3/10/12
3/9/13

Section I. Minimum Lot Standards
No Dwelling unit, including a mobile home in or not in a mobile home park, may be constructed, located or placed on any lot that does not conform to the following minimum area and dimensional requirements, after the effective date of This Ordinance:

- Minimum lot size of one acre
- Minimum road frontage of 200 linear feet on either a public or private way.
- Minimum shore frontage, if any, of 200 feet.
- The ratio of lot depth to lot width shall not be more than three to one (3 to 1)
- There shall not be more than one single family dwelling per lot. Multiple family dwellings shall have a minimum lot size of one acre per dwelling unit.
- Structure Setback Requirements: The minimum structure setback from front, side, and rear property boundary lines is 15 feet. Structure shall mean 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, utility poles, signs, parking lots, landscaping, mail boxes and similar items.

The Influence of Soils on Minimum Lot Size
The Following conditions will alter the minimum lot size:

A: Sandy loam, loam over sand and gravel > forty inches (40”), or until bedrock and seasonal ground water at fifteen inches to forty inches (15” to 40”) below the bottom of the organic horizon: Minimum lot size: 2 acres.
B: Loam sand (and gravelly phases) over sand or gravel > forty inches (40”), or until bedrock and seasonal ground water at fifteen inches to forty inches (15” to 40”) below the bottom of the organic horizon: Minimum lot size: 2 acres.
C: Season ground water at zero inches to fifteen inches (0” to 15”) below the bottom of the organic horizon for all soil conditions: No building permitted
D: Season ground water ponding at the surface – for all soils conditions: No building permitted
E: Alluvial soils: No building permitted.
F: Muck, peat, swamp, bog, marsh (forest of saltwater) – No building permitted
G: Slope of land greater than fifteen percent (15%) – No building permitted

Section II. Pre-Existing Single Lots of Record
A single lot of record which at the effective date of adoption of This Ordinance does not meet the area and/or frontage requirement of This Ordinance may be built upon provided that such lot be in separate ownership.

Section III. Pre-Existing Multiple Lots of Record
If two or more contiguous lots are in single ownership of record at the time of adoption of This Ordinance, and if all or part of the lots do not meet the dimensional requirements of This Ordinance, the lands involved shall be considered to be a single parcel for the purpose of This Ordinance and no portion of said parcel shall be built upon or sold which does not meet the dimensional requirements of This Ordinance.

Section IV. Lots of Record
Lot of record is defined as a parcel of land, a legal description of which, or the dimensions of which, are recorded on a document of maps on file with the County Registry of Deeds as of the date of This Ordinance.

Section V. Back Lot Provision
Notwithstanding the road frontage requirements of this ordinance, rear lots may be built upon providing that all state, federal and the following requirements are met
1. The area of the rear lot shall be at least the minimum required in the district in which the lot is located
2. The total road frontage of the front lot, less the width of the access, shall continue to equal or exceed the minimum required in the district. Where the access bisects the front lot line, the lot frontage on either side of the access may be combined to meet this requirement, and the front lot shall continue to be treated as a single, undivided lot.
3. The Access to the rear lot may serve not more than two rear lots, or not more than two single family dwellings or one two-family dwelling
4. No more than one access for rear lot development may be created out of any single lot fronting on a public or privately owned road unless each subsequent access is created out of at least an additional road frontage required to that district, as measured from the centerline of the accesses.
5. No structure shall be constructed or placed within the limits of the access.
6. A copy of the recorded access shall be attached to the building application.
7. The provisions of this section may not create an exempt lot or other wise excuse or exempt a parcel or tract of land from any review of a subdivision other wise required by the subdivision ordinance.
8. Rear lots, together with any right of way serving those rear lots, created and legally recorded on or before the date of adoption of this provision shall be considered legally non-conforming lots and rights of ways of record and may be used in accordance with all other provisions of this ordinance.
9. Access to a rear lot shall provide for a permanent easement for a right of way or fee simple ownership of a right of way, which is at least 30’ feet in width, described in metes and bounds, or by a plan, either of which shall include language requiring the development and
use of these lots and there access to be in compliance with all provisions of this ordinance that may apply specifically to rear lots, and recorded in the Kennebec County Registry of Deeds, and held by deed or other legal instrument by the owner of the rear lot.

Section VI. Road and Driveway Standards
All new roads and driveways constructed after the effective date of this ordinance must meet the following standards:

a) All new private roads and driveways entering onto a town maintained road must be approved by the Town of Rome Road Commissioner.
   
i) The Road Commissioner will determine the diameter of culverts within the Town Road right of way depending upon local conditions

b) Private roads and driveways that access onto a State Road (Route 27 or Route 225) shall comply with the applicable Maine Department of Transportation (MDOT) design requirements. The applicant shall submit a permit from MDOT for the road access.

c) The intersection of all private roads and driveways entering onto a town maintained road must be as near to 90 degrees as site conditions permit, but in no case shall be less than 60 degrees.

d) All new private roads and driveways entering onto a town maintained road shall have no more than a 3% grade within 50ft of the intersection

e) All new private roads and driveways entering onto a town maintained road shall be so constructed as to prevent high volumes and velocities of storm water from entering the town road ditches.

f) Newly created roads shall be built to the same standards specified in Appendix’s (A) and (B) of the Rome Subdivision Ordinance, which is hereby incorporated by reference.

Section VII. Amendments
This ordinance may be amended by majority vote of the governing body. The planning board shall hold a public hearing on the proposed Amendment at least thirty (30) days prior to the meeting, and notice of the public hearing shall be posted at least ten (10) days in advance in a newspaper of general circulation in the area.

Section VIII. Administration
Administering agents, permit application procedures, fees, appeals, variances, and enforcement shall be carried out in accordance with Section 16 of the Shoreland Zoning Ordinance for the Town of Rome, which is hereby incorporated by reference.

Any dwelling constructed, located or placed or work performed in violation of the provisions of This Ordinance shall be considered a nuisance. Any person found guilty of violating any provision of This Ordinance shall be subject to a fine of not less than $100 for each offense. Each day in which a violation is proved to exist shall constitute a separate offense under this Section.

The Municipal Officers are authorized and directed to institute any action or proceeding that may be required to enforce the provisions of This Ordinance.
Planning Board Ordinance
Approved March 12, 2016

Section 1 Establishment

Pursuant to Article VIII, pt. 2, Section 1 of the Maine Constitution and 30-A M.R.S.A. § 3001, the Town of Rome hereby establishes a Planning Board.

Section 2 Appointment

A. Board members shall be appointed by the municipal officers and sworn by the clerk or other person authorized to administer oaths.

B. The board shall consist of five (5) members and two (2) alternate members.

C. The term of each member shall be three (3) years, except the initial appointments which shall be one for (1) year, two for (2) years, and two for (3) years, respectively. The term of office of an alternate member shall be three (3) years.

D. When there is a permanent vacancy, the municipal officers shall within 60 days of its occurrence appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, or when a member fails to attend four (4) consecutive regular meetings. When a vacancy occurs, the chairperson of the board shall immediately so advise the municipal officers in writing. The board may recommend to the municipal officers that the attendance provision be waived for the cause, in which case no vacancy will then exist until the municipal officers disapprove the recommendation. The municipal officers may remove members of the planning board by unanimous vote, for cause, after notice and hearing.

E. A municipal officer may not be a member or alternate member.

Section 3 Organization and Rules

A. The board shall elect a chairperson and vice chairperson from among its members. The board may either elect a secretary from among its members or hire a non-board member to serve as secretary. The term of all offices shall be 1 year with eligibility for re-election.

B. When a member is unable to act because of interest, physical incapacity, absence or any other reason satisfactory to the chairperson, the chairperson shall designate an associate member to sit in that member’s place.

C. An alternate member may attend all meetings of the board. He/she may ask questions or offer comments only when members of the public are allowed to do so and may make and second motions and vote only when he or she has been designated by the chairperson to sit for a member.
D. Any question of whether a member is disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is being challenged.

E. The chairperson shall call at least one regular meeting of the board each month, provided there is business to conduct. Special meetings may be called at any time by the chairperson or by a majority of the members. Notice of regular, special and emergency meetings shall be given in accordance with the Maine Freedom of Access Act.

F. No meeting of the board shall be held without a quorum consisting of 3 members or alternate members authorized to vote. The board shall act by majority vote of the members present and voting.

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

Section 4  Duties and Powers

A. The board shall perform such duties and exercise such powers as are provided by Rome ordinance and the laws of the State of Maine.

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

Section 5  Severability Clause

Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance.
Chapter 1000: GUIDELINES FOR MUNICIPAL SHORELAND ZONING ORDINANCES

PREFACE: The Mandatory Shoreland Zoning Act, 38 M.R.S.A. sections 435-449, requires all municipalities to adopt, administer, and enforce ordinances which regulate land use activities within 250 feet of great ponds, rivers, freshwater and coastal wetlands, including all tidal waters; and within 75 feet of streams as defined. The Act also requires the Board of Environmental Protection to establish minimum guidelines for such ordinances. This document, adopted by the Board on February 14, 1990 and amended July 14, 1992, August 7, 1994, February 6, 1999, February 13, 2000 and May 1, 2006 contains those guidelines for municipal shoreland ordinances. The Act requires that municipalities adopt shoreland zoning ordinances consistent with, or no less stringent than, those minimum guidelines.

Municipalities need not adopt this guideline ordinance word for word. In fact, the Department of Environmental Protection (Department) encourages municipalities to consider local planning documents and other special local considerations, and to modify this ordinance into one that meets the needs of the particular community. Municipalities may wish to adopt more stringent ordinances, or ordinances which are completely different from the guidelines, provided that such ordinances are equally or more effective in achieving the purposes of the Act. In addition, coastal communities must address the coastal management policies cited in 38 M.R.S.A. section 1801.

When a municipality determines that special local conditions within portions of the shoreland zone require a different set of standards from those in the minimum guidelines, the municipality shall document the special conditions and submit them, together with its proposed ordinance provisions, to the Commissioner of the Department for review and approval. No amendment to an ordinance which affects the shoreland zone is valid without the approval of the Commissioner.

Neither this "Preface" nor the "Notes" contained in this model ordinance are official parts of the ordinance and should not be incorporated into a municipality's locally adopted ordinance. The Preface and Notes are provided for explanatory purpose only.

Municipalities must be aware that in addition to the requirements of the Mandatory Shoreland Zoning Act, the requirements of the Comprehensive Planning and Land Use Regulation Act (30-A M.R.S.A. Chapter 1878, sections 4312-4349) will be an integral part of a municipality's overall strategy for managing future development. For example, parts of a municipality's shoreland area may be designated as an area for growth while others will be designated as rural or slow growth areas.

In many situations, the shoreland zoning ordinance will be an effective tool for implementing the goals and policies of a municipality's comprehensive plan. A municipality may choose to integrate the shoreland zoning requirements into a town-wide zoning ordinance or choose to have a separate shoreland zoning ordinance. Regardless, the shoreland zoning provisions should form an integrated approach to managing growth as well as fulfilling the requirements of the Mandatory Shoreland Zoning Act.

For more information on the Growth Management Program, please contact your regional council or the State Planning Office, 38 State House Station, Augusta, Maine 04333.

For more information on the shoreland zoning law, please contact the Department of Environmental Protection's Shoreland Zoning Unit, 17 State House Station, Augusta, Maine 04333.
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NOTE: The Board of Environmental Protection recognizes that many municipalities have developed and adopted comprehensive land use ordinances for all land areas within their respective communities. Those ordinances may or may not follow a similar format to this guideline ordinance. It is not the intent of the Board to impose this guideline ordinance on a municipality which, within its land use codes, has otherwise met the intent and purposes of the Mandatory Shoreland Zoning Act and this guideline ordinance.

Whether or not municipalities choose to integrate their shoreland zoning requirements into a town-wide zoning ordinance, it is important to develop a comprehensive and coordinated strategy for managing and guiding growth in the shoreland area.
Chapter 1000: GUIDELINES FOR MUNICIPAL SHORELAND ZONING ORDINANCES

Shoreland Zoning Ordinance for the Municipality of Rome

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 commercial fishing and maritime industries; to protect freshwater and coastal 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 and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

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

3. Applicability. This Ordinance applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond or river, upland edge of a coastal wetland, including all areas affected by tidal action, or upland edge of a freshwater wetland, and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

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

4. Effective Date

A. Effective Date of Ordinance and Ordinance Amendments. This Ordinance, which was adopted by the municipal legislative body on ____________ , shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved.

Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance, or Ordinance Amendment, if the Ordinance, or Ordinance Amendment, is approved by the Commissioner.

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

6. Severability. Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.
7. **Conflicts with Other Ordinances.** Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control.

8. **Amendments.** This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

9. **Districts and Zoning Map**

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

   (1) Resource Protection  
   (2) Limited Residential  
   (3) Limited Commercial  
   (4) Stream Protection

   B. **Scale of Map.** The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

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

   D. **Changes to the Official Shoreland Zoning Map.** If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

10. **Interpretation of District Boundaries.** Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

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

12. Non-conformance

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

B. General

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

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

Section 12.C. Non-conforming Structures

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

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

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

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

iii. For structures located less than 75 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all portions of those structures within that 75-foot distance is 1,000 square feet, and the maximum height of any portion of a structure that is within
75 feet, horizontal distance, of a water body, tributary stream or upland edge of a wetland is 20 feet or the height of the existing structure, whichever is greater.

iv. For structures located less than 100 feet, horizontal distance, from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all portions of those structures within that 100-foot distance is 1,500 square feet, and the maximum height of any portion of a structure that is within 100 feet, horizontal distance, of a great pond is 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet, horizontal distance from the normal high-water line of a water body, tributary stream, or the upland edge of a wetland must meet the footprint and height limits of division (iii).

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

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

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

(a) Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.
Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

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

(3) **Reconstruction or Replacement.** Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(2) above.

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

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

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

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

D. Non-conforming Uses

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

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

(3) **Change of Use.** An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, including water dependent uses in the CFMA district, 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 registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

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

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

13. Establishment of Districts

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

(1) Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils. This district shall also include 100 year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

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

(3) Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during the period of normal high water.

NOTE: These areas usually consist of forested wetlands abutting water bodies and non-forested wetlands.

(4) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement, and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.
NOTE: Municipalities may also include the following other areas which have been recommended for protection in the comprehensive plan of the municipality, or as otherwise endorsed for protection by the municipal legislative body, such as:

A. Other important wildlife habitat;

B. Natural sites of significant scenic or esthetic value;

C. Areas designated by federal, state or municipal governments as natural areas of significance to be protected from development; and

D. Other significant areas which should be included in this district to fulfill the purposes of this Ordinance, such as, but not limited to, existing public access areas and certain significant archaeological and historic sites deserving of long-term protection as determined by the municipality after consultation with the Maine Historic Preservation Commission.

E. Areas within 250 feet, horizontal distance, of the upland edge of freshwater and/or coastal 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). These areas are generally depicted on a Geographic Information System (GIS) data layer.

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

C. **Limited Commercial District.** The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed as intensively as the General Development Districts. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

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

14. **Table of Land Uses.** All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.
Key to Table 1:

Yes - Allowed (no permit required but the use must comply with all applicable land use standards.)

No - Prohibited

PB - Allowed with permit issued by the Planning Board.

CEO - Allowed with permit issued by the Code Enforcement Officer

LPI - Allowed with permit issued by the Local Plumbing Inspector

Abbreviations:

RP - Resource Protection
LR - Limited Residential
LC - Limited Commercial
SP - Stream Protection
<table>
<thead>
<tr>
<th>LAND USES</th>
<th>SP</th>
<th>RP</th>
<th>LR</th>
<th>DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>2. Motorized vehicular traffic on existing roads and trails</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>3. Forest management activities except for timber harvesting &amp; land management roads</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>4. Timber harvesting</td>
<td>yes</td>
<td>CEO</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>5. Clearing or removal of vegetation for activities other than timber harvesting</td>
<td>PB</td>
<td>PB</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>6. Fire prevention activities</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>7. Wildlife management practices</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>8. Soil and water conservation practices</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>9. Mineral exploration</td>
<td>no</td>
<td>yes?</td>
<td>yes?</td>
<td>yes?</td>
</tr>
<tr>
<td>10. Mineral extraction including sand and gravel extraction</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>11. Surveying and resource analysis</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>12. Emergency operations</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>13. Agriculture</td>
<td>yes</td>
<td>PB</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>14. Aquaculture</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>yes</td>
</tr>
<tr>
<td>15. Principal structures and uses</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>A. One and two family residential, including driveways</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>B. Multi-unit residential</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>C. Commercial</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>D. Industrial</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>E. Governmental and institutional</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>F. Small non-residential facilities for educational, scientific, or nature interpretation purposes</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>16. Structures accessory to allowed uses</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
</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>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Temporary</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>b. Permanent</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>18. Conversions of seasonal residences to year-round residences</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
</tr>
<tr>
<td>19. Home occupations</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
</tr>
<tr>
<td>20. Private sewage disposal systems for allowed uses</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
</tr>
<tr>
<td>21. Essential services</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>A. Roadside distribution lines (<strong>34.6kV and lower</strong>)</td>
<td>CEO</td>
<td>CEO</td>
<td>yes?</td>
<td>yes?</td>
</tr>
<tr>
<td>B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>D. Other essential services</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>22. Service drops, as defined, to allowed uses</td>
<td>yes</td>
<td>Yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>23. Public and private recreational areas involving minimal structural development</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
</tr>
<tr>
<td>24. Individual, private campsites</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>PB</td>
</tr>
<tr>
<td>25. Campgrounds</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>26. Road construction</td>
<td>yes</td>
<td>PB</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>27. Land management roads</td>
<td>yes</td>
<td>PB</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>28. Parking facilities</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>29. Marinas</td>
<td>PB</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>30. Filling and earth moving of &lt;10 cubic yards</td>
<td>PB</td>
<td>PB</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>31. Filling and earth moving of &gt;10 cubic yards</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>PB</td>
</tr>
<tr>
<td>32. Signs</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>33. Uses similar to allowed uses</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>34. Uses similar to uses requiring a CEO permit</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>35. Uses similar to uses requiring a PB permit</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
</tbody>
</table>

1. In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.
2. Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
3. In RP not allowed in areas so designated because of wildlife value.
4. Provided that a variance from the setback requirement is obtained from the Board of Appeals.
5. Functionally water-dependent uses and uses accessory to such water dependent uses only (See note on previous page).
6. See further restrictions in Section 16(E)(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(H)(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.
11. Excluding bridges and other crossings not involving earthwork, in which case no permit is required.
12. Permit required but must file a written “notice of intent to construct” with CEO.
NOTE: Item 17, in its entirety, should be deleted from Table 1 if a municipality elects not to regulate “piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland”.

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A. section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:
A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
B. Draining or otherwise dewatering;
C. Filling, including adding sand or other material to a sand dune; or
D. Any construction or alteration of any permanent structure.

15. Land Use Standards. All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

A. Minimum Lot Standards

<table>
<thead>
<tr>
<th>Minimum Lot Standards</th>
<th>Minimum Lot Area (sq. ft.)</th>
<th>Minimum Shore Frontage (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Residential per dwelling unit</td>
<td>40,000</td>
<td>200</td>
</tr>
<tr>
<td>(b) Governmental, Institutional, Commercial or Industrial per principal structure</td>
<td>60,000</td>
<td>300</td>
</tr>
<tr>
<td>(c) Public and Private Recreational Facilities</td>
<td>40,000</td>
<td>200</td>
</tr>
</tbody>
</table>

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

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

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

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

B. Principal and Accessory Structures

(1) All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development I District the setback from the normal high-
water line shall be at least twenty five (25) feet, horizontal distance, and in the Commercial Fisheries/Maritime Activities District there shall be no minimum setback. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

In addition:

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

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

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

(2) Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area. Any inhabited structure (house, camp or trailer) must be so constructed as to fulfill permanent housekeeping responsibilities. Such housekeeping responsibilities must include sanitary water supply and sewage disposal facilities consistent with the Maine State Plumbing Code. Any inhabited structure (house, camp or trailer) must be situated on a slab, foundation or other support acceptable to the Town Code Enforcement Officer and/or the Planning Board.

(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. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.
(4) The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the General Development District adjacent to tidal waters and rivers that do not flow to great ponds classified GPA, and in the Commercial Fisheries/Maritime Activities District, where lot coverage shall not exceed seventy (70) percent.

(5) Bunkhouses shall meet the structure standards listed above, as well as the following conditions:

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

(b) Bunkhouses shall meet all septic requirements mandated by the State of Maine Department of Health & Human Services Subsurface Wastewater Disposal Rules

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland.

(1) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

(2) The location shall not interfere with existing developed or natural beach areas.

(3) The facility shall be located so as to minimize adverse effects on fisheries.

(4) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.

(5) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending 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 on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a
permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

(7) No existing structures built on, over or abutting a pier, dock, wharf 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) Except in the General Development Districts and Commercial Fisheries/Maritime Activities District, 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:

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

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

E. Individual Private Campsites. Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

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

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

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

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

(5) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing
 Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

(6) When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. Commercial and Industrial Uses. The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

(1) Auto washing facilities

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

(3) Chemical and bacteriological laboratories

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

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

(6) Dry cleaning establishments

(7) Electronic circuit assembly

(8) Laundromats, unless connected to a sanitary sewer

(9) Metal plating, finishing, or polishing

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

(11) Photographic processing

(12) Printing

G. Parking Areas

(1) Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located, except that in the Commercial Fisheries/Maritime Activities District parking areas shall be set back at least twenty-five (25) feet, horizontal distance, from the shoreline. The setback requirement for parking areas serving public boat launching facilities in Districts other than the General Development I District and Commercial Fisheries/Maritime Activities District shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

(3) In determining the appropriate size of proposed parking facilities, the following shall apply:

(a) Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.

(b) Internal travel aisles: Approximately twenty (20) feet wide.

H. Roads and Driveways. The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

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

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

Section 15 (H)(1) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(H)(1) except for that portion of the road or driveway necessary for direct access to the structure.

(2) Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream or wetland.

(3) New permanent roads are not allowed within the shoreland zone along Significant River Segments except:

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

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

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

(5) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(Q).

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

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

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

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

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

(b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.
(c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.

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

(9) Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

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

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

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

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

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

(5) Signs relating to public safety shall be allowed without restriction.

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

(7) Signs may be illuminated only by shielded, non-flashing lights.

J. Storm Water Runoff

(1) All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters.

(2) Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

NOTE: The Stormwater Management Law (38 M.R.S.A. section 420-D) requires a full permit to be obtained from the DEP prior to construction of a project consisting of 20,000 square feet or more of impervious area or 5 acres or more of a developed area in an urban...
impaired stream watershed or most-at-risk lake watershed, or a project with 1 acre or more of developed area in any other stream, coastal or wetland watershed. A permit-by-rule is necessary for a project with one acre or more of disturbed area but less than 1 acre impervious area (20,000 square feet for most-at-risk lakes and urban impaired streams) and less than 5 acres of developed area. Furthermore, a Maine Construction General Permit is required if the construction will result in one acre or more of disturbed area.

K. Septic Waste Disposal

(1) All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following: a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and b) a holding tank is not allowed for a first-time residential use in the shoreland zone.

NOTE: The Maine Subsurface Wastewater Disposal Rules require new systems, excluding fill extensions, to be constructed no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distance for a new subsurface disposal system may not be reduced by variance.

L. Essential Services

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

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

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

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

Mineral extraction may be permitted under the following conditions:

(1) A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (M)(4) below.
(2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.

(3) Developers of new gravel pits along Significant River Segments shall demonstrate that no reasonable mining site outside the shoreland zone exists. When gravel pits must be located within the zone, they shall be set back as far as practicable from the normal high-water line and no less than seventy-five (75) feet and screened from the river by existing vegetation.

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

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

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

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

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

N. Agriculture

(1) All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).

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

(3) Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan 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.
(4) There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies and coastal wetlands; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.

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

O. Timber Harvesting

(1) In a Resource Protection District abutting a great pond, timber harvesting shall be limited to the following:

(a) Within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, timber harvesting may be conducted when the following conditions are met:

(1) The ground is frozen;
(2) There is no resultant soil disturbance;
(3) The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;
(4) There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4 1/2 feet above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other natural vegetation remains; and
(5) A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.

(b) Beyond the 75 foot strip referred to in Section 15(O)(1)(a) above, timber harvesting is permitted in accordance with paragraph 2 below except that in no case shall the average residual basal area of trees over 4 ½ inches in diameter at 4 1/2 feet above ground level be reduced to less than 30 square feet per acre.

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

(a) Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:
(i) Within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

(ii) At distances greater than one-hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.

(b) Timber harvesting operations exceeding the 40% limitation in Section 15(O)(2)(a) above, may be allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The planning board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the planning board's decision.

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

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

(i) Surface waters are frozen; and

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

e) All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.

(f) Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

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

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

(1) In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

(2) Except in areas as described in Section P(1), above, and except to allow for the development of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

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

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

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

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.
NOTE: As an example, adjacent to a great pond, if a 25-foot x 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is:

\[(4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36 \text{ points}\]

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

The following shall govern in applying this point system:

(i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
(ii) Each successive plot must be adjacent to, but not overlap a previous plot;
(iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
(iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;
(v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 15(P)(2)(b) "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

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

(c) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2)(a) above.

(d) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.

(e) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

Section 15(P)(2) does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.
(3) At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

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

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

(5) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15(P).

Q. Erosion and Sedimentation Control

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

(a) Mulching and revegetation of disturbed soil.

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

(c) Permanent stabilization structures such as retaining walls or rip-rap.

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

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

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

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

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

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

R. Soils. All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

S. Water Quality. No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.

T. Archaeological Site. Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

16. Administration

A. Administering Bodies and Agents

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

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

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

(1) A permit is not required for the replacement of an existing road culvert as long as:

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

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

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

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

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

**C. Permit Application**

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

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

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

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

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

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

(1) Will maintain safe and healthful conditions;

(2) Will not result in water pollution, erosion, or sedimentation to surface waters;

(3) Will adequately provide for the disposal of all wastewater;

(4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

(5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;

(6) Will protect archaeological and historic resources as designated in the comprehensive plan;

(7) Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district;

(8) Will avoid problems associated with floodplain development and use; and

(9) Is in conformance with the provisions of Section 15, Land Use Standards.

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

E. Permit Fees. Permit applications and application review fees, including variances and administrative appeal fees, shall be set by the Board of Selectmen. These fees shall be non-refundable and must be submitted by the applicant to the Code Enforcement Officer before a permit can be issued.

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

(1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.

(2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.

(3) All proposed buildings, sewage disposal systems and other improvements are:

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

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

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

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

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

G. 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.

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

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

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

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

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

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

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

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

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

   (ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

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

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

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

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

(d) Notwithstanding Section 16(H)(2)(c)(ii) above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling...
accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

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

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

(3) Administrative Appeals

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

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board 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

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

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

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

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

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

(b) Decision by Board of Appeals

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

(ii) The person filing the appeal shall have the burden of proof.

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

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

(5) Appeal to Superior Court. Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

(6) Reconsideration. In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner,
planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

J. Enforcement

(1) **Nuisances.** Any violation of this Ordinance shall be deemed to be a nuisance.

(2) **Code Enforcement Officer**

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

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

(c) The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.

(3) **Legal Actions.** When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.
(4) **Fines.** Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. section 4452.

NOTE: Current penalties include fines of not less than $100 nor more than $2500 per violation for each day that the violation continues. However, in a resource protection district the maximum penalty is increased to $5000 (38 M.R.S.A. section 4452).

17. Definitions

**Accessory structure or use** - a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

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

**Agriculture** - the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and greenhouse products. Agriculture does not include forest management and timber harvesting activities.

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

**Basal Area** - the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

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

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

**Bunkhouse** - A structure devoid of any cooking or food storage facilities which is designed for the temporary accommodations of guests of the property owner while the owner is an occupant of the principal dwelling.

**Bureau** - State of Maine Department of Conservation’s Bureau of Forestry.

**Campground** - any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

**Canopy** - the more or less continuous cover formed by tree crowns in a wooded area.
Commercial use - the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

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

DBH – the diameter of a standing tree measured 4.5 feet from ground level.

Development – a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

Dimensional requirements - numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

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

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

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

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

Essential services - 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 footprint or volume of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

Expansion of use - the addition of one or more months to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

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

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

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

Footprint - the total area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

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

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

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

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

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

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

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

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.
**Functionally water-dependent uses** - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters.

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

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

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

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

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

**Home occupation** - an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

**Increase in nonconformity of a structure** - any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.
**Individual private campsite** - an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.

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

**Institutional** - a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

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

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

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

**Marina** - a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

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

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

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

**Minimum lot width** - the closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

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

**Native** - indigenous to the local forests.

**Non-conforming condition** - non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.
Non-conforming lot - a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

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

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

Normal high-water line - that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

Person - an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland.

- **Temporary**: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.
- **Permanent**: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Principal structure - a building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal use - a use other than one which is wholly incidental or accessory to another use on the same premises.

Public facility - any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Recent floodplain soils - the following soil series as described and identified by the National Cooperative Soil Survey:

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<tr>
<th>Soil Series</th>
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<tr>
<td>Podunk</td>
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<td>Saco</td>
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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.

Residual Stand - a stand of trees remaining in the forest following timber harvesting and related activities

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**NOTE:** Water setback requirements apply to tributary streams within the shoreland zone.

**Upland edge of a wetland** - the boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

**Vegetation** - all live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

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

**Water body** - any great pond, river or stream.

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

**Wetland** - a freshwater or coastal wetland.

**Windfirm** - the ability of a forest stand to withstand strong winds and resist windthrow, wind rocking, and major breakage.

**Woody Vegetation** - live trees or woody, non-herbaceous shrubs.
A Homeowner’s Guide to
Cutting Trees in the Shoreland Zone

1. Cutting within 100' (75' for streams) setback from the normal high waterline
   a. No cleared openings greater than 250ft² in the canopy
   b. A “well distributed stand of trees” must be maintained:
      i. At least 24 points (16 point in stream protection) within every 25’x 50’ rectangular area.
         a. 2-4 inch DBH tree = 1 point
         b. 4-12 inch DBH tree = 2 points
         c. 8-12 inch DBH tree = 4 points
         d. Greater than 12 inches DBH = 8 points
   Additionally, there must be 5 saplings less than 2'DBH within every 25’x50’ area.
   DBH = Diameter at Breast Height, or diameter measured at 4.5’ above ground level
   c. No more than 40% of the volume of trees 4 inches or greater DBH may be removed in any ten year period
   d. Pruning the bottom 1/3 of a trees branches is allowed
   e. Existing vegetation under 3’ in height, including leaf litter and forest duff layer, cannot be cut, covered or removed!
      i. A cleared six foot meandering path to access the water is allowed

2. Cutting beyond the 100’setback from the normal high waterline
   a. No cleared openings greater than 10,000ft² or 25% of the total lot located within the “shoreland zone”, whichever is greater
      i. Shoreland zone is 250’ from high waterline (75’ for streams)
   b. Cleared opening of 5,000ft² or greater must be separated by a 100’ canopy buffer
   c. No more than 40% of the volume of trees 4 inches or greater DBH may be removed in any ten year period
   d. The total footprint area of all structures, parking lots, and other non-vegetated surface areas cannot exceed 20% of the total lot located within the “shoreland zone”.

3. Dead / Hazardous trees and replanting
   a. Unquestionably dead:
      i. If a tree is unquestionable dead (no leaves, no bark, deep cracks, top broken off, etc.), take pictures, remove the tree properly, and replant as specified below.
   b. Alive, but hazardous
i. If a tree is not unquestionably dead, but still viewed as “hazardous”, have a licensed Maine forester or licensed arborist inspect the tree and submit a letter including:
   1. why they think the tree is hazardous
   2. what it is a hazard to
   3. Their license number
   4. a picture of the tree

c. Tree replanting
   i. If the removal of a dead or hazardous tree violates any of the provisions listed above under Sections (1) or (2), trees will need to be replanted, ideally in the quantity specified below:
      1. For each tree removed between 1-9” DBH, replant one (1) tree
      2. For each tree removed between 10-19” DBH, replant two (2) trees
      3. For each tree removed greater than 20” DBH, replant three (3) trees
   
   ii. Trees to be replanted must be;
      1. Of a native species
      2. A minimum of 54 inches tall
      3. Planted within 20’ of the stump of the removed tree
      4. Planted no closer than 5’ to other living trees
      5. Maintained for a minimum of 3 years (replanted if they die)

   iii. Replanting plan
      1. A tree replanting plan must be submitted to the town office for approval before replanting takes place.
      2. The plan must include a map that accurately shows
         a. Location of removed tree(s)
         b. Location of replacement tree(s)
         c. Replacement tree species
         d. Distance to the water body or resource.

   iv. Other things to consider when replanting
      1. Document the replanting by taking pictures of the newly planted trees (if applicable)
      2. For extensive replanting within 75’ of a water body, a D.E.P permit may be required. Check with your local office for details

For a complete list of the cutting standards, please see section 15(P) of the Shoreland Zoning Ordinance, or contact your local code office.

Rome Code Enforcement Office
8 Mercer Road, Rome Maine 04963
397-3293 : TownofRomeCEO@gmail.com
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Section 1 General

A. Title:
This Ordinance shall be known as the Town of Rome Subdivision Ordinance and will be referred to as "this Ordinance".

B. Authority:
This Ordinance has been prepared in accordance with the provisions of Title 30 - A, M.R.S.A. Section 4403.

C. Purpose:
The purposes of this Ordinance are:
- To provide for an expeditious and efficient process for the review of proposed subdivisions.
- To clarify the approval criteria of the State Subdivision Law, found in Title 30 -A, M.R.S.A. Section 4404.
- To preserve and enhance the rural character of the community.
- To assure the safety, health, and welfare of the people of the Town of Rome.
- To protect the natural resources of the Town of Rome.
- To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions can support the proposed uses and structures.
- To promote the development of an economically sound and stable community.

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

E. Effective Date:
The effective date of this Ordinance shall be the date of the adoption by the Town of Rome on: March 13, 2004.

F. Conflicts with other Ordinances:
Whenever a provision of this Ordinance conflict with or is inconsistent with another provision of this Ordinance or any other ordinance, regulation or statute, the more restrictive provision shall control.

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

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

I. Application Forms:
The Town of Rome Planning Board shall develop application forms to be used by all applicants seeking subdivision approval.
J. Application Fee:
All applications for subdivision approval shall be accompanied by the following non-refundable fee made payable to the Town of Rome:

- The fee for filing a preliminary plan shall be $100.00 plus $50.00 per lot and/or unit.
- (The fee for a minor subdivision that is permitted to file a final plan shall be the same as a preliminary plan)

K. Amendments:
Amendments to this Ordinance may be initiated by a majority vote by the Board of Selectmen, Planning Board, or by written petition by a number of voters equal to at least 10% of the number of votes cast in the municipality in the last gubernatorial election.
This Ordinance may be amended by a majority vote of the legally constituted municipal governing body at a regular or special town meeting or by referendum ballot.

Section 2 Definitions

Abutter: The owner of any property with one or more common boundaries, or across the road or stream, from the property involved in an application.

Aggrieved Party: An owner of land whose property is directly or indirectly affected by the granting or denial of a permit under this Ordinance; a person whose land abuts lands for which a permit 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 a permit.

Applicant: The person applying for subdivision approval under this Ordinance.

Complete Application: An application shall be considered complete upon submission of the required fee and all the information required by this Ordinance, or by a vote to waive certain submission or performance standards by the Planning Board.

Direct Watershed of a Pond: That portion of the watershed which drains directly to the pond without first passing through an upstream pond or river.

Final Plan: The final drawings and other required materials on which the applicant's plan of subdivision is presented to the Planning Board for approval and which, if approved, may be recorded at the registry of Deeds.

Minor Subdivision: A minor subdivision shall be considered a subdivision proposal consisting of no more than 4 lots and/or units which do not involve the construction of any private or public roads.

Person: includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.

Preliminary Plan: The preliminary drawings and other required materials indicating the proposed layout of the subdivision to be submitted to the Planning Board for consideration.

Property Owner: The owner of land shall be determined to be that person listed on the Town of Rome property tax assessment records.
Public Improvements: The term shall include all roads; fire protection structures and ponds; any structure or land proposed to be dedicated to the Town; any land or structure which is offered as an easement to the Town; and, all storm drainage structures which are designed to allow water to flow outside the property of the subdivision.

Sketch Plan: Conceptual maps, renderings and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision approval.

Subdivision: As defined in Title 30 - A, M.R.S.A. Section 4401.

Wetland: A swamp, marsh, bog or similar areas which are 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. This is also meant to include forested wetlands.

Section 3  Review Criteria

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

A. The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:
   - The elevation of the land above sea level and its relation to the floodplain,
   - The nature of the soils and subsoils and their ability to adequately support waste disposal,
   - The slope of the land and its effect upon effluents, and,
   - The applicable state and local health and water resource rules and regulations.

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

C. The proposed subdivision will not cause an unreasonable burden on an existing municipal or private water supply, if one is to be used.

D. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land’s capacity to hold water so that a dangerous or unhealthy condition results.

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

F. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are used.

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

H. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, archeological sites, significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the Town, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
I. The proposed subdivision conforms with all the applicable standards and requirements of this Ordinance, the comprehensive plan, and other local ordinances. In making this determination, the Planning Board may interpret these ordinances and plans.

J. The subdivider has adequate financial and technical capacity to meet all the review criteria, standards, and requirements contained in this Ordinance.

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

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

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

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

O. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. All rivers, streams or brooks shall be protected from any adverse development impacts.

P. The proposed subdivision will provide for adequate storm water management.

Q. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or wetland as these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision shall have a lot depth to shore frontage ratio greater than 5 to 1.

R. 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.

S. For any 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.
### Section 4 Administration and General Procedures

#### A. Administration:
1. The Planning Board shall administer this Ordinance and review all subdivision applications according to the applicable review criteria and standards.

2. The Planning Board shall provide the Code Enforcement Officer and the Selectmen a copy of its decision on a subdivision application including all application materials.

#### B. Decisions:
1. The Planning Board shall determine if the subdivision application is complete before it schedules a public hearing or meeting and begins a review of the application.

2. After review of a complete application the Planning Board shall determine whether the application meets the Review Criteria contained in Section 3 of this Ordinance. The Planning Board shall make a written finding of fact to support its decision and vote to approve the application, deny the application, or approve the application with conditions.

3. If in its findings, the Planning Board determines that the application may not meet the review criteria, and that additional actions by the applicant will be sufficient to meet them, it may require such actions, as conditions of approval. The conditions may set forth requirements in addition to those set forth in the Ordinance only when the Planning Board finds it necessary to further the purposes of this Ordinance. All conditions approved by the Planning Board shall be listed along with the reasons for these conditions in the Planning Board’s decision and on the final subdivision plan.

4. The Planning Board shall list any waivers approved by the Board on its decision form, and, on the final subdivision plan, and the reasons for such approval.

#### C. Burden of Proof:
1. The applicant shall have the burden of proof to show the proposed subdivision application meets the applicable review criteria and standards contained in this Ordinance.

#### D. Additional Studies:
1. The Planning Board may require the applicant, to perform additional studies or hire a consultant to review the entire, or portions of the subdivision application. The cost to perform additional studies or hire a consultant shall be borne by the applicant. The Planning Board may require the applicant to deposit with the Town the estimated cost of any consultant or additional study which shall be placed in an escrow account. The Town shall pay for the services rendered and reimburse the applicant, if funds remain after payments are completed. The applicant shall place additional funds into the escrow account to meet expenses.

#### E. Rights Not Vested:
1. The submittal of a sketch plan or a preliminary plan to the Planning Board to review for a complete application shall not be considered the initiation of the review process for the purposes of bringing the application under the protection of Title 1, M.R.S.A., Section 302. The formal review process shall begin upon written notification to the applicant that a complete application has been received.
F. Site Inspection:
1. The Planning Board may vote to schedule an on-site inspection of the proposed project. The Planning Board shall schedule the date and time of the site inspection at the sketch plan meeting or at another time. The Planning Board shall post the date, time and place of the site inspection at the Town Office.

2. The Planning Board may vote to reschedule the site visit and delay its review of the subdivision application whenever it finds that snow cover prohibits viewing land features of the proposed site.

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

G. Waivers:
1. The Planning Board may vote to waive any of the review criteria and/or ordinance performance standards when it finds one of the following:
   a. One or more of the review criteria and/or ordinance performance standards are not applicable to the proposal due to the size of the project, circumstances of the site, design of the project, or unique features of the proposal.
   b. The applicant has proposed an alternative design that meets or exceeds the requirements set forth in the performance standards.

2. The applicant shall submit information and materials that support the waiver request with the application.

3. The Planning Board may only consider a waiver request when the applicant has submitted a written waiver request in the application. The first item of the application review shall be a consideration of any waiver request. The Planning Board shall review the request and if it meets the criteria for a waiver, shall approve the request. If the Planning Board finds that the request does not meet the waiver criteria, the Board shall deny the request. The applicant shall amend the application as required if the waiver is not approved by the Board. The Planning Board may vote to suspend review of the application until the applicant provides any information necessary as a result of not obtaining the waiver. In no case shall the Planning Board make a final decision upon the application until the applicant supplies any additional information to the satisfaction of the Board.

H. Subdivision Review Process:
1. All subdivision applicants shall be required to follow a three-tier review process as follows:
   - Sketch Plan Review
   - Preliminary Plan Review
   - Final Plan Review
   The Planning Board may vote to allow Minor Subdivisions to submit a final plan for review directly after the Sketch Plan Review meeting. The Planning Board shall make this decision after reviewing the sketch plan proposal.

I. Revisions to Approved Plans
1. An application for a revision to a previously approved plan shall be submitted to the Planning Board at least 14 days prior to a scheduled meeting of the Planning Board. If the revision involves a modification to a condition imposed by the Planning Board; the addition of additional units; the
addition of new lots; or an expansion of the subdivision, then the procedure for a new application shall be followed. If the revision only involves minor modifications to the plan, the Planning Board may consider the revision request at the meeting. The Planning Board may vote to hold a public hearing on the proposed revision.

2. The Planning Board’s scope of review shall be limited to those portions of the plan which are proposed to be revised or that are adversely impacted by the proposed revision.

3. The applicant shall submit a copy of the approved plans and 7 copies of the revised portions of the plans. The application shall include enough supporting data to allow the Planning Board to make a decision that the proposed revision meets the review criteria.

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

J. As Built-Plans:
1. Upon Completion of all the public improvements contained in the subdivision, the applicant shall submit a copy of as-built plans to the Planning Board.

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

L. Public Hearing Requirements:
1. The Planning Board may hold a public hearing on all preliminary and final plan applications to receive public comment and information concerning the application.

2. The public hearing notice shall be made as follows:
   a. The Planning Board shall hold a public hearing within 35 days after determining that the application is complete. A notice of the date, time and place of the public hearing shall be:
      (1) Published, at least two times, in a newspaper having general circulation in the municipality. The date of the first publication shall be at least 7 days before the hearing.
      (2) Mailed by first class mail to the applicant, at least 7 days prior to the public hearing.
      (3) Mailed by first class mail to all property abutters, at least 7 days prior to the public hearing. The Planning Board shall maintain a list of all property abutters and record the date the notice was mailed. Failure of an abutter to receive a notice shall not invalidate the public hearing, nor shall it require the Board to schedule a new public hearing.

3. The Planning Board may vote to continue the public hearing to receive additional public comment or information concerning the application. The Board is not required to meet the notice requirements listed above for the continued public hearing.
M. Joint Meetings:
1. If any portion of a proposed subdivision crosses municipal boundaries, the Planning Board shall follow the notice, meeting, and review requirements specified in Title 30-A, M.R.S.A., Sections 4401-4407.

N. Performance Guarantee:
1. A performance guarantee shall be required for all public improvements proposed for the subdivision. The applicant shall submit a proposal for the performance guarantee at the time of submission of the Final Plan.
2. The performance guarantee shall include one of the following:
   a. A certified check, in an amount equal to the expense of installing the public improvements, made payable to the Town.
   b. A performance bond, in an amount equal to the expense of installing the public improvements, made payable to the Town, issued by a surety company.
   c. A conditional agreement with the Town, whereby no lot in the subdivision may be sold and no building permit issued until the applicant installs all public improvements. A phase development plan may be incorporated into the conditional agreement.
   d. An irrevocable letter of credit from a bank or other lending institution which shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.
3. The Planning Board, prior to approval of the final plan, shall consult with the Selectmen on the terms proposed by the applicant for the performance guarantee. The Selectmen may recommend that the amount of the certified check or performance bond or the terms of the performance guarantees be amended or revised. The Planning Board shall consider the recommendation of the Selectman and decide on the contents of the performance guarantee.
4. Prior to the release of the performance guarantee, the Planning Board shall determine that the proposed improvements meet or exceed the design and construction requirements specified in this Ordinance and the subdivision plans. The Planning Board shall base its decision upon the inspection reports filed by the Code Enforcement Officer, other Municipal Officials or other designated inspector.
5. If the Planning Board, Code Enforcement Officer, or other designated inspection official finds that any of the public improvements have not been constructed in accordance with the plans and specifications filed as part of the application, they shall report this condition to the Selectmen. The Selectmen shall take any steps necessary to preserve the Town's rights.

O. Inspection Requirements:
1. The Code Enforcement Officer shall be responsible for conducting and/or coordinating all inspections with other municipal officials. The following municipal officials shall perform the following inspections:
   a. The Road Commissioner shall inspect all roads including roads to be considered for public acceptance and private roads and associated drainage systems.
      (All roads shall also be inspected by a professional engineer as per the road performance standards contained in this Ordinance)
   b. The Local Plumbing Inspector shall inspect the installation of all subsurface waste water treatment systems.
   c. The Code Enforcement Officer shall inspect all erosion control measures, stormwater management features, and all other site features.
2. The applicant shall be responsible for scheduling all inspections with the Code Enforcement Officer. The Code Enforcement Officer and all other inspection officials shall keep a record of all inspections and all deficiencies. It shall be the responsibility of the Code Enforcement Officer to notify the applicant in writing that a deficiency exist and the steps necessary to remedy the situation. The Code Enforcement Officer shall notify the Planning Board and the Selectmen whenever the applicant fails to remedy a deficiency. Upon completion of the subdivision and/or consideration of release of the performance guarantee, all inspection reports shall be made available to the Planning Board and the Selectmen.

Section 5  Sketch Plan Review

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

B. Procedure:
1. The applicant shall submit a complete sketch plan application to the Planning Board at least 14 days before a scheduled meeting of the Planning Board.

2. The applicant shall present the sketch plan application to the Planning Board and make a verbal presentation regarding the site and the proposed subdivision.

3. Following the applicant's presentation, the Planning Board may ask questions and make suggestions to be incorporated into the application.

4. The Planning Board shall determine the contour intervals to be shown on the plan.

5. The Planning Board shall decide if the proposed subdivision meets the definition of a minor subdivision and if the applicant may submit a final plan for consideration.

6. The Planning Board shall decide on the applicant's request to develop the subdivision in accordance with the open space design standards.

C. Submissions:
1. The sketch plan shall show in simple sketch form the proposed layout of roads, lots, buildings, and other features in relation to existing site conditions. The sketch plan does not have to be an engineered plan and may be a free-handed penciled sketch.

2. The sketch plan shall be submitted on the application forms provided by the Planning Board and include the following:
   a. A copy of the Tax Assessors map of the site and surrounding area.
   b. A copy of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision.
   c. A copy of the County Soil Survey showing the area of the proposed subdivision.
Section 6 Preliminary Plan Review

A. Procedure:
1. The applicant shall, at least 14 days prior to a scheduled meeting of the Planning Board, submit a complete preliminary plan application to the Town Clerk and/or the Code Enforcement Officer. The applicant shall be issued a dated receipt and the preliminary plan application shall be placed on the Planning Board's agenda to be reviewed for a complete application.

2. The application shall consist of 7 complete copies including all maps and related attachments. The Planning Board shall receive 5 copies; the Code Enforcement Officer shall receive one copy; and, one shall be placed in the Town Office for public review.

3. As soon as possible, after the receipt of the preliminary plan, the Town shall notify by first class mail all abutters to the proposed subdivision that an application for a subdivision has been submitted to the Planning Board, specifying the location of the proposed subdivision and including a general description of the project. The notice shall also indicate that a copy of the application is available for public review at the Town Office. The Planning Board shall maintain a list of all abutters notified by first class mail, specifying the date the notice was mailed.

4. Within 35 days of the receipt of the preliminary plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the board shall notify the applicant of the specific material needed to complete the application.

5. The Planning Board shall hold a public hearing or meeting within 35 days of determining that it has received a complete application.

6. Within 35 days of the public hearing or meeting, or within another time as may be mutually agreed to by the Board and the applicant, the Planning Board shall make a decision on the application. The Planning Board may vote to delay its review if it cannot conduct a site visit due to snow cover.

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

B. Preliminary Plan Submissions:
1. The applicant is responsible for supplying all the necessary information to show that the proposed subdivision is in compliance with the review criteria, and requirements and performance standards contained in this Ordinance. The preliminary plan submissions shall consist of the following:
   a. A receipt from the Town indicating that the application fee has been paid.
   b. A preliminary plan application form and all required attachments and maps.
   c. Waiver request form, if applicable.
   d. A location map, drawn at an appropriate scale to show the relationship of the proposed subdivision to adjacent properties. The map shall show the following:
(1) Existing subdivisions in the proximity of the proposed subdivision.
(2) Locations and names of existing and proposed roads as per the Town of Rome Enhanced 911 Road Naming and Numbering Ordinance.
(3) Boundaries and designations of all shoreland zoning and other land use districts.
(4) An outline of the proposed subdivision and any remaining portion of the owner’s property if not included in the subdivision proposal.

e. The following general information:
(1) Name and address of the applicant and applicant’s agent.
(2) The applicant shall provide proof of right, title or interest in the property.
(3) A copy of all existing and proposed, deed restrictions, rights-of-way, or other encumbrances affecting the property.
(4) The book and page and tax map and lot information of the property.
(5) The names of all property owners abutting the property.
(6) Acreage of the proposed subdivision, acreage of roads, and acreage of any land not included in the subdivision.

f. A subdivision plan consisting of one or more maps drawn to a scale of not more than 100 feet to the inch. The plan shall show the following:
(1) Name of the subdivision.
(2) Number of lots.
(3) Date, north point, graphic scale.
(4) Proposed lot lines with dimensions.
(5) A survey of the perimeter of the tract, giving complete descriptive data by bearing and distances, made and certified by a Registered Land Surveyor. The corner of the tract shall be located on the ground and marked by permanent markers. The plan shall indicate the type of permanent marker proposed to be set or found at each lot corner.
(6) Contour intervals as specified by the Planning Board.
(7) The location of all wetlands regardless of size.
(8) The location of all rivers, streams, brooks and ponds within or adjacent to the subdivision.
(9) The location of all slopes in excess of 10% slope.
(10) The number of acres within the subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing features.
(11) The location of any significant sand and gravel aquifers,
(12) The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the Town’s most recent FIRM Map.
(13) The boundaries of all shoreland zoning districts.
(14) The location and boundaries of any significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife.
(15) The location of any site or structure listed on the National Register of Historic Places or any archeological site identified by the State Historic Preservation Commission.
(16) The location of all scenic areas and rare and endangered plants as identified by the Town of Rome.
(17) The location of all subsurface wastewater disposal system test pits or borings and test data and appropriate documentation.
(18) The location of all existing and proposed wells and appropriate documentation.
(19) All erosion control features proposed for the site.
(20) All stormwater control features proposed for the site.
(21) All parcels of land proposed to be owned or held in common or joint ownership by the subdivision or individual lot owners. All land proposed to be offered for public acceptance to the Town.

(22) Phosphorus control measures, if the subdivision is located within the direct watershed of a great pond.

(23) Road plans and specifications and appropriate documentation.

(24) Traffic access data for the site including an estimate of the amount of vehicular traffic to be generated on a daily basis.

(25) The type and location of any proposed fire control features, and appropriate documentation.

g. A statement indicating how the solid waste from the subdivision will be handled.

h. Documentation indicating that the applicant has the financial and technical capacity to meet the requirements of this Ordinance.

i. Any other data necessary in order to meet the requirements of this Ordinance.

j. List the anticipated types of land use that will be developed within the proposed subdivision.

k. Indicate how all roads and other public improvements will be maintained until the improvements are dedicated to the Town or for private roads and improvements, how they will maintain them over their lifespan.

Section 7  Final Plan Review

A. Procedure:

1. The applicant shall, at least 14 days prior to a scheduled meeting of the Planning Board, submit a complete final plan application to the Town Clerk and/or Code Enforcement Officer. The applicant shall be issued a dated receipt and the final plan application shall be placed on the Planning Board’s agenda to review for a complete application.

2. The application shall consist of 2 stable-based transparencies and 3 paper copies. The Planning Board shall receive 2 original transparencies, and two paper copies. One paper copy shall be placed in the Town Office for Public review.

3. Within 35 days of the receipt of the final plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific material needed to complete the application.

4. The Planning Board shall schedule a public hearing or a meeting to review the final plan within 35 days of determining that it has received a complete application.

5. Within 35 days of the public hearing or meeting, or within another time as may be mutually agreed to by the Board and the applicant, the Planning Board shall make a decision on the application.
6. Upon voting to approve the final plan, the Planning Board shall sign the 2 stable-based transparencies. The Planning Board shall retain one copy and the other shall be provided to the applicant. The applicant shall file the approved final subdivision plan with the Register of Deeds, within 90 days of the date upon which the plan is approved. Failure to file the plan with the Register of Deeds, within 90 days, shall make the plan null and void. Final Plans not filed in the appropriate time shall be re-submitted to the Board according to the requirements of Section 7 of this Ordinance.

The Applicant shall provide the Town proof that the Subdivision Plan was filed with the Register of Deeds, and shall submit to the Tax Assessors a copy of the subdivision plan showing the proposed lots, which corresponds to the scale of the Town Tax map showing the subdivision.

B. Final Plan Submissions:
1. The applicant is responsible for supplying all the necessary information to show that the proposed subdivision is in compliance with the review criteria and requirements and performance standards contained in this Ordinance. The final plan submissions shall consist of the following:
   a. A receipt from the Town indicating that the application fee has been paid.
   b. A final plan application form and all required attachments and maps.
   c. All the submission materials required for a preliminary plan.
   d. All conditions and modifications approved by the Planning Board for the preliminary plan shall be contained on the final plan.
   e. All waivers approved by the Planning Board shall be shown on the final plan.
   f. All additional studies and/or materials required by the Planning Board, as applicable.
   g. A signature block shall be provided on the final plan.
   h. A performance guarantee, if applicable.
   i. The location and type of all permanent markers set at all lot corners.
   j. If the subdivision contains any private roads, the plan shall contain a statement as follows: The subdivision roads are designed as private roads are not eligible for acceptance by the Town of Rome, unless the road is improved to meet the appropriate standards for road acceptance.
   k. Written copies of any documents of land dedication, and written evidence that the Board of Selectmen is satisfied with the legal sufficiency of any documents accomplishing such land dedication.
   l. Any conditions placed on the final plan by the Planning Board shall be clearly listed on the plan. Planning Board imposed, conditions shall be listed separately from any conditions or restrictions placed on the subdivision by the applicant.
   m. Proof that all other applicable State and Federal permits have been obtained.
Section 8 Performance Standards

A. The performance standards contained in this section shall apply to all subdivision proposals in the Town of Rome.

B. General Lot Requirements:
   1. Subdivisions shall conform to the Town’s minimum lot requirements. Subdivisions designed according to the Open Space Design Option may modify the minimum lot requirements according to the standards contained in Section 9 of this Ordinance.
   2. Land in the following areas shall not be used to calculate the required minimum lot size: wetlands; rivers; streams; brooks; stormwater drainage features; resource protection areas as defined in the Town’s Shoreland Zoning Ordinance; areas within the floodway as defined in the Town’s Floodplain Management Ordinance; and, areas within public and private rights-or way.

C. Monuments:
   1. Monumentation as required by the Maine Board of Registration of Land Surveyors shall be installed at the following:
      a. At all road intersections and points of curvature, but no farther than 750 feet apart along road lines without intersections or curves.
      b. At all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135 degrees or less.
      c. At all other subdivision boundary corners and angle points plus lot boundary corners and angle points.
      d. If lot lines are not 90 degrees to the road, then monuments shall also be set 100 feet from the road at each side line.

D. Water Supply:
   1. They shall site and construct individual wells to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of pollution. The lot design shall permit the placement of wells, subsurface wastewater disposal systems and reserve areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.
   2. The water supply for the subdivision and each lot shall be adequate to supply all the potable, and other water requirements of the development. The applicant shall submit documentation from a Hydrologist or a Well Driller familiar with the area, stating that adequate water is available to supply the subdivision.

E. Fire Protection:
   1. They shall design the subdivision so that the Town of Rome Fire Department shall have unrestricted access to all developed areas within the subdivision and they arrange for a supply of water for fire suppression. The applicant shall review the proposed subdivision with the Fire Chief and shall obtain a written statement from the Fire Chief approving the plans fire protection measures. This statement shall be submitted with the preliminary plan application.
   2. The Fire Chief in making his/her determination that adequate provisions are made for fire protection shall consider the following:
      a. The road is adequate for the passage of fire equipment.
      b. An adequate water supply is available near or within the subdivision to serve the density of the development.
The Fire Chief shall approve the fire protection measures proposed for the subdivision or shall make specific recommendations to improve the fire protection measures. In making recommendations, the Fire Chief may recommend the installation of fire ponds or other similar features.

F. Subsurface Wastewater Disposal Systems:

1. The applicant shall submit evidence of site suitability for subsurface wastewater disposal system prepared by a Licensed Site Evaluator in compliance with the Subsurface Wastewater Disposal Rules of the State of Maine. All test pit or test boring locations shall be shown on the subdivision plan and be accompanied by a HHE-200 Form or other format which shows the appropriate soils data.

2. The applicant shall submit the test pit/boring data to the Town of Rome LPI for review. The LPI shall review the data for conformance with State Law and this Ordinance and issue the applicant a written statement. The LPI shall state whether the data submitted is sufficient to make a reasonable determination that the soils will accommodate a subsurface system or indicate if additional data or site analysis is needed. The applicant shall submit the LPI's statement with the preliminary plan application.

3. In no instance shall a disposal area for a lot or structures require a New System Variance from the Subsurface Wastewater Disposal Rules. Holding tank systems shall not be allowed to serve new lots or structures.

G. Erosion Control:

1. All activities which involve filing, grading, evacuation or other similar activities which result in unstabilized soil conditions shall comply with the following:

   a. The site shall be developed to prevent soil erosion from entering waterbodies, wetlands, stormwater drainage features, and adjacent land. All temporary and permanent erosion control measures shall be designed in accordance with the "Maine Erosion and Sedimentation Control handbook for Construction: Best Management Practices, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environment Protection, March 1991.

   b. All temporary and permanent erosion features shall be shown on the subdivision plan.

H. Phosphorus Control:

1. The following standards for phosphorus shall apply to all subdivisions in the direct watershed of a great pond.

I. Stormwater Control:
1. All construction and development shall be designed to minimize storm water runoff from the site. Where possible existing natural runoff control features shall be retained to reduce runoff and encourage infiltration. A storm water control plan shall be developed, by a registered engineer, for the site according to the following standards:
   a. A storm water control plan shall be developed to limit peak discharges from the site to predevelopment levels through a system of swales, culverts, and best management practices equivalent to those described in the Stormwater Management for Maine: Best Management practices, published by the Maine Department of Environmental Protection, 1995.
   b. Peak discharges shall be limited to the predevelopment levels for the 2-year, 10-year and 25-year frequency, 24-hour duration storm.
   c. A storm water control plan that is developed according to the requirements of the Department of Environmental Protection Regulations, Chapter 500, Stormwater Management and Chapter 502, Direct Watersheds of Waterbodies Most at Risk from New Development shall be deemed to be a suitable equivalent to these standards.

J. Waterbody Protection:
1. The locations of all rivers, streams, brooks, and wetlands shall be identified on the subdivision plan. This shall include all perennial and intermittent streams and forested and non-forested wetlands.
2. Waterbodies shall not be developed or disturbed unless the applicant can provide evidence that no other alternatives exist. Any development planned within 50 feet of the high-water line of any waterbody including wetlands shall require a plan which includes the following:
   a. A description of the proposed development including the reasons why this is the only alternative.
   b. Construction drawings of the disturbance area showing all structures, fill areas, vegetative disturbance, and erosion control measures.
   c. A list of state and federal permits required, if applicable.

K. Ground Water:
1. Any development proposed within a Sand and Gravel Aquifer as identified by the Town of Rome shall be designed and constructed according to a plan which takes into account the impact of the development upon the aquifer.
2. The Planning Board may require the applicant to provide a plan developed by a hydrologist which shows that the proposed development will not have an adverse impact upon the aquifer. The Planning Board, in making the determination that a plan is required, shall consider the density of the development, and existing conditions or problems within the area.

L. Historic, Archeological, Wildlife Habitat, Scenic Areas, and Rare and Natural Areas:
1. The subdivision plan shall show the locations of any historic and archeological sites, wildlife habitat, scenic areas and rare and natural areas. If any of these areas are on the site, a protection plan shall be developed in accordance with the following:
a. If any portion of the site is designated as a significant archeological or historic site by the Maine Historic Commission, Comprehensive Plan, or listed on the National Register of Historic Places, the applicant shall develop appropriate measures for the protection of these resources according to local, state and federal regulations.

b. If any portion of the site is within an area designated as a scenic area by the Town of Rome, (Scenic areas are listed in Appendix C) the applicant shall develop appropriate measures for the preservation of the values which qualify the site for such designation.

c. If any portion of the site is within an area designated as an unique natural area by the Maine Natural Areas Program, the applicant shall develop appropriate measures for the preservation of the feature or resource.

d. If any portion of the site is within a wildlife habitat area, the applicant shall consult with the Maine Department of Inland Fisheries and Wildlife or a qualified wildlife biologist and develop measures to protect these areas from environmental damage and habitat loss. Wildlife habitat areas shall include the following:
   (1) habitat or endangered species appearing on the official state or federal list of endangered or threatened species.
   (2) High or moderate value waterfowl and wading bird habitats as defined by the Maine Department of Inland Fisheries and Wildlife.
   (3) Deer wintering areas as identified by the Maine Department of Inland Fisheries and Wildlife.

M. Financial and Technical Capacity:
1. The applicant shall submit evidence that he/she has adequate financial and technical capacity to design and construct the development in accordance with all applicable local, state and federal laws and regulations. Evidence of adequate financial and technical capacity shall consist of the following:
   a. A list of all technical and professional staff involved with the proposal and preparation of the application including their qualifications and past experience with projects of similar size and scale.
   b. A list of all persons with inspection and oversight responsibilities for the development and if available, the persons selected to construct the project, including their qualifications and past experience with projects of similar size and scale.
   c. A letter from a financial institution such as a bank or other lending institution that states that the applicant has the necessary funds available or a loan commitment from this institution to complete the proposed development within the time period specified by the applicant.

N. Conformity With All Other Applicable Local Ordinances:
1. The applicant shall show that the subdivision meets all other applicable local ordinances including Shoreland Zoning, and Floodplain Management.
O. Road and Traffic Access Standards:

1. The purpose of the road and traffic access standards are to:
   a. To establish minimum specifications for all public and private roads.
   b. To establish procedures and standards for the acceptance of a public road.
   c. To establish a review and inspection procedure for public and private roads.
   d. To establish design and construction standards for safe traffic access.
   e. To establish minimum standards for traffic safety and the carrying capacity of roads.
   f. To establish standards for roadway drainage systems.
   g. To establish standards for road durability and a reasonable service life.

2. General Requirements

   a. Access to a maximum of 2 dwelling units may be provided by a driveway meeting the following requirements:
      (1) The driveway shall serve not more than 2 dwelling units.
      (2) The driveway shall have a minimum travel way of 12 feet.
      (3) A turnaround area shall be provided for every portion of the driveway in excess of 800 feet.
      (4) The driveway shall be upgraded to conform to the road standards whenever more than 2 dwelling units are proposed to be accessed by the driveway. It shall be the sole responsibility of the property owners to make all necessary improvements.
      (5) The driveway shall provide the necessary road frontage requirement for the dwelling units served by the driveway.
      (6) The driveway shall be considered a private way and shall not be considered for public acceptance.

   b. A road meeting one of the road categories shall be constructed to access 3 or more dwelling units.

   c. All roads shall be considered as public improvements and shall require a performance guarantee as per the requirements of this Ordinance.

   d. The type of road constructed shall be determined by the number of dwelling units proposed to be served by the roadway. (See road category definitions for information)

   e. The only roads eligible for consideration for public acceptance shall be classified as a collector road or local road. Roads proposed for public acceptance shall also meet the inspection requirements of this section.

   f. All roads shall be constructed according to the standards and requirements listed in this section.

   g. A dead-end road defined as having only one access to an existing public road shall not serve more than 20 dwelling units. A road shall have at least two access points to an existing public road to serve more than 20 dwelling units. Each dead-end road shall be provided with a turnaround as shown in Appendix A.
3. Road Drainage Requirements

a. All roads shall have adequate drainage structures which shall be designed in accordance with the stormwater management plan as specified in sub-section I Stormwater Control of this Section.

4. Road Access Standards

a. The road providing access to the development and any other road that can be expected to carry traffic for the subdivision shall have an adequate traffic carrying capacity to accommodate the proposed use. The road shall be improved as necessary to accommodate the traffic requirements of the subdivision. All necessary improvements shall be made at the expense of the subdivider.

b. Roads that access onto a State Road shall comply with all applicable Maine Department of Transportation (MDOT) design requirements. The applicant shall submit a permit from MDOT for the road access.

c. The road access shall be located and designed in profile and grading to provide the required sight distance measured in each direction. Sight distance shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curbl ine or edge of the shoulder, with the height of the eye 3 ½ feet, to the top of an object 4 ½ feet above the pavement. A minimum sight distance of 10 feet for each mile per hour of posted speed limit shall be provided.

d. The road access shall be flat enough to prevent the dragging of any vehicle undercarriage. Accesses shall slope upward or downward from the gutter line on a straight slope of 3% of less for at least 75 feet.

e. Accesses shall be either one-way or two-way operation and shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 75 degrees.

f. The curb radii will vary depending if the access has a one-way or two-way operation. On a two-way access the curb radii shall be between 25 feet and 40 feet, with the preferred radius of 30 feet. On one-way access, the curb radii shall be 30 feet for right turns into and out of the site, with a 5-foot radius on the opposite curb.

g. On a two-way access the width shall be between 24 and 26 feet, with a preferred width of 26 feet. On a one-way access the width shall be between 16 feet and 20 feet, with a preferred width of 16 feet.

h. On a two-way access the curb-cut width shall be between 74 feet and 110 feet, with a preferred width of 86 feet. On a one-way access the curb-cut width shall be between 46 feet and 70 feet, with a preferred width of 50 feet.

i. Appropriate traffic control signage shall be erected at the intersection of the access and the street.

j. Corner clearance shall be measured from the point of tangency for the corner to the point of tangency for the access. The maximum corner clearance, based upon site conditions should be provided. The minimum corner clearance shall be 50 feet.
k. All roads with access onto an existing paved state or local road shall be paved with bituminous pavement a minimum distance of 75 feet as measured from the edge of the existing road onto the proposed road.

5. Driveway Access Standards

a. All driveways that access onto public roads shall be located and designed to provide adequate sight distance as required in Section 8.04.c.

b. All driveways that access onto public roads shall be designed with sufficient vehicle turnaround area to enable a driver to exit the premises without backing onto the road. This requirement shall be deemed to be met by an onsite driveway turn-around for a single vehicle measuring at least 8 feet wide by 15 feet long.

6. Inter-Connections

a. All subdivisions consisting of 4 or more lots shall contain provisions for vehicular connections to future projects on adjacent properties or the same lot whenever feasible and to the maximum extent possible.

7. Road Categories

a. The type of road proposed for the subdivision shall be selected according to the following road classification definitions which are based upon the number of dwelling units to be served by the road.

   (1) Collector Road is designed more than 30 dwelling units.
   (2) Local road is designed to serve between 10 and 29 dwelling units.
   (3) Rural road is designed to serve between 1 and 9 dwelling units.

b. The applicant may choose to construct a road that exceeds a minimum design category.

c. The Planning Board shall review the type of road selected by the applicant to ensure that the road will be capable of accommodating future expansion of the subdivision. The Planning Board shall consider the following in it's review:

   (1) Particular conditions of the site do not allow for future expansion.
   (2) A phase build-out of the subdivision is proposed.
   (3) The applicant owns or has retained land adjacent to the subdivision with future development potential.

The Planning Board may after reviewing the particular site conditions; require that a road be constructed to a road category that is more suitable to the potential build-out of the site.

*Please Note:*

Only roads designed and constructed as a collector or local road shall be eligible for consideration for public acceptance. Any road not conforming to this requirement shall be a private road.
8. Road Design Standards

a. The road design standards for each type of road are listed in Appendix B. These standards shall be considered as minimum requirements.

b. The applicant shall submit detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed road. The plan shall be at a scale of one inch equal no more than 50 feet. The vertical scale shall be one inch equal no more than 5 feet. The plan shall include the following information:
   (1) Date, scale and north point.
   (2) Intersections of the proposed road with existing roads.
   (3) Roadway and right-of-way limits, including edge of pavement and edge of shoulder.
   (4) Kind, size, location, material, profile and cross section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
   (5) Complete curve data shall be indicated for all horizontal and vertical curves.
   (6) Turning radii at all intersections.
   (7) Centerline gradients.
   (8) Size, type and locations of all existing and proposed utilities.

c. Before any clearing is started in the right-of-way, the center lines and sidelines of the road shall be flagged or staked at 50 foot intervals. The entire travel way including shoulders shall be cleared of all stumps, roots, brush and other materials. All organic and unsuitable materials shall be removed from the road sub-grade. All rocks and boulders visible at the subgrade and exceeding 6 inches in size shall be removed. Except in a ledge cut all side slopes shall be no greater than a slope of three feet horizontal to one foot vertical, and shall be graded, loamed and seeded.

9. Inspection Requirements for Roads

a. In addition to the inspection requirements listed in Section 4, sub-section O, of this Ordinance, all roads shall meet the following inspection requirements:
   (1) The applicant shall at his/her expense hire a Professional Engineer licensed in the State of Maine to inspect the roadway construction. The engineer shall inspect the roadway during construction and certify in writing that the road was installed according to the subdivision plans and the requirements of this Ordinance.

   (2) The applicant shall submit to the Selectmen and the Planning Board, the engineer's report certifying that the road meets or exceeds the subdivision plan and Ordinance requirements.

   (3) Upon receipt of the engineer's certification and the inspection report from the Code Enforcement Officer and the Road Commissioner, the Selectmen may consider presenting to the Town Meeting a warrant for public acceptance of the road if applicable.
Recreational Access Standards

1. Outdoor recreational access is an important feature of Rome’s rural heritage and all subdivision proposals consisting of more than 4 lots shall provide for the continued enhancement and development of a variety of recreational opportunities. Since new subdivisions and the associated housing and other development they foster can compete with existing open space, scenic and other attributes of a rural community, it shall be the responsibility of each new subdivision to provide for outdoor recreation. A recreation plan designed to serve the subdivision shall be developed according to the requirements listed below.

2. Since subdivision proposals vary in size, density, design, and location, a variety of options shall be offered for the development of the recreation plan. The subdivision shall be deemed to meet the recreation requirement if they conform to one of the following:

   a. A minimum of 10% of the land within the subdivision is dedicated for open space. Suitable easements and/or deed restrictions shall be proposed to preserve the land from development. The land shall not include areas described in Section 8 sub-section B.1.b.

   b. A parcel of land consisting of at least 2 acres and having a minimum of 200 feet of shore frontage on a great pond is dedicated for recreation. The parcel shall be suitable for at least one of the following: boat access or swimming. Trails, easements or other instruments shall be provided so that residents can access the parcel.

   c. A multi-purpose trail system which can reasonably be accessed by each lot is constructed. The trail should be designed to accommodate walkers, cross-country skiing and snowmobiles. The trail must provide a link to existing trails or snowmobile routes.

   d. An active recreation area consisting of at least two of the following:
      - Playground for children
      - Baseball field
      - Tennis Court (minimum of 2 courts)
      - Full size basketball court
      - Multi-purpose field

   e. Combination of recreation options. The applicant may propose to offer a combination of recreational sites consisting of a portion of some of the options listed above. The Planning Board shall review this proposal to ensure that the intent of this section is met.

   f. A payment into the Town of Rome Recreational Development Fund to be used exclusively for the purchase or development of new or existing parks, playgrounds and other recreational facilities. The amount of such payment shall be $500.00 for each lot approved on the final plan. (This option is subject to the creation of the recreational development fund by the Town of Rome.)

3. Land for recreational sites may be offered to the Town for public acceptance or may be owned in common by lot owners. The applicant may also propose to dedicate the recreation areas to a third party that is incorporated for the purpose of maintaining land for conservation and preservation.

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All land proposed for recreation shall be protected by a suitable deed restriction that prohibits
development and preserves the land for future inhabitants.

All recreational areas to be owned in common shall include a maintenance plan and mandatory
association agreement in each deed of the subdivision lots.

Q. Agricultural, Forest and Rural Resources

1. Whenever a proposed subdivision is located adjacent to an active farm, pasture field, a woodlot
listed under Tree Growth, a productive forest site, or a borrow pit operation suitable provisions
shall be incorporated in the subdivision proposal to minimize future conflicts between residential
sites and agricultural, forestry or borrow operations.

2. Provisions to reduce conflicts between residential and activities of a working rural landscape shall
be proposed based upon the size, density and site conditions of the particular subdivision. Some
possible options include:
   a. A mandatory structure set back of 100 feet from the farm, forest, or borrow site.
   b. A vegetative buffer along property lines.
   c. Location of homes away from the farm, forest, or borrow site.
   d. A disclosure notice, included in the deed for each lot, to inform the new landowner that
      agricultural, forest or borrow pit activities generate noise, dust and odors.

R. Rural Design and Landscape Standards

1. Each subdivision proposal consisting of more than 4 lots shall include a landscape plan which
shows how the lots, building sites, structures and roads preserve the existing rural character of the
community. The plan shall incorporate the following standards into the overall development of the
subdivision:
   a. Building sites shall be oriented with respect to scenic vistas, natural landscape features,
      topography, and natural drainage areas.
   b. Road and lot layout shall be adapted to the existing topography.
   c. Existing trails shall be preserved.
   d. Existing vegetation along front, side and rear lot property lines shall be preserved.
   e. Lots shall be designed so as to enhance the privacy and rural atmosphere of the
development.
   f. Trees located along the roads shall be preserved to the greatest extent possible in order to
      maintain a rural roadscape.
   g. Existing vegetation along all streams, ponds, wetlands shall be preserved.

S. Maintenance of Roads and Public Improvements

1. All roads and other public improvements that are not dedicated to the Town or during such time
prior to the actual acceptance by the Town of Rome shall be maintained by the subdivision owners
or developer. A legal agreement indicating how the infrastructure will be maintained shall be
submitted to the Planning Board with the preliminary plan. The Planning Board shall review the maintenance plan to ensure that sufficient provisions have been incorporated to maintain all improvements for the applicable time period.

SECTION 9. OPEN SPACE DEVELOPMENT OPTION

A. Purpose:

The purpose of these provisions is to allow for new concepts of housing development where variations of design may be allowed, provided that the net residential density shall be no greater than is permitted in the area in which the development is proposed. Notwithstanding other provisions of this Ordinance relating to dimensional requirements, the Planning Board, in reviewing and approving proposed residential developments in Town, may modify said provisions related to dimensional requirements to permit innovative approaches to housing and environmental design in accordance with the following standards.

B. Application Procedure:

1. The Planning Board may allow subdivided development on reduced size lots in return for open space where the Planning Board determines that the benefits of the Open Space Design will prevent the loss of natural features without increasing the net density of the development. The developer, interested in this design option, shall submit a written application to the Planning Board for an Open Space Design Development. Two sketch plans shall be submitted with one layout as a standard subdivision and the second as an open space design indicating open space and significant natural features. Each lot in the standard subdivision shall meet the minimum lot size and lot width requirements of this Ordinance and have an area suitable for subsurface wastewater disposal.

2. The written statement shall describe the natural features which will be preserved or enhanced by the open space design approach. Natural features include, but not limited to; moderate to high value wildlife and waterfowl habitats; moderate to high yield aquifers; prime farmland and other important natural and historic areas identified in the comprehensive plan. The statement shall also compare the impacts upon the Town from each plan. Example of impacts are municipal cost for roads, school bussing, solid waste, utilities, recreational opportunities, preservation of conservation lands and environmental impacts.

3. Within 30 days of receiving the two sketch plans, the Planning Board shall determine whether to allow the subdivision to be developed in accordance with the open space design standards based upon findings that:

   a. The site contains natural features that are worthy of preservation; and
   b. Those natural features could not adequately be preserved in a standard subdivision layout; or
   c. An open space design will permit more efficient creation and utilization of infrastructure and provision of municipal services than would a standard subdivision.
C. Basic Design Requirements:

1. The open space design development shall meet all the requirements for a subdivision and other applicable Town Ordinances.

2. Each building shall be an element of an overall plan for the site development. Only developments having a total site plan for structures will be considered. The developer shall illustrate the placement of buildings and the treatment of spaces, roads, services, and parking and in so doing shall take into consideration all requirements of this section and of other applicable sections of this Ordinance.

3. The net residential acreage shall be calculated by taking the total area of the lot and subtracting, in order the following:
   a. 15% of the area of the lot to account for roads and parking.
   b. Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for building purposes.
   c. Portions of the lot shown to be in the floodway as designated on the Town's Flood Insurance Rate Maps.
   d. Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to:
      (1) slopes greater than 20%
      (2) organic soils
      (3) floodplain soils
      (4) wetlands
   e. Portions of the lot subject to right-of-way.
   f. Portions of the lot located in a Resource Protection District.
   g. Portions of the lot covered by surface waters.
   h. Portions of the lot utilized by stormwater management facilities.

4. To determine the maximum number of dwelling units permitted on a tract of land, the net residential acreage shall be divided by the minimum lot size required.

5. Unless public sewer is available, no lot shall be smaller than 20,000 square feet.

6. The total area of common land within the development shall equal or exceed the sum of the areas by which any building lots are reduced below minimum lot area requirements.

7. Every building lot reduced in area below the amount required should be within 1,000 feet of common land.

8. No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of the development.

9. Shore frontage shall not be reduced below the minimum required in the applicable shoreland zoning district.

10. Where the development abuts a body of water, a usable portion of the shoreline, and reasonable access to it, shall be part of the common land.

11. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, natural drainage areas, in accordance with an overall plan for the site development.
12. The location of subsurface wastewater disposal systems and an equivalent reserve area for replacement systems shall be shown on the plan. The reserve area shall be restricted so as not to be built upon.

13. Utilities shall be installed underground whenever feasible.

D. Dedication and Maintenance of Common Open Spaces and Facilities:

1. Common open space shall be dedicated upon approval of the project. There shall be no further subdivision of this land, which shall be used only for noncommercial recreation, agriculture or conservation. However, easements for public utilities or utility structures may be permitted.

2. The common open space shall be shown on the development plan with the notation on the face thereof to indicate that:
   a. The common open space shall not be used for future building lots; and
   b. A part or all of the common open space may be dedicated for acceptance by the Town.

3. If any or all of the common open space is to be reserved for use by the residents, the by-laws of the homeowners association shall specify maintenance responsibilities and shall be submitted to the Planning Board prior to approval.

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

5. The homeowners association shall have the responsibility of maintaining the common open space and other common facilities unless accepted by the Town.

6. The association shall levy annual charges against all property owners to defray the expenses connected with the maintenance of open space, other common and recreational facilities and town assessments.
SECTION 10.  ENFORCEMENT

A. It shall be the responsibility of the Code Enforcement Officer to enforce the provisions of this Ordinance.

B. No plan of a division of land within the Town which would constitute a subdivision shall be recorded in the Registry of Deeds until a final plan has been approved by the Planning Board in accordance with this Ordinance.

C. A person shall not convey, offer to convey any land in a subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds.

D. A person shall not sell, lease, offer or otherwise convey any land in an approved subdivision which is not shown on the plan as a separate lot.

E. No public utility, water district, sanitary district, or any utility company of any kind shall serve any lot in a subdivision for which a final plan has not been approved by the Planning Board.

F. Development of a subdivision without Planning Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land, or lots, or construction of buildings, which require a plan approved as provided in this Ordinance and recorded in the Registry of Deeds.

G. No lot in a subdivision may be sold, leased or otherwise conveyed before the road upon which the lot fronts is completed in accordance with this Ordinance up to and including the entire frontage of the lot.

H. Violations of the above provisions of this section are a nuisance and shall be punished in accordance with the provisions of Title 30-A, M.R.S.A. ss.4452.
APPENDIX A

TYPICAL "L" SHAPED TURN-AROUND DETAIL
### TABLE 2.

**ROAD CONSTRUCTION MATERIALS MINIMUM REQUIREMENTS**

<table>
<thead>
<tr>
<th></th>
<th>Collector Road</th>
<th>Local Road</th>
<th>Rural Road</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Aggregate Base</strong></td>
<td>24 inches</td>
<td>18 inches</td>
<td>15 inches</td>
</tr>
<tr>
<td><strong>Total Inches</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Subbase course</strong></td>
<td>18 inches</td>
<td>15 inches</td>
<td>12 inches</td>
</tr>
<tr>
<td><strong>Base course</strong></td>
<td>6 inches</td>
<td>3 inches</td>
<td>3 inches</td>
</tr>
<tr>
<td><strong>Surface Course for a Gravel Road</strong></td>
<td>6 inches</td>
<td>6 inches</td>
<td>6 inches</td>
</tr>
<tr>
<td><strong>Surface Course for a Bituminous Pavement Surface (Total inches)</strong></td>
<td>3 inches</td>
<td>3 inches</td>
<td>3 inches</td>
</tr>
<tr>
<td><strong>Base course</strong></td>
<td>1 3/4</td>
<td>1 3/4</td>
<td>1 3/4</td>
</tr>
<tr>
<td><strong>Surface course</strong></td>
<td>1 1/4</td>
<td>1 1/4</td>
<td>1 1/4</td>
</tr>
</tbody>
</table>

**GRAVEL SUBBASE MATERIALS SPECIFICATIONS:**

The gravel subbase course shall be gravel of durable particles free from vegetative matter, lumps or balls of clay and other deleterious matter. The gradation of the part that passes a 3 inch square sieve shall meet the grading requirements below. The maximum stone size shall be 6 inches.

<table>
<thead>
<tr>
<th><strong>SIEVE DESIGNATION</strong></th>
<th><strong>PERCENTAGE BY WEIGHT PASSING SQUARE SIEVE</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>1/4 INCH</td>
<td>25-70%</td>
</tr>
<tr>
<td>No. 40</td>
<td>0-30%</td>
</tr>
<tr>
<td>No. 200</td>
<td>0-5%</td>
</tr>
</tbody>
</table>
## APPENDIX B
### ROAD CONSTRUCTION STANDARDS TABLE 1.

<table>
<thead>
<tr>
<th></th>
<th>Collector Road</th>
<th>Local Road</th>
<th>Rural Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right-of-way width</td>
<td>60 ft</td>
<td>50 ft</td>
<td>50 ft</td>
</tr>
<tr>
<td>Travel way width</td>
<td>22 ft</td>
<td>20 ft</td>
<td>18 ft</td>
</tr>
<tr>
<td>Shoulder width</td>
<td>4 ft</td>
<td>3 ft</td>
<td>3 ft</td>
</tr>
<tr>
<td>Minimum grade (centerline)</td>
<td>.5%</td>
<td>.5%</td>
<td>.5%</td>
</tr>
<tr>
<td>Maximum grade (centerline)</td>
<td>5%</td>
<td>8%</td>
<td>10%</td>
</tr>
<tr>
<td>Minimum center-line radius w/o superelvation</td>
<td>280 ft</td>
<td>280 ft</td>
<td>175 ft</td>
</tr>
<tr>
<td>Minimum center-line radius with superelvation</td>
<td>175 ft</td>
<td>175 ft</td>
<td>110 ft</td>
</tr>
<tr>
<td>Roadway crown</td>
<td>1/4 inch per foot</td>
<td>1/4 inch per foot</td>
<td>1/4 inch per foot</td>
</tr>
<tr>
<td>Minimum angle of road intersection</td>
<td>90 degree</td>
<td>60 degree</td>
<td>60 degree</td>
</tr>
<tr>
<td>Maximum centerline grade within 75 ft of intersection</td>
<td>3%</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Culverts</td>
<td>minimum 18 inch dia.</td>
<td>minimum 15 inch dia.</td>
<td>minimum 15 inch dia.</td>
</tr>
<tr>
<td>Minimum fill slope</td>
<td>3/1</td>
<td>3/1</td>
<td>3/1</td>
</tr>
<tr>
<td>Shoulder grade</td>
<td>1/4 inch per foot</td>
<td>1/4 inch per foot</td>
<td>1/4 inch per foot</td>
</tr>
</tbody>
</table>
GRAVEL BASE COURSE SPECIFICATIONS:

The base course shall be crushed gravel or screened gravel of hard durable particles free from vegetative matter, lumps and balls of clay. The gradation of the part that passes a 3 inch square sieve shall meet the grading requirements below.

<table>
<thead>
<tr>
<th>SIEVE DESIGNATION</th>
<th>PERCENTAGE BY WEIGHT PASSING SQUARE SIEVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/4 INCH</td>
<td>45-70%</td>
</tr>
<tr>
<td>1/4 INCH</td>
<td>30-55%</td>
</tr>
<tr>
<td>No. 40</td>
<td>0-20%</td>
</tr>
<tr>
<td>No. 200</td>
<td>0-5%</td>
</tr>
</tbody>
</table>

SURFACE GRAVEL SPECIFICATIONS:

Surface gravel for use on gravel roads shall have no stone larger than 2 inches in size and shall meet the grading requirements below.

<table>
<thead>
<tr>
<th>SIEVE DESIGNATION</th>
<th>PERCENTAGE BY WEIGHT PASSING SQUARE SIEVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 INCH</td>
<td>95-100%</td>
</tr>
<tr>
<td>3/4 INCH</td>
<td>30-65%</td>
</tr>
<tr>
<td>No. 200</td>
<td>7-12%</td>
</tr>
</tbody>
</table>

BITUMINOUS PAVEMENT SPECIFICATIONS:

The minimum standards for the base layer of pavement shall be MDOT specifications for plant mix grade "B" with an aggregate size of no more than 3/4 inch maximum. The minimum standard for the surface layer of the pavement shall meet MDOT specifications for plant mix grade "C" or "D" with an aggregate size of no more than 3/4 maximum.
APPENDIX C

AREAS VISIBLE FROM
Eastern Side of French Mountain

Map Scale 1:55,000

Contour Interval = 30 Feet

Town of Rome, Maine
Kennebec County
APPENDIX C

AREAS VISIBLE FROM东南方侧的法郎山

镇罗马，缅因州
肯尼贝克县
APPENDIX C

AREAS VISIBLE FROM
Southern Side of Blueberry Hill

Town of Rome, Maine
Kennebec County

Contour Interval = 30 Feet
APPENDIX C

AREAS VISIBLE FROM
The Mountain

Contour Interval = 30 Feet

Town of Rome, Maine
Kennebec County
APPENDIX C

AREAS VISIBLE FROM
Mount Phillip

Contour Interval = 30 Feet

Map Scale 1:55,000

Town of Rome, Maine
Kennebec County
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Appendices

Appendix A: Scenic Viewsheds.................................................................................................13
1.0 Title
This Ordinance shall be known as the Wind Energy Systems Ordinance for the Town of Rome.

2.0 Authority
This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution; the provisions of 30-A M.R.S. § 3001 (Home Rule), and the provisions of the Planning and Land Use Regulation Act, 30-A M.R.S. § 4312, et seq.

3.0 Purpose
The purpose of this wind energy systems ordinance is to accommodate wind energy systems in appropriate locations within the Town of Rome, while protecting the public’s health, safety and welfare. In addition, this ordinance provides a permitting process for wind energy systems to ensure compliance with the provisions of the requirements and standards established herein.

4.0 Jurisdiction
The provisions of this Ordinance shall govern all Wind Energy Systems within the boundaries of the Town of Rome, hereafter known as the “Town”.

5.0 Conflict with other Ordinances
Whenever a provision of this Ordinance conflicts with, or is inconsistent with, another provision of this Ordinance or any other Town Ordinance, State of Maine, or Federal statute or regulation, the provision more restrictive to the Rome Wind Energy Systems Ordinance, Applicant/Owner/Operator shall control, except when a provision of State or Federal law expressly preempts local authority on the subject.

6.0 Validity and Severability
Should any section, or part of a section, or any provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declarations shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

7.0 Repeal of Prior Ordinances
There is no prior “Wind Energy Systems Ordinance for the Town of Rome” to be repealed effective with the date of this Ordinance.

8.0 Effective Date
This Ordinance shall take effect and be in force from the date of its adoption.

9.0 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.
10.0 Type 1 Classification Criteria

Type 1 facilities fall into two categories: 1A and 1B. This distinction is based on two criteria: turbine height and the total number of turbines. In order for a facility to be classified as Type 1A, it must fall below the threshold for both criteria. If the facility meets or exceeds the threshold for either criterion, it is classified as Type 1B.

<table>
<thead>
<tr>
<th>Turbine Classification</th>
<th>Aggregate Capacity</th>
<th>Turbine Height</th>
<th>Max # of Turbines</th>
<th>DEP Site Location Permit Required</th>
<th>Local Review and Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A</td>
<td>&lt;100 kW</td>
<td>≤ 80'</td>
<td>1</td>
<td>No</td>
<td>Exempt from Ordinance</td>
</tr>
<tr>
<td>1B</td>
<td>&lt;100 kW</td>
<td>≤ 150'</td>
<td>≥1</td>
<td>No</td>
<td>Planning Board</td>
</tr>
<tr>
<td>2</td>
<td>≥ 100 kW</td>
<td>≤ 150'</td>
<td>1</td>
<td>No</td>
<td>Planning Board</td>
</tr>
<tr>
<td>3</td>
<td>≥100 kW</td>
<td>≤ 150'</td>
<td>≥2</td>
<td>Yes¹</td>
<td>Planning Board</td>
</tr>
</tbody>
</table>

¹ A Location of Development permit from the Maine Department of Environmental Protection (DEP) pursuant to Title 35-A M.R.S.A. §3451, Title 35-A M.R.S.A. § 3456 and Title 38 M.R.S.A § 482 is normally required unless the Turbine: 1) does not sell or convert electricity for offsite use including net metering; and, 2) does not qualify as a Structure with a total land area in excess of three (3) acres for the entire Wind Energy Development.

Turbine Height

Wind Towers classified as 1A and 80 ft. in height or less are exempt from this Ordinance. All Wind Towers in the Ordinance are restricted to a maximum tower height of 150 ft. All Wind Towers in the Ordinance are restricted to a maximum systems height of 199 ft.
11.0 Definitions

AWEA. American Wind Energy Association.

Meteorological tower (met tower). Includes the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. For the purpose of this ordinance, met towers shall refer only to those whose purpose are to analyze the environmental factors needed to assess the potential to install, construct or erect a wind energy system.

Modification. Any change to the wind energy system that materially alters the size, type or location of the wind energy system. Like-kind replacements shall not be construed to be a modification.

Nacelle. Nacelle means the frame and housing at the top of the Tower that encloses the gearbox and generator.

Net metering. The difference between the electricity supplied to a customer over electric distribution system and the electricity generated by the customer’s wind energy system that is fed back into the electric distribution system over a billing period.

Power grid. The transmission system, managed by ISO New England, created to balance the supply and demand of electricity for consumers in New England.

Shadow flicker. The visible flicker effect when rotating blades of the wind generator cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow.

System height. The vertical distance from ground level to the tip of the wind generator blade when it is at its highest point.

Tower. The monopole, guyed monopole or lattice structure that supports a wind generator.

Tower height. The height above grade of the fixed portion of the tower, excluding the wind generator.

Wind Energy Facility. Wind Energy Facility means a facility that uses one or more Wind Turbines to convert wind energy to electrical energy. A Wind Energy Facility includes Generating Facilities and Associated Facilities.

Wind Energy Facility, Type 1A. Wind Energy Facility, Type 1A means a Wind Energy Facility having a maximum generating capacity of less than 100kW, a maximum of one Wind Turbine and a maximum Turbine Height of 80 feet. Wind Towers classified as 1A and are 80 ft. in height or less are exempt from this Ordinance.
**Wind Energy Facility, Type 1B.** Wind Energy Facility, Type 1B means a Wind Energy Facility having a maximum generating capacity of less than 100kW and one or more Wind Turbines with a Turbine Height greater than 80 feet.

**Wind generator.** The blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

12.0 **Procedure for Review**

1. **Building Permit:** No wind energy system, excluding Type 1A towers, shall be erected, constructed, or installed without first receiving a building permit from the Code Enforcement Officer. A building permit shall be required for any physical modification to an existing wind energy system. Met towers that receive a building permit shall be permitted on a temporary basis not to exceed 3 years from the date the building permit was issued.

2. **Planning Board application fee:** A permit application for Planning Board approval shall include payment of an application fee and the application shall not be considered complete until this fee is paid. An applicant is entitled to a refund of the application portion of the fee if the application is withdrawn within fifteen (15) days of the date of receipt of the application by the Planning Board, less all expenses incurred by the Town of Rome to review the application. Application Fees shall be set and may be amended by the Board of Selectmen.

3. **Planning Board review fee:** An applicant for a permit shall pay all additional reasonable and customary fees, i.e.: certified mailings, advertisements, etc., as well as expert fees as may be required, incurred by the Town that are necessary to review the application and assure that the Wind Energy System meets the conditions of this Ordinance after completion.

13.0 **Application**

Applications submitted to the Code Enforcement Officer shall contain a site plan with the following information:

i) Property lines and physical dimensions of the applicant’s property.

ii) Location, dimensions, and types of existing major structures on the property.

iii) Location of the proposed wind energy system, foundations, guy anchors and associated equipment and distance to setback lines, property lines, roads, driveways, right-of-ways, any overhead utility lines on the subject property and adjacent properties within 300 feet of any buildings including their purpose and tree cover and average height of trees.

iv) Tower foundation blueprints or drawings.

v) Tower blueprints or drawings.

vi) Setback requirements as outlined in this ordinance.

vii) The right-of-way of any public road that is contiguous with the property.
viii) A survey map of an appropriate scale showing within 2500 feet of the proposed WES any parks and other designated areas considered locally important in an open space plan, recognized historic sites and important bird areas as identified in the state’s Beginning with Habitat data.

ix) Wind energy system specifications, including manufacturer, model, rotor diameter, tower height, tower type, nameplate generation capacity.

x) Structural drawings from manufacturer or engineer showing foundation and anchor design along with specifications for soil conditions at the site.

xi) Wind energy systems that will be connected to the power grid shall include a copy of the application for interconnection with their electric utility provider.

xii) Sound level analysis prepared by the wind generator manufacturer or qualified engineer.

xiii) Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the Maine State Building Code.

xiv) Evidence of compliance or non-applicability with Federal Aviation Administration requirements.

xv) List of abutters to the applicant’s property.

xvi) Photographs of the proposed site.

13.1 Completeness
The Code Enforcement Officer shall review all applications for completeness prior to submittal to the Planning Board. Applications which are found to be incomplete shall be returned to the applicant along with written notice as to why they are incomplete.

13.2 Abutter and Regional Notification
The Code Enforcement Officer shall notify all abutters and the local governing body by certified mail upon receipt of a complete application. The public will be afforded 30 days to submit comments to the Code Enforcement Officer prior to the issuance of the building permit. The Code Enforcement Officer shall review the application for any regional impacts. If the proposal is determined to have potential regional impacts, the Code Enforcement Officer shall follow necessary procedures.

14.0 Compliance Standards
1. The Planning Board shall evaluate the application for compliance with the following standards;

   a. Setbacks: The setback shall be calculated by multiplying the minimum setback requirement number by the system height and measured from the center of the tower base to property line, public roads, or nearest point on the foundation of an occupied building.
### Multiplier for Minimum Setback Requirements

<table>
<thead>
<tr>
<th>Occupied Buildings on Participating Landowner Property</th>
<th>Occupied Buildings on Abutting Property</th>
<th>Property Lines of Abutting Property and Utility Lines</th>
<th>Public Roads</th>
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<td>1.5</td>
<td>1.1</td>
<td>1.5</td>
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i) Wind energy systems must meet all setbacks for principal structures for the zoning district in which the system is located.

ii) Guy wires used to support the tower are exempt from the wind energy system setback requirements.

iii) All towers that exceed tree height must be setback 2500 feet from any open space designated important, recognized historic site, or important bird area indicated in the State’s Beginning With Habitat data.

b. **Tower:** The maximum tower height shall be restricted to 150 ft. In no situation shall the systems height exceed 199 feet.

c. **Sound Level:** The wind energy system shall not exceed 60 decibels using the A scale (dBA), as measured at the site property line, except during short-term events such as severe wind storms and utility outages.

d. **Shadow Flicker:** Wind energy systems shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than 30 hours per year on abutting occupied buildings. The applicant has the burden of proving that the shadow flicker will not have significant adverse impact on neighboring or adjacent uses. Potential shadow flicker will be addressed either through siting or mitigation measures.

e. **Signs:** All signs including flags streamers and decorative items, both temporary and permanent, are prohibited on the wind energy system, except for manufacturer identification or appropriate warning signs.

f. **Code Compliance:** The wind energy system shall comply with all applicable sections of the Maine State Building Code.

g. **Aviation:** The wind energy system shall be built to comply with all applicable Federal Aviation Administration regulations including but not limited to 14 C.F.R. part 77, subpart B regarding installations close to airports.

h. **Visual Impacts:** It is inherent that wind energy systems may pose some visual impacts due to the tower height needed to access wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner’s access to the optimal wind resources on the property.

i. The applicant shall demonstrate through project site planning and proposed mitigation that the wind energy system’s visual impacts will be minimized for surrounding
neighbors and the community. This may include, but not be limited to information regarding site selection, wind generator design or appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be underground, except when the financial costs are prohibitive.

ii. If any portion of the site is within an area designated as a scenic area or scenic viewshed by the Town of Rome, (Scenic areas and viewsheds are listed in Appendix A) the applicant shall develop appropriate measures for the preservation of the values that qualify the site for such designation.

iii. The color of the wind energy system shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive matte finished color that blends in with the surrounding environment. Approved colors include but are not limited to white, off-white or gray.

iv. A wind energy system shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the wind energy system.

i) **Approved Wind Generators:** The manufacturer and model of the wind generator to be used in the proposed system with Swept Areas up to 200m² shall be certified to the most current version of AWEA 9.1 by the Small Wind Certification Council, a Nationally Recognized Testing Laboratory or approved by the state of Maine, if available. Applications for provisionally certified or non-certified turbines with Swept Areas over 200m² must include a description of the safety features and sound emissions of the turbine and must show compliance with IEC61400-12-1 and IEC61400-11 and may be considered on a case by case basis.

j) **Compliance with National Electrical Code (NEC):** The installation of a Wind Energy System shall comply with section 694 (or the most-current applicable section, if updated) of the NEC. Applications must be accompanied by a single-line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the NEC. Wet-stamped drawings shall not be required.

k) **Access:** The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

15.0 **Abandonment**

1. At such time that a wind energy system is scheduled to be abandoned or discontinued, the applicant will notify the Code Enforcement Officer by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.

2. Upon abandonment or discontinuation of use, the owner shall physically remove the wind energy system within 90 days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Code
Enforcement Officer. “Physically remove” shall include, but not be limited to:

a. Removal of the wind generator and tower and related above-grade structures.

b. Restoration of the location of the wind energy system to its natural condition, except that any landscaping, grading or below-grade foundation may remain in its same condition at initiation of abandonment.

3. In the event that an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous 12-month period. After the 12 months of inoperability, the Code Enforcement Officer may issue a Notice of Abandonment to the owner of the wind energy system. The owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. After review of the information provided by the owner, the Code Enforcement Officer shall determine if the wind energy system has been abandoned. If it is determined that the wind energy system has not been abandoned, the Code Enforcement Officer shall withdraw the Notice of Abandonment and notify the owner of the withdrawal.

4. If the owner fails to respond to the Notice of Abandonment or if, after review by the Code Enforcement Officer, it is determined that the wind energy system has been abandoned or discontinued, the owner of the wind energy system shall remove the wind generator and tower at the owner’s sole expense within 3 months of receipt of the Notice of Abandonment. If the owner fails to physically remove the wind energy system after the Notice of Abandonment procedure, the Code Enforcement Officer or may pursue legal action to have the wind energy system removed at the owner’s expense.

16.0 Violations

It is unlawful for any person to construct, install, or operate a wind energy system that is not in compliance with this ordinance. Wind energy systems installed prior to the adoption of this ordinance are exempt from this ordinance except when modifications are proposed to the wind energy system.

17.0 Penalties

Whoever violates this Ordinance is subject to all of the penalties and remedies described under 30-A MRSA, Sec. 4452 and by a fine of not less than $100 nor more than $2,500 per offense with each day on which such violation continues. Each day in violation shall constitute a separate offense. When actions taken to enforce the Ordinance do not result in the correction or abatement of the violation or nuisance condition, the Board of Selectmen, upon notice from the Code Enforcement Officer, shall institute or cause to be instituted 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 of Rome. Each day that the violation continues constitutes a separate offense with maximum fines of two thousand five hundred dollars ($2,500.00) per offense. There is a twenty-five thousand dollar ($25,000.00) maximum fine per offense upon the second conviction within two (2) years for violations under this Ordinance.
18.0 Appeals

1. Powers and Duties of the Board of Appeals: The Board of Appeals shall have the following powers:
   a. **Administrative Appeals:** To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a denovo 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. Variances may be granted only under the following conditions:
      i. Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
      ii. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
      iii. The Board shall not grant a variance unless it finds that: The proposed structure or use would meet the provisions of Section 14.0 except for the specific provision which has created the non-conformity and from which relief is sought; and The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean: That the land in question cannot yield a reasonable return unless a variance is granted;
      iv. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
      v. That the granting of a variance will not alter the essential character of the locality; and
      vi. That the hardship is not the result of action taken by the applicant or a prior owner.
      vii. 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.

3. 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. 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.
2. Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes: A concise written statement indicating what relief is requested and why the appeal or variance should be granted. 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 written 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 decision, including a statement of the facts found and conclusions reached by the Board. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

5. Appeal to Superior Court: Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

6. Reconsideration: In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.
APPENDIX A

AREAS VISIBLE FROM
Eastern Side of Blueberry Hill

Contour Interval = 30 Feet

Town of Rome, Maine
Kennebec County
APPENDIX A

AREAS VISIBLE FROM Southern Side of Blueberry Hill

Contour Interval = 30 Feet

Town of Rome, Maine Kennebec County
APPENDIX A

AREAS VISIBLE FROM
Eastern Side of French Mountain

Contour Interval = 30 Feet

Town of Rome, Maine
Kennebec County
APPENDIX A

AREAS VISIBLE FROM
Southeastern Side of French Mountain

Contour Interval = 30 Feet

Town of Rome, Maine
Kennebec County
AREAS VISIBLE FROM
The Mountain

Contour Interval = 30 Feet

Town of Rome, Maine
Kennebec County
AREAS VISIBLE FROM
Mount Phillip

Contour Interval = 30 Feet

Town of Rome, Maine
Kennebec County

Map Scale 1:55,000
Personal Wireless Services Facilities Ordinance

325' Hampshire Hills Tower in Rome, Maine

Town of Rome, Maine
Approved March 2015
Introduction

Demand for wireless service continues to increase. Nationwide telecommunication service providers have installed more than 80,000 transmission sites. Industry analysts predict that between 100,000 and 200,000 new cell sites will be needed to meet the growing demand of wireless service customers. Half of these sites will likely require new towers, especially in suburban and rural areas.

A new generation of wireless communications technology helps drive this demand. Cellular sites are converting from analog to digital, which carries more calls simultaneously and allows caller ID and voicemail. Personal Communication Services (PCS) is digital communication that provides higher quality reception and can also transmit data. PCS is being expanded across the State. PCS uses higher frequencies than cellular resulting in signals traveling shorter distances. This means PCS requires more towers. Wireless services will be expanding to wireless internet wireless cable and wireless data. This trend will also require more Personal Wireless Service Facilities (PWSF) closer to each other.

Telecommunication technology and the companies providing it are protected to some degree under the federal Telecommunications Act of 1996. This act bars local regulations that have the effect of prohibiting the siting of telecommunication towers. Unreasonable discrimination among providers is also prohibited. Permit decisions must be made within a reasonable timeframe and must be based on a factual record e.g. findings of fact and conclusion of law. This act does not allow municipal regulation of radio frequency emissions.

Telecommunication towers can be controversial. The three big issues are typically visual impact, height, and location. An effective ordinance needs to address these issues and meet the requirements of the Telecommunications Act.

This PWSF ordinance strives to address the visual impact, height and location of towers while meeting the requirements of the federal law. Primary sources for this Ordinance are the Town of Rome Wireless Telecommunications Facility Siting Ordinance adopted in 2002 and KVCOG’s 2009 model PWSF ordinance developed in 1997 for Durham, New Hampshire and the Cape Cod Commission by Kreines and Kreines, a legal firm specializing in towers. The same or similar ordinances were adopted in the late 1990s and are still being used by at least 47 municipalities in New Hampshire.

This ordinance is concerned with permitting towers that meet signal coverage needs and blend into areas where visibility may be a particular concern such as residential areas, historic districts, and scenic areas. There is also a provision for professional services at applicant’s expense to assist with municipality authority review.

This ordinance is designed to fit into the Town of Rome land use governance, which has a review structure and is a product of reviewing numerous ordinances and reports related to telecommunication towers. This local law repeals the former Rome Wireless Telecommunications Facility Siting Ordinance adopted 2002.
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SECTION 1: TITLE
This Ordinance shall be known and cited as the "Town of Rome Wireless Telecommunications Facility Siting Ordinance" and will be referred to herein as "this Ordinance."

SECTION 2: AUTHORITY AND APPLICABILITY
This Ordinance is adopted pursuant to the enabling provisions of Article VI II, Part 2, Section I of the Maine Constitution; the provisions of the Municipal Home Rule Authority (30A MRSA 3001 et. seq.) and the provisions of the Planning and Land Use Regulation Act. Tide 30-A MRSA Section 4312 et. seq. Persons or entities wishing to establish a wireless telecommunications facility or make major modifications to an existing wireless telecommunications facility within the Town of Rome shall first obtain a conditional use permit from the Rome Planning Board (hereinafter "Planning Board") and shall be subject to the provisions of this Ordinance, including, without limitation, the duty to reasonably allow future collocation as a condition of approval. The Planning Board and the Selectmen, through the Code Enforcement Officer, shall administer and enforce this Ordinance.

SECTION 3: PURPOSE
These standards are designed and intended to balance the interests of the residents of Rome, wireless communications providers and wireless communication customers in the siting of wireless communications facilities within the town. Beyond the objectives described in other provisions of this Ordinance, these Personal Wireless Services Facilities (PWSF) standards are also intended to:

A. Implement a municipal policy concerning the provisions of wireless telecommunications services, and the siting of their facilities;

B. Establish clear guidelines, standards and time frames for the town to regulate placement, design and appearance of wireless communications facilities while preserving the character and appearance of the Town of Rome;

C. Ensure that all entities providing PWSF within the municipality comply with the ordinances of Rome;

D. Permit Rome to fairly and responsibly protect public health, safety, welfare and quality of life;

E. Encourage the carriers of PWSF to co-locate, thus minimizing adverse visual impacts on the community;

F. Support the goals and policies of the Comprehensive Plan, especially the orderly development of Rome with minimal impacts on existing residential uses;

G. Protect the Town of Rome's environmental resources and rural character as consistent with the goals and objectives outlined by Rome's Comprehensive Plan;

H. Provide for the removal of towers and associated structures that are no longer being used for wireless communications purposes;
I. Minimize any potential adverse effect of PWSF on property values and protect historic and scenic areas within the Town and;

J. Protect the scenic and visual character of Rome.

SECTION 4: CONSISTENCY WITH FEDERAL LAW
These regulations are intended to be consistent with state and federal Law, particularly the Telecommunications Act of 1996 in that: a) they do not prohibit or have the effect of prohibiting the provision of personal wireless services; b) they are not intended to be used to unreasonably discriminate among providers of functionally equivalent services, and c) they do not regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the regulations of the Federal Communications Commission concerning such emissions.

Federal and State Requirements - All PWSFs must meet or exceed current standards and regulations of the FAA, FCC and any other agency of the federal or state government with the authority to regulate PWSFs. If such standards and regulations are changed, then the owners of the facilities governed by this ordinance shall bring such facilities into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling agency. Failure to bring a PWSF into compliance with such revised standards and regulations shall constitute grounds for removal of the PWSF as abandoned, in accordance with Section 14, at the owner(s) expense through the execution of the posted security.

SECTION 5: CONFLICT WITH OTHER ORDINANCES
Whenever a provision of this Ordinance conflicts with or is inconsistent with other provisions of this Ordinance, or of any other Ordinance, regulation, or standard, the more restrictive provision shall apply.

SECTION 6: EFFECTIVE DATE
The effective date of this Ordinance, if adopted by vote of the public at a Town Meeting or by referendum, shall be the earlier of the Town’s adoption of its moratorium on October 20, 2014 or the date of this Ordinance’s adoption at Town meeting, and upon adoption repeals the Town’s Wireless Telecommunications Facility Sitting Ordinance, adopted in 2002. Should this Ordinance for any reason fail to be legally cognizable and enforceable with respect to an applicant, it shall be deemed not to have supplanted or superseded said 2002 Ordinance with respect to that applicant and said 2002 Ordinance shall be deemed to be in full force and effect with respect to that applicant.

SECTION 7: EXEMPTIONS
A. The following are exempt from the provisions of this Ordinance:
   1. Police, fire, ambulance, and other emergency dispatch.
Town of Rome Personal Wireless Services Facilities Ordinance

2. Temporary wireless communication facilities for emergency communications.
3. Amateur (Ham) radio as licensed by the Federal Communications Commission [FCC].
5. Parabolic antennas less than twelve (12) feet in diameter, that are an accessory use of the property.
6. Maintenance, repair or reconstruction of an existing wireless telecommunications facility and related equipment, provided that there is no major modification of the facility.
7. Temporary wireless telecommunications facilities, in operation for a maximum period of one hundred eighty (180) days.
8. Any antenna that is an accessory to a residential dwelling.
9. Pre-existing Facility. This Ordinance does not render illegal any structure, facility or use which legally existed, has received permit approval, or is in a pending approval process prior to the effective date of this Ordinance.
10. Radio dispatch services for local businesses.

B. No wireless telecommunication facility as listed in Section 7 shall be considered exempt from Section 11, B.

C. No wireless telecommunication facility shall be considered exempt from this Ordinance by virtue of collocation with an exempt facility as listed in Section 7.

SECTION 8: GENERAL APPLICATION REQUIREMENTS AND PROCEDURES

A. Pre-application conference.
All persons seeking approval of the Planning Board under this Ordinance shall meet with the Planning Board no less than thirty (30) days before filing an application. At this informal meeting, the Planning Board shall explain to the applicant the ordinance provisions, as well as application forms and submissions that will be required under this Ordinance.

B. Fees

1. Planning Board application fee:
A conditional use permit application for Planning Board approval shall include payment of an application fee of $1500.00. In addition to further qualifications, the application shall not be considered complete until this fee is paid. An applicant is entitled to a refund of the application portion of the fee if the application is withdrawn within fifteen (15) days of the date of receipt of the application by the Planning Board, less all expenses incurred by the Town of Rome to review the application.

2. Planning Board review fee:
An applicant for a conditional use permit shall pay all additional reasonable and customary fees, i.e.: certified mailings, advertisements, etc., as well as expert fees as provided hereinbelow, incurred by the Town that are necessary to review the application and assure that the facility meets the conditions of this Ordinance after completion.

C. A proposal to construct or modify a PWSF must include evidence of a binding written commitment from a duly licensed carrier to utilize the tower to provide wireless communication services.
Town of Rome Personal Wireless Services Facilities Ordinance

D. A PWSF may be permitted as a [conditional use] upon compliance with this Section and other applicable provisions of this Ordinance and other applicable Town ordinances.

E. No construction, alteration, modification, or installation of any PWSF shall commence without a [conditional use] permit first being obtained from the Rome Planning Board except for antenna installations as per Section 11.P.

F. The applicant must provide an inventory of all the provider's applied for, existing and approved towers, antennae or sites within the Town of Rome and locations in surrounding communities where wireless telecommunications are proposed to be utilized in conjunction with the facility proposed in the application, in addition to service area maps and network maps of the applicant's existing and proposed facilities in Kennebec County.

G. The applicant must provide Identification of any other PWSFs existing or proposed on the site.

H. The applicant must provide details of and a site plan showing all existing or proposed accessory structures including buildings, parking areas, utilities, gates, access roads, etc.

I. The applicant must provide evidence that written notice was sent, by pre-paid first class United States mail, to all other such tower and alternative tower structure owners and licensed wireless communication providers that could furnish service to the Town of Rome utilizing existing towers and alternative tower structures and to owners of such towers. This notice shall state the applicant's siting needs and include a request for all relevant information regarding the co-location capabilities of the existing or previously approved facilities. Evidence that this notice requirement has been fulfilled shall include a name and address list, copy of the notice that was sent, and a return receipt request that the notices were sent as required.

J. Evidence must be provided that none of the existing or previously applied for or approved towers and alternative structures within the Town of Rome can accommodate the communications equipment (antennae, cables, etc.) planned for the proposed tower. Such evidence shall include documentation from a qualified and licensed professional engineer that:

   i. Planned necessary equipment would exceed the structural capacity of existing and approved PWSF and alternative structures considering (1) the existing and planned use of those PWSFs and alternative structures, and (2) the existing and approved PWSFs cannot be reinforced or enlarged to accommodate planned or equivalent equipment at a reasonable cost;

   ii. Planned equipment will cause electromagnetic frequency interference with other existing or planned equipment for that PWSF or alternative structure, and the interference cannot be prevented at a reasonable cost;

   iii. Existing or approved PWSFs and alternative structures do not have space on which planned equipment can be placed so it can function effectively and at least in parity with other similar equipment in place or approved; or
iv. Other documented reasons make it technically or financially unfeasible to place the equipment planned by the applicant on any of the existing or previously applied for or approved PWSFs and alternative structures.

K. Evidence must be provided that the proposed PWSF cannot be co-located on any existing or previously approved tower sites or suitable structures. Evidence should include an assessment of whether such PWSF sites could be changed to accommodate the proposed tower, and a detailed description of the projected cost of shared use of the existing or approved PWSF site or other suitable structure(s).

L. A report must be provided from a Registered Professional Engineer that describes the PWSF, the technical reasons for the PWSF design and the capacity of the PWSF, including the number(s), type(s), and volume(s) of antennae that it can accommodate and the basis for the calculation of capacity.

M. A letter of intent must be provided that commits the PWSF owner and its successors in interest to:

   i. respond in a timely, comprehensive manner to a request for information from a potential co-location applicant;

   ii. negotiate in good faith for shared use by third parties that have received an FCC license or permits; and

   iii. allow shared use if an applicant agrees in writing to pay reasonable market-rate charges.

N. Proof of financial capacity to build, maintain, and remove the proposed PWSF must be submitted.

O. Photos showing site vegetation, existing and adjacent structures, views of the proposed site from near and far and from the proposed site, topography, and land uses on the proposed parcel and on abutting properties must be provided.

P. 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 must be submitted.

Q. 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, antennae, and existing structures and trees. Reference any design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

R. Detail of the tower base or method of attachment to a structure. If the facility will be attached to an existing building or structure, provide measurements and elevations of the
S. An analysis of the visual impact of the proposed facility, including the tower and supporting structures, which may include a photo montage, field mock up, or other techniques, that identify the potential visual impacts, at design capacity, of the proposed facility. Consideration shall be given to views and viewsheds from the areas designated as scenic areas, vistas, and overlooks by the Town of Rome, in Appendix A of this Ordinance, roads, public areas, private residences, historic resources, including historic districts and structures listed in the National Register of Historic Places, and archaeological resources. The analysis of the impact on historical and archaeological resources shall meet the requirements of the Maine State Historical Preservation Officer in his/her review capacity for the FCC.

T. The applicant shall submit written proof that the proposed use and the facility comply with the FCC regulations on radio (RF) frequency exposure guidelines and a propagation map showing the proposed radio frequency coverage.

U. The applicant shall submit written proof that an evaluation has taken place, as well as the results of such evaluation, satisfying the requirements of the National Environmental Policy Act (NEPA) further referenced in applicable FCC rules. If an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required under the FCC rules and NEPA, submission of the EA or EIS to the Town of Rome prior to the beginning of the federal 30 day comment period, and the Town of Rome process, shall become part of the application requirement.

V. The applicant will provide information as to whether any of the Personal Wireless Service carriers providing service to the Town of Rome use the system known as cable micro-cell integrator/headend interface converter (CMI/HIC) which utilizes cable television lines and small transceivers mounted on utility poles to communicate with wireless telephones and whether there are any such carriers using CMI/HIC in Kennebec County.

W. Notification of Application:
The applicant shall be responsible for insuring that abutting landowners and landowners within 500' of the site property boundaries be notified of the application by certified mail no later than thirty (30) days after the Rome Planning Board pre-application conference as detailed in Section 8A, and that receipts and copies of the letters be forwarded to the Planning Board, the Rome Board of Selectpersons and the Rome Code Enforcement Officer. The Planning Board shall post a notice of the application for public review at the Town Office and in at least two places of public gathering within the Town of Rome.

X. The applicant has the burden of proving that the application is and that the project will be in compliance with all of the requirements of this Ordinance.

SECTION 9: PROVISION FOR HIRING INDEPENDENT CONSULTANTS
A. Upon submission of an application for a conditional use permit under this Ordinance, the Rome Planning Board shall hire independent consultants whose services shall be paid for by the applicant. These consultants shall be qualified professionals with an appropriate combination of training, record of service, and certification in one of the following fields: a) telecommunications/radio frequency engineering; b) structural engineering; and, if determined
necessary by the Rome Planning Board, c) other fields of expertise.

B. Upon submission of a complete application for a conditional use permit under this Ordinance, the Rome Planning Board shall provide its independent consultant(s) with the full application for their analysis and review, including the construction and modification of the site, once permitted, and any site inspections.

C. An applicant shall deposit with the Town escrow funds sufficient to reimburse the Town for all reasonable costs of the Town’s consultant(s) in providing expert evaluation and consultation to any agency of the Town in connection with the review of any application, including any expert consultation services deemed necessary by the Planning Board. The initial deposit for the expert review of a new wireless facility shall be $8,500. The initial deposit for the expert review of a co-location or modification shall be $6,000. The placement of the deposit with the Town shall precede the pre-application meeting, or shall occur at such later time as the Planning Board may direct. The Town will maintain a separate escrow account for all such funds. The Town’s consultants/experts shall invoice the Town employing its services related to the application.

D. If at any time during the process this escrow account has a balance less than $2,500, the applicant shall immediately, upon notification by the Town or consultant, replenish said escrow account so that it has a balance of at least $5,000. Such additional escrow funds shall be deposited with the Town before any further action or consideration is taken on the application. In the event that the amount held in escrow by the Town is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall, upon request of the applicant, be promptly refunded to the applicant.

E. When notified by the Town that additional escrow is required, the applicant may request copies of invoices paid to consultants and/or experts. If the applicant finds errors in those invoices, the applicant may ask the Town to audit those specific items for reasonableness, and may request relief there from.

F. The total amount of the funds needed as set forth in Subsection C of this section may vary with the scope and complexity of the project, the completeness of the application, and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.

G. Notwithstanding the above, there shall be a fee cap as to the total consultant fees to be charged to the applicant in a case, which shall be the greater of $17,000 or 10% of the highest annual lease payment to be made by the applicant to the owner of the property under the lease authorizing placement of the wireless telecommunications facilities at a given site. However, the fee cap shall not apply as to any fees which the Planning Board determines to be attributable to the dilatory or otherwise bad faith actions of the applicant in providing a complete application or in proceeding with a public hearing.

SECTION 10: CONFORMITY WITH APPLICABLE LAWS
A. Conditional Uses: No tower or telecommunications facility shall be erected,
constructed, or installed without first obtaining a conditional use permit from the Rome Planning Board. A conditional use permit is required for all new Wireless Telecommunications Facilities and all major modifications to an existing such facility.

B. Applicable Laws: In acting on the conditional use permit application, the Rome Planning Board shall proceed in accordance with local, state, federal, and local land use planning regulations and policies. The siting and construction of all PWSFs in the Town of Rome must meet all of the applicable standards in the ordinances of the Town of Rome and be consistent with the Town of Rome Comprehensive Plan.

C. Findings: All applicable conditions in Sections 11 and 12 of this Ordinance shall be complied with. After the Planning Board finds that an application is complete under the requirements of this Ordinance, including all of the documentation requirements of Sections 8 and 12, the Planning Board shall determine whether, based upon the application submitted, all applicable requirements and conditions in Sections 11 and 12 and elsewhere in this Ordinance have been demonstrated by the applicant to be met. If one or more reports from experts are required by the Planning Board, the application is not complete until the report(s) has/have been submitted. If the Planning Board finds that an application is not complete, it shall not consider the application until such time as it is determined to be complete. The Rome Planning Board must in consultation with independent consultant(s) where such expert advice is reasonably necessary, make all of the following applicable findings before granting the conditional use permit:

1. Applicant is not already providing adequate coverage and adequate capacity to the Town of Rome.
2. Applicant is not able to use existing tower/facility sites either with or without the use of repeaters to provide adequate coverage and adequate capacity to the Town of Rome.
3. Applicant has endeavored to provide adequate coverage and adequate capacity to the Town of Rome with the least number of towers and antennas technically and economically feasible.
4. Applicant is not able to use “microcell PCS” or other reasonably available alternate technology in lieu of towers.
5. Efforts have been made to locate new towers adjacent to existing towers.
6. Applicant has agreed to rent or lease suitable available space on the tower, under the terms of a fair-market lease, with reasonable conditions and without discrimination to other telecommunications providers.
7. The proposal shall comply with FCC Rules & Regulations, and procedures outlined in FCC Bulletin 65, regarding exposure from electromagnetic radiation and that the required monitoring program (see Section 13 of this Ordinance) has been developed and shall be paid for by the applicant.
8. Towers and telecommunications facilities shall be located so as to minimize the following potential impacts:
   a. Visual/Aesthetic: Towers shall, when possible, be sited off ridge lines, and where their visual impact is least detrimental to scenic areas and vistas.
   b. Devaluation of property values.
   c. Siting shall be in as low population density areas as possible.
   d. Safety hazards: Concerns include structural failure, ice accumulation and discharge.
   e. Electromagnetic radiation: Steps must be taken to prevent access to any areas
in which exposure might exceed the FCC guidelines.

D. **Balloon Test:** The Planning Board may require a certified balloon test accurately simulating the height and location of the proposed PWSF. Public notice shall be given of the date and time of such test not less than 10 days prior thereto. The applicant shall provide photographs of such test from locations around the Town including those designated by the Planning Board and within 20 miles from which the balloon(s) is visible.

E. **Indemnity:** The owner of the PWSF, as a condition of approval, shall execute an agreement that it will indemnify and hold the Town, its officials and employees harmless from all claims against the Town for personal injury, property damages, and loss, including costs of defense and reasonable attorney’s fees, arising from or related to the construction, operation repair and removal of the PWSF or any part thereof.

F. **Documentation of Approval:** Within thirty (30) days of completed Planning Board review of the application, the Planning Board shall approve, approve with conditions, or deny the application in writing, and submit the findings on which that decision is based in writing to the applicant at the same time as it issues its written decision. This time period may be modified upon agreement between the applicant and the Planning Board so long as such agreement is documented in writing at the time it is made and as necessary to conform to any applicable requirements of the Federal Telecommunications Act.

G. **Commencement of Operation:** Operation of a PWSF shall commence no later than nine (9) months from the date the application was approved. If the PWSF is not operating within this time period, the Planning Board, at its discretion, may revoke its approval, regardless of whether construction has begun.

H. **Notification of Continued Use:** Beginning 12 months after Planning Board approval and continuing on an annual basis thereafter, the owner of a PWSF shall provide the Planning Board with written, signed certification that the PWSF is being used to provide Personal Wireless Services as defined. Failure to comply with this requirement shall constitute an admission that the PWSF is not in use and has been abandoned.

I. **Discontinuance:** At such time that the owner plans to temporarily or permanently discontinue operation of a PWSF, the owner will notify the municipality by certified U. S. Mail of the proposed date of temporary or permanent discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to temporary or permanent discontinuation of operations. In the event that the owner fails to give notice of temporary discontinuance, the PWSF shall be considered permanently discontinued and abandoned upon the discontinuation of operation.

**SECTION 11: GENERAL PROJECT REQUIREMENTS**

The following requirements cannot be waived, are made conditions of approval of any PWSFs, and are ongoing requirements of a permitted PWSG facility. To be approved by the Planning...
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Board, an application must meet all of the following standards, criteria, and requirements:

A. **Fencing and Signs:** The area around the tower and communication equipment shelter(s) shall be completely fenced for security to a height of six feet, gated and locked. A sign no greater than two (2) square feet indicating the name of the facility owner(s) and a 24 hour emergency telephone number, either in-state or toll-free, shall be posted adjacent to the entry gate. In addition, No Trespassing or other warning signs, and the federal tower registration plate, where applicable, may be posted on the fence or as required to meet federal requirements.

B. **Height of Towers:** New towers or heightened towers shall not exceed the minimum height necessary to provide adequate coverage for the telecommunications facilities proposed for use on the tower. Applicant may submit a request for additional height to accommodate future sharing, or to provide indirect service as described in Section 12, A, 3, and shall provide design information and data to justify such additional height. In no case shall facility height exceed 199 feet, triggering the FAA and FCC rules and regulations regarding lighting of towers. Exceptions may be made in the case of personal wireless service providers who shall adequately demonstrate, to the satisfaction of the Planning Board, in consultation with an independent qualified consultant (as specified by Section 9) that denial of greater height would effectively prohibit service.

1. **Height Outside A PWSF Overlay Zone.** The vertical distance between the highest point of a PWSF (ground-mounted or building mounted) and the mean natural grade at the base of the structure or building shall not exceed one hundred (100) feet, provided, however,

   a. **Height, Utility Structures.** if antennas are located on an existing utility structure, including water tower, electrical transmission tower, or utility pole, the vertical height of the existing structure may not be increased by more than ten (10) feet;

   b. **Height, Existing Buildings.** the highest point of a building mounted PWSF on an existing building may not be ten feet higher than the existing building unless the PWSF is completely camouflaged as provided in Section 11.D.6-8. and

   c. **Height, Ground-mounted Facilities.** the highest point of ground mounted PWSF shall not exceed ten (10) feet above the average tree canopy height (ATCH) of the trees located within an area defined by a one hundred fifty (150) foot radius or perimeter of the mount, security barrier, or designated clear area for access to equipment, whichever is greatest. In high density residential zone(s) (density is greater than 3 dwelling units per acre) and commercial zone(s) when there are buildings within 300 feet of the mount the highest point of ground-mounted PWSF shall not exceed ten (10) feet above the average building height within 300 feet of the mount.

   d. **Average Tree Canopy Height (ATCH) –** ATCH shall be determined by a forestry or environmental consultant qualified to inventory tree height and determine the ATCH as defined in this Ordinance.

   e. **Reconstruction of Nonconforming PWSF -** A non-conforming ground-mounted
C. Structural standards:
A new wireless telecommunications facility involving a tower must comply with the current Electronic Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision. Standards for Steel Antenna Towers and Antenna Supporting Structures.

D. Performance and Design Standards: Tower(s) must be of a type that will maximize potential sharing. Applicant must demonstrate the future utility of such structure for expansion of service for applicant and other future applicants.

1. Antenna Types - Any antenna array placed upon an existing or proposed ground mount, utility pole, or transmission line mount shall have a diameter of no more than four (4) feet, exclusive of the diameter of the mount. A close mount may be required to minimize visual impacts.

2. Mounts - All ground mounts shall be of a mast or monopole type mount. Mounts affixed to the roof or side of a building shall be masts only. Lattice towers, guyed towers, and roof mounted monopoles are expressly prohibited, unless constructed as part of a reconstruction of a nonconforming structure permitted under Section 8.E.

3. Visibility - The applicant is encouraged to utilize enhancements to the property and must demonstrate that every reasonable effort has been made to cause the facility to have the least possible visual impact on the municipality.
Visual impacts are measured on the basis of:
   a. Change in community scale, as exhibited in relative height, mass or proportion of the PWSF within their proposed surroundings.
   b. New visible elements proposed on a contrasting background.
   c. Different colors and textures proposed against a contrasting background.
   d. Use of materials that are foreign to the existing environment.

4. Enhancements are measured on the basis of:
   a. Conservation of opportunities to maintain community scale, e.g. buffering areas and low-lying building should not be compromised so as to start a trend away from the existing community scale.
   b. Amount and type of landscaping and/or natural vegetation.
   c. Preservation of view corridors, vistas, and view-sheds.
   d. Continuation of existing colors, textures, and materials.

5. Visibility focuses on:
   a. Eliminating or mitigating visual impact.
   b. Protecting, continuing, and enhancing the existing environment.
   c. If any portion of the site is within an area designated as a scenic area or scenic viewshed by the Town of Rome, (Scenic areas and viewsheds are listed in Appendix A) the applicant shall develop appropriate measures for the preservation of the values which qualify the site for such designation.
6. Camouflage for Facilities on Roof of Existing Buildings:
   a. PWSF shall be concealed or camouflaged within or behind existing or new architectural features to limit its visibility when PWSF extends above roof height of a building on which it is mounted. Facilities mounted on a roof of a building shall be stepped back from the front façade in order to limit their impact on the building's silhouette.

7. Camouflage for Facilities on Side of Existing Buildings:
   a. PWSF mounted on a side of a building, shall blend with the existing building's architecture and the panels shall be painted or shielded with material consistent with the design features and materials of the building. All surfaces shall be non-reflective.

8. Camouflage for Ground-Mounted Facilities:
   a. Ground-mounted PWSF outside a PWSF Overlay Zone shall be surrounded by a buffer of dense tree growth that begins at and extends continuously from ten (10) feet beyond the security barrier and portion of equipment shelter outside security barrier for a minimum distance of one hundred and fifty (150) feet and screens views of the facility in all directions with an exception in High Density Residential and Commercial zones noted in subsection 3.a.3. These trees must be pre-existing (pre-existing trees are preferred) on the subject property, planted on site, or be within a landscape easement on an adjoining site.

   b. The one hundred fifty (150) foot vegetative buffer area shall be protected by a landscape easement or be within the area of the PWSF owner's lease. The easement or lease shall specify that the trees within the buffer shall not be removed or topped, unless the trees are dead or dying and present a hazard to persons or property.

   c. A tree'd buffer may not be required for a PWSF in High Density Residential or Commercial zones when there are buildings within 300 feet of the mount and when the PWSF is camouflaged.

9. Color: To the extent that a PWSF extends above the height of the vegetation immediately surrounding it, the tower and antenna shall be of a color, that blends with the background or surroundings, such as dark brown/rust or comparable. All surfaces shall be non-reflective.

10. Equipment Shelters:
    a. PWSF equipment shelters shall be designed consistent with one of the following design standards:

    b. Equipment shelters shall be located in underground vaults; or

    c. Equipment shelters shall be designed so that the shelters are architecturally consistent, with respect to materials and appearance, to the buildings in the area of the PWSF; or
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d. Equipment shelters shall be camouflaged behind an effective year-round landscape screen, equal to the height of the proposed building and/or fence. The Planning Board shall determine the style of fencing and/or landscape buffer that is compatible with the neighborhood; or

e. If mounted on the roof of a building, the equipment shelter shall be concealed or camouflaged so that the shelter either is not visible at grade or appears to be a part of the original structure.

11. Driveways: If available, or reasonably available through the purchase of a legal right of way, existing entrances and driveways to serve a PWSF shall be utilized, unless the applicant can demonstrate that a new entrance and driveway will result in less visual traffic and environmental impact. The traveled way of new driveways to serve a PWSF shall not exceed twelve (12) feet in width. A gravel or crushed stone surface is required.

E. **Use of Repeaters:** The use of repeaters to assure adequate coverage, or to fill holes within areas of otherwise adequate coverage, while minimizing the number of required towers is permitted and encouraged. Applicants shall detail the number, location, power output and coverage of any proposed repeaters in their systems and provide engineering data to justify their use. Applicants not willing to use repeaters in their systems must provide engineering data justifying their non-use.

F. **Coverage Area:**
If primary coverage (greater than 50%) from the proposed telecommunications facility is outside Rome then the permit shall be denied unless the applicant can demonstrate an inability to locate within the Town which is primarily receiving service from the proposed facility.

G. **Advertising** shall not be allowed on any wireless telecommunications facility.

H. **Lighting:** A new wireless telecommunications facility must be illuminated only as necessary to comply with FAA or other applicable state or federal requirements. Where the FAA requires obstruction marking and/or lighting, the applicant shall show evidence of a request for the least visually obtrusive scheme to the FAA. Security lighting may also be used as long as it is shielded to be down-directional to retain light within boundaries of the site, to the maximum extent practicable and be shielded from abutting properties. Foot-candle measurements at the property line shall be 0.5 initial foot-candles above ambient light conditions.

I. **Setback Requirements:**
1. Safety zone: A new wireless telecommunications facility must be set back one hundred five percent (105%) of its height from all property lines. The setback may be satisfied by including the areas outside the property boundaries if secured by an easement.
   The following exemptions apply:
   a. The setback may be changed by the Planning Board upon a showing by the
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applicant that:

i) The facility is designed to collapse in a manner that will not harm other property, and
ii) Ice build-up and discharge will not present a public safety hazard, and
iii) Any hazards to guy wires or tower structure will not adversely affect public safety.

b. An antenna is exempt from the setback requirement if it extends no more than five (5) feet horizontally from the edge of the structure to which it is attached, and it does not encroach upon an abutting property.

2. Existing wireless telecommunication facilities that undergo major modifications must meet setback requirements.

J. Fall Zone for Ground Mounts: In order to ensure public safety, the minimum distance from the base of any ground-mounted PWSF to any property line, public road, habitable dwelling, business or institutional use, or public recreational area shall be, at a minimum, the distance equal to the fall zone, as defined in paragraph 7 (m). The fall zone may cross property lines, so long as the applicant secures a fall zone easement from the affected property owner(s). The area of the easement shall be shown on all applicable plans submitted to the Town, and the terms of the easement shall be provided as part of the site plan review. Fall zones for PWSFs may overlap.

K. Fall Zone for Mounts: In the event that an existing structure is proposed as a mount for a PWSF, a fall zone shall not be required, but the setback provisions of the zoning district shall apply. In the case of pre-existing nonconforming structures, PWSFs and their equipment shelters shall not increase any non-conformities.

L. Historic and Archaeological properties: The proposed facility, to the greatest degree practicable, will have no unreasonable adverse impact upon a historic district, site or structure, which is currently listed on, or eligible for listing on the National Register of Historic Places.
   1. Any alteration made to an historic structure to accommodate a PWSF shall be fully reversible.
   2. PWSFs within a historic district shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas.

M. Hazardous Waste: No hazardous waste shall be discharged on the site of any PWSF. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor designed to contain at least one hundred and ten percent (110%) of the volume of the hazardous materials stored or used on the site.

N. Noise - PWSF shall not generate noise in excess of limits permitted under the municipal noise ordinance.
O. **Alternative Tower Sites:** If the proposed ground-mounted PWSF does not meet the standards of this Ordinance because of excessive height, insufficient camouflage, a lack of screening by existing trees or buildings, or for other reasons making the consideration of alternative sites appropriate, then potential suitable alternative sites, where PWSFs can meet the standards and provide adequate signal coverage, need to be inventoried and evaluated. More than one site each with a PWSF (that may be shorter than originally proposed) must be considered. If the applicant determines that there are no suitable alternative sites, the Town of Rome may hire at the applicant’s expense a radio frequency engineer to independently assess if there are suitable alternative sites.

P. **Antenna Installation:** An antenna or antenna array may be located, without further approval, on any structure mounted PWSF legally existing prior to the effective date of Section 10.G., and on any PWSF subsequently approved under the provisions of this Ordinance, provided that:

1. All carriers using the PWSF comply with provisions of this Ordinance including the requirements of co-location;

2. All carriers using the PWSF comply with the terms and conditions of approval of the PWSF by the Planning Board; and

   I. There is no increase in the PWSF height, carrier capacity, or area of the security barrier.

Otherwise, site plan review and a [conditional use] permit is required.

**SECTION 12: DOCUMENTS REQUIRED TO BE SUBMITTED FOR A COMPLETE APPLICATION**

A. **Evidence of Need:**

1. **Existing Coverage:**
   Applicant shall provide written documentation demonstrating that existing telecommunications facility sites and other existing structures of suitable height in Rome and within a 20 mile radius of the proposed site cannot reasonably be made to provide adequate coverage and/or adequate capacity to the Town of Rome. The documentation shall include, for each facility site listed which is owned or operated by the applicant, the exact location (in longitude and latitude, in degrees, minutes and seconds to the nearest tenth), ground elevation, height of tower or structure, type of antennas, antenna gain, height of antennas on tower or structure, output frequency, number of channels, power input and maximum power output per channel. Potential adjustments to these existing facility sites, including changes in antenna type, orientation, gain, height or power output shall be specified. Radial or tiled coverage plots showing each of these facility sites, as they exist, and with adjustments as above, shall be provided as part of the application.

2. **Repeaters:**
   Applicant shall demonstrate with written documentation that they have analyzed the feasibility of repeaters in conjunction with all facility sites listed in compliance with
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Section 12, A, 1 (above) to provide adequate coverage to the Town of Rome and reasonably concluded that the use of repeaters would not provide such adequate coverage. Radial or tiled coverage plots of all repeaters considered for use in conjunction with these facility sites shall be provided as part of the application.

3. Indirect Service:
Applicant shall demonstrate which portion of a tower or structure and which antennas, if any, are to reduce or eliminate reliance on land-lines, or otherwise provide communications capability to the applicant, as opposed to providing direct service to customers. Such provision of indirect service may be considered if reasonable alternatives are not available and the incremental effect is consistent with the purposes set forth in Section 12, A, 1 of this Ordinance.

4. Five-Year Plan:
All applications shall be accompanied by a written five-year plan for the utilization of the proposed facilities. This plan shall include justification for capacity in excess of immediate needs, as well as plans for any further development within the Town.

B. Legal and Technical Documentation for Telecommunications Towers and Facilities:
1. Federal Permits:
Applicant shall submit copies of all pertinent submittals and showings pertaining to:

   a. FCC permitting/licensing, including Environmental Assessments and Environmental Impact Statements as required by National Environmental Protection Act of 1969, section 47, and documentation from Maine Historical Preservation Society;
   b. FAA Notice of Construction or Alteration aeronautical studies;
   c. All pertinent data, assumptions and calculations relating to service coverage;
   d. All pertinent calculations and/or measurement data related to non-ionizing radiation exposure, regardless of whether categorical exemption from routine environmental evaluation under the FCC rules is claimed.

2. Contacts:
Applicant shall submit the exact legal name, address or principal place of business and phone number of the following:

   a. Applicant. If any applicant is not a person, it shall also give the type of business entity and the state in which it is registered.
   b. Person to whom correspondence or communications in regard to the application are to be sent. Notice, orders and other papers may be served upon the person so named, and such service shall be deemed to be service upon the applicant.
   c. Person to be contacted in the event of an emergency involving the facility. This person shall be available on a 24-hour basis and authorized by the applicant to act on behalf of the applicant regarding an emergency situation.
   d. Owner of the property on which the proposed tower shall be located, and of the owner(s) of the tower or structure on which the proposed facility shall be located. Written permission of the owner(s)' to apply for a conditional use permit.
shall also be submitted along with written permission from the owner(s) of the proposed property(s) or facilities site(s) for the Town’s independent consultant(s) to conduct any necessary site visit(s).

3. **Surety:** Planning Board shall require applicant to show evidence of financial ability to cover tower construction, maintenance, removal, and insurance coverage.

4. **Commitment to Available Space:** Applicants for conditional use permit for new tower construction or major modification of an existing facility shall provide a written, irrevocable commitment valid for the duration of the existence of the tower, to rent or lease any and all available space for collocation on the tower at fair market prices and terms, without discrimination to other telecommunications providers.

5. **Lease of Tower:** Applicants for a conditional use permit for a facility to be installed on an existing structure shall provide a copy of its lease/contract with the owner of the existing structure.

6. **Contract with Provider:** Applicants for a conditional use permit must be a telecommunications provider or must provide a copy of its lease/contract with an existing telecommunications provider. A conditional use permit shall not be granted for a tower to be built on speculation.

7. **Plans and Maps:** Survey plans shall be stamped and signed by a land surveyor registered in Maine. Signal propagation and radio frequency studies, plots and related material shall be prepared, clearly identified and signed by a qualified radio frequency engineer. Plans shall be on 24" x 36" sheets, on as many sheets as necessary, and at scales which are no smaller (i.e. no less precise) than listed below. Each plan sheet shall have a title block indicating the project title, sheet title, sheet number, date, revision dates, scale(s), and original seal(s) and signature(s) of the professional(s) who prepared the plan.

   a. **Location Map:** Copy of a portion of the most recent U.S.G.S. Quadrangle map showing the area within at least two miles from the proposed facility site. Indicate the tower location and the exact latitude and longitude (degrees, minutes and seconds to the nearest tenth).

   b. **Vicinity Map** at a scale of 1" = 416' (1:5000) with contour intervals no greater than 10 feet (3 meter) showing the entire vicinity within a 2500' radius of the facility site, and including the topography, public and private roads and driveways, buildings and structures, bodies of water, wetlands, landscape features, historic sites, habitats for endangered species. Indicate the property lines of the proposed facility site parcel and of all abutters to the facility site parcel, (from assessor’s maps or available surveys). Indicate any access easement or right of way needed for access from a public way to the facility site, and the names of all abutters or property owners along the access easement or who have deeded rights to
c. Existing Conditions Plan: A recent survey of the area within 500 feet of the facility site at a scale no smaller than 1" = 40' (1:480 or metric equivalent 1:500) with topography drawn with a minimum of 10 feet (3 meter) contour intervals, showing existing utilities, property lines, existing buildings or structures, stone walls or fence lines, wooded areas, existing water wells and springs. Show the boundary of any wetlands or floodplains or watercourses; and of any bodies of water included in the Shoreland Zoning District within 500' from the facility site. The survey plan must have been completed, on the ground, by a land surveyor (registered in Maine) within two years prior to the application date.

d. Proposed Site Plans: Proposed facility site layout, grading and utilities must be at the same scale or larger than the existing conditions plan.
   i. Proposed tower location and any appurtenances, including supports and guy wires, if any, and any accessory building (communication equipment shelter or other) indicate property boundaries and setback distances to the base(s) of the tower and to the nearest corners of each of the appurtenant structures to those boundaries, and dimensions of all proposed improvements. Where protective fencing is proposed, indicate setback distances from the edge of the fencing.
   ii. Indicate proposed spot elevations at the base of the proposed tower and at the base of any guy wires, and the corners of all appurtenant structures.

e. Proposed Equipment Plan:
   i. Plans, elevations, sections and details at appropriate scales but no smaller than 1" = 10'.
   ii. Number of antennas and repeaters, as well as the exact locations, of antenna(s) and of all repeaters (if any) located on a map as well as by degrees, minutes and seconds to the nearest tenth of latitude and longitude.
   iii. Mounting locations on tower or structure, including height above ground.
   iv. A recent survey of the facility site at a scale no smaller than 1" = 40' (1:480 or metric equivalent 1:500) showing horizontal and radial distances of antenna(s) to nearest point on property line, and to the nearest dwelling unit.
   v. Antenna type(s), manufacturer(s), model number(s).
   vi. For each antenna, the antenna gain and antenna radiation pattern.
   vii. Number of channels per antenna, projected and maximum.
   viii. Power input to the antenna(s).
   ix. Power output, in normal use and at maximum output for each antenna and all antennas as an aggregate.
   x. Output frequency of the transmitter(s).
   xi. For major modification of an existing facility with multiple emitters, the results of an intermodulation study to predict the interaction of the additional equipment with existing equipment.
C. **Submission Waiver:** The Planning Board, as appropriate may waive any of the application submission requirements based upon a written request of the applicant submitted at the time of application. A waiver of any application submission requirement may be granted only if the Planning Board finds in writing that due to special and unique circumstances of the application, the information is not required to determine compliance with the standards of this Ordinance.

### SECTION 13: MONITORING AND EVALUATION OF COMPLIANCE

A. **Maintenance:** The owner of the facility shall maintain the PWSF in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier, maintenance of the buffer areas, landscaping, and camouflage materials. The Planning Board may direct the owner to perform maintenance that it determines to be required.

B. **Monitoring Protocol:** A determination of the RF exposure shall be conducted by a Planning Board selected independent radio frequency engineer to demonstrate compliance with FCC (Federal Communications Commission) and NCRP (National Council on Radiation Protection and Measurements) guidelines. Unless preempted by federal regulation, determination shall be by means of actual measurements, paid for by the applicant. The property owner and the owner of the PWSF shall agree that the Town and its appointed representative(s) may enter the subject property to obtain RFR measurements, noise measurements, and to perform maintenance and safety inspections at the expense of the carrier. In the case of taking RFR and or noise measurements, the municipality may enter without any advance notice to either the PWSF owner or the property owner. In all other cases, the municipality shall provide reasonable written notice to the carrier and landowner and provide them the opportunity to accompany the municipal representatives when the inspections are conducted.

C. **Excessive Exposure:** Should the monitoring of a facility site reveal that the site exceeds the current FCC guidelines, the owner(s) of all facilities utilizing that site shall be so notified. In accordance with FCC requirements, the owner(s) must immediately reduce power or cease operation as necessary to protect persons having access to the site, tower or antennas. Additionally, the owner(s) shall submit to the Rome Planning Board a plan for the correction of the situation that resulted in excessive exposure. Failure to act as described above shall result in revocation of the conditional use permit and violations are subject to penalties as provided by Section 15 of this Ordinance.

D. **Tower structural integrity:** The Planning Board shall arrange, at owner’s expense, for an independent consultant (a licensed professional structural engineer) to conduct inspections of the towers structural integrity and safety. Guyed towers shall be inspected every three years. Monopoles and non-guyed lattice towers shall be inspected every five years. A report of the inspection results shall be prepared by the independent consultant and submitted to the Planning Board and Rome Code Enforcement Officer. Any major modification of an existing facility shall require a new conditional use permit.
E. **Building Code - Safety Standards:** To ensure the structural integrity of PWSFs, the owner of the facility shall ensure that it is constructed and maintained in compliance with the standards contained in applicable local building codes and the applicable standards for PWSFs that are published by the Electronics Industries Association, as amended from time to time. If, upon inspection, the Town concludes that a PWSF fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the PWSF, the owner shall have thirty (30) days to bring such PWSF into compliance with such standards. If the owner fails to bring such PWSF into compliance within thirty (30) days, such action shall constitute abandonment and grounds for the removal of the facility as abandoned at the owner(s) expense through execution of the posted security.

F. **Unsafe Structure:** Should the inspection of any tower reveal any structural defect(s) which, in the opinion of the independent consultant render(s) that tower unsafe, the following actions must be taken. The owner(s) of the tower shall submit a plan to remediate the structural defect(s). The Planning Board and Rome Code Enforcement Officer shall determine a schedule to accomplish complete remediation of structural defect(s). Failure to accomplish this remediation of structural defect(s) within the specified time frame shall be a violation of the conditional use permit and subject to penalties as specified in Section 15 of this Ordinance.

G. **Certificate of Insurance:** The applicant shall submit annually to the Town of Rome a Certificate of Insurance showing public liability insurance coverage of not less than $1 million Combined Single Limit.

**SECTION 14: REMOVAL REQUIREMENTS**

Any telecommunications facility that ceases to operate for a period of five years shall be removed. Cease to operate is defined as not performing the permitted functions associated with the telecommunications facility and its equipment on a continuous and ongoing basis for a period of five years. At the time of removal, the facility site shall be remediated such that all telecommunications facility improvements which have ceased to be utilized are removed. If all facilities on a tower have ceased to operate, the tower shall also be removed, and the site shall be re-vegetated. Applicant shall provide a financial surety bond for the cost of removal. Recognizing the hazardous situation presented by abandoned and unmonitored telecommunications facilities, the Planning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned telecommunications facilities in the event that a facility is abandoned and the facility owner is unwilling or unable to remove the facility in accordance with Section 6. The amount of the security shall be based upon the removal cost plus, fifteen percent (15%) provided by the applicant and certified by a professional civil engineer licensed in Maine. No building permit may be issued until the applicant has deposited the just described amount of the security with the Town. The owner of the facility shall provide the Planning Board with revised removal cost estimate and structural evaluation prepared by a professional civil engineer licensed in Maine every five (5) years from the date of the Planning Board's approval of the site plan. If the cost has increased more than fifteen percent (15%) then the owner of the facility shall provide additional security in the amount of the increase.

A. **Failure to Remove:** If the owner of the facility does not remove the facility upon the
Planning Board’s order, then the Municipal Officers shall, after holding a public hearing with notice to the owner and abutters, issue a declaration of abandonment. The owner of the facility shall dismantle and remove the facility within ninety (90) days of receipt of the declaration of abandonment by the Municipal Reviewing Authority. If the abandoned facility is not removed within ninety (90) days, the municipality may execute on the security to pay for this action.

B. Failure to Maintain: If the owner of the facility fails to maintain the facility in accordance with the directions of the Municipal Officers pursuant to paragraph 5 (a), then the Municipal Reviewing Authority, shall after holding a public hearing with notice to the owner and abutters, issue a declaration of abandonment. The owner of the facility shall dismantle and remove the facility within ninety (90) days of receipt of the declaration of abandonment by the Municipal Reviewing Authority. If the abandoned facility is not removed within ninety (90) days, the Municipality may execute on the security to pay for this action.

SECTION 15: ENFORCEMENT / PENALTIES:

A. Enforcement.
The Planning Board and the Selectmen, through the Code Enforcement Officer, shall administer and enforce this Ordinance.

B. Penalties.
Whoever violates this Ordinance is subject to all of the penalties and remedies described under 30-A MRSA, Sec. 4452 and by a fine of not less than $100 nor more than $2,500 per offense with each day on which such violation continues. Each day in violation shall constitute a separate offense. When actions taken to enforce the Ordinance under Sections 13 or 14 do not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, shall institute or cause to be instituted 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. Each day that the violation continues constitutes a separate offense with maximum fines of two thousand five hundred dollars ($2,500.00) per offense. There is a twenty-five thousand dollar ($25,000.00) maximum fine per offense upon the second conviction within two (2) years for violations under this Ordinance.

SECTION 16: APPEALS

A. Powers and Duties of the Board of Appeals. The Board of Appeals shall have the following powers:

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

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

   a. **Variance Appeals.** Variances may be granted only under the following conditions:
      1. Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
      2. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
      3. The Board shall not grant a variance unless it finds that:
         i. The proposed structure or use would meet the provisions of Section 11 except for the specific provision which has created the non-conformity and from which relief is sought; and
         ii. The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:
            a. That the land in question cannot yield a reasonable return unless a variance is granted;
            b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
            c. That the granting of a variance will not alter the essential character of the locality; and
            d. That the hardship is not the result of action taken by the applicant or a prior owner.
      4. 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.

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. 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.
      
      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 written 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 decision, including a statement of the facts found and conclusions reached by the Board. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

5. Appeal to Superior Court: Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

6. Reconsideration: In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board
Town of Rome Personal Wireless Services Facilities Ordinance

of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

SECTION 17: SEVERABILITY CLAUSE
The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision hereof.

SECTION 18: ADDENDUM: DEFINITIONS

ADEQUATE COVERAGE - Coverage is considered to be "adequate" within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that the majority of the time, transceivers properly installed and operated will be able to communicate with the base station without objectionable noise (or excessive bit-error-rate for digital) and without calls being dropped. In the case of cellular communications in a rural environment like Rome, this would be a signal strength of at least -90dbm. It is acceptable for there to be holes within the area of adequate coverage as long as the signal regains its strength further away from the base station. For the limited purpose of determining whether the use of a repeater is necessary or desirable, there shall be deemed not to be adequate coverage within said holes. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain.

ADEQUATE CAPACITY - Capacity is considered to be "adequate" if the grade of service (see definition) is p.05 or better for at least 50% of the days in a preceding month, prior to the date of application, as measured using direct traffic measurement of the telecommunication facility in question, where the call blocking is due to frequency contention at the antenna(s).

ADEQUATE SIGNAL COVERAGE - Coverage is "adequate" within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that the majority of time, transceivers properly installed and operated will be able to communicate with the base station without objectionable noise (or excessive bit-error-rate for digital) and without calls being dropped. In the case of cellular or Personal Communications Services (PCS) communications in a rural or non-urban environment, this would be a signal strength of at least – 92dBm. It is acceptable for there to be holes within the area of adequate coverage as long as the signal regains its strength further away from the base station. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain.
signal does not regain.

**ANTENNA** - A device which is attached to a PWSF, or other structure for transmitting and receiving wireless radio signals.

**ANTENNA ARRAY** - A collection of antennas attached to a mount to send and receive radio signals.

**AVAILABLE SPACE** - The space on a tower or structure to which antennas of a telecommunications provider are structurally to be attached.

**AVERAGE TREE CANOPY HEIGHT** - An average height found by inventorying the height, at above ground level (AGL) of all trees over twenty (20) feet in height within the area that extends for a distance of one hundred fifty (150) feet from the base of the mount, security barrier, or designated clear area for access to equipment whichever is greatest. Trees that will be removed for construction shall NOT be used in this calculation.

**BASE STATION** - The primary sending and receiving site in a wireless telecommunications network. More than one base station and/or more than one variety of telecommunications provider can be located on a single tower or structure.

**BULLETIN 65** - Published by the FCC Office of Engineering and Technology specifying radiofrequency radiation exposure levels and methods to determine compliance.

**CAMOUFLAGED** - A PWSF that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure.

**CARRIER** - A company that provides personal wireless services also sometimes referred to as a provider.

**CHANNEL** - The segment of the radiation spectrum from an antenna that carries one signal. An antenna may radiate on many channels simultaneously.

**COLLOCATION** - The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

**COMMUNICATION EQUIPMENT SHELTER** - An enclosed structure, cabinet, shed, vault, or box near the base of the mount within which are housed equipment for PWSF such as batteries and electrical equipment. Equipment shelters are sometimes referred to as base transceiver stations.

**COMMUNITY SCALE** - Compatibility between the proposed PWSF and its surroundings in relation to the height, mass, materials, contrasts, and proportion of the proposed facility and its surroundings.

**dBm** - Unit of measure of the power level of a signal expressed in decibels above 1 milliwatt.

**ENVIRONMENTAL ASSESSMENT (EA)** - An EA is a document required by the Federal
Town of Rome Personal Wireless Services Facilities Ordinance

Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a PWSF is placed in certain designated areas.

**FACILITY SITE** - A property, or any part thereof, which is owned or leased by one or more telecommunications providers and upon which one or more telecommunications facility(s) are located. See Personal Wireless Service Facility.

**FALL ZONE** - The area on the ground from the base of a structure mounted Personal Wireless Service Facility that forms a circle with a diameter equal to the height of the facility, including any antennas or other appurtenances. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

**FCC** - Federal Communications Commission. The government agency responsible for regulating telecommunications in the United States.

**GRADE OF SERVICE** - A measure of the percentage of calls which are able to connect to the base station, during the busiest hour of the day. Grade of service is expressed as a number, such as p.05 - which means that 95% of callers will connect on their first try. A lower number (p.04) indicates a better grade of service.

**GUYED TOWER** - A monopole or lattice tower that is secured to the ground or other surface by diagonal cables for lateral support.

**HEIGHT** - The height above ground level (AGL) from the natural grade of a site to the highest point of a structure.

**LATTICE TOWER** - A type of mount with multiple legs and structural cross-bracing between the legs that is self-supporting and freestanding.

**LOCATION** - References to site location as the exact longitude and latitude, to the nearest tenth of a second with bearing or orientation referenced to true North.

**MAJOR MODIFICATION OF AN EXISTING FACILITY** - A proposed change in any of the following: power input or output, number of antennas, antenna type or model, repositioning of antenna(s), dimensions of an existing and permitted tower or other structure designed to support telecommunications transmission, receiving and/or relaying antennas and/or equipment. Any changes to buildings, equipment shelters, site or roads are not covered by this Ordinance.

**MAST** - A thin pole that resembles a street light standard or a telephone pole. A dual-polarized antenna is typically deployed on a mast.

**MONOPOLE** - A thicker type of mount than a mast that is self-supporting with a single shaft of wood, steel, galvanized metal, concrete or other unpainted or painted material that is designed for the placement of antennas and arrays along the shaft.

**MICROCELL PCS** - A wireless personal communication service which uses a cable television system, and no towers, to provide cellular service.
MONITORING - The measurement, by the use of instruments in the field, of non-ionizing radiation exposure at a site as a whole, or from individual telecommunications facilities, towers, antennas or repeaters.

MONITORING PROTOCOL - The testing protocol used to determine compliance with the National Council on Radiation Protection and Measurements guidelines, related to exposure from existing and new telecommunications facilities upon adoption of this Ordinance.

MOUNT - The structure or surface upon which antennas are mounted, (interior or exterior) including the following two types of mounts:

a. GROUND-MOUNTED - A mount that is a structure affixed to the ground, other than a building, upon which one or more antennas are mounted.

b. BUILDING MOUNT - A mount that is: (1) the roof or side of a building upon which one or more antennas are mounted; or (2) a mount that is a structure affixed directly to the roof or side of a building and not part of the building, upon which one or more antennas are mounted.

PERSONAL WIRELESS SERVICES - Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services. These services include: cellular services, personal communications services, specialized mobile radio services, and paging services as described in the Telecommunications Act of 1996, amended.

PERSONAL WIRELESS SERVICE FACILITIES (PWSF) - Facility for the provision of personal wireless services, as defined by the Telecommunications Act of 1996, as amended and this Ordinance. PWSFs include a mount, antenna, equipment shelter, and other related equipment. A PWSF shall not include any of the following:

a. Wireless communication facilities for emergency communications by public officials.

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

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

d. Temporary Personal Wireless Service Facilities in operation for one maximum period of one hundred eighty (180) days. Such temporary facilities shall be removed prior to 30 days following the maximum period.

e. An antenna that is an accessory use to a residential dwelling unit, provided the PWSF is not used for commercial purposes.

RADIAL PLOTS - Radial plots are the result of drawing equally-spaced lines (radials) from the point of the antenna, calculating the expected signal and indicating this graphically on a map. The relative signal strength may be indicated by varying the size or color at each point being
Town of Rome Personal Wireless Services Facilities Ordinance

studied along the radial; a threshold plot uses a mark to indicate whether that point is strong enough to provide adequate coverage - i.e., the points meeting the threshold of adequate coverage. The drawback is the concentration of points close to the antenna and the divergence of points far from the site near the ends of the radials.

RADIATED-SIGNAL PROPAGATION STUDIES OR COVERAGE PLOTS - Computer generated estimates of the signal emanating, and prediction of coverage, from antennas or repeaters sited on a specific tower or structure. The height above ground, power input and output, frequency output, type of antenna, antenna gain, topography of the site and its surroundings are all taken into account to create these simulations. They are the primary tools for determining whether a site will provide adequate coverage for the telecommunications facility proposed for that site.

RADIO FREQUENCY (RF) ENGINEER - An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

RADIO FREQUENCY RADIATION (RFR) - The emissions from PWSFs.

REPEATER - A small receiver/relay transmitter of relatively low power output designed to provide service to areas that are not able to receive adequate coverage directly from a base or primary station.

SECURITY BARRIER - A wall, fence, or berm that restricts an area from unauthorized entry or trespass.

STRUCTURALLY ABLE - The determination that a tower or structure is capable of carrying the load imposed by the proposed new antennas under all reasonably predictable conditions as determined by professional structure engineering analysis.

TELECOMMUNICATIONS PROVIDER - An entity licensed by the FCC to provide telecommunications services to individuals or institutions.

TILED COVERAGE PLOTS - Tiled plots result from calculating the signal at uniformly spaced locations on a rectangular grid, or file, of the area of concern. Unlike radial plots, tiled plots provide a uniform distribution of points over the area of interest; usually the same grid will be used as different sites are examined, and it is not necessary that the transmitter site be within the grid or area of interest. As with radial plots, the graphic display or plot can be either signal strength or adequate threshold. This method requires substantially more topographic data and longer (computer) execution time than radial plots, but is preferable for comparative analysis.

TOWER - A lattice structure or framework, either self-supporting or guyed, (and including the guy wires and their anchor points) or monopole, that is designed to support telecommunications transmission, receiving and/or relaying antennas and/ or equipment.

WIRELESS TELECOMMUNICATIONS FACILITY - Any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange access services, and personal
communications service (PCS) or pager services. This excludes buildings, grounds, and access roads. See Personal Wireless Services Facility (PWSF).
Appendix A

AREAS VISIBLE FROM
Eastern Side of Blueberry Hill

Contour Interval = 30 Feet

Town of Rome, Maine
Kennebec County
AREAS VISIBLE FROM
Southern Side of Blueberry Hill

Contour Interval = 30 Feet

Town of Rome, Maine
Kennebec County
Appendix A

AREAS VISIBLE FROM
Eastern Side of French Mountain

Contour Interval = 30 Feet

Map Scale 1:55,000

0 3.5 1 1.5 2 2.5 3 Miles

0 3000 4000 9000 12000 15000 Feet

Town of Rome, Maine
Kennebec County
Appendix A

AREAS VISIBLE FROM
Southeastern Side of French Mountain

Contour Interval = 30 Feet

Town of Rome, Maine
Kennebec County
Appendix A

AREAS VISIBLE FROM
The Mountain

Contour Interval = 30 Feet

Town of Rome, Maine
Kennebec County
Appendix A

AREAS VISIBLE FROM
Mount Phillip

Contour Interval = 30 Feet

Town of Rome, Maine
Kennebec County