2010

Georgetown Maine Ordinances

Georgetown (Me.). Town Government Officers

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ANIMAL CONTROL ORDINANCE
for the Town of Georgetown, Maine
Adopted June 12, 1999           Amended June 17, 2000
Amended June 12, 2010

1 Purpose: The purpose of this ordinance is to require in accordance with Title 7 MRSA, Part 9, that all dogs in the Town of Georgetown be kept under the control of their owners at all times so that they will not injure persons, damage property, or create nuisances.

2 Authority: This Ordinance is adopted pursuant to 7 MRSA § 3950, which provides that Maine municipalities are “empowered to adopt or retain more stringent ordinances, laws, or regulations” than the State provides on dog licensing.

3 Applicability: Provisions of this Ordinance that apply to the owner of a dog apply equally to any person having the custody or possession of that dog.

4 License and Identification: Each owner of a dog that is six months of age or older (except dogs kept under a kennel license as provided by 7 MRSA § 3923-C) shall, on or before 1 January of each year, or at such a time as such dog becomes six months old, cause such dog to be licensed with the Town Clerk. A dog that is at least two months old must wear a collar or harness to which is attached an identification tag with the owner’s name and address or telephone number.

5 Definitions: The following terms shall have the meanings indicated:

At large: Off the premises of the owner or person responsible for the dog.

Dangerous dog: A dog that has bitten a person who was not a trespasser with criminal intent on the owner’s premises at the time of the incident; a dog that causes death or serious injury to another animal; or a dog that causes reasonable fear of bodily injury to a person acting in a peaceable manner outside the owner’s premises.

Nuisance: Causing unreasonable noise, smell, litter, or other property damage; chasing automobiles, motorcycles, bicycles, or other vehicles; or persistently and frequently entering on school grounds while school is in session.

Owner: Any person or organization, firm, partnership, or corporation that owns, possesses, or has custody of a dog.

Voice control: Controlling a dog effectively by voice commands.

6 Restrictions: It shall be unlawful in Georgetown:

A To allow a dog to run at large. A dog that is off its owner’s premises and is not on a leash or is on a leash more than six feet long is by definition running at large unless it
is engaged in field trials, legal hunting, or training, or is under effective voice control.

B To own a dangerous dog, as defined above, unless it is confined or muzzled.

C To own a dog that creates a nuisance, as defined above.

7 Impoundment:

A The Animal Control Officer (ACO) shall apprehend any dog found running at large and impound it in a suitable place, recording its breed, color, sex, and license number and the name and address or telephone number of its owner. The ACO may impound a nuisance dog when its owner cannot be located. If an owner keeps a dog outside on a leash or in a fenced area, and if the dog disturbs the peace of any person by frequently and habitually barking, howling, or creating other noises, and if the owner cannot be located, the ACO may impound the dog following a twenty-four-hour waiting period from the initial time of the complaint.

B The ACO shall immediately notify the owner by telephone or by certified mail that the dog has been impounded and that the owner may reclaim it by paying the fees specified below and by licensing the dog if it is unlicensed.

C The ACO may transfer an impounded dog to the Coastal Humane Society.

D An owner must reclaim an impounded dog and pay the fees or fines required within one week after receiving oral or written notice of the impoundment.

8 Confinement and Examination: The owner of a dog who knows or has been advised that the dog has bitten someone shall confine the dog or have it confined by itself for at least fourteen days and shall notify the Health Officer immediately of the time, place, and reason for the confinement. During that period, the owner shall not destroy the dog nor allow it to be destroyed. The Health Officer shall keep the dog under observation for symptoms of rabies during the fourteen days and may choose to keep the dog beyond that time or to hire such expert assistance as may be necessary. If the dog is found to be rabid, the Health Officer shall notify both the owner and the person bitten and shall have the dog destroyed immediately, following procedures recommended by the Department of Human Services. If the dog is not rabid, the ACO shall require the owner to muzzle it or keep it confined. The owner of the dog shall be responsible for paying all expenses incurred by the Town in carrying out the procedures required by this paragraph.

9 Penalties: Any person fined under this Ordinance shall pay the Town any costs or expenses incurred by the Animal Control Officer or Town Attorney in prosecuting the case. Nothing in this Ordinance shall be construed to limit the fines that the courts of this State may impose pursuant to any other statute or judicial authority.

A Unlicensed dog. The owner of a dog that should be licensed who fails to license it by January 31st each year shall be liable to a late fee Pursuant to 7 MRSA § 3923-A (4), as may be amended from time to time.
B Running at large. The owner of a dog that runs at large shall pay a fine of $15 on
the first occasion, $25 on the second occasion, $50 on the third occasion, and $100 on
each additional occasion. Repeat offenses shall be counted within the two-year period
ending with the most recent violation.

C Running at large after causing nuisance. The owner of a dog identified as a
nuisance who allows the dog to run at large shall pay a fine of $50 on the first occasion
and $100 on each additional occasion.

D Disturbing the peace. The owner of a dog that disturbs the peace shall pay a fine
of $50 on the first occasion and $100 on each additional occasion.

E Dangerous dog. The owner of a dog identified as dangerous who does not keep
the dog confined, or muzzled when at large, shall pay a fine of $50 on the first occasion
and $100 on each additional occasion.

F Impoundment. The owner of a dog who is notified that the dog has been
impounded by the ACO shall pay the Town a fine of $10 at the time of retrieval. If the
dog has been impounded at the Coastal Humane Society, the owner shall pay the
Society a processing fee of $25 plus $20 per night boarding fee for dogs and $10 per
night for cats. (The Society will demand to see license and rabies certificate before it
will release a dog.)

G Unclaimed dog. The owner of a dog who is notified that the dog has been
impounded shall pay the Town an additional fine of $25 if the dog is unclaimed more
than a week after receipt of notification.

H General penalty. A person who violates any other provision of this Ordinance shall
pay a fine of $100.

10 Enforcement

Except for the provisions of this Ordinance that must be enforced by the Health Officer,
the Animal Control Officer shall enforce this Ordinance.

11 Effective Date

This Ordinance shall become effective upon approval at Town Meeting.

12 Severability

If any sentence, clause, section, or part of this Ordinance is for any reason found to be
unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall
not affect or impair any of the remaining provisions, sentences, clauses, sections, or
parts of this Ordinance.
TOWN OF GEORGETOWN
BUILDING AND PLUMBING PERMIT
APPLICATION PROCEDURES

BASIC CONSIDERATIONS:

In order to assure that land uses in the Town of Georgetown conform with the Georgetown Comprehensive Plan and State regulations, Georgetown has enacted two ordinances that require building permit applications. These are the Shoreland Zoning Ordinance (SZO) and the Building Permit Ordinance (BPO). The SZO applies to all land areas within 250 feet horizontal distance of the normal high-water line of any coastal wetland or tributary stream, or the upland edge of a freshwater wetland. If you propose any construction within such areas, you should review the SZO in detail. It covers most land uses, including not only building, but such matters as dock construction, tree cutting, road building, and others. The BPO covers all those areas of Georgetown not included in the shoreland zone. This ordinance requires a permit only for building, moving, or modifying principal and accessory structures.

A principal structure is the structure within which the primary use of the land is conducted. The Planning Board will deal with all applications that relate to principal structures once they are received from the Code Enforcement Officer (CEO) as being complete. The CEO will deal with all applications that relate to structures accessory to the principal structure. A number of minor activities do not require building permits. These exceptions may be determined by referring to the applicable ordinance.

APPLICATION PROCEDURE:

1. Obtain and read a copy of the Building Permit application and relevant ordinance from the Town Office.

2. Complete the upper portion of the application. You may find your Tax Map and Lot Number on your tax bill or ask to confirm them at the Town Office. Note: Submit two copies of the Building Permit application.

3. Provide dated copies of the documents identified on the application. Please note that TWO copies of your plot plan are needed and that the plot plan should show, in addition to the items listed on the Building Permit application, the distance from the proposed structure to the center line of the road, the distances from the proposed structure to the other lot lines, and the proposed location of the well. See the attached house and plot plan examples.

4. Submit with your application a check made out to the Town of Georgetown for the appropriate building permit fee as follows:

New principal structure: A single family, residential structure shall be charged at the rate of $0.10 per sq ft of floor area with a $100 minimum. Commercial structures shall be charged at the rate of $0.20 per sq ft of floor area with a $200 minimum.
New accessory structure: $0.10 per sq. ft. of floor area with a $50 minimum for structures accessory to residential structures and $0.20 per sq ft of floor area with a $100 minimum for structures accessory to commercial structures.

Additions to an existing structure: $0.10 per sq ft of floor area with a $50 minimum for residential structures and $0.20 per sq ft of floor area with a $100 minimum for commercial structures.

New or improved piers, docks, and all other applications: $0.10 per sq ft of floor area with a $50 minimum for non-commercial structures and $0.20 per sq ft of floor area with a $100 minimum for commercial structures.

All fees shall be rounded down to the nearest whole dollar.

5. If you are not the owner, include a letter from the owner stating that you are empowered to represent him or her. The Board cannot act on your application without this letter.

6. Submit the application at least one week prior to the next regularly scheduled meeting of the Planning Board to the CEO or to the Town Office, either in person, by fax (371-2331), or by mail (PO Box 436, Georgetown ME 04548-0436). Make sure you have signed all copies of all the forms you submit.

APPLICATION PROCEDURES FOR PRINCIPAL STRUCTURES:

7. Once the CEO has determined that your application is complete, meet with the Planning Board, if you can, to discuss your application. The CEO will notify you in writing if the application is incomplete and identify any additional information required. The Board meets on the first and third Wednesdays of each month at 7pm at the Town Office. (There are possible exceptions, so you should check with the Town Office or the Town bulletin board.) You do not have to meet with the Board, but it is a good idea to do so. Be sure that the application is complete and that the CEO has presented it to the Board.

8. The Board may take two to three weeks to consider the application and post minutes of its meeting. If the Board finds the application to be in keeping with State statutes and the applicable ordinance, it will issue your permit, possibly with special conditions. If the Board finds that your application does not conform with the statutes and ordinances, it will deny the application. In this case, the Board will provide you with a written Finding of Fact supporting the denial. No approved permit will be valid for a period of more than one year in the shoreland zone.

9. If your application is approved, call the CEO as soon as you have marked out the location of your new structure on the building site. The CEO will then come to verify that this location complies with the terms of your permit.

10. If your application is not approved, you may modify the proposal and resubmit it to the Board, or appeal the Planning Board’s decision to the Board of Appeals.
APPLICATION PROCEDURE FOR ACCESSORY STRUCTURES:

Follow steps 1 to 5, then submit the application in person to the Town Office or mail it to the CEO, Bob Trabona (PO Box 436, Georgetown ME 04548-0280). If your application is complete, it will be processed as quickly as possible.

PLUMBING PERMIT PROCEDURES:

Note: You must obtain an Internal Plumbing Permit from the CEO prior to the installation of any internal plumbing.

Internal Plumbing - Fill out an application available at the Town Office and make out a check to the Town of Georgetown. The fee schedule is $40 for one to three fixtures and $10 for each additional fixture beyond three. Leave the completed application and check at the Town Office. It will be processed as quickly as possible. If you have any questions, call the CEO, Bob Trabona (371-2098) or write him (PO Box 280, Georgetown ME 04548-0280).

Septic Systems - Leave three copies of Form HHE-200, provided by your Licensed Soil Evaluator, at the Town Office with a check for $265 made out to the Town of Georgetown. If your permit involves a variance, make your check out for $285 rather than $265. Your application will be processed as quickly as possible.
BUILDING PERMIT ORDINANCE
Town of Georgetown, Maine

Adopted June 20, 1987 Amended June 17, 2000 Amended June 13, 2009
Amended September 21, 1988 Amended June 18, 2005 Amended June 18, 2011
Amended June 16, 1990 Amended June 16, 2007 Amended June 16, 2012
Amended June 18, 1994 Amended June 14, 2008
Amended June 10, 1995 Amended March 11, 2009

1. **Authority and Purpose:** This Ordinance is adopted pursuant to the “home rule” provisions of 30A MRSA § 2101. Its purposes are to provide for adequate spacing of buildings with respect to other buildings, roadways, and subsurface waste disposal needs, and to assure compliance with applicable local and State land use laws in those areas of the Town not governed by the Shoreland Zoning Ordinance.

2. **Applicability:** This Ordinance applies to all areas of Georgetown which are not governed by the Shoreland Zoning Ordinance.

3. **Planning Board Permit Required:** After the effective date of this Ordinance, a permit issued by the Planning Board shall be required prior to the following:
   a. the construction or placement of any new or relocated principal structure;
   b. the expansion of an existing principal structure which results in an increase in the ground area covered by the structure, whether such expansion is supported from the building or by posts or foundation wall, or an increase in the volume and/or height of the structure; and
   c. the modification of an existing principal structure which results in an increase in the number of dwelling units in the structure;

4. **Code Enforcement Officer Permit Required:** After the effective date of this Ordinance, a permit issued by the Code Enforcement Officer, Assistant Code Enforcement Officer, or designated alternate shall be required prior to the following:
   a. the construction or placement of any new or relocated accessory structure; and
   b. the expansion of an existing accessory structure which results in an increase in the ground area covered by the structure, whether such expansion is supported from the building or by posts or foundation wall, or an increase in the volume and/or height of the structure.

5. **Exceptions:** This Ordinance shall apply to, but no permit is required for, the following, unless a variance is required, in which case a building permit is required:
   a. a shelter for a small household pet, such as a cat or a dog;
   b. an accessory structure which does not exceed 100 square feet in area;
   c. a temporary roadside stand used for sale of flowers, vegetables, fruit, or similar produce which does not exceed 100 square feet in area and which remains in place for less than seven months in any period of twelve consecutive months;
   d. steps, stairs, or wheelchair ramps used exclusively to gain access to a building doorway;
e. roofs constructed without attachment to the ground and used exclusively to provide weather shelter to doorways or steps; and  
f. a boundary wall or fence.  
g. a temporary enclosure for the repair or maintenance of boats, equipment, or machinery.  
h. a hoop garage or storage container no larger than 240 square feet and 15 feet in height.  

6. Application and Fee: Applications for permits shall be on forms provided for the purpose and available from the Planning Board or Code Enforcement Officer. Permit fees are as follows:  

New principal structure: A single family, residential structure shall be charged at the rate of $0.10 per sq ft of floor area with a $100 minimum. Commercial structures shall be charged at the rate of $0.20 per sq ft of floor area with a $200 minimum.  

New accessory structure: $0.10 per sq. ft. of floor area with a $50 minimum for structures accessory to residential structures and $0.20 per sq ft of floor area with a $100 minimum for structures accessory to commercial structures.  

Additions to an existing structure: $0.10 per sq ft of floor area with a $50 minimum for residential structures and $0.20 per sq ft of floor area with a $100 minimum for commercial structures.  

New or improved piers, docks, and all other applications: $0.10 per sq ft of floor area with a $50 minimum for non-commercial structures and $0.20 per sq ft of floor area with a $100 minimum for commercial structures.  

All fees shall be rounded down to the nearest whole dollar.  

If a Building Permit is not obtained until after construction begins, the fee for an “after the fact” permit shall be double the normal fee. This double fee is in addition to any fine or penalty that may be imposed for failing to obtain a Building Permit prior to starting construction.  

7. Permit Decision:  

a. For those proposed building activities on which it is authorized to act, the Planning Board shall, upon receipt of a written application, notify the applicant in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make it a complete application. All applications shall either be approved or denied in writing within 30 days of receiving a completed application, including all information requested. Permits shall not be denied if the proposed use is found to be in conformance with the provisions of applicable Town Ordinances.  

b. For those proposed building activities on which he or she is authorized to act, the Code Enforcement Officer shall, upon receipt of a written application, notify the applicant in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make it a complete application. Within 30 days of the receipt of a completed application, the Code Enforcement Officer shall determine whether the proposed building activity meets the requirements of this Ordinance. If he makes a positive finding that all applicable requirements are met, he shall immediately issue a permit. If he finds that the applicable requirements of this Ordinance have not been
met, he shall immediately issue a written denial of the application, stating the specific provisions which the application fails to meet.

c. Permits may be made subject to reasonable conditions to protect and preserve the public's health, safety, and general welfare and to assure conformity with the purposes and provisions of this Ordinance and other applicable Town Ordinances and State laws. If a permit is denied, the reasons for the denial shall be stated in writing. An appeal to the Board of Appeals from an approval or denial of an application must be made within 30 days of the approval or denial.

d. The successful applicant must post a yellow permit in some visible place on the building site.

e. The successful applicant must mark the exact location of the structure on the site and have the Code Enforcement Officer verify that this location complies with the permit before beginning actual construction.

8. **Permit Expiration:** 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 in 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 structurally, at which time the permit shall expire. Prior to expiration, a request for an extension will be considered. No more than one extension will be considered. After expiration, a request for a new permit will be considered. Substantial construction shall mean the completion of at least thirty percent of the permitted structure measured as a percentage of estimated total cost.

9. **Requirements:**

a. **Setback Requirements for Principal and Accessory Structures:** All newly constructed, placed, relocated, or expanded principal or accessory shall meet the following minimum setback requirements:

   (1) center line of any public road, or a common road in an approved subdivision: 50 feet;

   (2) center line of any private road: 30 feet;

   (3) all other lot lines: 20 feet;

   (4) any cemetery: 25 feet;

   (5) A principal or accessory structure existing at the effective date of this Ordinance which does not comply with the provisions of Section 9 a.(1) and 9 a.(3) herein may be expanded so long as the expansion does not further reduce an existing nonconforming setback from the centerline of any public road, or a common road in an approved subdivision, or an existing lot line.

b. **Maximum Height Limit for Structures:** Structures (exclusive of attached chimneys or antennas, and flagpoles intended for personal use) shall not exceed 35 feet in height as measured from the mean original grade at the downhill side of the structure.

c. **Lot Size Requirements for Principal Structures:** All applications for permits for new or relocated principal structures, and for permits for expansions or modifications of
existing principal structures which would result in an increase in the number of dwelling units or an increase in the volume of waste discharged to a subsurface waste disposal system, shall include written evidence of compliance with the Georgetown Minimum Lot Size Ordinance.

d. Private Roads and Driveways:

(1) Any private road or driveway must be set back 25 feet from any cemetery.

(2) Anyone installing a driveway or entrance along a state highway is required by state law to obtain a driveway/entrance permit from the Maine Department of Transportation (DOT) before a Building Permit can be issued. A copy of the approved permit must be included with the Building Permit application. Additionally, State law requires that if a property owner intends to change the use of the entrance (e.g. from residential only to residential/small business), a permit must be obtained from Maine DOT.

e. Solid Waste Disposal:

Any contractor doing work under a building permit issued under this Ordinance must provide for private disposal of the construction waste produced as part of the work involved; such construction waste will not be accepted at the Georgetown Transfer Station.

f. Non-conforming structures:

(1) Expansion. A non-conforming structure may be added to or expanded with a permit from the Planning Board, if such addition or expansion does not increase the non-conformity of the structure.

(2) Relocation. A non-conforming structure may be relocated within the boundaries of the lot on which it is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board and provided that the applicant demonstrates that the present subsurface waste-disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules, or that a new system can be installed in compliance with the 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 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.

(3) Reconstruction or Replacement. Any non-conforming structure which is located less than the required setback from a lot line, cemetery, or road or which exceeds the maximum height limit for structures and which is removed, damaged, or destroyed, regardless of cause, by more than 50 percent of the market value of the structure before such damage, destruction, or removal, may be reconstructed or replaced.
provided that a permit is obtained from the Planning Board within one year of the
date of the damage, destruction, or removal, and provided that such reconstruction or
replacement is in compliance with the setback or height requirements to the greatest
practical extent as determined by the Planning Board 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.

Any non-conforming structure which is located less than the required setback from a
lot line cemetery, or road or which exceeds the maximum height limit for structures
and which is removed by 50 percent or less of its market value, or damaged or
destroyed by 50 percent or less of its market value, excluding normal maintenance
and repair, may be reconstructed in place if a permit is obtained from the Planning
Board within one year of such damage, destruction, or removal.

g. **Erosion and Sedimentation Control:** 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 Planning Board for approval and shall
include, where applicable, provisions for:
(1) Mulching and re-vegetation of disturbed soil.
(2) Temporary runoff control features such as hay bales, silt fencing, or diversion ditches.
(3) Permanent stabilization structures such as retaining walls or rip-rap.

h. **Compliance with Other Applicable Local Ordinances:** All applications for newly
constructed, placed, relocated, or expanded structures shall include evidence of
compliance with the Flood-plain Management Ordinance of the Town of Georgetown, if
applicable.

10. Appeals to Board of Appeals:

a. **Variance Appeals:** A variance is authorized only for setbacks. The Board of Appeals
may, upon written application in accordance with the Board of Appeals Ordinance,
section VI.B, grant a variance from the strict application of this Ordinance under the
following conditions:

(1) that the land in question cannot yield a reasonable return unless a variance is granted;

(2) that the need for a variance is due to the unique circumstances of the property and not
to the general conditions in the neighborhood;

(3) that the granting of a variance will not alter the essential character of the locality; and

(4) that the need is not the result of action taken by the applicant or a prior owner.

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.
b. **Disability Variances:** 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 of Appeals shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The Board of Appeals 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 railings, walls, or roof systems necessary for the safety or effectiveness of the structure.

c. **Administrative Appeals:** The Board of Appeals may, upon written application of an aggrieved party and after public notice, hear appeals from determinations of the Planning Board or Code Enforcement Officer in the administration of this Ordinance. Such hearings shall be held in accordance with State laws. Following such hearing, the Board of Appeals may reverse the decision of the Planning Board or Code Enforcement Officer only upon a finding that the decision is clearly contrary to specific provisions of this Ordinance.

d. **Reconsideration:** In accordance with 30-A MRSA § 2691.3.F, the Board of Appeals may reconsider any decision within 45 days of its prior decision. A request to the Board to reconsider a decision must be filed within 10 days of the decision that is being reconsidered. A vote to reconsider and action taken on that reconsideration must occur and be completed within 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 15 days after the decision on reconsideration.

e. **Appeal to Superior Court:** An appeal may be taken within forty five days after any decision is rendered by the Board of Appeals by any party to Superior Court in accordance with State law.

11. **Enforcement:** This Ordinance shall be enforced by the Code Enforcement Officer. The Selectmen may take such actions as are necessary and proper to restrain, correct, remove, or punish violations of this Ordinance in accordance with 30A MRSA § 4452.

12. **Conflict with Other Ordinances:** Where a conflict exists between this Ordinance and other ordinances, laws, or regulations, the more strict provision shall apply.

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

14. **Definitions:**
**Aggrieved Party:** An owner whose land is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance, an Owner whose land abuts land for which a permit or variance has been granted, or a group of five or more citizens of the municipality who have suffered a particularized injury as a result of the granting or denial of such permit or variance.

**Accessory Structure:** A structure of a nature customarily incidental or subordinate to that of the principal structure or the primary use to which the premises are devoted.

**Center Line of a Road:** A point, measured horizontally, midway between the extreme outside edges of a public right-of-way, or of the land held in government ownership, if the road is a public road; or, if the road is not a public road, a point, measured horizontally, midway between the extreme outside edges of the travel surface of soil, gravel, asphalt, or other surface material.

**Commercial use** - The use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which 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.

**Dwelling Unit:** A room or group of rooms equipped for use as permanent, seasonal, or temporary living quarters for only one family at a time, 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.

**Floor Area:** The sum of the horizontal area 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, decks and docks. Floor area with a ceiling height of six feet or less shall be excluded from this calculation.

**Grandfathering:** Permitting a use or condition to continue because it existed prior to the adoption of regulations or ordinances limiting or precluding such use or condition. Grandfathering for a structure or use would expire one year after the structure or use ceased to exist or function as originally intended.

**Home occupation:** An occupation or profession which is customarily conducted on or in a residential structure or property and which (1) is clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and (2) employs only family members residing in the home.

**Hoop Garage:** A ribbed structure usually made of metal, covered with cloth, canvas or plastic for the storage of vehicles, boats and other goods.

**Lot:** A parcel of land described on a deed, plot plan, or similar legal document which document has been legally recorded in the Sagadahoc County Registry of Deeds.
Non-conforming structure:  a structure which does not meet one or more of the dimensional requirements: setback or height, but which is allowed solely because it was in lawful existence at the effective date of this Ordinance, that is, was grandfathered.

Principal Structure:  The structure in which the primary use of the lot is conducted.

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.

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, park model, 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.

Setback from a Lot Line:  The minimum distance between a property line and the nearest part of a structure.

Setback from the Center Line of a Road:  The minimum horizontal distance from the center line of a road to the nearest part of a structure.

Storage Containers:  A removable prefabricated structure, sometimes with axles, for the storage of goods.

Structure:  Anything built on land 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, steps, stairs, or wheelchair ramps used exclusively to gain access to a building doorway.  Also excluded, poles, wiring, and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks and patios, antenna towers, and small wind-powered energy systems.

Temporary:  lasting for up to seven continuous months.

15. Effective Date:  This Ordinance was adopted 20 June 1987, with an effective date of 20 August 1987. Changes included herein become effective when adopted by Town Meeting.
BOARD OF APPEALS ORDINANCE
for the Town of Georgetown, Maine

Adopted June 18, 1994
Amended June 16, 2001
Amended June 13, 2009
Amended June 17, 2000
Amended June 14, 2008
Amended June 12, 2010

Section I. General Provisions

A. The Board of Appeals is established pursuant to 30-A MRSA §§ 2691, 3001, and 4353.

B. The business of the Board shall be conducted in accordance with Maine State statutes and Town ordinances.

C. It shall be the responsibility of each member of the Board to become familiar with all the ordinances of the Town which it may be expected to act upon as well as with applicable State statutes, the current edition of the “Manual for Local Land Use Appeals Boards” of the Maine Municipal Association (the MMA Manual), and this ordinance.

D. It shall be the responsibility of each member of the Board to become familiar with the community’s goals, desires, and policies as expressed in the Georgetown Comprehensive Plan and to grant the minimum relief which will ensure that the goals and policies of the plan are preserved.

Section II. Powers and Limitations

A. The Board shall have jurisdiction to hear appeals and to take actions to the extent that such jurisdiction and powers are assigned to the Board by ordinances of the Town of Georgetown or by State statutes. If a State statute or Town ordinance does not specifically provide that the Board may act upon the issues covered in an application, the Board has no jurisdiction.

B. The Board shall have the following powers, to be executed only upon a written administrative appeal or variance application by a party with standing to make the appeal or application:

1. To hear and determine appeals, made under applicable Town ordinances or State statutes, by any person or entity aggrieved by a decision, action, or failure to act by the Planning Board, the Code Enforcement Officer, or other Town Officers with respect to an application for a permit, license, or other required approval.

2. To interpret the provisions, which are called into question, of any applicable Town ordinance.

3. To grant variances from the provisions of Town land use ordinances as provided in those ordinances and in accordance with this Ordinance and applicable State statutes.

C. The Board is empowered to adopt and to amend, by a majority vote of its members, bylaws to govern its functions as well as such other procedural rules, application forms, and certification forms as it deems necessary for the performance of its functions. Copies of the bylaws, procedural rules, and forms shall be provided to the Board of Selectmen, the Town Clerk, the Planning Board, and the Code Enforcement Officer; and copies shall be provided to any other concerned persons or entities upon request.

D. The Board may obtain goods and services as necessary for its proper functions within the limits of funds appropriated for that purpose.

Section III. Appointments and Members

A. The Board shall consist of five full members and two associate members appointed by the Selectmen for terms of five years each. Members shall serve until the annual Town Meeting of the year of their designated termination, or until replaced by the Selectmen shortly thereafter, except that any member may resign without reason or notice at any time.

B. The terms of full members shall be staggered so that the five-year term of one member expires in each year as of the date of the annual Town Meeting. If any full member resigns or is removed from the
Board before the expiry of his or her term, the Selectmen shall appoint a new member to fill the unexpired term.

C. The terms of associate members shall be staggered so that the five-year terms of both associate members do not expire in the same year. If an associate member resigns, is appointed as a full member of the Board, or is removed from the Board before the expiry of his or her term, the Selectmen shall appoint a new associate member to fill the unexpired term.

D. Neither a Selectman, Planning Board member, or Code Enforcement Officer, nor his or her spouse, may be a full or associate member of the Board.

E. Any member of the Board may be removed from the Board, for cause, by the Selectmen before expiration of his or her term, but only after notice and an opportunity for a hearing at which the member has the opportunity to refute specific charges against him or her. The term “for cause” shall include, but not be limited to, failure to attend three consecutive Board meetings or hearings without sufficient justification, or voting when the member has a conflict of interest or bias.

F. When there is a permanent vacancy of either a full or associate member, the Secretary of the Board shall immediately notify the Board of Selectmen. The Selectmen shall within sixty days appoint a person to serve as replacement.

Section IV. Officers and Duties

A. The officers of the Board shall consist of the Chairperson and Secretary who shall be elected at the Board’s first meeting after the annual Town Meeting by a majority of the Board, and an Acting Chairperson elected by a majority of the Board, as necessary in the absence, disability, or disqualification of the Chairperson.

B. The Chairperson shall perform all duties required by statute and this ordinance, and shall preside at all meetings of the Board. The Chairperson shall rule on issues of evidence, order, and procedure, and shall take such other actions as are needed for the efficient and orderly conduct of hearings, unless directed otherwise by a majority of the Board. The Chairperson shall appoint any committees found necessary to carry out the business of the Board. The Chairperson shall, between meetings, conduct the routine housekeeping business of the Board, subject to the review and reconsideration of the Board at its next meeting.

C. An Acting Chairperson shall have all the powers of the Chairperson during the Chairperson’s absence, disability, or disqualification.

D. The Secretary, subject to the direction of the Board and the Chairperson, shall keep minutes of all Board proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The Secretary shall also arrange proper and legal notice for hearings and attend to correspondence of the Board, and to such other duties as are normally carried out by a secretary. The Secretary shall keep a complete record of all resolutions, transactions, correspondence, findings, and determinations of the Board. The complete record of each hearing shall include the date, time, and place of the hearing; the subject of the hearing; identification of each participant; any agreement made between parties and the Board regarding procedures; the testimony presented; findings of fact and conclusions; the decision of the Board; and the date of issuance of the decision. All records are public and may be inspected in the Town Office during regular business hours.

Section V. Conflict of Interest and Bias

A. Any member who feels he or she has a conflict of interest or bias about any issue or individual before the Board may recuse himself or herself from any related proceedings, including any discussion and voting.

B. Any question of whether a particular issue involves a conflict of interest or bias sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member whose potential conflict or bias is under consideration. Any member with a conflict of interest or bias about any issue or individual before the Board must be disqualified from discussion and voting on any question involved.
C. If a Board member is directly or indirectly, by blood or marriage, the owner of ten percent or more interest in a corporation or other economic entity making an application or appeal to the Board, or if a Board member (or a member of his or her family to the sixth degree, or his or her employer, or the employer of a member of his or her family to the sixth degree) has a direct or indirect pecuniary interest in the outcome of the application or appeal, that Board member shall be considered to have a conflict of interest.

D. A Board member shall be considered to have bias with respect to an application or appeal before the Board if, for example, situations such as the following exist:

1. The Board member or the Board member's spouse is related within the sixth degree to the applicant, appellant, or another party with an interest in the outcome of the application or appeal, with the additional provision that in the case of an appeal from a zoning ordinance decision, bias will also be considered to exist if the Board member or the Board member's spouse is related within the sixth degree to a member of the Planning Board or the Code Enforcement Officer.

2. For appeals of a Planning Board or Code Enforcement Officer decision, bias will exist if the Board member or the Board member's spouse is related within the sixth degree to a Planning Board member or the Code Enforcement Officer.

3. The Board member has demonstrated bias, with respect to the general issues or the individuals involved in the application or appeal, by statements which are such as to preclude an open-minded judgment by the Board member about the specific issues and outcome of the application or appeal.

Section VI. Appeal and Variance Procedures

A. Administrative Appeals.

1. Any person or entity aggrieved by an action which comes under the jurisdiction of the Board pursuant to Section II B.1 and B.2 must file a statement of administrative appeal on forms provided at the office of the Town Clerk.

2. An Application for an Administrative Appeal must be filed with the Town Clerk within 30 days of the written notice of that action, except that the Board, upon a showing of good cause such as an extraordinary health or other serious situation, may waive the 30-day requirement.

3. To have standing to make an administrative appeal, the person or entity aggrieved by an action under the jurisdiction of the Board must demonstrate, in the Application for an Administrative Appeal, that the action will cause a direct and personal injury to that person or entity different from the injury suffered by the general public.

B. Variance Requests.

1. Any landowner informed by the Planning Board or Code Enforcement Officer that they need a variance to receive a building permit must file an Application for a Variance on a form provided at the office of the Town Clerk.

2. The Application for a Variance must be filed with the Town Clerk within 90 days of the Planning Board or Code Enforcement Officer action, except that the Board, upon a showing of good cause such as an extraordinary health or other serious situation, may waive the 90-day requirement.

3. To have standing to make a variance request, the applicant must be the property owner or the designated agent of the property owner.

C. The Board will review the statement of appeal, or application for a variance and will determine: (a) if the application is complete, (b) if the Board has jurisdiction to take action and (c) if the person or entity has standing to make the appeal. The Board will notify the person or entity filing the statement of appeal, or application for a variance, of its determination within seven days of the Board's action.

D. Upon receipt of the statement of appeal or application for a variance, the Town Clerk shall notify the Chairperson of the Board of the receipt of the appeal or application within twenty-four hours.
Section VII. Meetings

A. Meetings of the Board shall be held as necessary and at times and places as determined by the Chairperson. Meetings of the Board will also be held if requested by a majority of the voting members of the Board or by the Selectmen. Notice of the time, date, and place of all Board meetings shall be posted in public places in the Town. Except in unusual situations, and with approval of the Chairperson, postings will occur at least seven days before the meeting. Hearings on appeals, as defined in Section VIII below, will be conducted as meetings of the Board.

B. The annual organization meeting of the Board shall be the first meeting after the annual Town Meeting.

C. All meetings shall be conducted following a written agenda. These shall proceed generally in the following order: (1) roll call and quorum determination; (2) dealing with minutes of preceding meeting; (3) action on pending cases; (4) public hearings (s) (when scheduled); (5) action on new cases and other business; (6) adjournment.

D. All meetings of the Board shall be open to the public, except for executive sessions. No votes may be taken by the Board except in public meeting. Participation by other than Board members is limited to the public hearings and/or to responses to inquiries from Board members, as appropriate to the business at hand and/or as shall be allowed by the Chairperson who shall have broad latitude in the conduct of meetings.

Section VIII. Hearings

A. The Board shall schedule public hearings on all appeals and variance applications within 35 days of the filing of a completed appeal or variance application, unless this time period is extended by the parties.

B. The Board shall cause notice of the date, time, and place of the hearing, the location of the property, and the general nature of the question involved, to be given to the person making the application and to be published in a newspaper of general circulation in town, at least seven days prior to the hearing. Such notice shall also go to the Selectmen, the Planning Board, the Code Enforcement Officer, and abutting property owners at least seven days prior to the date of the hearing.

C. If in the opinion of the Chairperson it is necessary to recess for continuation on another day, scheduling the continuation will not be constrained by the notification time limits set forth in Sections VII.A and VIII.A. Adequate notice to the public will be deemed to have been given if those persons present at the time of recess are advised at that time of the date and place for continuation.

D. The Board shall conduct hearings following the rules outlined in the latest edition of the MMA Manual, a copy of which is available in the Town Office.

E. During a hearing, the Board may waive any of the above rules by an affirmative vote of four voting members if good cause is shown.

Section IX. Voting

A. All members of the Board (full and associate) may take part in any discussion or hearing. Only full members of the Board, or associate members appointed to act in the place of a full member as defined in Article VII.B below, may make motions or vote on matters concerning findings, conclusions, or decisions on applications and appeals before the Board.

B. The Chairperson may appoint an associate member to act:

1. As a full member if the Board has fewer than five full members at a meeting;

2. For a full member who (1) is disqualified from voting on an application or appeal currently before the Board, or (2) is unable to attend a meeting at which Board business or an application or appeal is to be considered, or (3) was absent from a previous meeting at which an application or appeal currently under consideration before the Board was discussed.

3. As a full member for a specific application or appeal until the case is decided.
C. A quorum shall consist of three members of the Board authorized to vote upon the issues which may be considered at the meeting of the Board for which the quorum is required.

D. If a member has a conflict of interest or bias concerning a matter before the Board, said member shall not be counted by the Board in establishing the quorum for the matter.

E. All matters before the Board shall be decided by a recorded vote. Decisions on any matter before the Board shall require that votes in favor of the motion be cast by at least three members of the Board.

F. No member shall vote on the determination of any matter requiring public hearing unless he or she has attended the public hearing thereon; however, where such a member has, to the satisfaction of the Chairperson, familiarized himself or herself with such matter by reading the record and listening to the recording, if any, he or she shall be qualified to vote.

G. A tie vote, or a majority vote by a number lower than three, shall require the Board to reconsider the voted issue in an effort to reach a decision. Failure to obtain the affirmative votes of at least three members of the Board shall be considered a rejection of the application or appeal under consideration.

Section X. Decisions

A. Decisions of the Board shall be made no more than 35 days from the conclusion of the final hearing or sooner, as required by specific ordinance.

B. The final decision on any matter before the Board shall be made by written order signed by the Chairperson. The recording and the transcript of testimony and discussion, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record. All decisions shall become part of the record and shall include a statement of findings of fact and conclusions of law, as well as the reasons or basis thereof, upon all the material issues of fact, law, or discretion presented and the appropriate order, relief, or denial thereof.

C. The Board, in reaching its decisions, shall be guided by standards specified in the applicable State statutes, Town ordinances, policies specified in the Comprehensive Plan, and findings of fact and conclusions of law by the Board in each case. If provisions differ in ordinances, the more restrictive rule shall apply.

D. If information from the Planning Board record is insufficient for the Board to decide an administrative appeal of a Planning Board decision, the Board may remand the matter to the Planning Board with recommendations.

E. The Board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was:

1. Clearly contrary to specific provisions of an applicable ordinance;
2. Based upon a misinterpretation of the ordinance; or
3. Based upon an incorrect finding of fact or upon findings of fact unsupported by substantial evidence in the record.

F. In deciding an administrative appeal, the Board shall:

1. Take recorded votes on findings of fact suggested by the application and testimony, and
2. Take separate roll-call votes on conclusions of law, including the reasons therefore.

G. In deciding whether to grant a variance, the Board shall:

1. Take recorded votes on findings of fact and
2. Take separate roll-call votes on each of the criteria for granting a variance required by the relevant
Town ordinance, and any conclusions of law, including the reasons therefore.

H. After F. or G. above has been accomplished, the Board, through the Chairperson, shall summarize the satisfaction of variance criteria (where relevant), the findings of fact, and the conclusions of law. The Board shall then take a vote on whether to approve or reject the application or appeal.

I. Within seven days of the decision notice shall be sent by mail or hand delivered to the applicant or to his or her agent, and delivered to the Code Enforcement Officer, the Planning Board, and the Board of Selectmen.

J. Decisions of the Board shall be immediately filed in the office of the Town Clerk and shall be made public record. The date of filing each decision shall be entered in the official records and minutes of the Board.

K. Unless otherwise specified, any order or decision of the Board for a use requiring a permit shall expire if a building permit for the use is not obtained by the applicant within 90 days from the date of the decision; however, the Board may extend this time up to an additional 90 days.

L. If the board grants a variance under this section, it shall prepare a certificate in recordable form indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting. The applicant must record this certificate in the local registry of deeds within 90 days of the date of the final written approval of the variance or the variance is void. The variance is not valid until recorded as provided above. The date of the final written approval shall be the date stated on the written approval.

Section XI. Reconsideration

A. The Board may reconsider any decision as long as the Application for Reconsideration, available at the Town Office, is filed within ten days of the decision. The Board must decide to reconsider the decision, notify all interested parties, and make any change to its original decision within forty-five days of the decision. A meeting to decide whether to reconsider shall be called by the Chairperson in accordance with Section VII of this ordinance. The Board may conduct additional hearings and receive additional evidence and testimony.

B. Reconsideration shall be for one of the following reasons:

1. The record contains significant factual errors, due to fraud or mistake, regarding facts upon which the decision was based; or

2. The Board misinterpreted the ordinance, followed improper procedures, or acted beyond its jurisdiction.

Section XII. Appeal to Superior Court

A. Any party may, within forty-five days of the date on which the Board has signed its original decision, take an appeal of that decision to the Superior Court.

B. Notwithstanding Section XII.A above, appeal of a reconsidered decision to the Superior Court must be made within fifteen days of that decision.

Section XIII. Severability

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

Section XIV. Effective Date

Revisions to this Ordinance shall take effect following approval at the regular Town Meeting.
CEMETERY DISTRICT ORDINANCE
for the Town of Georgetown, Maine

Adopted 19 June 1982

Statement of Purpose:

It is the desire of the Town to make the cemetery locations in the Town quiet, beautiful resting places for the dead where a sense of repose will be obtained by dignified landscape effects on well-maintained grounds. To secure and preserve those effects will require the cooperation of every lot owner. Everything which would mar the general beauty and harmony of the cemetery grounds and the transactions concerning them must be avoided. Peace and good order must prevail, and the sacredness of the place be maintained, at all times. This Ordinance and the powers and obligations under it shall be construed and exercised to accomplish these purposes.

1. There is hereby created a Board of the Town of Georgetown to be known as the Board of Trustees of the Georgetown Cemetery District, which shall have its own budget, be empowered to hire its own personnel, and exercise the powers conferred on it by this Ordinance, subject always to the authority of the Selectmen with respect to the approval of expenditures.

2. The Board shall consist of three persons elected by secret ballot by the Town, each of whom shall serve three-year terms except for two designated members of the initial Board of Trustees who shall serve one- and two-year terms respectively.

3. The Board shall have the power to adopt rules and regulations for the conduct of its own activities and for the operation of the cemeteries, subject to the provisions of this Ordinance. Such rule-making power shall be exercised in accordance with the provisions of the Maine Administrative Procedures Act and the Due Process clauses of the Maine and United States Constitutions.

4. The Board shall exercise its powers with respect to all Town-owned burial places in the Town of Georgetown.

5. Purchase of Lots: Persons desiring to purchase a lot in a cemetery are referred to the Cemetery District Trustees. The Trustees will have available information on size and price of lots and such other information as may be required, and will render assistance to those desiring to make lot purchases. Upon having made a lot selection, the Board will issue a lot order to the prospective purchaser, who will present such order at the office of the Town Clerk, where the lot sale will be made and deed issued.

6. Ownership and Title of Lots:

   a. The terms “lot owner” or “ownership” shall be construed to mean the right to use a lot or part of a lot, as purchased from the Town for a consideration, for burial purposes only and under the rules and regulations as prescribed by the Town for such use.

   b. Plots containing one, two, or four graves are available at fixed prices. Persons wishing to purchase plots should visit the cemetery and make selection after personal inspection. When the purchaser selects a plot or grave, he signs a lot order, in duplicate, identifying the location, price, terms, etc. He will be given one copy and the Board of Trustees will retain the other. As and when the full purchase price of the plot has been received by the Town Clerk, however, a deed describing the plot in detail and duly signed by the Town will be issued and delivered to the purchaser.

   c. Plots will be sold as they are laid out, and the grade, which is fixed at the time of the preparation of the ground for sale, cannot be changed. No mounds on graves will be allowed. A plot book is kept at the Office of the Trustees which shows by means of accurate diagrams the dimensions of each lot sold and its precise location.
d. All plots will be sold for cash. For the convenience of purchasers, however, plots may be sold on the installment basis after an agreement, in the form given below, has been signed by the purchaser including these terms: One-half of purchase price paid at the signing of the agreement; balance to be paid at the end of one year. One burial to be permitted in each grave and no stones to be erected until the lot is fully paid for.

e. All lot owners are prohibited from selling or mortgaging or contracting to sell or mortgage their rights in any cemetery lot in whole or in part, or from otherwise transferring same. Neither shall they, under any circumstances, allow interments to be made in their lots for remuneration. No transfer, conveyance, or assignment of any interest or rights acquired by the lot owner shall be valid unless made in accordance with paragraph f hereof and with the written consent of the Board of Trustees and being thereafter recorded on its books. No sale or transfer of any lot will be made when an interment has been made. No sale or transfer of lots by auction will be made in the cemetery. No sale or transfer of any lot upon which the holder has neglected to pay all moneys due by him shall be made or confirmed. No sign or notice offering lots for sale will be permitted in the cemetery.

f. The title to a cemetery lot invests in the owner the right to use such lot for burial purposes only. Lot owners cannot resell or transfer their lots to any person or persons whomsoever, but such unused portions of the lot as the owner may desire to dispose of may be listed for sale with the Town Clerk. The Town, however, assumes no obligations for making a satisfactory sale of such lots or portions of lots. Any profits derived from such sale of such lots are to accrue to the benefit of the Georgetown Cemetery District.

g. The grading, sodding, and seeding of all plots, and the building of foundations for monuments, etc., must be under the direction of the Trustees. The Trustees may from time to time lay out or alter the avenues, or walks, and make such rules and regulations for the government of the grounds as they may deem requisite and proper, to promote the purposes of this Ordinance. All plot enclosures, fences, railings, or hedges, and all ornaments, iron chairs, or settees, are prohibited. The Trustees may remove from any lot objects that are out of keeping with the general plan of the cemetery.

h. All lots are exempt from taxation and cannot be seized for debts except those owed to the Cemetery District.

7. **Care of Lots:** All cemetery lots are provided with “perpetual or endowed care,” which shall be construed to mean the obligation of the Town to provide such care for the lot as mowing grass, raking and cleaning lot and adjacent alleys, filling of sunken graves, and keeping monumental work in vertical position where the income is sufficient; and in the care of avenues, alleys, fences, buildings, and grounds in general. It is understood that such expenditures shall be made at the discretion and under the direction of the Cemetery District Trustees and that the Town shall not be bound to make any separate investment of any money set aside for perpetual or endowed care, but that the same be added to the perpetual or endowed care fund of the Town and the proceeds therefrom used by the Town in the manner as heretofore provided. Nothing herein shall be construed as modifying any existing contract as to perpetual or endowed care.

8. **Privileges and Restrictions:**

   a. Each lot in the cemetery will, prior to its sale, be suitably marked by the Town with an iron or concrete post, placed on each lot corner and set level with the adjacent ground.

   b. No mounds shall be raised upon any grave above the general level of the lot. Mounds are difficult to maintain, as the sod grows in an unnatural position and is easily injured by heat, drought, and frost.

   c. No hedges, fences, or enclosures of any kind will be permitted on or around lots.
d. The Town reserves the right for its workmen and those persons necessary to the performance of normal cemetery operations to enter upon or cross over any lot in the cemetery in the performance of such duties.

e. The Town or its employees assume no liability for damages, actual or mental anguish, in the performance of its normal operations, or loss by vandalism or other acts beyond its reasonable control.

9. Rules for Visitors:

a. Persons or picnic parties with refreshments will not be admitted. Dogs will not be allowed in the cemetery, seeing eye dogs excepted.

b. Firearms will be allowed in the cemetery only at military funerals.

c. Visitors are required to use the walks and drives and are forbidden to trespass on cemetery lots, or pick any flowers (either wild or cultivated), or injure any shrub, tree, or plant, or mar or deface any monument, stone, or structure in the cemetery.

10. Interments:

a. All interments in lots shall be restricted to members of the family, single individuals, mother, father, sister, brother, spouse, children, brother- or sister-in-law, or spouses and their parents and children.

b. All graves shall be dug by the Town under the direction of the Trustees.

c. A charge for opening and closing a grave and the sodding and seeding of the mound will be made as determined by the Trustees, which charges shall be paid in advance of interment.

d. No burial will be permitted until a legal burial permit has been presented to the Trustees. The interment of the bodies of persons who have died of a contagious disease shall be in strict accordance with the rules of the State Board of Health or other responsible State agency.

e. The lot owner or funeral director shall designate the location of the grave on the lot to the Trustees and any change of locations made after the opening of the grave has begun shall be at the expense of the lot owner.

f. The interment of two bodies in one grave will not be allowed, except in the case of mother and infant, or twin children, or two children buried at the same time; or for the ashes of more than one individual in accordance with regulations to be established by the Trustees. No interment of any body other than that of a human being will be permitted.

g. A representative of the Cemetery District is expected to attend every interment and to see that the rules, regulations, and strict proprieties of the place are observed.

h. As soon as flowers, wreaths, emblems, etc., used at funerals, or placed on graves at other times, become unsightly and faded, they will be removed, and no responsibility for their protection or maintenance is assumed.

11. Removals:

a. Removal of bodies from graves in the cemetery will be made by the Town only in accordance with the requirements of the State of Maine. Charges made by the Town for removal will be made in accordance with the difficulty of the work and are payable in advance.

b. Lot owners or their heirs desiring graves opened shall secure the necessary disinterment permit from the State and deliver the same to the Trustees. All removals will be made by the Town
under the supervision of a licensed embalmer.

c. For sanitary reasons, graves will not be reopened for inspection except for official investigations.

12. **Stone or Monumental Work:** Stone and monumental work shall continue to be done in accordance with the practice before the date of this Ordinance. The Trustees are authorized, however, to adopt such rules and regulations for stone or monumental work as may become necessary to ensure conformance with prior practice or to create a change in stone and monumental works practices.

13. **Vaults and Mausoleums:** There shall be no vaults or mausoleums in cemetery areas subject to the jurisdiction of the Cemetery District Trustees.

14. **Trees, Shrubs, and Flowers:**

   a. All landscaping in the cemetery will be done by the Town, but lot owners may feel free at any time to consult with the Trustees regarding matters pertaining to permissible plantings or the general care and upkeep of lots.

   b. No person will be permitted to trim, prune, or remove branches from any tree or ornamental shrub in the cemetery, whether on his lot or not.

   c. Permission to plant trees or shrubs on lots shall in all cases be obtained from the Trustees, and the Town reserves the right to remove any tree, shrub, or vine, or any part thereof, which may have become unsightly, dangerous, or not in keeping with the landscape design.

   d. Plants or flowers may not be taken up or removed from the cemetery or cuttings removed from plants without permission from the Trustees or under their direction. All grave and flower beds will be cleaned of tender plants after the first frost in the fall.

   e. In sections permitting them, individual lot plantings may not exceed five percent of the total lot area and be placed adjacent to the memorial.
FLOODPLAIN MANAGEMENT ORDINANCE
for the Town of Georgetown, Maine

Adopted June 25, 1988 Amended June 18, 1994 Amended June 12, 1999
Amended June 8, 1991 Amended June 10, 1995 Amended June 13, 2009
Amended June 12, 1993 Amended June 13, 1998 Amended June 12, 2010

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ARTICLE I: PURPOSE, ESTABLISHMENT AND EFFECTIVE DATE:

(a) Certain areas of the Town of Georgetown, Maine (hereinafter referred to as the Town) are subject to periodic flooding, causing serious damage to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968 (PL 90-488, as amended).

Therefore, the Town has chosen to become a participating community in the National Flood Insurance Program and agrees to comply with the requirements of the National Flood Insurance Act of 1968 as delineated in this Floodplain Management Ordinance.

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

The Town has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to 30A MRSA §§ 3001–3007, 4352, and 4401–4407, and 38 MRSA § 440.

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


(b) EFFECTIVE DATE: The effective date of this ordinance is when adopted at Town Meeting.
ARTICLE II: PERMIT REQUIRED

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

ARTICLE III: APPLICATION FOR PERMIT

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

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

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

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

D. A statement of the intended use of the structure and/or development;

E. A statement of the cost of the development, including all materials and labor;

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

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

[Items H through K.3. apply only to new construction and substantial improvements.]

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

   1. base flood at the proposed site of all new or substantially improved structures, which is determined:

      a. in Zones AE, AO, and VE from data contained in the “Flood Insurance Study, Town of Georgetown, Maine,” as described in Article I; or,

      b. in Zone A:

         (1) from any base flood elevation data from Federal, State, or other technical sources (such as FEMA’s Quick-2 model, FEMA 265/July 1995), including information obtained pursuant to Article VI.K. and IX.D;

         (2) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,

         (3) from the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building;

         (4) in coastal zones, from the U.S. Army Corps of Engineers Tidal Flood Profiles, New England Coastline, September 1988 for the 100-year Frequency Tidal Flood appropriate for the development site’s location on the profile.
2. highest and lowest grades at the site adjacent to the walls of the proposed building;
3. lowest floor, including basement; and whether or not such structures contain a basement; and,
4. level, in the case of non-residential structures only, to which the structure will be floodproofed;

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

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

K. The following certifications as required in Article VI by a registered professional engineer or architect:
   1. a Floodproofing Certificate (FEMA Form 81-65, 01/03, as amended), to verify that the floodproofing methods for any non-residential structure will meet the floodproofing criteria of Article III.H.4; Article VI.G; and other applicable standards in Article VI;
   2. a V-Zone Certificate to verify that the construction in coastal high hazard areas, Zones VE, will meet the criteria of Article VI.P; and other applicable standards in Article VI;
   3. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a;
   4. a certified statement that bridges will meet the standards of Article VI.M; and
   5. a certified statement that containment walls will meet the standards of Article VI.N.

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

M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV: APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of $25 for minor development or $50 for new construction or substantial improvements shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

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

ARTICLE V: STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

For development that requires review and approval as a Conditional Use, as provided in this Ordinance, the Flood Hazard Development Permit Application shall be acted upon by the Planning Board as required in Article VII. In all other cases, the Code Enforcement Officer shall:

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

B. Utilize the base flood and floodway data contained in the "Flood Insurance Study, Town of Georgetown, Maine," as described in Article I.
1. In special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review, and reasonably utilize any base flood elevation and floodway data from Federal, State, or other sources, including information obtained pursuant to Article III.H.1.b; Article VI.K; and Article IX.D, in order to administer Article VI of this Ordinance; and

2. When the community establishes a base flood elevation in Zone A by methods outlined in Article III.H.1.b, the community shall submit that data to the Maine Floodplain Management Program in the State Planning Office.

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

D. Determine that all necessary permits have been obtained from those Federal, State, and local government agencies from which prior approval is required by Federal or State law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;

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

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

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

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

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

G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit applications, permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article X, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance, and certificates of design standards required under the provisions of Articles III, VI, and VIII.
ARTICLE VI: DEVELOPMENT STANDARDS

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

A. All Development shall:
   1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse, or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
   2. use construction materials that are resistant to flood damage;
   3. use construction methods and practices that will minimize flood damage; and,
   4. use electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

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

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

D. On Site Waste Disposal Systems: All new and replacement on-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

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

F. Residential: New construction or substantial improvement of any residential structure located within:
   1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
   2. Zone AO shall have adequate drainage paths around structures on slopes to guide floodwaters away from the proposed structures.
   3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
      a. at least one foot higher than the depth specified in feet on the community’s Flood Insurance Rate Map identified in Article I or
      b. at least three feet if no depth number is specified.
   4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b; Article V.B; or Article IX.D.
   5. Zone VE shall meet the requirements of Article VI.P.

G. Non-Residential: New construction or substantial improvement of any non-residential structure located within:
   1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above
the base flood elevation or, together with attendant utility and sanitary facilities, shall:

a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight, with walls substantially impermeable to passage of water;

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

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

2. Zone AO shall have adequate drainage paths around structures on slopes to guide floodwaters away from the proposed structures.

3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:

a. at least one foot higher than the depth specified in feet on the community’s Flood Insurance Rate Map; or,

b. at least three feet if no depth number is specified; or,

c. together with attendant utility and sanitary facilities be floodproofed to meet the elevation requirements of this section and floodproofing standards of Article VI.G.1.

4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b, Article V.B, or Article IX.D, or together with attendant utility and sanitary facilities shall meet the floodproofing standards of Article VI.G.1.

5. Zone VE shall meet the requirements of Article VI.P.

H. Manufactured Homes: New or substantially improved manufactured homes located within:

1. Zone AE shall:

a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;

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

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

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

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

(3) All components of the anchoring system described in Article VI.H.1.c.(1) and (2) shall be capable of carrying a force of 4,800 pounds.
2. Zone AO shall have adequate drainage paths around structures on slopes to guide floodwaters away from the proposed structures.

3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
   a. at least one foot higher than the depth specified in feet on the community’s Flood Insurance Rate Map; or,
   b. at least three feet if no depth number is specified; and,
   c. meet the requirements of Article VI.H.1.c.

4. Zone A shall
   a. be elevated on a permanent foundation as described in Article VI.H.1.b, such that the lowest floor (including basement) is at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b; Article V.B; or Article IX.D; and
   b. meet the requirements of Article VI.H.1.c.

5. Zone VE shall meet the requirements of Article VI.P.

I. Recreational Vehicles: Recreational vehicles located within

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

   2. Zone VE shall meet the requirements of Article VI.I.1.a or b, or Article VI.P.

J. Accessory Structures, as defined in Article XV, located within Zones AE, AO, and A, shall be exempt from the elevation criteria required in Article VI.F. and G. above, if all other requirements of Article VI and all the following requirements are met. Accessory structures shall:

   1. be 500 square feet or less and have a value less than $3,000;
   2. have unfinished interiors and not be used for human habitation;
   3. have hydraulic openings, as specified in Article VI.L.2, in at least two different walls of the accessory structure;
   4. be located outside the floodway;
   5. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
   6. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.
K. **Floodways:**

1. In Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community’s Flood Insurance Rate Map, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels in the Town during the occurrence of the base flood discharge.

2. In Zone AE and A riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
   a. will not increase the water surface elevation of the base flood more than one foot at any point in the Town; and,
   b. is consistent with the technical criteria contained in Chapter 5, “Hydraulic Analyses,” in *Flood Insurance Study: Guidelines and Specifications for Study Contractors* (FEMA 37/January 1995, as amended).

3. In Zone AE and A riverine areas in which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high-water mark to the upland limit of the floodplain.

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

1. Enclosed areas are not “basements” as defined in Article XV; and,

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

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

4. The enclosed area may be used solely for building access, parking of vehicles, or storage.
M. **Bridges** - New construction or substantial improvement of any bridge in Zones AE, AO, A, and VE shall be designed such that:
   1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and
   2. a registered professional engineer shall certify that:
      a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K.; and
      b. the foundation and superstructure attached thereto are designed to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

N. **Containment Walls** - New construction or substantial improvement of any containment wall located within:
   1. Zones AE, A and VE shall:
      a. have the containment wall elevated to at least one foot above the base flood elevation;
      b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
      c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.
   2. Zone AO shall have adequate drainage paths around containment walls on slopes to guide floodwater away from the proposed walls.
   3. Zone AO shall have the top of the containment wall elevated above the highest adjacent grade:
      a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,
      b. at least three feet if no depth number is specified; and,
      c. shall meet the requirements of Article VI.N.1.b. and c.

O. **Wharves, Piers and Docks** - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones AE, AO, A, and VE, in and over water and seaward of the mean high tide if the following requirements are met:
   1. wharves, piers, and docks shall comply with all applicable local, State, and Federal regulations; and
   2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

P. **Coastal Floodplains:**
   1. All new construction located within Zones AE, A, and VE shall be located landward of the reach of mean high tide except as provided in Article VI.P.6.
   2. New construction or substantial improvement of any structure located within Zone VE shall:
      a. be elevated on posts or columns such that:
(1) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to one foot above the base flood elevation;

(2) the pile or column foundation and the elevated portion of the structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components; and

(3) water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State and local building standards.

b. have the space below the lowest floor:

(1) free of obstructions; or

(2) constructed with open wood latticework, or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns; or

(3) constructed with non-supporting breakaway walls which have a design safe loading resistance of not less than 10 or more than 20 pounds per square foot.

c. require a registered professional engineer or architect to:

(1) develop or review the structural design, specifications, and plans for the construction, which must meet or exceed the technical criteria contained in the Coastal Construction Manual (FEMA-55/June, 2000); and,

(2) certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the criteria of Article VI.P.2.

3. The use of fill for structural support in Zone VE is prohibited.

4. Human alteration of sand dunes within Zone VE is prohibited unless it can be demonstrated that such alterations will not increase potential flood damage.

5. The area below the lowest floor shall be used solely for parking vehicles, building access, and storage.

6. Conditional Use - Lobster sheds and fishing sheds may be located seaward of mean high tide and shall be exempt from the elevation requirement in Article VI.G. only if permitted as a Conditional Use following review and approval by the Planning Board, as provided in Article VII, and if all the following requirements and those of Article VI.A, VI.K, and VI.L are met:

a. The conditional use shall be limited to low value structures such as metal or wood sheds 200 square feet or less and shall not exceed more than one story.

b. The structure shall be securely anchored to the wharf or pier to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.

c. The structure will not adversely increase wave or debris impact forces affecting nearby buildings.

d. The structure shall have unfinished interiors and shall not be used for human habitation.

e. Any mechanical, utility equipment and fuel storage tanks must be anchored and either elevated or floodproofed to one foot above the base flood elevation.
f. All electrical outlets shall be ground fault interrupt type. The electrical service disconnect shall be located on shore above the base flood elevation and when possible outside the Special Flood Hazard Area.

ARTICLE VII: CONDITIONAL USE REVIEW

The Planning Board shall hear and decide upon applications for conditional uses provided for in this Ordinance. The Planning Board shall hear and approve, approve with conditions, or disapprove all applications for conditional uses. An applicant informed by the Planning Board that a Conditional Use Permit is required shall file an application for the permit with the Planning Board.

A. Review Procedure for a Conditional Use Flood Hazard Development Permit

1. The Flood Hazard Development Permit Application, with additional information attached addressing how each of the conditional use criteria specified in this Ordinance will be satisfied, may serve as the permit application for the Conditional Use Permit.

2. Before deciding any application, the Planning Board shall hold a public hearing on the application within thirty days of receipt of the application.

3. If the Planning Board finds that the application satisfies all relevant requirements of the ordinance, it must approve the application or approve with conditions within 45 days of the date of the public hearing.

4. A Conditional Use Permit issued under the provisions of this Ordinance shall expire if the work or change involved is not commenced within 180 days of the issuance of the permit.

5. The Planning Board shall notify the applicant in writing over the signature of its Chairman that flood insurance is not available for structures located entirely over water or seaward of mean high tide.

B. Expansion of Conditional Uses: No existing building or use of premises may be expanded or enlarged without a permit issued under this section if that building or use was established or constructed under a previously issued Conditional Use Permit or if it is a building or use which would require a Conditional Use Permit if being newly-established or constructed under this Ordinance.

ARTICLE VIII: CERTIFICATE OF COMPLIANCE

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

A. For new construction or substantial improvement of any elevated structure, the applicant shall submit to the Code Enforcement Officer:

1. an Elevation Certificate completed by a professional land surveyor, registered professional engineer, or architect for compliance with Article VI, paragraphs F, G, H, or P; and,

2. for structures in Zone VE, certification by a registered professional engineer or architect that the design and methods of construction to be used are in compliance with Article VI.P.2.

B. The applicant shall submit written notification that the development is complete and complies with the provisions of this Ordinance.

C. Within ten working days the Code Enforcement Officer shall:

1. review the required certificates and the applicant’s written notification and

2. upon determination that the development conforms with the provisions of this Ordinance, issue a Certificate of Compliance.
ARTICLE IX: REVIEW OF SUBDIVISIONS AND DEVELOPMENT PROPOSALS

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

A. All such proposals are consistent with the need to minimize flood damage.

B. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

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

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

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

ARTICLE X: APPEALS AND VARIANCES

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

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

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

B. Variances shall be granted only upon:

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

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

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

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

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

   b. the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
c. granting a variance will not alter the essential character of the locality; and,

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

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

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

1. other criteria of Article X and Article VI.K are met; and,

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

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

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

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

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

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

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

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

G. Appeal Procedure for Administrative and Variance Appeals

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

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

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

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

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

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

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

ARTICLE XI: ENFORCEMENT AND PENALTIES

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

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

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

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

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

3. a clear statement that the Code Enforcement Officer making the declaration has authority to do so and a citation to that authority;

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

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

ARTICLE XII: VALIDITY AND SEVERABILITY

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

ARTICLE XIII: CONFLICT WITH OTHER ORDINANCES

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

ARTICLE XIV: ABROGATION

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

ARTICLE XV: DEFINITIONS

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

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

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

**Area of Shallow Flooding** - a zone designated AO on the community's Flood Insurance Rate Map with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

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

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

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

**Breakaway Wall** - a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

**Building** - see **Structure**

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

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

**Conditional Use** - a use that, because of its potential impact on surrounding areas and structures, is permitted only upon review and approval by the Planning Board pursuant to Article VII.

**Containment Wall** – wall used to convey or direct storm water or sanitary water from the initial source to the final destination.

**Development** - a manmade change to improved or unimproved real estate. This includes, but is not limited to, buildings or other structures; additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials.

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

   a. built, in the case of a building in Zones AE, A, or AO, so that the top of the elevated floor or, in the case of a building in Zone VE, the bottom of the lowest horizontal structural member of the elevated floor, is elevated above the ground level by means of pilings, columns, posts, piers, or stilts; and

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

In the case of Zones AE, A, or AO, **elevated building** also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.L. In the case of Zone VE, **elevated building** also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls, if the breakaway walls meet the standard of Article VI.P.2.b(3).

**Elevation Certificate** - an official form (FEMA Form 81-31, 02/06, as amended) that

   a. is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,
b. is required as a condition for purchasing flood insurance.

**Flood** or **Flooding** -

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

(1) the overflow of inland or tidal waters or

(2) the unusual and rapid accumulation of runoff of surface waters from any source.

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

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

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

**Flood Insurance Study** see **Flood Elevation Study**

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

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

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

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

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

**Floodway Encroachment Lines** - the lines marking the limits of floodways on Federal, State, and local floodplain maps.

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

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

**Historic Structure** - any structure that is:
a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

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

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

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

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

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

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

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

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

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

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

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

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

New Construction - structures for which the start of construction commenced on or after the effective date of the initial floodplain management ordinance adopted by the Town, and includes any subsequent improvements to such structures.

One Hundred Year Flood see Base Flood

Recreational Vehicle - a vehicle that is:
a. built on a single chassis;

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

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

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

Regulatory Floodway -

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

b. when not designated on the Town’s Flood Insurance Rate Map, the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

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

Special Flood Hazard Area see Area of Special Flood Hazard

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

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

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

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

a. any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications that have been identified by the Code Enforcement Officer and are the minimum necessary to ensure safe living conditions, or

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

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

Violation - the failure of a structure or other development to comply fully with the Town’s floodplain management regulations.
HOLDING TANK ORDINANCE
For the Town of Georgetown, Maine

Adopted June 10, 1995
Amended June 18, 2011

1. Purpose: The purpose of this ordinance is to establish procedures for the use and maintenance of holding tanks designed to receive and retain waste water from residential or commercial users. Enactment of this ordinance is necessary for the protection, benefit, and preservation of the health, safety, and welfare of the inhabitants of Georgetown.

2. Definitions: Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

Holding Tank: A closed, water-tight structure designed and used to receive and store waste water or septic tank effluent. A holding tank does not discharge waste water or septic tank effluent to surface or ground water or onto the surface of the ground. Holding tanks are designed and constructed to facilitate ultimate disposal of septic waste at a disposal site licensed by the State, such as the Longreach Septic Facility in Bath, Maine.

Improved Property: Any property in Georgetown upon which there is a structure intended for continuous or periodic habitation, occupancy, or use by human beings or animals and from which structure waste water shall or may be discharged.

Owner: Any person vested with ownership, legal or equitable, sole or partial, of any property located in Georgetown.

Person: Any individual, partnership, company, association, corporation, or other group or entity.

Waste Water: Any liquid waste containing animal or vegetable matter in suspension or solution, or the water-carried wastes from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or other sources of water-carried wastes of human origin. This term specifically excludes industrial, hazardous, or toxic wastes and materials.

3. Rights and Privileges Granted: The Board of Selectmen is hereby authorized and empowered to undertake within the Town the control of and methods of disposal of holding-tank waste water and the collection and transportation thereof.

4. Rules and Regulations in Conformity with Applicable Law: All such rules and regulations adopted by the Board of Selectmen shall be in conformity with the provisions herein, all other ordinances of the Town, all applicable laws, and applicable rules and regulations of the administrative agencies of the State of Maine. Holding tanks cannot be used for a first time system located within the shoreland zone or for converting a seasonal dwelling unit into a year-round residence within the shoreland zone.
5. **Rates and Charges:** The Board of Selectmen shall have the right and power to fix, alter, charge, and collect rates, assessments, and other charges in the Town at reasonable and uniform rates as authorized by applicable law.

6. **Exclusiveness of Rights and Privileges:** The collection and transportation of all waste water from any improved property utilizing a holding tank shall be done solely under the direction and control of the Board of Selectmen, and the disposal thereof shall be made at such site or sites as may be approved by the Maine Department of Environmental Protection.

7. **Duties of an Owner of Improved Property:** The owner of an improved property that utilizes a holding tank shall:
   A. Ensure the holding tank is pumped at least once a year, providing the system has been used;
   B. The owner or agent for the owner of a holding tank shall retain for a period of three years the copies of the pumping records, water use records (if required) and the current agreement between the owner and the tank pumper. A copy of these records must be made available to the plumbing inspector upon request. Additionally, a copy of the record of each pumping shall be sent to the Town Office.
   C. Maintain the holding tank in conformance with this or any other ordinance of Georgetown, the provisions of any applicable law, the rules and regulations of the Board of Selectmen, and any administrative agency of the State of Maine; and
   D. Permit only carriers authorized by the Board of Selectmen to collect, transport, and dispose of the contents therein.

8. **Violations:** Any person who violates any provisions of Section 7 shall, upon conviction thereof, be sentenced to pay a fine of not less than One Hundred and not more than Three Hundred Dollars, plus costs.

9. **Abatement of Nuisances:** In addition to any other remedies provided in this ordinance, any violation of Section 7 shall constitute a nuisance and shall be abated by the Town or the Board of Selectmen by seeking appropriate equitable or legal relief from a court of competent jurisdiction.

10. **Alternative Disposal:** An alternative means of waste-water disposal shall meet first-time system criteria. Replacement system criteria shall not be considered.

11. **Repeal:** All ordinances or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent herewith, are hereby repealed.

12. **Severability:** If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance.
TOWN OF GEORGETOWN, MAINE

ORDINANCE EXEMPTING ELIGIBLE ACTIVE DUTY MILITARY PERSONNEL FROM VEHICLE EXCISE TAX
Adopted June 16, 2012

Section 1. Authority.
This ordinance is enacted pursuant to 36 M.R.S.A. § 1483-A, which expressly authorizes such ordinances.

Section 2. Excise tax exemption; qualifications.
Vehicles owned by a resident of this municipality who is on active duty serving in the United States Armed Forces and who is either permanently stationed at a military or naval post, station or base outside this State or deployed for military service for a period of more than 180 days and who desires to register that resident’s vehicle(s) in this State are hereby exempted from the annual excise tax imposed pursuant to 36 M.R.S.A. § 1482.

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

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

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

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

Section 3. Effective date; duration.
This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect unless and until it or 36 M.R.S.A. § 1483-A is repealed.
MINIMUM LOT SIZE ORDINANCE
for the Town of Georgetown, Maine

Enacted March 5, 1977  Amended June 18, 1983  Amended June 14, 2008
Amended June 19, 1982  Amended June 16, 1990  Amended June 12, 2010

1.0 PURPOSE:

Georgetown is a rural coastal community facing the possibility of continued population growth, building construction, and change such as the Town has experienced in recent years. Such change is not without problems. Shallow soils and ledge outcrops characterize the Town and limit the availability of suitable sites for the installation of subsurface waste disposal systems. This situation becomes more critical as the better pieces of land are developed and more marginal sites begin to be utilized. The adequacy and quality of water supplies are also issues.

This Ordinance seeks to protect the public health, safety, and welfare by establishing a two-acre minimum lot size throughout Georgetown. For the purposes of this Ordinance, every new lot is considered a potential building site. The Ordinance uses the disposal of wastes by subsurface systems and the two-acre minimum to establish lot sizes for various uses. This will help both in ensuring the adequate functioning of private disposal systems and in protecting private water supplies. The Ordinance will also help control the density of development and help preserve the rural character of Georgetown.

2.0 APPLICABILITY:

2.1 This Ordinance shall apply to lots created by gift, sale, lease, or devise on or after the effective date of this Ordinance.

2.2 This Ordinance shall apply to all uses of land which are proposed to commence on or after the effective date of this Ordinance.

2.3 This Ordinance shall apply to mobile homes. One mobile home shall be treated as a single family residence under Section 3.2.1. Two mobile homes shall be treated as multiple family housing under Section 3.2.2. Three or more mobile homes constitute a mobile home park (see 30-A MRSA § 4358).

3.0 SPECIFICATIONS:

3.1 Minimum Lot Size: All lots created after the effective date of this Ordinance shall have a minimum area of two acres, exclusive of wetlands, except those lots which meet the requirements of sections 4.1 or 4.2. In every instance, each lot shall be laid out so that a 150’ square can fit within the area of its lot lines. In no case can any existing non-conforming lot be made less conforming.

3.2 Lot Size and Waste Generation: In all areas of Georgetown, notwithstanding any other provisions of State or local law or regulation, no person shall:

3.2.1 Dispose of wastes from any single family residence by means of subsurface waste disposal unless the lot of land on which such single family residence is located has an area of at least two acres or is exempt under sections 4.1 or 4.2.

3.2.2 Dispose of wastes from any multiple family housing by means of subsurface waste disposal unless the lot of land on which such multiple family housing is located has an area of at least three-quarters of an acre per bedroom or is exempt under section 4.2.
3.2.3 Dispose of wastes from any other land use activity by means of subsurface waste disposal unless
the lot of land on which such land use activity is located has an area of one acre per 300 gallons of waste
generated per day or is exempt under section 4.2.

The wastewater design flows in the Maine State Plumbing Code, revised May 1, 1981 (and subsequent
revisions thereof), shall be used in determining the volume of wastes likely to be generated by various
land use activities. The volume of wastes shall be used in the following formula to determine lot sizes for
other land uses (two-acre minimum):

\[
\text{total gallons/day ÷ 300 gallons x 1 acre = required lot size}
\]

4.0 EXCEPTIONS:

4.1 Single Family Residences:

4.1.1 Existing Lots: Persons intending to build a single family residence on a lot existing prior to the date
of adoption of this Ordinance shall be exempt from the provisions of this Ordinance.

4.1.2 Existing Single Family Residences: Single family residences constructed on lots prior to the date
of adoption of this Ordinance shall be exempt from the provisions of this Ordinance if the waste disposal
systems of such single family residences were in conformance with all State laws and local ordinances, or
were properly exempt from same, on the date of the installation of the waste disposal systems.

4.2 Suitable Soils: Persons intending to create a lot or lots in areas where soils suitable for two
separate subsurface waste disposal systems exist may apply to the Code Enforcement Officer for up to a
fifty percent reduction in the required two-acre minimum lot size. The CEO may grant such a reduction if
the applicant submits documentation prepared by a licensed site evaluator indicating that the soils of each
lot of less than two acres will support two separate subsurface disposal systems, designed so that all
required minimum setback distances are met by both locations, and that the two disposal areas are
separated by a distance equal to two times the width of the disposal area, with a minimum separation
distance of 40 feet.

5.0 BOARD OF APPEALS:

The Georgetown Board of Appeals, established in accordance with 30-A MRSA § 2691, is vested with the
authority to hear and decide appeals from decisions of the CEO.

6.0 ENFORCEMENT:

6.1 The Local Plumbing Inspector shall not issue a plumbing permit for a waste disposal system for
any lot which does not meet the provisions of this Ordinance. The LPI shall notify the CEO of possible
violations.

6.2 The Code Enforcement Officer shall act in all cases of violations of this Ordinance by notifying, in
writing, the person who created the lot, the owner, and the lessee of the lot, the Board of Selectmen, and
the Planning Board of the nature of the violation and the correction of same if possible.

6.3 The Board of Selectmen is charged with the prosecution for all violations of the provisions of this
Ordinance. In cases where the notices referred to in paragraph 6.2 are not promptly complied with after
their receipt, the Selectmen shall take such complaints to the courts as, in their judgment, are proper, or
the Selectmen may institute such actions or proceedings at law or in equity as are proper to restrain,
correct, remove, or punish such violations.
6.4 Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply with any of the requirements thereof shall, upon conviction, be punished by a fine of not more than $100.00 and each day on which such violations shall continue shall constitute a separate offense.

7.0 DEFINITIONS:

**Coastal Wetlands**: All tidal and sub-tidal lands; all lands below any identifiable debris line left by tidal action; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt-water or estuarine habitat; and any swamp, marsh, bog, beach, flat, or other contiguous lowland which is subject to tidal action or normal storm flowage at any time except during periods of maximum storm activity. Coastal wetlands may include portions of coastal sand dunes.

**Freshwater Wetlands**: Freshwater swamps, marshes, bogs, and similar areas which are:

A. Of 10 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

B. Inundated or saturated by surface or groundwater 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 subsection.

**Lot**: A parcel of land described on a deed, plot plan, or similar legal document which document has been legally recorded in the Sagadahoc County Registry of Deeds.


**Multiple Family Housing**: A building or buildings designed for occupancy by two or more families, each living in its own quarters.

**Single Family Residence**: A room or group of rooms equipped for use as permanent, seasonal, or temporary living quarters for only one family at a time, 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.

8.0 EFFECTIVE DATE:

This Ordinance was adopted June 18, 1983. Changes included herein become effective when adopted by Town Meeting.
PLANNING BOARD ORDINANCE
Georgetown, Maine

Establishment of Georgetown Planning Board:

1. Establishment. Pursuant to Art. VIII, pt 2, section I of the Maine Constitution and 30-A M.R.S.A. Section 3001, the Town of Georgetown hereby amends the 1973 Ordinance establishing a Planning Board.

2. Appointment.

   A. Appointments to the board shall be made by the Selectmen.

   B. The board shall consist of five members and two alternate members.

   C. The term of each member shall be five years. The term of office of an alternate member shall be five years.

   D. When there is a permanent vacancy, the Selectmen shall within 60 days of its occurrence appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, or when a member ceases to be a legal resident of the town, or when a member fails to attend four (4) consecutive regular meetings, or fails to attend at least 75% of all meetings during the preceding twelve (12) month period. When a vacancy occurs, the chairperson of the board shall immediately so advise the Selectmen in writing. The board may recommend to the Selectmen that the attendance provision be waived for cause, in which case no vacancy will then exist until the municipal officers disapprove the recommendation. The Selectmen may remove members of the planning board by unanimous vote, for cause, after notice and hearing.

   E. A Selectman may not be a member or alternate member.

   F. Only legal residents of the Town of Georgetown may serve as members or alternate members of the Planning Board.

   Resident: The term “resident” refers to a person who owns or rents real estate in the Town of Georgetown which is his or her permanent, fixed place of abode and principal place of residence. If a person claiming to be a resident neither owns nor rents real estate in the Town of Georgetown, he or she shall be required to produce such other evidence of residence as the Town Clerk may require. A person shall not qualify as a resident of Georgetown unless he or she has maintained a permanent, fixed place of abode and principal place of residence in Georgetown for three months prior to claiming residence. A person shall cease to be a resident of Georgetown on the date he or she acquires a
permanent, fixed place of abode and principal place of residence in any other Town or moves from the Town of Georgetown.


A. The board shall elect a chairman, vice chairman, and a secretary from among its members and create and fill such other offices as it may determine. The term of all offices shall be one year with eligibility for re-election.

B. When a member is unable to act because of a conflict of interest or bias, physical incapacity, absence, or any other reason satisfactory to the chairman, the chairman shall designate an alternate member to sit in his stead.

C. An alternate member may attend all meetings of the board and participate in its proceedings, but may vote only when he has been designated by the chairman to sit for a member.

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

E. The chairman shall call at least one regular meeting of the board every other month.

F. No meeting of the board shall be held without a quorum consisting of three members or alternate members authorized to vote.

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.


A. The Board shall perform such duties and exercise such powers as are provided by Georgetown ordinances 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.

5. Conflict of Interest and Bias.

A. According to Maine Statute Title 30-A, Section 205, a board member who (1) is an officer, director, associate, employee or stockholder of a private corporation, business or other economic entity which is making an application to the board and (2) is directly or indirectly the owner of at least 10% of the stock of the private corporation or owns at least a 10% interest in the business or other economic entity has a conflict of interest. A conflict of interest also exists if a board member by reason of his interest is placed in a situation of temptation to serve his personal interest instead of the public’s interest on any matter coming before the Board.

16 June 2012
B. Title 1 M.R.S.A. 71 (6) states that a board member must be considered biased and must disqualify himself or herself if a situation requires that board member to be disinterested or indifferent and the board member must make a quasi-judicial decision which involves a person to whom the board member is related by blood or marriage within the 6th degree (parents, grandparents, great-grandparents, great-great grandparents, brothers, sisters, children, grandchildren, great-grandchildren, aunts, uncles, great aunts/uncles, great-grand aunts/uncles, first cousins, first cousins once removed, first cousins twice removed, second cousins, nephews, nieces, grand nephews/nieces, great grand nephews/nieces). The term bias shall include, but not be limited to, instances in which the stated opinions of a member are such as to preclude an open-minded judgment about a general issue or an individual.

C. A member with a conflict of interest or bias must abstain from the discussion as a member of the board and any votes on the application or other matter. This abstention and the reason for it must be recorded in the minutes of the meeting. The board has the authority to determine whether one of its members has a conflict of interest or bias by majority vote of the other members of the board.
BUILDING PERMIT APPLICATION PROCEDURES AND TIMELINE FOR PERMITS REQUIRING GEORGETOWN PLANNING BOARD APPROVAL

The Georgetown Planning Board meets on the first and third Wednesday of each month at 7pm at the Town Office to consider applications and to conduct other business as necessary. The following procedures are established to govern how applications will be received, processed, and considered by the Planning Board.

1. Building Permit Application must be delivered to the Town Clerk’s office not later than the Wednesday of the week before a scheduled Planning Board meeting. The Clerk will deliver submitted applications to the Code Enforcement Officer (CEO).

2. The CEO will review the applications for completeness. Applicants whose applications are incomplete will be provided assistance by the CEO or Assistant CEO.

3. Applications deemed fully complete in the opinion of the CEO will be placed in the Planning Board folder in the Town Office by noon on the Monday preceding a Planning Board meeting. These applications will be included in the written Planning Board Agenda prepared and posted by the CEO at the Town Office and on the Town website.

4. Planning Board members will review completed applications at the Town Office between noon Monday and the scheduled Wednesday Planning Board meeting. (This practice will enable informed, thoughtful, and timely consideration of applications during the meeting, while affording time for questions which may have been suggested during member review.)

5. The Planning Board will consider applications at its scheduled meeting as listed on the Agenda, members having already completed their preliminary review of the applications. Applicants are urged to attend or to be represented at Planning Board meeting so that any questions arising can be answered by the applicant or the applicant’s designated representative, thereby reducing undue delay.

6. Approved permits will be available for collection at the Town Office after 1:00 PM on the Thursday following a Planning Board meeting.

7. Applications which the Planning Board denies or finds incomplete will be returned to the applicant with written explanation.

8. Applications reviewed and votes will be reported in the Planning Board minutes.
POSTED ROADS ORDINANCE
for the Town of Georgetown, Maine
Adopted 26 March 2003

Section 1 Purpose and Authority

The purpose of this Ordinance, formally “An Ordinance Restricting Vehicle Weight on Posted Roads,” is to prevent damage to Town ways and bridges in the Town of Georgetown which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of Town ways and bridges, and to reduce the public expense of their maintenance and repair. This Ordinance is adopted pursuant to 30A MRSA § 3009 and 29A MRSA §§ 2395 and 2388.

Section 2 Definitions

The definitions in 29A MRSA § 101 shall govern the construction of words contained in this Ordinance. Any words not defined therein shall have their common and ordinary meanings.

Section 3 Restrictions and Notices

A The Board of Selectmen may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may, in their judgment, be necessary to protect the traveling public and prevent abuse of the highways, and designate the Town ways and bridges to which the restrictions shall apply.

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

C The notice shall contain, at a minimum, the following information: the name of the way or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted, and the signature of the Road Commissioner. The notice shall be conspicuously posted at the beginning of the restricted way or bridge in a location clearly visible from the traveled way.

D Whenever a restriction expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices. No person may remove, obscure, or otherwise tamper with any notice so posted except as provided herein.

Section 4 Exemptions

Vehicles that are exempt from the Maine Department of Transportation’s “Rules and Regulations Restricting Heavy Loads on Closed Ways,” dated 31 December 1996 and amended 4 March 1998, a copy of which is attached hereto and hereby incorporated as part of this Ordinance, are exempt from this Ordinance.

Section 5 Permits

A The owner or operator of a vehicle not otherwise exempt as provided herein may apply in
writing to the Selectmen for a permit to operate on a posted way or bridge despite the restriction. The Selectmen may issue a permit only upon all of the following findings:
  1 that the applicant has no other route reasonably available;
  2 that the applicant needs to use the way or bridge as a matter of economic necessity, not mere convenience; and
  3 that the applicant has tendered cash, a bond, or other suitable security running to the Town in an amount sufficient, in their judgment, to repair any damage to the way or bridge which may reasonably result from the applicant’s use of the way or bridge.

B Even if the Selectmen make the foregoing findings, they need not issue a permit if they determine that the applicant’s use of the way or bridge could reasonably be expected to create or aggravate a safety hazard or cause substantial damage to a way or bridge maintained by the Town. They may also limit the number of permits issued or outstanding as may, in their judgment, be necessary to preserve and protect the Town ways and bridges.

C In determining whether to issue a permit, the Selectmen shall consider the following factors:
  1 the gross registered weight of the vehicle;
  2 the current and anticipated condition of the way or bridge;
  3 the number and frequency of vehicle trips proposed;
  4 the cost and availability of materials and equipment for repairs;
  5 the extent of use by other exempt vehicles; and
  6 such other circumstances as may, in their judgment, be relevant.

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

Section 6  Administration and Enforcement

This Ordinance shall be administered and may be enforced by the Selectmen or their duly authorized designee, the Road Commissioner.

Section 7  Penalties

Any violation of this Ordinance shall be a civil infraction subject to a fine of not less than $250 nor more than $1,000. Each violation shall be deemed a separate offense. In addition to any fine, the Town may seek restitution for the cost of repairs to any damaged way or bridge and reasonable attorney fees and costs. Prosecution shall be in the name of the Town and shall be brought in the Maine District Court.

Section 8  Amendments

This Ordinance may be amended by the Selectmen at any properly noticed meeting.

Section 9  Severability; Effective Date

In the event that any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect. This Ordinance shall take effect immediately upon enactment by the Selectmen at any properly noticed meeting.
SHELLFISH CONSERVATION ORDINANCE
for the Town of Georgetown, Maine

Amended  6 March 1985 Amended 18 November 1993 Amended 17 June 2000
Amended 11 June 1988 Amended 18 June 1994 Amended 15 June 2002
Amended 16 June 1990 Amended 10 June 1995 Amended 12 June 2004
Amended  8 June 1991 Amended 15 June 1996 Amended 17 June 2006
Amended 13 June 1992 Amended 14 June 1997 Amended 16 June 2007
Amended 12 June 1993 Amended 14 June 2008

I. Authority: This Ordinance is enacted in accordance with 12 MRSA § 6671.

II. Purpose: To establish a shellfish conservation program for the Town of Georgetown which will ensure the protection and optimum utilization of shellfish resources within its limits. These goals will be achieved by means which may include:

A  Licensing
B  Limiting the number of shellfish harvesters
C  Restricting the time and area where digging is permitted
D  Limiting the minimum size of clams taken
E  Limiting the amount of clams taken daily by a harvester

III. Shellfish Conservation Committee: The shellfish conservation program for the Town of Georgetown will be administered by the Shellfish Conservation Committee, consisting of five or more members, of which one may be a non-resident of Georgetown, to be appointed by the Board of Selectmen for staggered three-year terms. The Committee’s responsibilities include:

A  Establishing annually, in conjunction with the Department of Marine Resources, the number and kind of shellfish digging licenses to be issued;
B  Surveying each clam-producing area at least once each three years to establish size distribution and density and annually to estimate the status of the Town’s shellfish resources;
C  Submitting to the Board of Selectmen proposals for the expenditure of funds for the purpose of shellfish conservation;
D  Keeping this Ordinance under review and making recommendations for its amendment;
E  Securing and maintaining records of shellfish harvest from the Town’s managed shellfish areas and closed areas that are conditionally opened by the Department of Marine Resources;
F  Recommending conservation closures and openings to the Board of Selectmen in conjunction with the Area Biologist of the Department of Marine Resources;
G  Identifying and qualifying shellfish conservation projects and determining yearly how many hours of conservation time applicants or license holders must complete to qualify for new licenses or license renewals; and
H  Submitting an annual report to the Town and the Department of Marine Resources covering the above topics and all other committee activities.

IV. Definitions:

A  Resident: The term “resident” refers to a person who owns or rents real estate in the Town of Georgetown which is his or her permanent, fixed place of abode and principal place of residence. If a person claiming to be a resident neither owns nor rents real estate in the Town of Georgetown, he or she shall be required to produce such other evidence of residence as the Town Clerk
may require. A person shall not qualify as a resident of Georgetown unless he or she has main-
tained a permanent, fixed place of abode and principal place of residence in Georgetown for three
months prior to claiming residence. A person shall cease to be a resident of Georgetown on the
date he or she acquires a permanent, fixed place of abode and principal place of residence in any
other Town or moves from the Town of Georgetown.

B Non-resident: The term “non-resident” shall apply to anyone not qualified as a resident under this
Ordinance.

C Shellfish, Clams, and Intertidal shellfish resources: When used in the context of this Ordinance,
the terms “shellfish,” “clams,” and “intertidal shellfish resources” mean soft-shell clams (Mya
arenaria), hen clams (Spisula solidissima), and razor clams (Ensis directus).

D Clam Flats: The term “clam flats” means the area between high water and extreme low water.

E Lot: The word “lot” as used in this Ordinance means the total number of soft-shell clams in any
bulk pile. Where soft-shell clams are in a container, the contents of each container constitutes a
separate lot.

F Possess: For the purpose of this Ordinance, “possess” means dig, take, harvest, ship, transport,
hold, buy and sell, retail and wholesale, soft-shell clam shellstock.

G Student: For the purpose of this Ordinance, “student” shall apply to any person actively enrolled in
or entering grades 5 through 12 as of the date of application.

V. Licensing: A Town Shellfish Digging License is required. It is unlawful for any person to dig or take
shellfish from the shores and flats of Georgetown without having a current license issued by the Town as
provided by this Ordinance. A commercial digger must also have a valid State of Maine commercial
shellfish license issued by the Department of Marine Resources, but need not purchase the State license
before obtaining the Town license. Of the total licenses issued, both commercial and recreational, ten
percent shall be reserved for non-residents. Applicants for non-resident recreational licenses will follow the
lottery routine specified in paragraph D.12 below; they need not be present at the lottery.

A Designation, Scope, and Qualifications:

1 Resident Commercial Shellfish License: This license is available to residents of the Town of
Georgetown and entitles the holder to dig or take any amount of shellfish from the shores and
flats of Georgetown and reciprocating municipalities, with no more than one peck daily being
the acceptable level of harvest from Reid State Park.

2 Non-Resident Commercial Shellfish License: This license is available to non-residents of the
Town of Georgetown and entitles the holder to dig or take any amount of shellfish from the
shores and flats of Georgetown, with no more than one peck daily being the acceptable level
of harvest from Reid State Park.

3 Resident Recreational Shellfish License: This license is available to residents and real-estate
taxpayers of the Town of Georgetown and entitles the holders to dig or take no more than one
peck of soft-shell clams and one and one half bushels of hen clams in any one day. Shellfish
so harvested are for the use of the holders, their families, and their guests, and shall not be
sold. This license is not available to holders of State of Maine commercial shellfish licenses.

4 Non-Resident Recreational Shellfish License: This license is available to any person not a
resident of Georgetown and entitles the holders to dig and take not more than one peck of
soft-shell clams and one and one half bushels of hen clams in any one day. Shellfish so
harvested are for the use of the holders, their families, and their guests, and shall not be sold.
This license is not available to holders of State of Maine commercial shellfish licenses.

5 Non-Resident Seven-Day Recreational Shellfish License: This license is available to any
person not a resident of Georgetown and entitles the holders to dig and take not more than
one peck of soft-shell clams and one and one half bushels of hen clams in any one day.
Shellfish so harvested are for the use of the holders, their families, and their guests, and shall
not be sold. This license is not available to holders of State of Maine commercial shellfish
licenses and expires seven days from the date of issue.

6 License must be signed: The licensee must sign the license to make it valid.

7 A license is not required to harvest one peck of clams from the shores of Reid State Park.

B Application Procedure: Any person may apply in person to the Town Clerk or mail in a completed
application for the license required by this Ordinance on forms provided by the Town.

1 Contents of the Application: The application must be in the form of an affidavit and must
contain the applicant's name, current address, birth date, height, weight, signature, and
whatever information the Town may require.

2 Misrepresentation and Ineligibility: If after investigation the Town learns that a licensee has
given false information or is otherwise ineligible to hold a license under this ordinance, the
Selectmen shall give the licensee a minimum of seven days notice of a hearing on the matter.
If the Selectmen determine at the hearing that the license should be revoked, they shall give
the licensee written notice of revocation. Any licensee aggrieved by their decision may appeal
to the Superior Court.

3 No shellfish license will be issued to anyone with unpaid Town or State shellfish fines.

C Fees: The fees for the licenses are as stated below and must accompany in full the application for
a recreational license. Applicants for commercial licenses through the lottery must pay the fee
required when they pick them up. The Town Clerk shall pay all fees received to the Town
Treasurer except for $1 for each license which she will retain as payment for issuing the license.
Recreational license fees are waived for persons sixty-five years of age or older, those twelve
years of age or younger, and those who have contributed four hours of conservation time in
accordance with Article III, Section G of this Ordinance.

<table>
<thead>
<tr>
<th>License Type</th>
<th>Fee</th>
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<tr>
<td>Resident Commercial</td>
<td>$200 per year</td>
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<tr>
<td>Resident Student Commercial</td>
<td>$100 per year</td>
</tr>
<tr>
<td>Non-Resident Commercial</td>
<td>$400 per year</td>
</tr>
<tr>
<td>Non-Resident Student Commercial</td>
<td>$200 per year</td>
</tr>
<tr>
<td>Resident Recreational</td>
<td>$15 per year</td>
</tr>
<tr>
<td>Non-Resident Recreational</td>
<td>$30 per year</td>
</tr>
<tr>
<td>Non-Resident Seven-Day Recreational</td>
<td>$20 per license</td>
</tr>
</tbody>
</table>

Visitors may purchase Non-Resident Seven-Day Recreational licenses from the Town Clerk or
from agents appointed by the Board of Selectmen, in consultation with the Town Clerk and
members of the Shellfish Conservation Committee. With their licenses they shall receive
brochures outlining license restrictions and other applicable information. The Board of Selectmen
shall approve agents to purchase Non-Resident Seven-Day Recreational licenses from the Town
Clerk for resale and shall authorize them to charge no more than $1 in addition to the fee set
above. The Selectmen may withdraw their approval during the year for cause and may set
additional conditions for selling these licenses as necessary.

D Limitation of Diggers: Clam resources vary in density and size distribution from year to year and
over the limited soft-clam–producing area of the Town. It is essential that the Town carefully
manage its shellfish resources. Following the annual review of the Town’s clam resources, its
size, distribution, and abundance, and the Shellfish Warden’s reports, as required by Article III,
the Shellfish Conservation Committee in consultation with the DMR Area Biologist and Shellfish
Warden will determine whether limiting commercial or recreational shellfish licenses is an
appropriate shellfish management option for the following year. The following procedures will be followed to exercise the control.

1 Prior to 1 May, the Shellfish Conservation Committee, with the approval of the Commissioner of Marine Resources, will establish the number of commercial and non-commercial licenses to be issued following the requirements of 12 MRSA § 6671.

2 The Shellfish Conservation Committee will notify the Town Clerk in writing prior to 15 May of the number of licenses to be issued.

3 Notice of the number of licenses to be issued and the procedure for application shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general circulation, which the Selectmen consider effective in reaching persons affected, not less than ten days prior to the period of issuance, and shall be posted in the Town Office until the period concludes.

4 The Town Clerk shall issue recreational licenses to residents and non-residents as allocated from the first business day in July. The Town Clerk shall issue allocated commercial licenses as outlined in paragraphs D 6 or D 11 of this section.

5 Licenses returned to the Town voluntarily or made available for any reason may be reissued to another person at the current fee according to the priorities established in paragraph D 11 of this section.

6 All commercial shellfish license holders who have purchased their licenses prior to 1 October of the previous year and who have completed the prescribed number of hours of shellfish conservation work under the supervision of the Town Shellfish Warden or a member of the Shellfish Conservation Committee shall have one month prior to the first business day in July to purchase their licenses. They may appear in person at the Town Office or mail in a completed Commercial Shellfish License application prior to the first business day in July. Anyone who mails an application is responsible for ensuring that the Town has received it. Holders of student commercial licenses are not eligible to purchase non-student commercial licenses prior to the first business day in July.

7 The Shellfish program coordinator shall record the names and hours worked for all those who do conservation work and provide this information to the Committee and to the Town Clerk.

8 The Shellfish Conservation Committee shall waive all or part of the requirement for conservation time for an applicant who provides a written statement from a physician indicating that he or she was unable to participate in any regularly scheduled conservation because of illness or injury. At the request of an applicant, made at a regular monthly meeting of the Committee, it may arrange on an hour-for-hour basis:

   a another time to complete conservation work for an applicant who demonstrates that the illness or incapacitation of a parent, spouse, or child has prevented him or her from participating in a regularly scheduled conservation time; or

   b alternate, less strenuous work for an applicant who provides the Committee with a written statement from a physician indicating that he or she is not physically able to participate in regular conservation work.

9 In the event that the Shellfish Conservation Committee, with the approval of the Commissioner of Marine Resources, decides to reduce the number of commercial licenses to be issued, licenses shall be awarded according to seniority in terms of the number of consecutive years that each applicant has held a valid Georgetown Commercial Shellfish License. The claim of seniority must be verified by reference to Town records of licenses awarded in previous years. The applicant who has held a Georgetown Commercial Shellfish License the greatest number of years shall be awarded the first license, the second-longest Georgetown
license-holder shall be awarded the second license, and so on until all commercial licenses have been issued to applicants fulfilling the qualifications listed above. Any person denied a license because such a reduction shall take precedence over others not so qualified should the original number of licenses be restored.

10 New resident, resident student, non-resident student, and non-resident commercial licenses will be issued according to lottery. The first lottery will consist of the names of those applicants as allocated who have completed the prescribed hours of conservation work. A student commercial lottery, if needed, shall be held prior to any non-student commercial lottery. If necessary, further lotteries may be held for applicants who have not completed the prescribed hours of conservation work.

11 Applicants for all commercial licenses must register in person for the lottery on the first two business days of July and must be present for the drawing. No one may register for the lottery on the day of the drawing. The lottery will be held in public at the Town Office at 9:30am on the third business day of July. The Town Clerk will record all names in the order in which they are drawn. Available licenses will be issued to those present. Any licenses that become available at a later date will be issued according to the order of draw.

12 Applicants for non-resident recreational licenses must register for a lottery to be held after the lottery for commercial licenses on the third business day of July. Those who have registered on the first two business days of July will be eligible for that drawing. Those who register after that drawing will have their names added at the end of the list.

E License Expiration Date: Each license issued under authority of this Ordinance expires at midnight on the 30th day of June next following the date of issue, except that Non-Resident Recreational Seven-Day licenses expire seven days from the date of issue.

F Reciprocal Harvesting Privileges: Licensees from any other municipality cooperating with this Town on a joint shellfish management program may harvest shellfish according to the terms of their licenses.

G Suspension: Any commercial shellfish license holder having two convictions for any State or Georgetown shellfish violation in a twelve-month period shall have his or her shellfish license suspended for a period of sixty days. The suspension shall be effective from the date of the second conviction. A third conviction in a twelve-month period will result in the loss of eligibility for any Georgetown license for three years from the date of the third conviction. Any recreational shellfish license holder having one conviction shall have his or her shellfish license suspended for a period of sixty days, effective from the date of conviction. A second conviction within twenty-four months of the first will result in the loss of eligibility for any Georgetown shellfish license for three years from the date of the second conviction.

VI. Opening and Closing of Flats: The Selectmen, with the approval of the Commissioner of Marine Resources, may open and close areas for shellfish harvest. Upon recommendation of the Shellfish Conservation Committee and concurrence of the DMR Area Biologist that the status of the shellfish resource and other factors bearing on sound management indicate that an area should be opened or closed, the Selectmen may call a public hearing on ten days notice published in a newspaper having general circulation in Georgetown, stating the time, place, and subject matter of the hearing, and shall send a copy of the notice to the Department of Marine Resources. The decision of the Selectmen made after the hearing shall be based on findings of fact.

VII. Minimum Legal Size of Soft-shell Clams: It is unlawful for any person to possess soft-shelled clams in the Town of Georgetown which are less than two inches in the longest diameter, except as provided by Section A of this Article.

A Tolerance: Any person may possess soft-shelled clams that are less than two inches if they comprise less than ten percent of any lot. The tolerance shall be determined by numerical count
of not less than one peck nor more than four pecks taken at random from various parts of the lot or by a count of the entire pile if it contains less than one peck.

B Penalty: Anyone who violates this section shall be punished as provided by 12 MRSA § 6681.

VIII. Harvesting at Night: It is unlawful to harvest shellfish at night using artificial light. The Shellfish Warden and the Marine Patrol may harvest shellfish at night with artificial light for the Officer Salty program and the Boothbay Aquarium, but only after notifying the Marine Patrol office in Boothbay.

IX. Enforcement: The Shellfish Warden is charged with enforcing this Ordinance. Anyone who violates its terms shall be punished as provided by 12 MRSA § 6671.

A Closed Areas: It shall be unlawful to fish for or harvest shellfish from any area closed by DMR regulation or to possess, ship, transport, or sell shellfish so taken; and it shall be unlawful to wash, hold, or keep shellfish in any area closed by DMR regulation or to possess, ship, transport, or sell shellfish so washed, held, or kept.

B Aiding and Abetting: A harvester holding a commercial license who knowingly helps, assists, or facilitates the harvest of shellfish in violation of this Ordinance shall be subject to prosecution for the same violations and shall suffer the same penalties as the person assisted.

X. Effective Date: This Ordinance, which has been approved by the Commissioner of Marine Resources, shall become effective after its adoption by the Town of Georgetown provided a certified copy of it is filed with the Commissioner within twenty days of its adoption. It shall be the responsibility of the licensee to keep informed of all amendments to this Ordinance.

XI. Separability: If any section, subsection, sentence, or part of this Ordinance is for any reason held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining portions of this Ordinance.

XII. Repeal: Any Ordinance regulating the harvesting or conservation of shellfish in the Town and any provision of any other Town Ordinance which is inconsistent with this Ordinance is hereby repealed.
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<tr>
<td>M. Timber Harvesting</td>
<td>16</td>
</tr>
<tr>
<td>N. Clearing or Removal of Vegetation for Activities Other than Timber Harvesting</td>
<td>17</td>
</tr>
<tr>
<td>O. Erosion and Sedimentation Control</td>
<td>18</td>
</tr>
<tr>
<td>P. Soils</td>
<td>18</td>
</tr>
<tr>
<td>Q. Water Quality</td>
<td>19</td>
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<tr>
<td>R. Archaeological Sites</td>
<td>19</td>
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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, and 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 38 MRSA §§ 435-449.

3. APPLICABILITY. This Ordinance applies to all land areas within 250 feet, horizontal distance, of the 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 AND REPEAL OF FORMERLY ADOPTED ORDINANCE. This Ordinance repeals the Ordinance first adopted 9 March 1974 and last amended 16 June 2007. This Ordinance shall not be effective unless approved by the Commissioner of the Maine Department of Environmental Protection (MeDEP). A certified copy of the Ordinance, attested and signed by the Town Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance within 45 days of its receipt, it shall be automatically approved. Any application for a permit submitted to the Town within the 45-day period shall be governed by the terms of this Ordinance if the Ordinance is thereafter approved by the Commissioner.

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

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. CONFLICT WITH OTHER ORDINANCES. Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation, or statute administered by the Town, the more restrictive provision shall control.

8. AMENDMENTS. This Ordinance may be amended by majority vote at Town Meeting. Copies of amendments, attested and signed by the Town Clerk, shall be submitted to the Commissioner of the MeDEP following adoption by Town Meeting and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within 45 days of its receipt, the amendment is automatically approved. Any application for a permit submitted to the municipality within the 45-day period shall be governed by the terms of the amendment if the amendment is thereafter approved by the Commissioner.

9. ZONING DISTRICTS AND ZONING MAP.
A. Official Shoreland Zoning Map. The areas to which this Ordinance is applicable are hereby divided into the following zoning districts (see Section 13 below) as shown on the Official Shoreland Zoning Map, which is made a part of this Ordinance:
   (1) Resource Protection
   (2) Limited Residential
   (3) General Development
   (4) Commercial and Maritime Activities
The criteria for placing areas in one of these districts are contained in Section 13 below. Areas in Resource Protection because of the FEMA 100-year flood plains are not shown on the Georgetown Shoreland Zoning map. These areas may be substantial and may occur in each of the other shoreland zones. The most recent FEMA Flood Insurance Rate Maps shall be used to determine the 100-year floodplains.

B. Scale of the Map. The Official Shoreland Zoning Map shall be drawn at a scale of not less than 1 inch = 2,000 feet. District boundaries shall be clearly delineated and a legend indicating the symbol for each district shall be placed on the map.

C. Certification of the Map. The Official Shoreland Zoning Map shall be certified by the attested signature of the Town Clerk and shall be located for public access in the Town Office.

D. Changes to the Map. If amendments are made in the district boundaries or other matters shown on the Official Shoreland Zoning Map, in accordance with Section 8, such changes shall be made on the Official Shoreland Zoning Map within 30 days after they have been approved by the Commissioner of the MeDEP.

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

12. NON-CONFORMANCE. For the purposes of this section, the effective date of the Ordinance is 9 March 1974, including any subsequent amendments. Any non-conforming condition lawfully existing prior to the adoption of this Ordinance shall not by reason solely of such adoption be deemed an unlawful condition.

A. Purpose. It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions (as that term is defined in Section 17) and uses that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in this Section. 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 conditions may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
   (2) Repair and Maintenance. This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as Federal, State, or local building and safety codes may require.

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

(b) Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Section 12.C.2 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 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 lot on which it is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board and provided that the applicant demonstrates that the present subsurface waste-disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules, or that a new system can be installed in compliance with the 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 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 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 percent 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 was disturbed, damaged, or removed must be re-established within the setback area. The vegetation and/or ground cover must consist of native vegetation and/or ground cover similar to what 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, wetland, lot line, cemetery, or road or which exceeds the maximum lot coverage or height limit for structures and which is removed, damaged, or destroyed, regardless of cause, by more than 50 percent of the market value of the structure before such damage, destruction, or removal, may be reconstructed or replaced provided that a permit is obtained from the Planning Board within one year of the date of the damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with all setback requirements and lot coverage and height limitations to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent, the Planning Board shall consider, in addition to the criteria in Section 12.C.2 above, the physical condition and type of foundation present, if any. 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 Planning Board determines that 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, wetland, lot line, cemetery, or road or which exceeds the maximum lot coverage or height limit for structures and which is removed by 50 percent or less of its market value, or damaged or destroyed by 50 percent or less of its market value, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Planning Board within one year of such damage, destruction, or removal.

(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, 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, with 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 the use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five-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 Commercial and Maritime Activities 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 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 as of the effective date 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 of Maine Subsurface Wastewater Disposal Rules and the Town Minimum Lot Size Ordinance 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 Rules and ordinance 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 Vacant or Partially Built Lots. If two or more contiguous lots or parcels are in single or joint ownership of record as of the effective date of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance, 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 two or more contiguous lots of record, at least one of which is non-conforming, owned by the same person or persons as of 9 March 1974, if the lot can accommodate a subsurface waste-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 one acre of lot area; or
(b) Any lots that do not meet these frontage and lot size requirements are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and one acre of lot area.

13. ESTABLISHMENT OF ZONING DISTRICTS AND CRITERIA.

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, except that areas that are currently developed and areas that meet the criteria for the Limited Residential, General Development, or Commercial and Maritime Activities Districts need not be included within the Resource Protection District:

(1) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes, and salt meadows, that 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 (MeDIF&W) and are depicted on a Geographic Information Systems data layer maintained by either the MeDEP or the MeDIF&W as of 1 May 2006;

(2) One-hundred-year floodplains adjacent to tidal waters as shown on FEMA’s Flood Insurance Rate Maps;

(3) Areas of two 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 connected on the surface to a water body during the period of normal high water; and

(4) Those portions of Seguin Island and Perkins Island within the limits of the Shoreland Zone.

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, and areas which are used less intensively than those in the General Development District or the Commercial and Maritime Activities District.

C. General Development District. The General Development District includes the following types of existing, intensively developed areas:

(1) Areas of two or more contiguous acres devoted to commercial, industrial, or intensive recreational activities, or a mix of such activities, including but not limited to the following:
   (a) Areas devoted to manufacturing, fabricating, or other industrial activities;
   (b) Areas devoted to wholesaling, warehousing, retail trade, and service activities, or other commercial activities;
   (c) Areas devoted to intensive recreational development and activities, such as, but not limited to, amusement parks, race tracks, and fairgrounds; and
   (d) Areas devoted to mixed or combined patterns of paragraphs a through c above.

(2) Areas otherwise discernible as having patterns of intensive commercial, industrial, or recreational uses. Note: Portions of the General Development District may also include residential development. However, no area shall be designated as a General Development District based solely on residential use.

(3) The following are the General Development Districts:
   (a) GD-1 Five Islands: Bounded on the northeast by the northeasterly boundary of the land designated as Lot 46, Tax Map U-13, as revised April 1, 1985; on the west by the limits of the Shoreland Zone as defined; and on the south by the southwesterly boundary of the land designated as Lot 56, Tax Map U-13.
   (b) GD-2 Gott’s Cove: Bounded on the northwest by the northwesterly boundary of the land designated as Lot 9, Tax Map R-11; on the west by the limits of the Shoreland Zone as defined; and on the south by the southerly boundary of the land designated as Lot 33-A, Tax Map U-14.
   (c) GD-3 Robinhood: All the land designated as lot 22 on Tax Map U-17.
   (d) GD-4 Bay Point: Bounded on the north by the northerly boundary of the land designated as Lot 49, Tax Map U-1; on the east by the limits of the Shoreland Zone as defined; and on the south by the southerly boundary of the land designated as Lot 14, Tax Map U-10.
   (e) GD-5 Harmon’s Harbor: Bounded on the north by the northerly boundary of the land designated as Lot 5, Tax Map U-10; on the west by the limits of the Shoreland Zone as defined; and on the south by the southerly boundary of the land designated as Lot 14, Tax Map U-10.
   (f) GD-6 Route 127, Back River: All the Shoreland Zone of Lot 17, Tax Map R-2, located southerly of the narrows between the upper and lower marsh on the east side of the property.
D. Commercial and Maritime Activities District. The Commercial and Maritime Activities District includes areas where the existing predominant pattern of development is consistent with the allowed uses for this district as indicated in the Table of Land Uses, Section 14, and other areas suitable for functionally water-dependent uses, taking into consideration such factors as:

(1) Shelter from prevailing winds and waves;
(2) Slope of the land within 250 feet, horizontal distance, of the shoreline;
(3) Depth of the water within 150 feet, horizontal distance, of the shoreline;
(4) Available support facilities including utilities and transportation facilities; and
(5) Compatibility with adjacent upland uses

14. TABLE OF LAND USES. All land use activities shall conform to all the applicable land use standards listed in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to the Table of Land Uses

<table>
<thead>
<tr>
<th></th>
<th>Allowed (no permit required but the use must comply with all applicable land use standards.)</th>
<th>Prohibited</th>
</tr>
</thead>
<tbody>
<tr>
<td>yes</td>
<td>Allowed with permit issued by the Planning Board.</td>
<td></td>
</tr>
<tr>
<td>PB</td>
<td>Allowed with permit issued by the Code Enforcement Officer</td>
<td></td>
</tr>
<tr>
<td>CEO</td>
<td>Allowed with permit issued by the Local Plumbing Inspector</td>
<td></td>
</tr>
<tr>
<td>LPI</td>
<td>Resource Protection</td>
<td></td>
</tr>
<tr>
<td>GD</td>
<td>General Development</td>
<td></td>
</tr>
<tr>
<td>LR</td>
<td>Limited Residential</td>
<td></td>
</tr>
<tr>
<td>CMA</td>
<td>Commercial and Maritime Activities</td>
<td></td>
</tr>
</tbody>
</table>

Table 1: Land Uses in the Shoreland Zone

<table>
<thead>
<tr>
<th>land uses</th>
<th>RP</th>
<th>LR</th>
<th>GD</th>
<th>CMA</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 and land management roads</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>4 Timber harvesting</td>
<td>CEO</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>5 Clearing or removal of vegetation for activities other than timber harvesting</td>
<td>CEO</td>
<td>yes</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 activities</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>8 Soil- and water-conservation activities</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>9 Mineral exploration</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>10 Mineral extraction, including sand and gravel extraction</td>
<td>PB</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 operation</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>13 Agriculture</td>
<td>PB</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>14 Aquaculture</td>
<td>PB</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>15 Principal structures and uses or expansion of such structures</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a One- and two-family residential, including driveways</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>no</td>
</tr>
<tr>
<td>b Multi-unit residential</td>
<td>no</td>
<td>PB</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>c Commercial</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>d Industrial</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>e Governmental and institutional</td>
<td>no</td>
<td>PB</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>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>16 Structures accessory to allowed uses or expansion of such structures</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>17 Expansion or relocation of any non-conforming structure</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>18 Reconstruction of any non-conforming structure lost or destroyed by greater than 50 percent</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
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<td></td>
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</tr>
<tr>
<td>19</td>
<td>Reconstruction of any non-conforming structure lost or destroyed by 50 percent or less</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>20</td>
<td>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>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td></td>
<td>a Temporary</td>
<td></td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td></td>
<td>b Permanent</td>
<td></td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>21</td>
<td>Conversions of seasonal residences to year-round residences</td>
<td></td>
<td>LPI</td>
<td>LPI</td>
</tr>
<tr>
<td>22</td>
<td>Home occupations</td>
<td></td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>23</td>
<td>Private sewage-disposal systems for allowed uses</td>
<td></td>
<td>LPI</td>
<td>LPI</td>
</tr>
<tr>
<td>24</td>
<td>Essential services</td>
<td></td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td></td>
<td>a Roadside distribution lines (34.5kV and lower)</td>
<td></td>
<td>CEO</td>
<td>yes</td>
</tr>
<tr>
<td></td>
<td>b Non-roadside or cross-country distribution lines with 10 poles or fewer in the shoreland zone</td>
<td></td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td></td>
<td>c Non-roadside or cross-country distribution lines with 11 or more poles in the shoreland zone</td>
<td></td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td></td>
<td>d Other essential services</td>
<td></td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>25</td>
<td>Service drops, as defined, to allowed uses</td>
<td></td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>26</td>
<td>Public and private recreational areas involving minimal structural development</td>
<td></td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>27</td>
<td>Individual, private campsites</td>
<td></td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>28</td>
<td>Campgrounds</td>
<td></td>
<td>no</td>
<td>PB</td>
</tr>
<tr>
<td>29</td>
<td>Road construction</td>
<td></td>
<td>no</td>
<td>PB</td>
</tr>
<tr>
<td>30</td>
<td>Land management roads</td>
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<td>PB</td>
<td>yes</td>
</tr>
<tr>
<td>31</td>
<td>Parking facilities</td>
<td></td>
<td>no</td>
<td>PB</td>
</tr>
<tr>
<td>32</td>
<td>Marinas</td>
<td></td>
<td>no</td>
<td>PB</td>
</tr>
<tr>
<td>33</td>
<td>Filling and earth-moving of less than 10 cubic yards</td>
<td></td>
<td>CEO</td>
<td>yes</td>
</tr>
<tr>
<td>34</td>
<td>Filling and earth-moving of more than 10 cubic yards</td>
<td></td>
<td>PB</td>
<td>CEO</td>
</tr>
<tr>
<td>35</td>
<td>Signs</td>
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<td>yes</td>
</tr>
<tr>
<td>36</td>
<td>Uses similar to allowed uses (i.e., uses not requiring a permit)</td>
<td></td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>37</td>
<td>Uses similar to uses requiring a CEO permit</td>
<td></td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>38</td>
<td>Uses similar to uses requiring a PB permit</td>
<td></td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>39</td>
<td>Small wind-energy systems</td>
<td></td>
<td>no</td>
<td>CEO</td>
</tr>
<tr>
<td>40</td>
<td>Wireless Communications Facilities</td>
<td></td>
<td>no</td>
<td>PB</td>
</tr>
</tbody>
</table>

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1. In RP not allowed within 75 feet, horizontal distance, of the normal high-water line, except to remove safety hazards
2. Requires CEO permit 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. Single-family residential structures may be allowed by special exception only according to Section 15.B. Two-family residential structures are prohibited
5. Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district
6. Functionally water-dependent uses and uses accessory to such water-dependent uses only
7. See further restrictions in Section 15.J.2
8. Permit not required, but applicant must file a written “notice of intent to construct” with the CEO
9. Except when area is zoned for resource protection due to floodplain criteria, in which case a PB permit is required
10. Except as provided in Section 15.F.4

Note: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 MRSA § 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 to the following provisions, if applicable.
A. Minimum Lot Standards. Lots for each principal structure, as defined, shall comply with the provisions of the Georgetown Minimum Lot Size Ordinance. In addition, they shall meet the following requirements:

minimum shore frontage (feet)

(1) (a) Residential, per dwelling unit:

   (i) Within the Shoreland Zone, adjacent to tidal areas 150
   (ii) Within the Shoreland Zone, adjacent to non-tidal areas 200

(b) Governmental, Institutional, Commercial, or Industrial, per principal structure:

   (i) Within the Shoreland Zone, adjacent to tidal areas, exclusive of areas zoned for Commercial and Maritime Activities 200
   (ii) Within the Shoreland Zone, adjacent to tidal areas zoned for Commercial and Maritime Activities none
   (iii) Within the Shoreland Zone, adjacent to non-tidal areas 300

(c) Recreational Facilities, Public and Private, within the Shoreland Zone, adjacent to tidal and non-tidal areas 200

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

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

(4) The minimum width of any portion of any lot within 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 75 feet, horizontal distance, from the normal high-water line of water bodies, tributary streams, or the upland edge of a wetland, except that:

   (a) in the General Development District the setback from the normal high-water line shall be at least 25 feet, horizontal distance;
   (b) in the Commercial and Maritime Activities District there shall be no minimum setback; and
   (c) in the Resource Protection District the minimum setback shall be as given in Section 15.B.4.

(2) For principal and accessory structures, water and wetland setback measurements shall be taken from the top of a coastal bluff that has been identified on coastal bluff maps as being “highly unstable” or “unstable” by the Maine Geological Survey pursuant to its “Classification of Coastal Bluffs” and published on the most recent Coastal Bluffs Map. If the applicant and the permitting official(s) disagree as to the specific location of a “highly unstable” or “unstable” bluff, or where the top of a bluff is located, the applicant may at his or her expense employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal the matter to the Board of Appeals.

(3) Except as provided in Section 15.B (3) (b) below, no structures shall be allowed in areas of steep slopes as defined in Section 17.

   (a) Areas that include steep slopes are shown on the Official Shoreland Zoning Map and are based on an analysis of contour lines on the U. S. Geological Service topographical map.

   (b) An applicant wishing to place a structure in an area shown on the map as steep slope has the burden of proof to show that the proposed building site is not a steep slope as defined. This burden can be satisfied by providing to the permitting authority a survey of the proposed site showing that a transection
75 feet long drawn through the proposed building site in the direction of the steepest slope has a change in elevation from beginning to end of less than 15 feet. This survey must be done at the applicant’s expense by a Maine Licensed Land Surveyor or Maine Registered Professional Engineer.

(4) Resource Protection District: In the Resource Protection District the shore 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 below shall apply.

<table>
<thead>
<tr>
<th>shore frontage (feet)</th>
<th>setback (feet)</th>
<th>shore frontage (feet)</th>
<th>setback (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>200</td>
<td>250</td>
<td>301-310</td>
<td>195</td>
</tr>
<tr>
<td>201-210</td>
<td>245</td>
<td>311-320</td>
<td>190</td>
</tr>
<tr>
<td>211-220</td>
<td>240</td>
<td>321-330</td>
<td>185</td>
</tr>
<tr>
<td>221-230</td>
<td>235</td>
<td>331-340</td>
<td>180</td>
</tr>
<tr>
<td>231-240</td>
<td>230</td>
<td>341-350</td>
<td>175</td>
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<tr>
<td>241-250</td>
<td>225</td>
<td>351-360</td>
<td>170</td>
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<tr>
<td>241-260</td>
<td>220</td>
<td>361-370</td>
<td>165</td>
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<tr>
<td>261-270</td>
<td>215</td>
<td>371-380</td>
<td>160</td>
</tr>
<tr>
<td>271-280</td>
<td>210</td>
<td>381-390</td>
<td>155</td>
</tr>
<tr>
<td>281-290</td>
<td>205</td>
<td>391-400</td>
<td>150</td>
</tr>
<tr>
<td>291-300</td>
<td>200</td>
<td>401 or more</td>
<td>150</td>
</tr>
</tbody>
</table>

Special Exceptions. In addition to the criteria specified in section 16.D, 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 the following conditions are met:

(a) There is no location on the lot, other than a location within the Resource Protection District, where the structure can be built;
(b) The lot on which the structure is proposed is undeveloped and was established and recorded in the Sagadahoc County Registry of Deeds before 18 November 1993;
(c) All proposed buildings, sewage disposal systems, and other improvements are:
   (i) Located on natural ground slopes of less than 20 percent; and
   (ii) Located outside the floodway of the 100-year floodplain along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the FEMA Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year floodplain elevation; and the development is otherwise in compliance with the Georgetown Floodplain Management Ordinance. If the floodway is not shown on the FEMA maps, it is deemed to be half the width of the 100-year floodplain.
(d) 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.
(e) All structures except functionally water-dependent structures are set back from the normal high-water line of a water body, tributary stream, or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site’s elevation in regard to the floodplain, and its proximity to moderate-value and high-value wetlands.

(5) The water body, tributary stream, or wetland setback provision shall not apply to structures that require direct access to the water body or wetland as an operational necessity, such as piers, docks, and retaining walls, or to other functionally water-dependent uses.

(6) 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 Planning Board 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 80 square feet in area and eight 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.
(7) In all districts, principal and accessory structures and permitted expansions of existing structures shall not exceed 35 feet in height as measured from the mean original grade at the downhill side of the structure. This provision shall not apply to attached antennas or chimneys or to flagpoles intended for personal use.

(8) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100-year flood, the flood of record, or, in the absence of these, the flood as defined by soil types identified as recent floodplain soils. Georgetown participates in the National Flood Insurance Program, and accessory structures may be placed in accordance with the standards of the Floodplain Management Ordinance and need not meet the elevation requirements of this paragraph.

(9) The total footprint area of all structures, parking lots, and other non-vegetated surfaces within the Shoreland Zone shall not exceed 20 percent of the lot or the portion thereof located within the Shoreland Zone, including land area previously developed, except in the General Development and Commercial and Maritime Activities Districts adjacent to tidal waters, where lot coverage shall not exceed 70 percent.

(10) All newly constructed, relocated, or expanded principal or accessory structures shall meet the following minimum setback requirements relative to the centerline of roads and lot lines:

(a) centerline of any public road or common road in an approved subdivision 50 feet
(b) centerline of any private road 30 feet
(c) all other lot lines 20 feet
(d) any cemetery 25 feet

(11) 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 the following conditions are met:

(a) The site has been previously altered and an effective vegetated buffer does not exist;
(b) The walls 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 walls, in the aggregate, is 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 FEMA Flood Insurance Rate 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
(g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:

(i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking, the area must be supplemented with leaf or bark mulch;
(ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of storm water 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; and
(v) A footpath not to exceed the standards in Section 15.N.2.a, below, may traverse the buffer.

(12) 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 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 MeDEP pursuant to the Natural Resources Protection Act, 38 MRSA § 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 the applicant clearly demonstrates 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 District and Commercial and 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 20 feet in height above the pier, wharf, dock, or other structure.

D. Campgrounds.

(1) Commercial campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:
   (a) Campgrounds shall contain a minimum of 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.
   (b) The areas intended for placement of a recreational vehicle, tent, park model, or shelter, and all utility and service buildings shall be set back seventy-five feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

(2) Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:
   (a) One campsite per lot existing on the effective date of this Ordinance, or 30,000 square feet of lot area within the Shoreland Zone, whichever is less, may be permitted.
   (b) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back 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 75 feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
   (c) 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.
   (d) The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to 1,000 square feet.
   (e) 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 landowner is required.
   (f) When a recreational vehicle, tent, or similar shelter is placed on-site for more than 120 days per year, all requirements for residential structures shall be met, including the installation of a subsurface waste-disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

E. 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 and Maritime Activities District parking
areas shall be set back at least 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 District and Commercial and Maritime Activities District shall be no less than 50 feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

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

(3) In determining the appropriate size of proposed parking facilities, the following shall apply:
   (a) a typical parking space shall be approximately 10 feet wide and 20 feet long, except that parking spaces for a vehicle and boat trailer shall be 40 feet long;
   (b) Internal travel aisles shall be approximately 20 feet wide.

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

(1) Roads and driveways shall be set back at least 75 feet, horizontal distance, from the normal high-water line of water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no reasonable alternative exists, the road and driveway setback requirement shall be no less than 50 feet, horizontal distance, upon clear showing in writing 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 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 percent, the road or driveway setback shall be increased by 10 feet, horizontal distance, for each five percent increase in slope above twenty percent. This paragraph does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer 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 this paragraph 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 right of way regardless of their setback from a water body, tributary stream, or wetland.

(3) New roads and driveways are prohibited in a Resource Protection District, except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within it. A road or driveway may also be permitted 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, it shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

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

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

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

(7) Ditch relief (cross drainage) culverts, drainage dips, and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:
(a) Ditch relief culverts, drainage dips, and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:

<table>
<thead>
<tr>
<th>grade (percent)</th>
<th>spacing (feet)</th>
<th>grade (percent)</th>
<th>spacing (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-2</td>
<td>250</td>
<td>11-15</td>
<td>80-60</td>
</tr>
<tr>
<td>3-5</td>
<td>200-135</td>
<td>16-20</td>
<td>60-45</td>
</tr>
<tr>
<td>6-10</td>
<td>100-80</td>
<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 10 percent or less.

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

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

(e) Ditches, culverts, bridges, dips, water turnouts, and other storm-water runoff control installations shall be maintained on a regular basis to assure effective functioning.

(8) Any private road or driveway must be set back 25 feet from any cemetery.

(9) Anyone installing a driveway or entrance along a state highway is required by state law (MSRA 23 section 704) to obtain a driveway/entrance permit from the Maine Department of Transportation (DOT) before a Building Permit can be issued. A copy of the approved permit must be included with the Building Permit application. Additionally, State law requires that if a property owner intends to change the use of the entrance (e.g. from residential only to residential/small business), a permit must be obtained from Maine DOT.

G. Signs. The following provisions shall govern the use of signs in the Resource Protection and Limited Residential Districts:

1. Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six square feet in area and shall not exceed two signs per premises. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

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

3. Residential users may display a single sign not over three 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 square feet in area.

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

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

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

H. Storm-Water Runoff.

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

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

I. Septic Waste Disposal. All subsurface waste-disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following:
(1) Clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions shall not extend closer than 75 feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland; and

(2) A holding tank is not allowed for a first-time system located within the Shoreland Zone.

(3) Abandoned treatment, storage, and transfer facilities shall be disconnected from the building, pumped out, and filled with earth.

**J. Essential Services.**

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

(2) The installation of essential services, other than roadside distribution lines, is not allowed in a Resource Protection District, except to provide services to a permitted use within the 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.

**K. Mineral Exploration and Extraction.**

(1) 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 100 square feet of ground surface. A permit from the Planning Board shall be required for mineral exploration which exceeds this 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.

(2) Mineral extraction may be permitted under the following conditions:
   (a) 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 this Section.
   (b) No part of any extraction operation, including drainage and runoff control features, shall be permitted within 75 feet, horizontal distance, of the normal high-water line of any water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within 50 feet, horizontal distance, of any property line without written permission from the owner of the adjacent lot.
   (c) Within 12 months following the completion of extraction operations at any extraction site, which have been deemed complete (where complete is defined as when less than 100 cubic yards of materials have been removed in any consecutive 12-month period), ground levels and grades shall be established in accordance with the following:
      (i) 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.
      (ii) The final graded slope shall be two and one-half to one or flatter.
      (iii) 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.
   (d) In keeping with the purposes of this Ordinance, the Planning Board shall impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

**L. Agriculture.**

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

(2) Manure shall not be stored or stockpiled within 75 feet, horizontal distance, of water bodies, tributary streams, or wetlands. All manure storage areas within the Shoreland Zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
(3) Agricultural activities involving tillage of soil greater than forty thousand 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 the plan shall be considered a violation of this Ordinance.

(4) There shall be no new tilling of soil within 75 feet, horizontal distance, from water bodies and coastal wetlands, nor within twenty-five 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 75 feet, horizontal distance, of water bodies and coastal wetlands, nor within 25 feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, which are not in conformance with the above setback provisions, may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

M. Timber Harvesting. Timber harvesting shall conform to the following provisions:
   (1) Selective cutting of no more than 40 percent of the total volume of trees four inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten-year period is permitted. In addition:
      (a) Within 75 feet, horizontal distance, of the normal high-water line of water bodies, tributary streams, or the upland edge of a wetland, there shall be no clear-cut openings and a well-distributed stand of trees and other natural vegetation, including existing ground cover, shall be maintained.
      (b) At distances greater than 75 feet, horizontal distance, of the normal high-water line of water bodies or the upland edge of a wetland, harvesting operations shall not create single clear-cut openings greater than 10,000 square feet in the forest canopy. Where such openings exceed 5,000 square feet, they shall be at least 100 feet, horizontal distance, apart. Such clear-cut openings shall be included in the calculation of total volume removal. Volume may be considered equivalent to basal area.
   (2) Timber harvesting operations exceeding the 40 percent limitation in paragraph 1 above may be allowed by the Planning Board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The Planning Board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within 14 days of its decision.
   (3) No accumulation of slash shall be left within 50 feet, horizontal distance, of the normal high-water line of 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 feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.
   (4) Timber harvesting equipment shall not use stream channels as travel routes except when:
      (a) Surface waters are frozen; and
      (b) The activity will not result in any ground disturbance.
   (5) 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.
   (6) 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.
   (7) 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 75 feet, horizontal distance, in width for slopes up to 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 10 percent increase in slope, the unscarified strip shall be increased by 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 25 feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.
N. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

(1) In any Resource Protection District and in any areas of steep slopes or unstable coastal bluffs, the cutting or removal of vegetation shall be limited to what is necessary for uses expressly authorized in the Resource Protection District.

(2) Except in areas as described in Section 15. N.1. above, and except to allow for the development of permitted uses, within a strip of land extending 75 feet, horizontal distance, from any water body, tributary stream, or 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 feet in width as measured between tree trunks 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. Adjacent to water bodies, tributary streams, and wetlands, a “well-distributed stand of trees” is defined as maintaining a minimum rating score of 16 points per 25-foot-by-50-foot rectangular area as determined by this table:

<table>
<thead>
<tr>
<th>Diameter of Tree at 4-1/2 feet above ground level (inches)</th>
<th>Points</th>
<th>Diameter of Tree at 4-1/2 feet above ground level (inches)</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 - less than 4</td>
<td>1</td>
<td>8 - less than 12</td>
<td>4</td>
</tr>
<tr>
<td>4 - less than 8</td>
<td>2</td>
<td>12 or greater</td>
<td>8</td>
</tr>
</tbody>
</table>

The following shall govern in applying this point system:

(i) The 25-foot-by-50-foot rectangular areas 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 percent 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 this Section “other natural vegetation” is defined as retaining existing vegetation under three feet in height and other ground cover and retaining at least five saplings less than two inches in diameter at 4-1/2 feet above ground level for each 25-foot-by-50-foot rectangular area. If five saplings do not exist, no woody stems less than two inches in diameter can be removed until five saplings have been recruited into the plot.

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

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

(d) Pruning of tree branches on the bottom third 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.

This Section 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 75 feet, horizontal distance, from the normal high-water line of any water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any 10-year period, selective cutting of not more than 40 percent of the volume of trees four 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 40 percent calculation. For the purposes of these standards, volume may be considered 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 percent of the lot area within the Shoreland Zone or 10,000 square feet, whichever is greater, including land previously cleared. This provision shall not apply to the General Development District and the Commercial and Maritime Activities District.
(4) Legally existing non-conforming 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 primarily to shrubs, trees, or other woody vegetation shall be regulated under the provisions of this Section.

(6) Anyone who clears or removes vegetation in violation of this section must, in accordance with MSRA 30A subsection 4452, submit a reforestation plan prepared by and signed by a licensed forester, and approved by the CEO. The plan must take into account the number of trees, saplings and shrubs removed, the size of the trees removed, and the species removed. The plantings should be done at a time of the year when there is the greatest potential for survival of the plantings. And the plan must address the replanting of trees and shrubs that do not survive the first three years after planting. An 80% survival rate should be guaranteed during the first three years following the planting.

O. 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 Planning Board for approval and shall include, where applicable, provisions for:
   (a) Mulching and re-vegetation of disturbed soil.
   (b) Temporary runoff control features such as hay bales, silt fencing, or diversion ditches.
   (c) Permanent stabilization structures such as retaining walls or rip-rap.

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

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

(4) Any exposed ground area shall be temporarily or permanently stabilized within one 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 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 bale per 500 square feet and shall be maintained until a catch of vegetation is established.
   (b) Anchoring the mulch with netting, peg and twine, or other suitable method may be required to maintain the mulch cover.
   (c) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

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

P. 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 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 recognizing and evaluating 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, and 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.

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Q. 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.

R. 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 Planning Board, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment at least 20 days prior to action being taken by the Planning Board. The Board 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 (CEO) and Assistant CEO shall be appointed or reappointed annually by 1 July.

(2) Board of Appeals. A Board of Appeals shall be created in accordance with the provisions of 30-A MRSA § 2691.

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

(4) No town officer or member of the Board of Appeals or the Planning Board may serve as CEO, nor may the spouse of any such official.

B. Permits Required. No person shall 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, relocate, change, or replace an existing use or structure; or renew a discontinued non-conforming use, without first obtaining a permit. See Section 14 above for a list of activities requiring permits and the appropriate permitting body for each of the zoning districts. A person who is issued a permit under this Ordinance shall have a copy of the permit posted in a visible place on site while the work authorized by the permit is performed.

(1) This ordinance shall apply to, but no permit is required for, the following, unless a variance is required, in which case a building permit will be required:
   (a) a shelter for a small household pet, such as a cat or dog;
   (b) an accessory structure which does not exceed 100 square feet of floor area;
      Note: For non-conforming lots, see Section 12.E.
   (c) a temporary roadside stand used for sale of flowers, vegetables, fruit, or similar produce which does not exceed 100 square feet of floor area and which remains in place for less than 7 months in any period of 12 consecutive months;
   (d) roofs constructed without attachment to the ground and used exclusively to provide weather shelter to doorways or steps;
   (e) temporary enclosures for the repair or maintenance for boats, equipment, or machinery;
   (f) steps, stairs, or wheelchair ramps used exclusively to gain access to a building doorway;
   (g) a boundary wall or fence;
   (h) the replacement of an existing road culvert as long as:
      (i) the replacement culvert is not more than 25 percent longer than the culvert being replaced;
      (ii) the replacement culvert is not longer than 75 feet; and
      (iii) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.
   (i) 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 lists, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.
   (j) a hoop garage or storage container no larger than 240 square feet and 15’ in height.

(2) 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 Town, to the appropriate official indicated in Section 14 above. The Code Enforcement Officer or Planning Board may require the submission of whatever information is necessary to determine conformance with the provisions of this Ordinance.

(2) All applications for permits from the Planning Board for work in a Resource Protection District or on a non-conforming structure shall be accompanied by proof that all of the owners of abutting land have been notified of the nature of the application including the general description and proposed location of the structure or activity as appropriate. The Planning Board shall not act on the application for a permit prior to 14 days after the date of notification to all abutters.

(3) Applications for permits for construction, expansion, or modification of principal or accessory structures shall be on forms provided for this purpose and available from the Planning Board or Code Enforcement Officer. Fees for Georgetown building permits required under this Ordinance shall be the same as those required under the Building Permit Ordinance. If a Building Permit is not obtained until after construction begins, the fee for an "after the fact" permit shall be double the normal fee. This double fee is in addition to any fine or penalty that may be imposed for failing to obtain a Building Permit prior to starting construction.

(4) All applications for permits for new or relocated principal structures and for permits for expansions or modifications of existing principal structures which would result in an increase in the number of dwelling units or an increase in the volume of waste discharged to a subsurface waste-disposal system shall include written evidence of compliance with the Minimum Lot Size Ordinance.

(5) All applications for newly constructed, placed, relocated, or expanded structures shall include evidence of compliance with the Floodplain Management Ordinance of the Town of Georgetown, if applicable.

(6) 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 the permit, certifying that the information in the application is complete and correct.

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

(8) A valid plumbing permit or a completed application for a plumbing permit, including the site evaluation (HHE-200) approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface waste-disposal system.

D. Procedure for Administering Permits. Within 30 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 complete or, if the application is incomplete, that specified additional material is needed to make it complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 30 days of receiving completed applications. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 30 days after the first available date on the Planning Board’s agenda following receipt of the completed application, or within 30 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 receipt of a completed application, the Planning Board shall approve an application or approve it with conditions if the Board 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, or 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;
(8) Will not adversely affect known rare or endangered species on the site;
(9) Will avoid problems associated with floodplain development and use; and
(10) 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, regulation, or statute administered by the Town. The permit holder must mark the exact location of the structure on the site and have the Code Enforcement Officer verify that this location complies with the permit before beginning actual construction.

E. 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 structurally, at which time the permit shall expire. Prior to expiration, a request for an extension will be considered. No more than one extension will be considered. After expiration, a request for a new permit will be considered. Substantial construction shall mean the completion of at least thirty percent of the permitted structure or use measured as a percentage of estimated total cost.

F. Installation of Public Utility Services. A utility company of any kind may not install services to any new structure located in the Shoreland Zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate Town officials or other written arrangements have been made between Town officials and the utility.

G. Solid Waste Disposal: Any contractor doing work under a building permit issued under this Ordinance must provide for private disposal of the construction waste produced as part of the work involved. Such construction waste will not be accepted at the Georgetown Transfer Station.

H. Appeals.
(1) Powers and Duties of the Board of Appeals. The Board of Appeals shall have the following powers:
(a) Administrative Appeals: To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where an aggrieved party alleges that there is an error in 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, 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 of Appeals 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:
(aa) That the land in question cannot yield a reasonable return unless a variance is granted;
(bb) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
(cc) That the granting of a variance will not alter the essential character of the locality; and
(dd) That the hardship is not the result of action taken by the applicant or a prior owner.
(iii) The proposed use would meet the requirements of Sections 16.D.1 through 9 if the variance were granted.
(d) A condition of granting the variance shall be that any waiver or approval to use a nonconforming lot required by State law will be obtained by the grantee.
(e) Notwithstanding Section 16.H.2 above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The Board of Appeals shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures...
necessary for access to or egress from the dwelling by the person with the disability. The Board of Appeals 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 railings, walls, or roof systems necessary for the safety or effectiveness of the structure.

(f) 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.

(g) A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the Board of Appeals to the Commissioner of the Department of Environmental Protection at least twenty 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.

(h) If a variance is granted, no permit may be issued by the Planning Board or the Code Enforcement Officer unless it conforms to the terms of the variance.

(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 reviews 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 review only the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings is 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 appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Planning Board or Code Enforcement Officer, except for enforcement-related matters as described in Section 16.H.1.a above. Such an appeal shall be taken within 30 days of the date of the official, written decision appealed from, except that the Board, upon a showing of good cause, such as an extraordinary health or other serious situation, may waive the 30-day requirement. Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which meets the requirements of the Board of Appeals Ordinance.

(ii) Any landowner informed by the Planning Board or Code Enforcement Officer that a variance is needed to receive a building permit may file a variance application in writing, on forms provided at the office of the Town Clerk. Such application must be received in the Town Office within 90 days of the Planning Board or Code Enforcement Officer written decision, except that the Board of Appeals, upon a showing of good cause such as an extraordinary health or other serious situation, may waive the 90-day requirement. Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which meets the requirements of the Board of Appeals Ordinance.

(iii) Upon receiving an application for an administrative appeal or a variance, the Planning Board or Code Enforcement Officer 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 35 days of its receipt of a complete written application, unless this time period is extended by the parties.

(v) Hearings by the Board of Appeals shall be held and conducted in such a manner as to provide to every party the opportunity to present his or her case or defense by oral or documentary testimony, to submit rebuttal testimony, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.
(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 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 days of its decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and Town officers.

(v) When a decision by the Planning Board or Code Enforcement Officer is reversed, the Board of Appeals shall return the matter to the Planning Board or Code Enforcement Officer for issuance or denial of the permit.

(vi) When a decision by the Planning Board or Code Enforcement Officer is reversed, the Board of Appeals may direct that the Planning Board or Code Enforcement Officer attach such conditions as are deemed necessary or proper to carry out the purposes of the Ordinance or as may be otherwise necessary to protect and preserve the public's health, safety, and general welfare.

(5) Appeal to Superior Court. Except as provided by 30-A MRSA § 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 45 days from the date of any decision of the Board of Appeals.

(6) Reconsideration. In accordance with 30-A MRSA § 2691.3.F, the Board of Appeals may reconsider any decision within 45 days of its prior decision. A request to the Board to reconsider a decision must be filed within 10 days of the decision that is being reconsidered. A vote to reconsider and action taken on that reconsideration must occur and be completed within 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 15 days after the decision on reconsideration.

I. Enforcement.

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

(2) Code Enforcement Officer

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

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

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

(3) Legal Actions. When the action above does not result in the correction or abatement of the violation or nuisance condition, the Selectmen, 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 Town. The Selectmen 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 Town official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

(4) Fines. Any person, including but not limited to a landowner, a landowner’s agent, or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A MRSA § 4452.

17. Definitions.

Abutter - an owner of land that is contiguous with, separated only by a public or private road from, or no more than 75 feet from, property for which a permit or variance is required under this Ordinance.

Abutting land - land owned by an abutter.

Accessory structure or use - 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; an owner whose land abuts land for which a permit or variance has been granted; or a group of five or more citizens of the municipality who have suffered a 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 six feet or more and having more than 50 percent of its volume below the existing ground level.

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

Campground - any area or tract of land to accommodate one 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.

Coastal wetland - all tidal and sub-tidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt-water or estuarine habitat; and any swamp, marsh, bog, beach, flat, or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes. Note: All areas below the maximum spring tide level are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc., in addition to salt marshes and salt meadows.

Commercial use - the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which 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.

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 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 serving one or two single-family dwellings or one multi-family dwelling (see Road).

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

**Essential services** - gas, electrical, or communication facilities; steam, fuel, electric power, or water transmission or distribution lines, towers, and related equipment; telephone cables or lines, poles, and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

**Expansion of a structure** - an increase in the floor area or volume of a structure, including all extensions such as, but not limited to, attached decks, garages, porches, stairways, 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** - a channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

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

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

**Forested wetland** - a freshwater wetland dominated by woody vegetation that is six meters tall (approximately 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 10 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.

Grandfathering - permitting a use or condition to continue because it existed prior to the adoption of regulations or ordinances limiting or precluding such use or condition. Grandfathering for a structure or use would expire two years after the structure or use ceased to exist or function as originally intended.

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.

High water - See Normal high-water line

Home occupation - an occupation or profession which is customarily conducted on or in a residential structure or property and which (1) is clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and (2) employs only family members residing in the home.

Hoop Garage - A ribbed structure usually made of metal, covered with cloth, canvas or plastic for the storage of vehicles, boats and other goods.

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 non-conforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from 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 10 individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fireplace, or tent platform.

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

Institutional - a non-profit or quasi-public use, or an 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 MRSA 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. See Coastal wetland and Freshwater wetland above.

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 12-month period which removes more than 100 cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and transports 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 two 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 effective date of this Ordinance (see Section 12).

Non-conforming lot - a single lot of record which, at the effective date of this Ordinance (see Section 12), 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 effective date of this Ordinance (see Section 12).

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 effective date of this Ordinance (see Section 12).

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

**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 months in any period of 12
  consecutive months.

- **Permanent:** Structures which remain in or over the water for seven months or more in any period of 12
  consecutive months.

**Principal structure** - A building or buildings which define the principal use of the premises. There may be more
than one principal structure on a property.

**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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**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, park model, 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.

**Residential dwelling unit** - a room or group of rooms equipped for use as permanent, seasonal, or temporary
living quarters for only one family at a time, 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 stand** - a stand of trees remaining in the forest following timber harvesting and related activities

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

**River** - a free-flowing body of water including its associated floodplain wetlands from that point at which it
provides drainage for a watershed of 25 square miles to its mouth.
Note: The portion of a river that is subject to tidal action is a Coastal Wetland.

**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.

**Salt marsh** - Areas of coastal wetland (most often along coastal bays) that support salt-tolerant species, and
where at average high tide during the growing season the soil is irregularly inundated by tidal waters. The
predominant species is saltmarsh cordgrass (Spartina alterniflora). More open areas often support widgeon grass,
eelgrass, and Sago pondweed.
Salt meadow - Areas of a coastal wetland that support salt-tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (Spartina patens) and black rush; common three square occurs in fresher areas.

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 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 1,000 feet.

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 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 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.

Shore 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.

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.

Steep slopes - areas of two or more contiguous acres with sustained natural slopes of 20 percent or greater where sustained natural slope refers to grade that has not been altered by manmade action and where the referenced percent grade is substantially maintained or exceeded over a distance of 75 feet or more.

Storage Container - A removable prefabricated structure, sometimes with axles, for the storage of goods.

Stream - a free-flowing body of water from the outlet of a great pond or the confluence of two 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, steps, stairs, or wheelchair ramps used exclusively to gain access to a building doorway. Also excluded, poles, wiring, and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks and patios, antenna towers, and small wind-powered energy systems.

Substantial start - completion of 30 percent of a permitted structure or use measured as a percentage of estimated total cost.
**Subsurface sewage disposal system** - any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 MRSA § 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.

**Temporary** - lasting for up to seven continuous months.

**Tidal waters** - all waters affected by tidal action during the maximum spring tide.

**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 acres within the Shoreland Zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15.N.

**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** - 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. Water setback requirements apply to tributary streams within the Shoreland Zone.

**Unstable coastal bluffs** - land areas adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs and identified as such on Coastal Bluff maps as being "highly unstable" or "unstable" by the Maine Geological Survey pursuant to its “Classification of Coastal Bluffs” and published on the most recent Coastal Bluffs map.

**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 meters (approximately 20 feet) tall or taller.

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

**Velocity zone** - an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high-velocity wave action from storms or seismic sources.

**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.

**Woody vegetation** - live trees or woody, non-herbaceous shrubs.
SMALL WIND-POWERED ENERGY SYSTEMS ORDINANCE
for the Town of Georgetown, Maine

Adopted 13 June 2009

Section 1. Purpose: The purpose of this Ordinance is to regulate the placement, construction, and modification of small, fixed, wind-powered energy systems while allowing the safe, effective, and efficient use of this technology.

Section 2. Authority: This Ordinance is adopted pursuant to the “home rule” provisions of the Maine State Constitution, Article VIII, Part Second, and 30A MRSA §§ 2101 and 3001.

Section 3. Applicability: This Ordinance applies to the construction of small wind-powered energy systems in all areas of Georgetown, including those governed by the Shoreland Zoning Ordinance.

Section 4. Effective Date: This Ordinance shall take effect upon approval at Town Meeting.

Section 5. Validity and Severability: Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

Section 6. Conflict With Other Ordinances: Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or any other ordinance, regulation, or statute, the more restrictive provision shall apply.

Section 7. General Requirements for Small Wind-Powered Energy Systems: The following general requirements shall apply to all small wind-powered energy systems:

a. Each lot shall be limited to one small wind-powered energy system.

b. Small wind-powered energy systems shall not exceed a maximum system height of 100 ft. This is an allowed exception to the structure height limitations set forth in the Building Permit and the Shoreland Zoning ordinances.

c. Wind turbines and their support structures, if painted, shall be painted a non-reflective, non-obtrusive color.

d. Small wind-powered energy system towers shall not be lighted unless required by the Federal Aviation Administration (FAA) or other public authority.

e. Wind turbines and their towers shall not be used for displaying any advertising except for reasonable identification of the manufacturer.

f. Prior to commencing any construction, a Building Permit must be obtained in accordance with the Building Permit or Shoreland Zoning Ordinances, as applicable.

g. Wind turbines and their towers are not permitted in Resource Protection Zones.

Section 8. Setback Requirements: The following setbacks and separation requirements shall apply to all small wind-powered energy systems:

a. Property Lines: Each small wind-powered energy system shall be set back a distance equal to one hundred and ten percent of its total height from adjoining property lines and at least 75 feet from the normal high-water line or the upland edge of a wetland.
b. Structure on an abutter’s property: A small wind-powered energy system shall be set back a distance equal to one hundred and fifty percent of its total height from any structure on adjoining properties.

c. Roads: Each small wind-powered energy system shall be set back from the nearest public or private road a distance of no less than one hundred and ten percent of its total height from the nearest boundary of the underlying right of way for such road.

d. Communication and electrical lines: Each small wind-powered energy system shall be set back from the nearest aboveground public electric power line or telephone line a distance of no less than one hundred and ten percent of its total height, as determined from the existing power line or telephone line.

Section 9. Noise Limitation Requirements: All small wind-powered energy systems shall meet the following requirements:

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

b. Prior to approval, the applicant shall provide documentation from the manufacturer that the wind energy system will not produce noise levels in excess of 66 db as measured at the applicant’s property lines.

c. After installation, the owner shall have sound level measurements taken at the property lines of the lot on which the generator is sited to determine operating decibel levels. Copies of all readings taken shall be provided to the Code Enforcement Officer to append to the original building permit application.

d. Upon complaint of an abutter, ambient and maximum permitted decibel measurements shall be performed by an agent approved by the Code Enforcement Officer. The report shall be submitted to the Code Enforcement Officer for review. The fee for this service shall be paid by the complainant unless the maximum permitted decibel level has been exceeded, in which case the owner of the system shall pay the fee.

e. If the maximum decibel readings are exceeded, the installation shall be considered a nuisance.

f. The nuisance must be corrected within 90 days of notification. If the violation cannot be corrected, the small wind energy system shall be removed or relocated.

Section 10. Minimum Ground Clearance: The blade tip of any wind turbine shall, at its lowest point, have a ground clearance of no less than 20 feet.

Section 11. Signal Interference: The applicant shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone, or television signals, caused by any small wind energy system.

Section 12. Safety: The following safety requirements shall be adhered to:

a. All wiring between the wind turbine and the residence/facility served shall be underground.

b. Wind turbine towers shall not be climbable up to 15 feet above ground level.

c. All access doors to wind turbine towers and electrical equipment shall be locked.
d. Appropriate warning signage shall be placed on wind turbine towers, electrical equipment, and wind energy facility entrances.

Section 13. Permitting Requirements: In addition to the application and supporting documentation required by the Building Permit or Shoreland Zoning ordinances, the applicant for a small wind-powered energy system shall provide the following information to the Code Enforcement Officer:

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

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

c. Photographs of the proposed site and the specific small wind-energy system to be installed.

d. Proof that the applicant has notified abutters by certified mail, return receipt requested, of the proposed installation.

Section 14. Enforcement: This Ordinance shall be enforced by the Code Enforcement Officer. The Selectmen may take such actions as are necessary and proper to restrain, correct, remove, or punish violations of this Ordinance in accordance with 30A MRSA § 4452.

Section 15. Definitions: As used in this Ordinance, the following terms shall have the meanings indicated:

Ambient Decibel Levels: Measurements made during winds of 0 mph and up to 25 mph (gusts) as reported by Wiscasset Municipal Airport.

Hub Height: The distance measured from ground level to the center of the turbine hub.

Maximum Decibel Levels: Measurements taken at startup and maximum output speeds of the turbine including braking or furling conditions.

Small Wind-Powered Energy System: A wind energy conversion system consisting of a tower, wind turbine, and associated control conversion electronics which will be used primarily to produce electrical power.

System Height: The hub height plus the length of the blade extended to its highest point.

Tower: The structure on which the wind-powered energy system is mounted.

Tower Height: The height above grade of the fixed portion of a tower, excluding the wind turbine.

Wind Turbine: The parts of the wind system including the blades, generator, and tail.
SOLID WASTE DISPOSAL ORDINANCE
for the Town of Georgetown, Maine
Adopted 18 June 2005

Proposed for amendment 14 June 2008: words added are underscored

Section 1. Purpose
This Ordinance is designed to regulate solid waste disposal, encourage recycling as an environmentally and fiscally sound method of reducing the waste stream, establish a Solid Waste Committee, govern the operation of the Georgetown Transfer Station, protect the environment of the Town, and otherwise protect the health, safety, and welfare of the citizens of Georgetown.

Section 2. Authority
This Ordinance is adopted pursuant to and consistent with municipal home rule powers provided in Article VIII, Part 2, Section 1, of the Constitution of the State of Maine and 30-A MRSA § 3001.

Section 3 Definitions
The definitions in 38 MRSA § 1303-C shall govern the construction of words contained in this Ordinance unless defined below. Any words not defined here or in statute shall have their common and ordinary meanings.

A Attendant: the person or persons employed by the Town to supervise the Transfer Station and operate necessary equipment.
B Bulky Waste: any acceptable waste that is not construction waste, municipal solid waste, or recyclables.
C Commercial Hauler is any person who is paid to take solid waste to the Transfer Station or who takes solid waste to the Transfer Station as part of a service for hire.
D Construction Waste: wastes such as construction or demolition debris.
E Hazardous Waste: any material or waste the Federal or State government has determined to be hazardous to individuals or the environment, including Household Hazardous Waste and Universal Waste.
F Long-Term Renter: anyone who rents real residential property for three months or more.
G Municipal Solid Waste: ordinary solid waste generated during normal household operations, with some exceptions as noted in the Rules for Operation of the Transfer Station.
H Person: anyone operating under this Ordinance, including residents and non-residents.
I Public Way: any road, highway, street, lane, private way, or similar thoroughfare, whether public or private, that serves two or more properties.
J Recyclables: items suitable for separation from the regular waste stream for reuse or recycling.
K Resident: any person owning real property in Georgetown, regardless of residence, and long-term renters of three months or more.
L Seasonal Renter: anyone who rents real residential property for a period of days or weeks, as opposed to a long-term renter.
M Structure: any building, deck, dock, pier, trailer, or boat.

Section 4 Solid Waste Committee
A The Solid Waste Committee created under this Ordinance shall consist of as many as seven members and a number of alternates appointed by the Selectmen for staggered three-year terms. The Committee is empowered to elect its own officers.
B The Committee shall advise the Selectmen and the Town on a budget for the Transfer Station and shall manage the budget as approved at Town Meeting.
C The Committee shall monitor operation of the Transfer Station and advise the Selectmen and the Town as to trends, issues, and possible efficiencies in its operation.
D The Committee shall review operating procedures for the Transfer Station and recommend any necessary changes to the Selectmen.
E The Committee shall advise the Selectmen and the Town on issues, trends, and mandates of waste disposal and recycling at the local, State, and Federal levels.
The Committee shall promote recycling as an environmentally and economically sound alternative to waste disposal when appropriate.

The Solid Waste Committee shall endeavor to provide as much space as is appropriate and feasible for waste disposal and recycling.

Section 5  Georgetown Transfer Station
A The Transfer Station is designed as a place where Georgetown residents and seasonal renters can recycle or dispose of municipal solid waste, where those materials can be stored temporarily, and where waste haulers can remove those materials easily. It shall be operated in ways consistent with applicable Federal and State laws and regulations.
B Admission to the Transfer Station shall be by permit sticker only. Permit stickers are available at the Town Office on request with proof of residence, as defined above in Section 3.K-J. Seasonal renters must obtain permit stickers from their landlords. Permit stickers must be displayed on vehicles or in their windows to gain access to the Transfer Station. Permit stickers issued to persons no longer resident in Georgetown are void. The Select-men may revoke a permit sticker following notice and hearing of a violation of this Ordinance or operating procedures.
C The Selectmen, in consultation with the Solid Waste Committee, shall establish operating procedures for the Transfer Station. Operating procedures, hours, and any other relevant information shall be displayed at the Transfer Station and at the Town Office.
D Anyone who uses the Transfer Station shall do so at the strict direction of the Attendant. No person shall violate the operating procedures set forth for the Transfer Station or any directives issued by the Attendant. If any person refuses to obey any directives or operating procedures, the Attendant shall have the authority to deny access to the Transfer Station for that person until he or she complies or until the Selectmen have had the opportunity to hear the complaint.
E No person shall enter or use the Transfer Station outside of the regular hours of operation.
F No waste generated outside Georgetown will be accepted.
G No commercial haulers will be allowed to dispose of waste at the Georgetown Transfer Station.

Section 6  Illegal Dumping of Waste
A No person shall discard any municipal solid waste, construction waste, bulky waste, abandoned vehicles, or other litter along public ways, on public land, or on any private property other than his or her own.
B No person shall transport municipal solid waste, construction waste, bulky waste, rocks, gravel, or other materials on the public ways in an unsecured manner that allows them to become deposited on or along the public ways.
C No person shall operate a junkyard without appropriate licensing under applicable State law and Town ordinances.
D No person shall dispose of hazardous wastes anywhere in Georgetown in a manner not allowed under applicable Federal or State law.

Section 7  Enforcement, Violations, and Penalties
A Any person who violates the terms of this Ordinance shall be subject to a fine assessed by the Selectmen of not less than $50 or more than $500 for each violation, as well as the cost of cleanup.
B Any person assessed a penalty under this Ordinance may appeal to the appropriate State court.
C Any person found guilty of a violation under this Ordinance shall be liable for the legal costs of the Town, as well as the cost of cleanup.

Section 8  Validity and Conflict of Ordinances
A If any part of this Ordinance is found to be invalid, unconstitutional, or inapplicable, that finding shall not affect or impair the remaining provisions of this Ordinance.
B If this Ordinance conflicts with other ordinances of the Town of Georgetown, the strictest provisions shall apply.
C This Ordinance does not preempt any similar Federal or State laws or regulations that are more restrictive.
D By adopting this Ordinance, the citizens of the Town of Georgetown hereby repeal the Abandoned Automobile Ordinance (adopted 8 August 1973), the Dump Ordinance (adopted 8 August 1973), the Hazardous Waste Disposal Ordinance (adopted 20 June 1981), and the Litter Ordinance (adopted 6 March 1971).
SECTION I: GENERAL PROVISIONS

1.1 Purpose: The purpose of this Ordinance is to assure the comfort, health, safety, and general welfare of the people of Georgetown, to protect the environment, to provide for the orderly development of a sound and stable community, and to provide uniform procedures for Town review of subdivisions.
1.2 Authority and Title: This Ordinance is adopted pursuant to and consistent with 30 MRSA Section 4956 and shall be known as the Subdivision Ordinance for the Town of Georgetown.

1.3 Administration: The Georgetown Planning Board shall administer this Ordinance.

1.4 Applicability: The provisions of this Ordinance shall apply to all of the land area of all proposed subdivisions located in the Town of Georgetown.

1.5 Definition: Subdivision shall mean the division of a tract or parcel of land into three or more lots during any five-year period, whether accomplished by sale, lease, development, building, or otherwise.

Lots created by the following situations shall not be considered to be part of a subdivision: (1) Inheritance; (2) Condemnation; (3) Order of a court; (4) Gift to a person related by the donor by blood, marriage, or adoption, unless the intent of such gift is to avoid the objectives of this Ordinance; (5) Transfer of an interest in land to an abutting landowner; (6) Land with an existing residence retained by the subdivider for his/her own use as a single family residence for a period of at least five years prior to the second dividing of a parcel; and (7) Lots of forty or more acres.

The term shall include residential, commercial, and industrial subdivisions and shall apply to cluster housing, mobile home parks, apartments, condominiums, cooperative housing, and shopping centers, in which cases "lots" shall include "units," industrial parks, and similar developments.

Any parcel within an approved subdivision shall not be further divided by any person in any fashion which would alter the approved Subdivision Plan without Planning Board approval unless more than five years have elapsed since the granting of the most recent approval for the subdivision, including the approval of any amendments to the original subdivision plan, whether or not such approved amendment directly affects the approved lot of which further division is sought.

1.6 Enforcement: No person, firm, corporation, or other legal entity may sell, lease, develop, build upon, or convey for consideration any land in a subdivision which has not been approved by the Planning Board and recorded in the Register of Deeds; nor shall such person, firm, corporation, or other legal entity sell or convey any land in such approved subdivision unless a permanent marker is set at each lot corner of the lot sold or conveyed. The term "permanent marker" includes but is not limited to the following: a granite monument, a concrete monument, an iron pin or pipe, or a drill hole in ledge. No subdivision plat or plan shall be recorded by any Register of Deeds which has not been approved as required. Approval for the purpose of recording shall appear in writing on the plat or plan. No public utility, water district, sanitary district, or any utility company of any kind shall install services to any lot in a subdivision for which a plan has not been approved.

Any person, firm, corporation, or other legal entity who sells, leases, develops, builds upon, or conveys for consideration any land in a subdivision which has not been approved as required by this section shall be punished by a fine of not more than $1,000 for each such occurrence. The Attorney General, the Town, the Planning Board, or the appropriate Town officers may institute proceeding to enjoin the violations of this section and if a violation is found by the court, the Town, Planning Board, or appropriate Town officers may be allowed attorney fees.

1.7 Validity: The invalidity of any section or provision of this Ordinance shall not be held to invalidate any other section or provision of this Ordinance.

1.8 Conflict: In any case where a provision of this Ordinance is found to be in conflict with a provision of any other Ordinance, regulation, or code of the Town of Georgetown existing on the effective date of this Ordinance, the provision which established the higher standard for the promotion and protection of health, safety, and the environment shall prevail.
1.9 Amendment: This Ordinance may be amended by a majority vote of the Town Meeting. A copy of all amendments shall be filed with the Town Clerk.

1.10 Effective Date: This Ordinance shall become effective on the date of adoption.

SECTION 2: REVIEW PROCEDURES

2.1 Introduction: No utility installations, no ditching, grading, or construction of roads, no grading of land or lots, and no construction of buildings shall be done on any part of the subdivision until a Subdivision Application has been prepared, submitted, reviewed, and endorsed as provided by this Ordinance, nor until an attested copy of the Subdivision Plan so approved and endorsed has been recorded by the subdivider in the Register of Deeds and filed with the Town Clerk. No plan shall be approved by the Planning Board if the subdivider has been notified previously of a violation of a condition of approval of a previous subdivision, which violation has not been corrected as of the date of the pending application; or if the subdivider is currently in violation of this Section with respect to any other property.

To protect the interests of the Town, comply with the review requirements of 30 MRSA Section 4956, and provide timely response to subdivision applications, the following review sequence has been established:

1. Informal pre-application meeting and submission of sketch plan;
2. Planning Board inspection of the site;
3. Submission of formal application and subdivision plan;
4. Planning Board review of application and determination of completeness;
5. Public Hearing, if required;
6. Planning Board decision;
7. Final approval and filing;
8. Inspection of required improvements.

2.2 Pre-Application Conference

2.2.1 Before submitting a subdivision application for approval, the subdivider or his agent shall appear before the Planning Board to discuss the proposed subdivision. A sketch plan shall be presented for informal review, and arrangements made for an inspection of the site with the Planning Board within a 30-day period from the date of the pre-application conference.

2.2.2 The sketch plan shall include a rough outline of the proposed subdivision showing the proposed layout of streets, lots, and other features which may be of assistance to the Board in understanding the proposal.

2.2.3 No binding commitments shall be made between the subdivider and the Board at this stage. The purpose of the pre-application meeting shall be to understand what is proposed, what is possible, and what is acceptable.

2.3 Site Inspection: The Chairman of the Planning Board will appoint one or more individuals to inspect the site, preferably accompanied by the subdivider. The purpose of this inspection is to more fully inform the Board of the characteristics of the site, and a subdivision application will not be accepted until the inspection has taken place.

2.4 Application Submission

2.4.1 The Planning Board shall provide the subdivider with an application form at the pre-application conference. The subdivider shall, within six months of the site inspection, submit an application to the Board. Failure to do so shall result in a restart of the application process.

2.4.2 Applications for subdivision permits shall be submitted at a regularly scheduled meeting of the Planning Board to the Chairman, who shall issue to the applicant a dated receipt.
2.4.3 The application shall consist of the items outlined in Section 3. Specific application requirements will vary according to the size and complexity of the subdivision proposal. The Planning Board may, at its discretion, modify the requirements if such action will not unreasonably restrict the Board's review of the application as it relates to 30 MRSA Section 4956 and local ordinances.

2.4.4 The subdivider and all other parties shall submit six copies of all documents, maps, and other written or printed materials.

2.5 Fees

2.5.1 Application Fee: Every application for a subdivision permit shall be accompanied by an application fee of $100.00 per lot for each lot appearing in the subdivision which is proposed for approval, to be paid by check made payable to the Town of Georgetown.

2.5.2 Performance Bond

2.5.2.1 The Planning Board may require, as a condition of approval, that the subdivider file with the Board at the time of approval and prior to any construction, a performance guarantee in an amount sufficient to defray all expenses of the proposed public improvements. This may be tendered in the form of a certified check payable to the Treasurer of Georgetown or a performance bond running to the Town and issued by a surety company acceptable to the Town. The conditions and amount of such certified check or performance bond shall be determined by the Planning Board with the advice of the Selectmen. The amount shall be sufficient to insure the furnishing, installing, connecting, and completing all of the street grading, paving, storm drainage, and utilities or other improvements specified on the Final Plan within two years of the date of the certified check or performance bond.

2.5.2.2 The Planning Board may recommend a maximum extension of twelve months to the guaranteed performance period when the subdivider can demonstrate, to the satisfaction of the Board and the Selectmen, good cause for such extension. Such recommendation shall be referred to the Selectmen for official action.

2.5.2.3 Before a subdivider may be released from any obligation requiring his guarantee of performance, the Planning Board shall require certification from appropriate Town officials and consultants, if any, to the effect that all improvements have been satisfactorily completed in accordance with all applicable local, state, and federal standards, codes, and laws.

2.5.2.4 The Board may, at its discretion, waive the requirements of a guarantee, security, or performance bond and recommend a properly executed conditional agreement with the Town. Such agreement, if executed with the Town, shall be endorsed in writing and shall provide that no lot in such subdivision may be sold and no permit shall be issued for construction of any building on any lot on any street in such subdivision until all improvements agreed upon have been made.

2.6 Application Review

2.6.1 The Planning Board shall review the subdivision application and plan to determine if it provides sufficient information for a final Board decision on the subdivision application.

2.6.2 The Board shall notify the subdivider in writing within thirty days of receipt of the application either that the application is complete or, if the application is incomplete, the specific additional informational materials needed to make a complete application.

2.6.3 After the Planning Board has determined that the complete application has been filed, it shall notify by certified mail the subdivider and all abutting property owners, and in writing the Town Clerk, Selectmen, Road Commissioner, Code Enforcement Officer, and all others. The Board shall also publish notice in a newspaper in general circulation in Georgetown, and shall post notice in three conspicuous public locations. Said written notice shall briefly describe the
proposed subdivision, state where the application may be inspected, and give notice that requests for a public hearing must be filed in writing to the Chairman of the Planning Board within ten days from the date of notice.

2.7 Review Criteria: The Board, in making its determination of completeness of the application, shall be guided by the review criteria list in subsection 3 of 30 MRSA Section 4956. The Board will request the subdivider sufficient information to make findings of fact that the proposed subdivision:

2.7.1 Will not result in undue water or air pollution. In making this determination the Board shall consider: The elevation of land above sea level and its relation to the floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; and the applicable state and local health and water resources regulations.

2.7.2 Has sufficient water available for the reasonably foreseeable needs of the subdivision;

2.7.3 Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;

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

2.7.5 Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;

2.7.6 Will provide for adequate sewage waste disposal;

2.7.7 Will not cause an unreasonable burden on the Town's ability to dispose of solid waste and sewage if Town services are to be utilized;

2.7.8 Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas;

2.7.9 Is in conformance with this Ordinance and the Town's comprehensive plan;

2.7.10 Whenever situated in whole or in part within 250 feet of any pond, lake, river, or tidal waters, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water;

2.7.11 Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater; and

2.7.12 That the subdivider has adequate financial and technical capability to meet the above stated standards.

In all instances, the burden of proof, persuasion, and production of documents and data shall be upon the subdivider.

2.8 Public Hearing: The Planning Board may hold a public hearing on the proposed subdivision. All public hearings shall be held within thirty days of having determined that a subdivision application is complete. Notice of the date, time, and place of such hearing shall be given to the subdivider, posted in three conspicuous public locations, filed with the Town Clerk, and published in a newspaper of general circulation in the Town at least seven days prior to the hearing.

2.9 Planning Board Decision

2.9.1 The Planning Board shall, within thirty days of the public hearing, if one is held, or within sixty days of having determined that an application is complete, issue in writing its approval, conditional approval, or denial.
2.9.2 The Board may attach such conditions as it deems advisable to satisfy the criteria of this Ordinance.

2.9.3 If the Planning Board determines that a fair and adequate review of an application will require longer than sixty days, the review time limit may be formally extended for some specified time, if mutually acceptable to the subdivider and the Planning Board.

2.9.4 The Planning Board shall make written findings of fact establishing that the proposed subdivision does or does not meet the provisions of this Ordinance and the criteria of 30 MRSA Section 4956.

2.10 Appeals: An appeal may be taken, within thirty days from the Planning Board's decision on the subdivision application, by any party or person aggrieved, to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

2.11 Final Approval and Filing

2.11.1 Upon completion of the requirements of this Ordinance, and an approved vote by the majority of the Planning Board members, and notation to that effect upon the Subdivision Plan, it shall be deemed to have final approval and shall be properly signed by a majority of the members of the Planning Board and shall be filed by the subdivider with the Town Clerk. The original transparency shall be filed by the subdivider with the Sagadahoc County Register of Deeds within ninety days of approval by the Planning Board.

2.11.2 No changes, erasures, modifications, or revisions shall be made in any Plan after approval has been given by the Planning Board and endorsed in writing on the Plan, unless the Plan is first resubmitted and the Planning Board approves any modifications.

2.11.3 In the event that a Subdivision Plan is not recorded within ninety days after approval and endorsement, or if a Plan is changed prior to recording without Planning Board approval, the Plan shall be considered null and void, and the Board shall institute proceeding to have the Plan stricken from the records of the Town Clerk and the Register of Deeds.

2.12 Inspection of Required Improvements

2.12.1 At least ten days prior to commencing construction of required improvements, the subdivider shall notify the First Selectman and the Planning Board Chairman in writing of the time when construction will commence, in order to facilitate inspection by the Town.

2.12.2 If the Town shall find, upon inspection of the improvements performed, that any of the required improvements have not been constructed in conformance with the Subdivision Plan, the Selectmen shall notify the subdivider and take all necessary steps to preserve the Town's rights.

2.12.3 If at any time before or during the construction of the required improvements, unforeseen conditions make it necessary or preferable to modify the Subdivision Plan, the Planning Board may authorize and require such modifications provided that they are within the spirit of the original approved Plan.

2.12.4 Upon completion of all improvements to the satisfaction of the Town, the Planning Board shall certify in writing that the subdivider has complied with all the terms of the subdivision approval and he shall be released from any obligation requiring his guarantee of performance.

SECTION 3: APPLICATION REQUIREMENTS

Specific application requirements will vary according to the size and complexity of the subdivision proposal. The Planning Board may, at its discretion, modify the requirements if such action will not unreasonably restrict the Board's review of the application as it relates to 30 MRSA Section 4956 and local ordinances. The application shall consist of the following:
3.1 Application Form: The subdivider shall submit on an application form provided by the Planning Board general information on the applicant and the proposed subdivision.

3.2 Location Map: A location map drawn at a scale of not over 500 feet to the inch shall show the relationship of the proposed subdivision to the adjacent properties and to the general surrounding area and shall show at least all the area within 1,000 feet of any property line of the proposed subdivision. Within such area the location map shall show:

3.2.1 The name, registration number, and seal of the land surveyor, architect, engineer, or planning consultant who prepared the maps and other documents.

3.2.2 The date, magnetic north point, and graphic scale.

3.2.3 All existing and proposed approximate property lines together with the names and mailing addresses of the owners of record of all adjacent parcels of land.

3.2.4 The locations, widths, and names of existing, filed, or proposed streets, easements, and rights-of-way.

3.2.5 The boundaries and designations of shoreland zoning districts and parks or other public lands.

3.2.6 The location and property lines of all land to which the applicant has any title, right, or interest in addition to the proposed subdivision and an indication of the future probable street system of the subdivider's entire holding, and gravel pits and other existing excavations and the sites of any future sources of gravel or fill.

3.2.7 The location of major surface water bodies, wetlands, rivers, streams, brooks, natural drainage ways, and culverts, with arrows indicating direction of flow, wooded and open space areas, and all existing buildings, utility lines, fire ponds, and dry hydrants.

3.3 Subdivision Plan: A Subdivision Plan shall be submitted in maps, drawings, overlays, or other documents with all dimensions shown in feet or decimals of a foot, drawn to a scale of one inch equals not more than one hundred feet, showing or accompanied by the following information:

3.3.1 Proposed subdivision name or identifying title and the name of the Town.

3.3.2 Name and address of record owner of the subdivision and the subdivider, if different.

3.3.3 Name, registration number, and seal of the land surveyor who prepared the plan and of the architect, engineer, or planning consultant who prepared other drawings or documents.

3.3.4 Number of acres within the proposed subdivision, date, magnetic north point, and plan scale.

3.3.5 A contour map of the subdivision drawn with contour lines at intervals of either five, ten, or twenty feet based on the United States Geological Survey datum or other data of existing grades.

3.3.6 The proposed lot lines with approximate dimensions and locations of existing and proposed buildings.

3.3.7 The location of temporary markers adequate to enable the Board to locate readily and evaluate the basic layout in the field.

3.3.8 All parcels of land proposed to be dedicated to public use or to be commonly owned by the purchasers of land in the subdivision.

3.3.9 The names of the owners of record of all land immediately adjacent to the subdivision.
3.3.10 The location of existing natural features including ponds, streams, rivers, wetlands, natural drainage ways, wooded and open space areas, major areas of ledge, gravel pits, other existing excavations, and the sites of any future sources of gravel or fill within the subdivision.

3.3.11 The location of sensitive areas including identified gravel and bedrock aquifers and recharge areas; the watershed boundaries of potable water supplies; the one hundred year flood plain as identified by the U.S. Department of Housing and Urban Development Flood Insurance Program; slopes greater than fifteen percent; highly erodible soils; soils prohibiting subsurface wastewater disposal systems as defined by the State Plumbing Code; fragile or irreplaceable natural areas; historic and archeological sites; cemeteries; and areas of scenic or natural beauty.

3.3.12 The location of at least one acceptable soil test on each lot and a soils report identifying the soils according to the State Plumbing Code, prepared and signed by a licensed site evaluator.

3.3.13 The location, names, and widths of existing and proposed streets, highways, easements, and rights-of-way, including grades and street profiles of all streets or other public ways proposed by the subdivider.

3.3.14 The location and size of any existing dry hydrants, fire ponds, culverts, and drains on the property to be subdivided.

3.3.15 The location of all proposed on-site sewage disposal systems and/or proposed sewer lines and their profile.

3.3.16 The location of all proposed water lines, wells, reservoirs, or other facilities.

3.3.17 Provisions for collecting and treating storm drainage, in the form of a Drainage Plan which includes all proposed facilities, such as culverts, catch basins, and detention, retention, or infiltration basins.

3.3.18 A soil Erosion and Sedimentation Control Plan for construction and for permanent control. The plan may be incorporated into the Drainage Plan.

3.3.19 An indication of the sections of the subdivision and the dates of their phased construction, if the subdivision is to be constructed over a period of more than two years.

3.4 Documents

3.4.1 All public water supply facilities shall be shown to meet the minimum specifications of all pertinent State laws and regulations and all Town ordinances. The subdivider shall provide evidence as to the expected flow rate for these facilities which will satisfy the reasonable foreseeable needs of the proposed subdivision and, in addition, the location of all water available for fire fighting shall be shown including existing and proposed fire ponds and/or dry hydrants.

3.4.2 Evidence that the subdivider has adequate financial and technical capacity to meet the requirements of 30 MRSA Section 4956 and the Town of Georgetown's ordinances and Comprehensive Plan. The subdivider shall also provide evidence of financial and technical capability for the adequate operation and maintenance of all private multiple-system waste disposal systems, storm drainage facilities, water systems, and other facilities.

3.5 Requests for Additional Information: Prior to its final decision the Planning Board may request evidence and documentation in addition to that required in the application as provided for in paragraphs 3.1 through 3.4. This additional information may include:

3.5.1 Impact on Community Services: The Planning Board may request information regarding the subdivision's effect upon existing services and facilities; a list of construction items that will be completed by the subdivider prior to the sale of lots; and the list of construction and maintenance
items that may be borne by the Town, which shall include, but not be limited to, schools, including busing; road maintenance and snow removal; police and fire protection; solid waste disposal; and recreation facilities. The Board may further request the subdivider to provide cost estimates to the Town for these services and the expected tax revenue of the subdivision.

3.5.2 High Intensity Soils Survey: The Planning Board may request that the subdivider submit detailed soils information in the form of a soils report and high intensity soils survey prepared and signed by a certified soil scientist, identifying the soils names and soils boundaries in the proposed development.

3.5.3 Impact on Sensitive Natural and Cultural Resources: The Planning Board may request, as a condition of approval and prior to its decision, that the subdivider submit an assessment of the expected impacts of the subdivision on sensitive natural and cultural resources, which shall include, but not be limited to, surface water bodies, identified gravel and bedrock groundwater aquifers and recharge areas, one-hundred-year floodplain as identified by the H.U.D. Flood Insurance Program, slopes greater than fifteen percent, highly erodible soils, soils prohibiting disposal systems as identified by the State Plumbing Code, fragile or irreplaceable natural areas, historic and archeological sites, cemeteries, and visual character and areas of scenic or natural beauty.

3.5.4 Recreation Area: Depending on the size and location of the subdivision, the Planning Board may request, as a condition of approval and prior to its decision, that the subdivider propose a plan for the provision of land area for recreational use. Land reserved for park and/or recreational purposes shall be of a character, configuration, location and access suitable for the particular use intended.

3.5.5 Buffer Area: The Planning Board may request, as a condition of approval and prior to its decision, that the subdivider provide buffer areas when a proposed subdivision is located adjacent to a use where separation is desirable.

3.5.6 Landscaping: The Planning Board may request, as a condition of approval and prior to its decision, that the proposed subdivision design include: a landscape plan that will show graded contours and streams; the reasonable preservation of vegetation; the replacement of trees and vegetation; the planting of buffer areas; and the preservation of scenic, historic, or environmentally desirable areas. Provisions for adapting the street and lot layout to the topography and avoiding extensive grading and filling as far as possible may also be requested.

3.5.7 Covenants, Deeds, Leases, etc.: The Planning Board may request, as a condition of approval and prior to its decision, that the subdivider submit for review and approval copies of all proposed deeds; leases; restrictive covenants; easements; landowner association agreements and corporate papers; contracts; deeds to commonly held land; deeds and covenants to land to be held by the subdivider; deeds offering to convey land to the Town of Georgetown or its agencies, the State of Maine or its agencies and departments, Sagadahoc County, or any other public body, or to any private organization or corporation; and any other documents, existing or proposed, which may determine or affect the land and the uses of the land in the subdivision.

3.6 Submission of Evidence for Approval: The Planning Board may require the subdivider to submit on, or accompanying, the plan the following evidence, data, and documents as a condition of approval and prior to the signing of the approved plan:

3.6.1 Sufficient acceptable data to determine readily the location, bearing, and length of every lot line and boundary line and to reproduce such lines upon the ground. Where practical, these should be tied to reference points previously established.

3.6.2 The location, bearing, and length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances, and tangent bearings for each street.
3.6.3 The proper designation of all public open space for which offers of conveyance are made by the subdivider and those spaces to which title is reserved by him.

3.6.4 Written offers of conveyance to the Town of Georgetown of all public open space shown on the Plan, and copies of agreements or other documents listed in paragraph 3.6.3 above.

3.6.5 Written evidence that the Selectmen are satisfied with the legal sufficiency of the documents referred to in Paragraph 3.6.4 above regarding the land to be offered for conveyance to the Town. Such written evidence shall not constitute an acceptance by the Town of any public open space referred to in Paragraph 4 above.

3.6.6 A plan of the approved subdivision including all the information required by Section 3.3 of this Ordinance and in addition suitable space to record on the approved plan the date and conditions of approval if any. Said space shall be similar to the following example:

Approved by Town of Georgetown Planning Board

__________________________________________, Chairman

Signed

__________________________________________

__________________________________________

__________________________________________

__________________________________________

Date

__________________________________________

Conditions

__________________________________________

SECTION 4: CONSTRUCTION STANDARDS

4.1 Compliance with Section Required: In reviewing application for the subdivision of land, the Board shall consider the general requirements set forth in this Section. In all instances, the burden of proof shall be upon the person proposing the subdivision.

4.2 Land Not Suitable for Development: The Planning Board shall not approve building lots located totally on land below sea level, on land which must be filled or drained, on land created by diverting a watercourse, or on filled tidal land or filled or drained Great Ponds.

4.3 Lots and Density: The lot size, width, depth, shape, and orientation and the minimum setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The size of lots in a subdivision shall comply with the Town's Minimum Lot Size Ordinance.

4.4 Surface Drainage: Where the Planning Board feels that surface water drainage to be created by the subdivision should be controlled for the protection of the subdivision and owners of property abutting it, there shall be provided a storm water easement or drainage right-of-way and culverts, catch basins, or other means of channeling surface water within such subdivision and over the property of owners abutting upon it, of such nature, width, and location as the Board or its technical advisors deem adequate. Such easements or rights-of-way shall make use of any existing natural water course, drainage way, channel, or stream when practical.

4.5 Removal of Topsoil: Topsoil shall be considered part of the subdivision. Except for surplus topsoil
from roads, parking areas, and building excavations, it is not to be removed from the site.

4.6 Prevention of Erosion

4.6.1 Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. The Planning Board may require a subdivider to take measures to correct and prevent soil erosion in the proposed subdivision.

4.6.2 To prevent soil erosion of shoreline areas, tree cutting in the Shoreland Zone shall be in accordance with the rules and regulations specified in the Shoreland Zoning Ordinance, Section 15.M and 15.N.

4.7 Minimum Water Supply

4.7.1 The subdivider shall guarantee to the buyer that sufficient potable water resources exist to meet the needs of the individual lots.

4.7.2 The subdivider shall demonstrate that water of sufficient quality and quantity exists to meet the reasonable foreseeable needs of the subdivision.

4.8 Road Design and Construction

4.8.1 General Criteria

4.8.1.1 Before a road will be considered for acceptance as a town way it must first be completed to the standards of this Ordinance with inspection and approval to be made by the Planning Board.

4.8.1.2 All roads in the subdivision shall be so designed that, in the opinion of the Board, they will provide safe vehicular travel.

4.8.1.3 If deemed necessary by the Planning Board, the subdivision may be required to provide at least two road connections with existing roads or roads on an approved Subdivision Plan for which a bond has been filed.

4.8.1.4 Where private and public roads serve a subdivision, the formation of a neighborhood association is required in order to guarantee and administer road maintenance. The property owners’ obligation for road maintenance cost shall be included as a covenant in their deed.

4.8.1.5 Entrances, either proposed driveways, or streets, onto existing state-aid or state highways must be approved by the Maine Department of Transportation. Copies of such approvals shall be submitted to the Board at the time of final review.

4.8.1.6 Any road, driveway or structure must be set back 25 feet from any cemetery.

4.8.2 Construction Standards

All roads within the subdivision shall be constructed according to specifications 4.8.2.1 through 4.8.2.4 as overseen by the Road Commissioner and the Planning Board. Paragraph 4.8.2.5 distinguishes between standards for minor roads serving four dwellings or less and major roads serving more than four dwellings.

4.8.2.1 Preparation: Before grading is started, the right-of-way shall be cleared of all stumps, roots, brush, and other objectionable material and all trees not intended for preservation.

4.8.2.2 Cuts: Tree stumps, roots, and other organic materials within the roadbed shall be removed to a depth of two feet below the subgrade. Rocks and boulders, when encountered, shall be removed to subgrade.
4.8.2.3 Materials: The base of the road shall consist of at least eight inches of aggregate subbase. The top shall consist of a minimum of five inches of aggregate surface course.

4.8.2.4 A crown is required on all paved roads.

4.8.2.5 Dimensions of road construction:

<table>
<thead>
<tr>
<th>ITEM</th>
<th>STANDARD</th>
<th>Minor</th>
<th>Major</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right-of-way</td>
<td>50 feet</td>
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</tr>
<tr>
<td>Maximum grade</td>
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<tr>
<td>Roadbed width</td>
<td>12 feet</td>
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</tr>
<tr>
<td>Shoulder width</td>
<td>--</td>
<td>2 feet</td>
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<tr>
<td>Cleared width</td>
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</tr>
<tr>
<td>Minimum curve radius to road centerline</td>
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</tr>
<tr>
<td>Minimum angle of road intersection</td>
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</tr>
<tr>
<td>Maximum grade within 50' of intersection</td>
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<td>3 %</td>
<td></td>
</tr>
<tr>
<td>Drainage</td>
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<td></td>
</tr>
<tr>
<td>(1) roadbed to ditch</td>
<td>3:1 slope</td>
<td>3:1 slope</td>
<td></td>
</tr>
<tr>
<td>(2) ditch to level grade</td>
<td>2:1 slope</td>
<td>2:1 slope</td>
<td></td>
</tr>
<tr>
<td>(3) minimum culvert size</td>
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<td>15 inches</td>
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</tr>
<tr>
<td>Cul-de-sac radius at dead ends</td>
<td>40 feet</td>
<td>40 feet</td>
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ORDINANCE GOVERNING THE OPERATIONS OF
THE TOWN-OWNED PROPERTY MANAGEMENT BOARD
for the Town of Georgetown, Maine

Approved June 12, 1993  Amended June 13, 1998  Amended June 13, 2009
Amended June 10, 1995  Amended June 12, 1999  Amended June 12, 2010
Amended June 15, 1996  Amended June 14, 2008

The Town-Owned Property Management Board shall have the following organization, scope of authority, duties, and limitations:

A. ORGANIZATION

1. The Town-Owned Property Management Board shall consist of three elected members, residents of Georgetown, each to serve three-year terms.
   a. No more than one member shall be elected in a given year and one member shall be elected each year, except that in the event of a vacancy occurring during the year because of a resignation, death, or other cause, the Board of Selectmen shall appoint an interim member to serve until the next regular Town Meeting, at which time a new member shall be elected to fill the vacancy for the balance of the unexpired term.
   b. No member of the Board shall be a “town tenant”. For purposes of this limitation, “tenants” shall be defined as officers, stockholders, or equity participants and their spouses of any individual, partnership, or corporation which leases any town properties for a substantial amount of money. As of 1992, the three buildings located on the Town Wharf comprised the only substantial lease.
   c. Elections for the Board will be held at the Annual Town Meeting.
2. Members of the Board shall elect a Chairman and Secretary annually.
3. The Board shall meet monthly at dates and times established by the Board. Advance notice of each meeting will be publicly posted. All meetings shall be open to the public.
4. The Secretary of the Board shall keep minutes of each meeting which shall include attendance and an accurate summary of all matters discussed, voted upon, or otherwise considered by the Board. Copies of these minutes shall be posted for the public and delivered to the Board of Selectmen.
5. All action by the Board shall be by majority vote.

B. SCOPE OF AUTHORITY

1. The Town-Owned Property Management Board shall exercise its authority over the following real property owned by the Town of Georgetown:
   - Wales Lot (adjacent to Richards Library) U4 lot 24
   - Richards Library U4 lot 25
   - Five Islands Waterfront U13 lots 33 and 56
   - Stone School House R6 lot 14

   The Board shall also manage the following property:
   - Todd's Landing, also known as the Shipyard (leased from the Todd family) U4 lot 4

2. The Board shall have authority to negotiate leases, set rents, and act with all the authority of a landlord with respect to the above-listed Town-owned property, and to sign all documents necessary to exercise such authority in the name of the Town of Georgetown. In selecting tenants, the Board shall give consideration to the character and background of the applicant as well as the amount of rent any such applicant agrees to pay.
3. The Board shall have the authority to issue permits for public and private functions and other organized activities on Town-owned properties under its jurisdiction.
4. The Board shall recommend the sale, development, or other disposal of any Town-owned property under its jurisdiction to Town Meeting whenever it deems that such sale, development, or disposition is in the Town’s best interest; and shall have no authority to sell, develop, or dispose of such property absent Town Meeting approval.

June 12, 2010
C. DUTIES. The Board shall:
   1. Secure the fair rental value of any Town-owned property which it leases.
   2. Assist the Town Treasurer in maintaining a single consolidated income and expense record for all Town-owned property under its control.
   3. Submit to each Regular Town Meeting a proposed budget for the following year’s property operations.
   4. Keep maps and other boundary records in its permanent files available for public inspection for all properties under its jurisdiction.
   5. Determine the boundaries and keep records thereof as described in subparagraph 5 for all subsequently acquired property which comes under its jurisdiction.
   6. Turn over to the Town Treasurer all income as it is received.
   7. Resolve claims of incursion on private property and right-of-way disputes involving property under its jurisdiction using services of Town Counsel.
   8. See that the Town complies with the terms of the Submerged Land Lease from the State of Maine Department of Conservation.

D. LIMITATIONS
   1. The Board shall have no power or authority to sign or otherwise conclude any lease agreement or to issue any permit with regard to any parcel of Town-owned property without Town Meeting approval of the use to which a tenant or permit-holder will put that parcel of Town-owned property.
   2. The Board shall have no power to execute lease agreements which bind the Town for more than five years.
   3. No agreements, promises, contracts, or leases with respect to any parcel of real property shall be binding on the Town or any other party unless such agreements, promises, contracts, or leases are made after two continuous weeks of public notice, posted at the usual places for public notices in the Town, that the Board is considering action with respect to that parcel. Such notice shall indicate the parcel involved, the nature of the agreement or lease sought by the Board, and the use of the parcel which has been approved by Town Meeting.

E. TOWN WHARF MANAGEMENT GUIDELINES. The Board shall manage the unrented or public use portion of the Town Wharf in accordance with the following guidelines:
   1. Free public access to this area shall be assured, subject to the following limitation and exception: Use of the Town Wharf by commercial fishermen for any purpose other than to sell to the tenants of the wharf shall be restricted to fishermen who are residents of the Town of Georgetown who have paid the commercial user fee described in Section F.1 below.
   2. The three structures on the Town Wharf (the Love Nest/Snack Bar, the Ice Cream/Bait Building, and the Lobster Pound) shall be leased for use as a wholesale and retail seafood business.
   3. Management of this area by the Board shall include keeping and maintaining the wharf in good repair.
   4. A determination shall be made regarding the maximum vehicle tonnage the wharf deck can safely sustain. A sign shall be erected at the wharf indicating what this tonnage is. A fine of $500 shall be imposed on those placing vehicles weighing in excess of the maximum allowed tonnage on the wharf deck.
   5. Parking will not be allowed at the entrance to the wharf and on the wharf deck except for loading or unloading vehicles. Any vehicle left unattended blocking the entrance shall be towed at the owner's expense.
   6. The tying of boats to the Town Wharf and floats shall be governed by the following rules, as enforceable by the Harbormaster:
      a. There shall be no overnight tie-ups.
      b. Commercial users shall have priority at the east face of the wharf.
      c. There shall be no recreational tie-ups at the commercial floats.
      d. There shall be no commercial tie-ups at the recreational floats.
      e. Tie-ups on the east face of the recreational floats shall be for no more than two hours.
   7. Town tenants shall not interfere with the public's right-of-way.
   8. Town tenants shall be assured of freedom from interference by the public with their use of any leased area.
   9. A hoist shall be maintained at the east end of the wharf for commercial users.
10. Maintenance of the Town floats and runs shall be assured.
11. Public use of the recreational (south) float during the boating season shall be assured; and freedom from interference with boat tie-ups by individuals shall be assured.
12. The recreational float and run shall be removed from service each winter from 15 October to 15 April.
13. The commercial (north) float is for use only by residents of the Town who pay the user fee specified in Section F below. The float shall be kept free from clutter by all users. Crates shall not be stored on the float.
14. Anyone whose boat damages the wharf shall be liable for the cost of repairs.

F. FEES FOR USE OF THE TOWN WHARF
1. Except as provided below, all full-time water-borne commercial users of the wharf shall pay to the Town a user fee of $200 per calendar year.
   a. The user fee for individuals under the age of 18 shall be $50 per year.
   b. Commercial fishermen over the age of 65 shall be exempt from paying the user fee.
   c. Individuals whose only water-borne commercial use of the wharf is to buy from or sell to the tenants of the wharf shall be exempt from paying the user fee.
   d. Water-borne commercial use of the wharf by individuals who do not pay the user fee shall constitute trespass.
   e. User fees shall be due and payable on 1 January of each year. A late fee of $20 shall be charged on any user fee unpaid on or after 15 June of each year.
2. Commercial users who tie up skiffs on the north float shall pay an additional $100 per year per skiff. Commercial skiffs shall be limited to 14 feet in length and the number of tie-ups shall be determined by the Board.
3. Seasonal skiff tie-ups on the south float shall be for residents of the Town and shall be by permission of the Board at a cost of $125 per season per skiff. Recreational skiff tie-up fees shall be due and payable by 1 June of each year. Recreational users will receive stickers to display in a prominent place on their skiffs on payment of the tie-up fee. After 1 June of each year, skiffs not displaying the required sticker shall be subject to removal at the owner’s expense. Recreational skiffs shall be limited to 14 feet in length and the number of tie-ups shall be determined by the Board.

G. TODD’S LANDING MANAGEMENT GUIDELINES
1. Use of this facility shall be restricted to residents of Georgetown. Georgetown residents shall display their Georgetown Transfer Station stickers on their vehicles.
2. No vehicle shall be parked so as to block access to the ramp.
3. Vehicles will not be parked within ten feet of the pavement on either side of the Five Islands Road from the eastern Robinhood Cove bridge westward to the first building north of the highway. Any vehicle parked within ten feet of the road shall be towed at the owner’s expense.
4. No vehicle shall be parked overnight at Todd’s Landing.
5. As of July 15, 2010 residents of the Town may leave skiffs for personal use in the area provided to the west of the ramp above the high tide line on payment to the Town of a fee. For commercial users, the fee shall be $100 per season per skiff. For all others the fee shall be $125 per season per skiff. For the calendar year 2010, skiff fees shall be due and payable by August 15, 2010. For subsequent years the fee shall be due and payable by June 1. On payment of the fee, users will received stickers to display in a prominent place on their skiffs. After the due date for payment each year, skiffs not displaying the required sticker shall be subject to removal at the owner’s expense. Skiffs shall be limited to 14 feet in length. The number of skiff permits shall be determined by the Board.

H. ENFORCEMENT
1. Nuisance: Any violation of this Ordinance shall be deemed to be a nuisance.
2. Notification: Any member of the Town-Owned Property Management Board, tenant of the wharf, or citizen or resident of the Town may notify or warn anyone seen violating this Ordinance.
3. Legal Action: If the person notified does not comply fully with the terms of this Ordinance, the Board of Selectmen may, upon notice from the Town-Owned Property Management Board, institute any and all actions and proceedings, legal or equitable, including seeking injunctions.
against violators and the imposition of fines, that may be appropriate or necessary to enforce it in the name of the Town of Georgetown.

4. Fines: Any person who violates any provision of this Ordinance after receiving notice of such violation shall be penalized in accordance with 30-A MRSA § 4452.

5. Notwithstanding paragraphs 1 and 3 of this section, the Harbormaster appointed under the Waterways and Harbors Ordinance for the Town of Georgetown shall enforce Section E, paragraph 6, of this Ordinance.

I. DEFINITIONS

1. Commercial user: a user holding a commercial fishing license or a tour-boat or charter boat operator using the wharf to pick up or discharge passengers.

2. Resident: a person owning or renting real residential property in Georgetown who uses that property as a year-round or seasonal home.

J. EFFECTIVE DATE

The amendments to this ordinance shall become effective following approval at the regular Town Meeting. The ordinance was adopted at the regular Town Meeting on June 12, 1993 and replaced the Charter, Instructions, and Ordinance previously approved as Article 3 at a Special Town Meeting held on October 23, 1974.
WATERWAYS AND HARBORS ORDINANCE
for the Town of Georgetown, Maine

Approved April 20, 1983
Amended June 13,1998 Amended June 14, 2008
Amended January 23, 1985 Amended June 16, 2001 Amended June 12, 2010
Amended June 12, 1993 Amended June 14, 2003 Amended June 18, 2011
Amended June 10, 1995 Amended June 18, 2005 Amended June 16, 2012

I Purpose: The purpose of this ordinance is to protect the marine environment and provide for the just
and orderly operation of marine activities on Georgetown waterways. It is intended to promote safety,
 Enjoyment, convenience, effective use, and control of mooring areas and public facilities pertinent thereto.

II Definitions
A “Abandoned mooring” shall be defined as a mooring that is not properly registered with the Town
of Georgetown or a mooring that remains unused for one year. The Harbormaster may consider
extenuating circumstances.
B An “abandoned vessel” shall be defined as any vessel that is inoperative and neglected,
submerged, or partially submerged, or that has been left by the owner in coastal waters without
apparent intention of removal.
C “Anchoring” shall be defined as a temporary restraint of a vessel by ground tackle brought aboard
when underway.
D A “channel” shall be defined as a clear area for navigation of a width and location to be
determined by the Harbormaster.
E A “commercial vessel” is any vessel from which the owner obtains a substantial portion of his
earned income.
F A “derelict vessel” is a vessel of any kind that is unseaworthy or in badly deteriorated condition or
which is likely to sink or cause damage to docks, floats, or other vessels or which may become a
menace to navigation.
G Mooring type:
   “Resident Mooring” – a mooring permitted to a resident of Georgetown. (See “J” below)
   “Non-Resident Mooring” – a mooring permitted to a non-resident of Georgetown.
   “Rental Mooring” – a mooring intended to generate rental income. Rental moorings must be
   approved by the town of Georgetown and be permitted by the U.S. Army Corp of Engineers.
   “Commercial Mooring” – a mooring permitted to the owner of a commercial vessel.
   “Guest Mooring” is one additional mooring permitted to a boat owner who has a currently
   approved and paid-up mooring. Its purpose is to accommodate transient and visiting boaters and
   carries the same fees as the original mooring. A guest mooring cannot be used for rental
   purposes.
H “Mooring” shall mean any equipment used by a craft for anchoring purposes and which equipment
is not carried aboard such craft when under way. NOTE: Mooring locations are permitted by the
town of Georgetown.
I A “rental mooring” is a mooring leased or rented to an individual other than the registered mooring
holder.
J The word “resident” shall have its ordinary meaning and shall include persons owning or renting
real residential property in Georgetown who use that property for their year-round or seasonal
homes (with a minimum of six weeks continuous annual occupancy).
K The word “vessel” shall have its ordinary maritime meaning and shall include personal watercraft,
houseboats, and floatplanes having a means of self propulsion.
L A “floating structure” includes all non-propelled structures moored, anchored or adrift.
M A “waterfront parcel of land” means either
   1 the larger of the minimum buildable lot size in the Town or 20,000 square feet and, in either
      case, including 100 feet of shoreline frontage, or
   2 a parcel of land of any size with at least 100 feet of shoreline frontage that was owned prior to
      1 January 1987.
N “Waterways” shall include all of the navigable waters and all harbors, rivers, and bays within the
boundaries of the Town. As used in this ordinance, “harbor” and “harbors” shall include all
waterways unless the context indicates otherwise.
O Any term not defined in this section shall be deemed to have its commonly accepted meaning.
III Harbor Committee
A Appointment: The Board of Selectmen shall appoint a committee of five individuals familiar with the waterways and their activities, all of whom shall be Georgetown residents, but none of whom shall be the Harbormaster or his deputies. Additionally, the Selectmen shall appoint as many as three alternate members who shall serve as regular members at the discretion of the chairman when a regular member is excused because of a conflict of interest or is unable to serve.
B Term: All committee members shall serve staggered three-year terms.
C Powers: The Harbor Committee shall:
1 Plan the development of and establish policy for Georgetown's waterways.
2 Study issues which may arise as a result of the use of the Georgetown Waterways and Harbors Ordinance.
3 Recommend rules and regulations, including mooring fees, for use of waterways to the Selectmen for approval by the Town at Town Meeting.
4 Recommend individuals to the Board of Selectmen for the position of Harbormaster.
5 Prepare and administer the budget for the activities of the Harbor Committee and the Harbormaster.
6 Review the activities of the Harbormaster.
D Meetings: The Committee shall meet at least six times a year.
E Vote: The Committee decisions will be made by vote of a majority of regular members present and voting.
F Quorum: A majority of the regular members appointed to the Committee shall constitute a quorum.

IV Harbormaster
A Appointment: The Harbormaster shall be appointed by the Board of Selectmen upon a recommendation by the Harbor Committee.
B Term: The Harbormaster shall serve at the pleasure of the Board of Selectmen for a one-year term.
C Duties: The Harbormaster shall:
1 Enforce this Ordinance and exercise those powers granted by State law, including, but not limited to, the provisions of 38 MRSA §§ 1 through 13.
2 Carry out responsibilities delegated by State and Federal requirements, including, but not limited to, the enforcement of the Operating Restrictions prescribed by 38 MRSA §§ 281 through 285.
3 Provide advice to the Harbor Committee.
4 Review and, when appropriate, approve applications for mooring privileges.
5 Assign temporary and permanent berthing and mooring locations in Georgetown waterways and harbors.
6 Remove or cause to be removed obstructions to navigation in Georgetown waterways and harbors.
7 Place and maintain or cause to be placed and maintained, either on land or water, such signs, notices, signals, buoys, waterway markers, or control devices as he deems necessary to carry out the provisions of this Ordinance or to secure public safety and the orderly and efficient use of the waterways, harbors, or maritime facilities.
8 Be alert to any pollution in the harbor, investigating and reporting to the Maine Department of Environmental Protection and the US Coast Guard as required and shall monitor cleanup and assist as practicable.
9 Maintain appropriate records, including expense reports, correspondence related to his duties, mooring assignments, and GPS locations.
10 Attend all meetings of the Harbor Committee.
11 Other harbor and waterway related tasks as assigned by the Board of Selectmen.
D Compensation: The Harbormaster’s compensation shall be set by the Board of Selectmen.

V Registration of Moorings
A Initial Application: Application forms for new mooring permits may be requested from the office of the Town Clerk. A completed application form, together with a non-refundable $50 application fee, should be submitted to the office of the Town Clerk. New permit applications will be reviewed by the Harbormaster within forty-five days of receipt. Applications will be either approved, with
conditions placed on the permit if the Harbormaster deems them appropriate; denied; or, in the case of an application for a mooring location in an area of the harbor where no space is currently available, placed on the official waiting list for mooring assignment. The mooring permit will be issued upon approval of the application and payment of the appropriate annual fee.

B Renewal: Annual mooring renewal fees become due on January 1st of each year and must be paid on or before April 30th of that year. A fee double the original fee shall be imposed for payments received between May 1st and May 31st. Mooring renewal fees not paid on or before May 31st will no longer be accepted and mooring privileges will be revoked, the mooring ball will be removed and the tackle dropped or the mooring tackle removed at the owner’s expense so the mooring space can be reassigned.

C Annual Fees: The fee for residents of Georgetown is $15 for each mooring. The fee for non-residents is $40 for each mooring. The fee for a mooring permitted for rental use is $40.

VI Rules Governing Moorings, Mooring Locations, and Anchoring

A All moorings that have been approved will be assigned specific locations with GPS coordinates. These coordinates will be recorded by the Harbormaster, with a copy maintained at the Town Office. Moorings will be given numbers that shall be prominently and permanently displayed on their buoys. Failure to display the number on the buoy may result in the number being affixed and the owner charged a $25 fee, to be added to the following year’s renewal fee.

B Only active moorings shall be permitted. Any mooring that is currently registered but not used pursuant to its permit within a twelve-month period shall no longer be permitted and shall be removed.

C The Harbormaster may require mooring owners to move their mooring to aid in establishment of an efficient mooring plan, to establish navigational channels, and/or to provide more adequate clearances among vessels. Notice will be given pursuant to 38 MRSA §§ 4 and 5 if such relocation becomes necessary.

D Anchoring in Georgetown waters is permitted for a period of up to two weeks, after which time permission from the Harbormaster is required.

E Mooring Assignment

1 Except as provided in subsection 2, mooring privileges shall be granted on application to the Harbormaster on a first-come, first-served basis.

2 When the number of applications exceeds the number of available mooring spaces in an area of the harbor, the Harbormaster shall assign mooring spaces as they become available from a waiting list, pursuant to the requirements of 38 MRSA § 3.

3 a The Harbormaster shall maintain a waiting list of any applicants who have not been assigned moorings and post that list in the Town Office. The list shall be used to assist the Harbormaster in assigning moorings when he determines that space has become available. The list shall show the applicant’s name, residency status, use status (commercial or non-commercial), location preference, and date of application. Except as provided in 38 MRSA § 3, assignments shall be made in the chronological order received in accordance with the following priorities:

   (1) Vessel owners who are owners of waterfront parcels of land, who are entitled to one mooring in the harbor area adjacent to their land.
   (2) Resident commercial vessel owners.
   (3) Resident non-commercial vessel owners.
   (4) Non-resident non-commercial vessel owners.
   (5) Vessel owners with multiple mooring locations.

b If less than ten percent of the currently assigned non-commercial moorings in the Town’s waterways are held by non-residents, then the next available mooring shall be assigned to the first applicant on the waiting list meeting that description. If less than ten percent of the currently assigned commercial moorings in the Town’s waterways are held by non-residents, then the next available mooring shall be assigned to the first applicant on the waiting list meeting that description. If both non-resident non-commercial and non-resident commercial are allocated less than the required ten percent, the next available mooring shall be assigned to the first applicant on the waiting list from whichever group has the lowest percentage. Usage of all moorings, including rental moorings, shall be counted in the tabulation of the ten percent requirements.

F Mooring permits are not transferable, except that commercial fishermen may transfer mooring permits to members of their immediate family for continued use for commercial fishing. pursuant
to 38 MRSA § 3-A.

G Except for rental and guest moorings, a mooring shall be permitted only to the registered owner(s) of the vessel listed on the permit.

H Multiple use of moorings: The Harbormaster shall facilitate the multiple use of moorings in the harbor in order to maximize the use of the limited space available.

1 Temporary use of a permitted mooring: With the written permission of the permitted mooring holder, the Harbormaster may issue a written authorization for a vessel belonging to an individual, or for a vessel in the care, custody, or control of a commercial entity, to occupy temporarily an unoccupied permitted mooring, subject to any provisions he deems appropriate.

2 Occasional use of a permitted mooring: The use of a mooring by a vessel other than the vessel listed on the permit, for a period not to exceed five days per calendar year, shall not require specific permission of the Harbormaster but shall require all of the following:
   a the permission of the permitted mooring holder; and
   b that the vessel’s length is no greater than that of the vessel listed on the permit; and
   c if the vessel is a commercial vessel, it must be registered or documented to a Georgetown Resident.

I Moorings shall at all times be maintained in a safe condition, in accordance with the provisions of the Mooring Permit. Failure by the permit holder to do so will result, after notification, in revocation of the permit.

J For purposes of identification, mooring balls or pick-up floats shall have their assigned permit numbers visibly displayed.

K Removal of abandoned moorings: When the Harbormaster determines that a mooring is abandoned; he shall tag the mooring ball as non-compliant and subject to removal in 30 days. In accordance with 38 MRSA § 4, the mooring ball may be removed and the tackle dropped.

L Rental moorings: No mooring shall be used as a rental mooring unless it is registered as such with the Town of Georgetown and the registered owner has a permit from the US Army Corps of Engineers.

M Persons setting non permitted moorings will be given 14 days to remove the mooring tackle or it will be cut and dropped by the Harbormaster.

VII Basic Speed Law: The operation of any vessel within five hundred feet of any anchorage or mooring, float, or wharf, in excess of five knots, or in a manner to create a wake, shall constitute a violation of this ordinance.

VIII Abandoned and Derelict Vessels: No person shall bring into or maintain in Georgetown waters any derelict vessel or a vessel for salvage or abandon any vessel, without permission of the Harbormaster. Whoever does so is guilty of a Class E crime as outlined in 38 MRSA §§ 9 and 13. Vessels that are to be salvaged by firms licensed by the State to do salvage work shall be excluded from this section. The Harbormaster shall have the sole authority to determine what constitutes a vessel that is derelict or abandoned.

IX Procedure: The Harbormaster will notify the owner or owners of an abandoned or derelict vessel that it must be removed within seven days (unless circumstances dictate immediate removal) or face action as set forth in 12 MRSA §§ 591 ET seq (the Abandoned Watercraft Act).

X Penalty: As specified by 38 MRSA § 2, anyone who violates the terms of this Ordinance or fails to obey an order of the Harbormaster may be guilty of a Class E crime and may be liable to the penalties of 30-A MRSA § 4452, which includes fines of $100 to $2,500 per day of offence, injunctions, and attorney fees and court costs.

XI Separability: In the event that any section, subsection, or portion of this Ordinance shall be declared by any Court having jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection, or portion of this Ordinance.

XII Effective Date: This Ordinance was adopted April 20, 1983. Changes included herein become effective when adopted by Town Meeting.
WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

for the Town of Georgetown, Maine

Adopted June 13, 2009  Amended June 12, 2010

1.0 TITLE
This Ordinance shall be known and cited as the "Wireless Communications Facilities Siting Ordinance" for the Town of Georgetown, Maine (hereinafter referred to as "the Ordinance").

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 MRSA § 3001 (Home Rule); and the provisions of the Planning and Land Use Regulations Act, 30-A MRSA § 4312 et seq.

3.0 PURPOSE
The purpose of this ordinance is to provide a process and standards for the construction of wireless communications facilities. These standards are designed and intended to balance the interests of the residents of the Town of Georgetown, wireless communications providers, and wireless communication customers in siting wireless communications facilities within the town.

3.1 Wireless Communication Facilities (WCF) standards are also intended to:
3.1.1 Implement a municipal policy concerning the provisions of wireless communications services, and the siting of their facilities;
3.1.2 Establish clear guidelines, standards, and time frames for the exercise of municipal authority to regulate wireless communications facilities;
3.1.3 Ensure that all entities providing wireless communications facilities to the Town of Georgetown comply with the ordinances of the Town of Georgetown;
3.1.4 Permit the Town of Georgetown to protect public health, safety, and welfare fairly and responsibly;
3.1.5 Encourage the co-location of wireless communications facilities, minimizing adverse visual impacts on the community;
3.1.6 Require providers of wireless communications facilities to configure them in a way that minimizes adverse impact through careful design, siting, and landscape screening; and
3.1.7 Provide for the removal of towers and associated structures that are no longer being used for wireless communications purposes.

4.0 APPLICABILITY
This Ordinance shall apply to all construction and expansion of wireless telecommunications facilities, except as provided in Section 4.1.

4.1 Exemptions. The following are exempt from the provisions of this ordinance:
4.1.1 Amateur (ham) radio stations licensed by the Federal Communications Commission (FCC);
4.1.2 Parabolic antennae less than seven feet in diameter that are an accessory use of the property;
4.1.3 Temporary WCF in operation for a single period, not to exceed 180 days. Such temporary facilities shall be removed within 30 days following the maximum allowed period; and
4.1.4 Antennae as accessory uses to a residential dwelling unit provided that the WCF is not used for commercial purposes.

5.0 REVIEW AND APPROVAL AUTHORITY
Construction, alteration, repair, or change on any WCF shall require a building permit issued by the Planning Board.
5.1 A building permit is required for:
5.1.1 Any WCF that does not exist as of the effective date of this Ordinance;
5.1.2 Any additional antenna or antenna array or increase in broadcast capacity in excess of
the exemption standards contained in FCC OETC Bulletin 65 on the WCF not previously and
specifically approved by the Planning Board; and
5.1.3 Any increase in tower height not previously and specifically approved by the Planning
Board.

5.2 Normal maintenance, as defined in Section 18 of this Ordinance, does not require a
building permit.

5.3 No construction, alteration, repair, or change shall occur to any WCF unless all required
permits are obtained including, but not limited to, any Federal or State permits.

6.0 REVIEW PROCEDURES

The Planning Board shall have the authority to engage an independent radio frequency engineer
or other expert to review any documentation, guidelines, performance standards, or testimony
provided by the applicant to the Planning Board to ensure that the requirements of this Ordinance
are met. The qualified third party shall, at the request of the Planning Board, verify the accuracy
of the information presented by the applicant. The costs for any consultants or experts engaged
by the Planning Board shall be borne by the applicant. In all cases, the burden of proof shall be
on the applicant to demonstrate that the required standards have been met.

6.1 Pre-Application Conference
6.1.1 No less than 30 days before submitting a WCF application for approval, the applicant or
his agent shall appear before the Planning Board to discuss the proposed facility, present a
sketch plan for informal review, and make arrangements for an inspection of the site with the
Planning Board within the 30-day period from the date of the pre-application conference.
6.1.2 The sketch plan shall include a rough outline of the proposed facility showing the
proposed location of the antenna/antenna tower, support buildings, property boundaries, abutter’s
buildings, and other features which may be of assistance to the Board in understanding the
proposal.
6.1.3 No binding commitments shall be made between the applicant and the Board at this
stage. The purpose of the pre-application meeting shall be to understand what is proposed, what
is possible, and what is acceptable.
6.1.4 Site Inspection: The Chairman of the Planning Board will appoint one or more individuals
to inspect the site, preferably accompanied by the applicant and the CEO. The purpose of this
inspection is to provide fuller information for the Board on the characteristics of the site and the
impact the WCF will have on the surrounding area.
6.1.5 The Planning Board shall provide the applicant with the requirements for an application at
the pre-application conference. The application shall consist of the items outlined in section 6.2
below. The Planning Board may, at its discretion, modify the requirements in accordance with
section 14 below if such actions will not unreasonably restrict its ability to review the application.

6.2 Application. All persons seeking approval of the Planning Board under this ordinance
shall submit an application for a WCF and shall provide the following information as a minimum:

6.2.1 General
   a. Names, addresses, phone numbers, and other means of contacting owner, lessee,
      companies, and persons that will function as contacts for the required inspections and monitoring
      of the WCF;
   b. Documentation of the applicant’s right, title, or interest in the property on which the facility is
to be sited, including name and address of the property owner and the applicant;
   c. Evidence of the need for wireless telecommunications improvements within the Town of
      Georgetown and/or surrounding areas;
d. Evidence of a commitment from a duly licensed entity to utilize the tower to provide wireless communication services. All wireless communication entities that are contracted to locate on the tower must join as applicants;

e. Written approval by all applicable State and Federal agencies, including but not limited to the FAA and FCC, including a description of any conditions or criteria for the approval, or a statement from the agency that no approval is required;

f. A plot plan and elevation drawings of the proposed facility and any associated structures, proposed antennas, platforms, accessory equipment, fences, and landscaping, showing colors and identifying structural materials; identification of any other telecommunication facilities existing or proposed on the site; and details of all existing or proposed accessory structures including buildings, parking areas, utilities, gates, access roads, etc.

6.2.2 Tower

a. Evidence that the applicant has notified all other tower and alternative tower structure owners and licensed wireless communication providers that could furnish service to the Town by registered mail, return receipt requested. This notice shall state the applicant's siting needs and request information on the co-location capabilities of the existing or previously approved facilities. This evidence shall include a name and address list and a copy of the notice sent.

b. A letter of commitment, binding upon the tower owner and all successors in interest, to lease excess space on the tower to other potential users at reasonable rates, which shall be economically viable and not unduly burdensome. This letter of commitment shall be recorded in the Sagadahoc County Registry of Deeds before the building permit can be issued.

c. Evidence that previously approved towers and alternative tower structures in the Town cannot accommodate the communications equipment planned for the proposed tower. Such evidence shall include documentation from a licensed wireless communications provider or a qualified licensed professional engineer that:

1. The planned necessary equipment would exceed the structural capacity of existing and approved towers and alternative tower structures, considering:
   a. the existing and planned use of those towers and alternative tower structures, and
   b. the inability to reinforce or enlarge existing and approved towers to accommodate planned or equivalent equipment at a reasonable cost; or
2. Planned equipment will cause electromagnetic frequency interference with other existing or planned equipment for that tower or alternative tower structure, and the interference cannot be prevented at a reasonable cost; or
3. Existing or approved towers and alternative tower 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
4. Other reasons that make it technically or financially unfeasible to place the equipment planned by the applicant on existing and approved towers and alternative tower structures.

d. Documentation that the proposed tower cannot be co-located on existing or previously approved tower sites. Evidence should include an assessment of whether such tower sites could be changed to accommodate the proposed tower, and a general description of the projected cost of shared use of the existing or approved tower site.

e. A report from the manufacturer or a qualified, licensed professional engineer that describes the tower, the technical reasons for the tower design, the structural integrity for the proposed use at the proposed location, and the capacity of the tower, including the number(s), type(s), and volume(s) of antennae that it can accommodate and the basis for the calculation of capacity.

f. A letter of intent that commits the tower owner and his or her successors in interest to:

1. Respond in a timely, comprehensive manner to a request for information from a potential co-location applicant;
2. Negotiate in good faith for shared use by third parties that have received an FCC license or permits; and
3. Allow shared use if an applicant agrees in writing to pay reasonable charges.

g. Proof of financial capacity to build, maintain, and remove the proposed tower.

h. The maximum tower height shall be no more than necessary to provide for service and public safety, and in no case higher than 175 feet. Factors to be considered are geography of the site,
technology to be used, power to be transmitted, proposed range of reception, number of expected users, number of expected carriers, and the technology each will use.

i. There shall be no more than one tower on each lot.

6.2.3 Site Plan:

a. prepared and certified by a registered professional engineer indicating the location, type, and height of the proposed facility, antenna capacity, on-site and abutting off-site land uses, means of access, setbacks from property lines and roads, and all applicable American National Standards Institute (ANSI) technical and structural codes; showing and including

b. 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.

c. 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 structure.

d. Certification by the applicant that the proposed facility complies with all FCC standards for radio emissions; and

e. A boundary survey for the project performed by a licensed land surveyor.

6.2.4 Lot Assessment, consisting of the following:

a. A landscaping plan indicating the proposed placement of the facility on the site; location of existing structures, trees, and other significant site features such as streams, marshes, etc.; existing plant materials to be retained and trees and shrubs to be removed; land uses on the proposed parcel and on abutting properties; the type and location of plants proposed to screen the facility; the method of fencing; the color of the structure; and the proposed lighting method.

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

c. A written analysis of the visual impact of the proposed facility, including tower and supporting structures, which may include 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 from roads, public areas, private residences, significant scenic resources, 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. The overall analysis shall assess the cumulative impacts of the proposed facility and other existing communication facilities in the area.

6.2.5 Location

a. No WCF shall be located so as to create a significant threat to the health or survival of rare, threatened, or endangered plant or animal species. WCFs shall not be sited in a Resource Protection District.

b. WCFs shall not be sited in areas of high visibility as determined by the Planning Board unless it finds that no other location is technically feasible.

c. An equipment compound may be erected in connection with a tower provided that:

(1) It shall consist of no more than 2,500 sq. ft. in area;

(2) It shall be situated behind any existing buildings, structures or terrain features that will help shield the compound from public view;

(3) The maximum height of any building within the equipment compound shall be no taller than one story in height, up to a maximum height of twenty feet, and shall be created to look like a building or facility typically found in the area;

(4) Equipment buildings, lockers, or cabinets shall be located within the equipment compound, which shall be enclosed within a solid wooden fence of at least seven feet in height and no more
than eight feet in height as measured from the finished grade. The fence shall include a locking
security gate; and
(5) Sufficient anti-climbing measures and other security measures preventing access to the site
shall be incorporated into the facility, as needed, to reduce the potential for trespass and injury.

6.2.6 Buffer Requirements
a. Vegetative buffering must be provided to screen, at ground level, the tower and any
accessory buildings and structures from adjacent land uses. The preservation of existing mature
vegetation and natural land forms on the site shall be preserved to the greatest extent possible.
b. If existing vegetation at the time of application does not provide adequate buffering to
minimize visual impact of the structure and if location out of public view is not possible, the
Planning Board may require additional plantings in the buffer area to enhance the effectiveness of
the buffer area as a visual screen. In any case, a landscaped buffer 20 feet in width shall be
provided around the compound to shield the facility from public view. The landscaped buffer shall
include evergreen trees at least eight feet in height at the time of planting and shall be planted in
staggered double rows at 15 feet on center, or screening that will provide equivalent buffering -
the size and quantity of plantings shall be subject to Planning Board approval. If any additional
plantings within landscaped buffered area(s) do not survive a minimum of two years, they must
be replaced.

6.2.7 Finish and Color: Facilities installed according to these provisions shall be suitably
finished and/or painted so as to minimize their visual impact on the landscape. Buildings and
equipment that will be visible to the public should be designed in a manner and constructed of
materials consistent with their surroundings. The tower and equipment associated with the
antennas shall be of such a color or finish as to blend with their surroundings.

6.2.8 Space and Bulk Requirements: Any WCF not existing as of the effective date of this
ordinance shall conform to the following standards:
a. Mounting and Dimensions: The mass and dimensions of antennae on a tower or alternative
tower structure shall be governed by the following criteria:
(1) Whip Antennae shall not exceed 20 feet in length for an individual antenna, and shall be
limited to two per mount, with no more than three mounts at a given level.
(2) Panel Antennae - The horizontal centerline of all panel antennae of a single carrier must be
aligned in the same horizontal plane, with each antenna not to exceed eight feet in length or two
feet in width.
(3) Panel Antenna Mass Per Array - The mass of antennae, including required antenna support
structures, shall not exceed 500 cubic feet per antenna array, with no one dimension exceeding
15 feet per array. The mass shall be determined by appropriate volumetric calculations using the
smallest regular rectilinear, cuboidal, conical, cylindrical, or pyramidal geometric shapes
encompassing the perimeter of the entire array and all of its parts and attachments.
b. Lot Area: A WCF shall not be constructed on a lot that does not conform to the Georgetown
minimum lot size, even if such a lot is a lawful, non-conforming lot of record.
c. Setbacks:
(1) The center of the tower base shall be set back from the property line by a distance of at least
one hundred and ten percent of the total tower height. If guy wires are used, they shall meet the
applicable building setback requirements from the property line. This provision shall apply to both
leased and owned property. Equipment facilities and other non-residential structures deemed
functionally dependent for the WCF by the Planning Board may be permitted within the antenna
setback area if desired by the applicant, but not within the normal building setback requirements.
(2) All telecommunication facilities shall maintain the required setbacks as undisturbed vegetated
buffers, except for the access road.
(3) There shall be no setback requirements for antennae mounted on alternative tower structures.
The standard building setbacks shall apply for alternative tower structures and equipment
facilities where applicable.
Co-Location is strongly encouraged in order to avoid the construction of multiple towers. All wireless communication towers and equipment compounds shall be built so as to facilitate co-location with additional service providers provided that the height limits and other bulk restrictions of this Ordinance are not exceeded.

7.0 PLANNING BOARD REVIEW GUIDELINES

7.1 The Planning Board review of the application shall be advertised in local newspapers for at least three days prior to the review. In addition, the applicant shall notify all abutters by registered mail, return receipt requested, at least 14 days prior to the review.

7.2 The Planning Board may require that the applicant submit documentation, in writing, that the guidelines established below will be met and maintained. The Planning Board will be guided in its consideration of a WCF application by the following parameters:

7.2.1 All standards contained in Section 8, Performance Standards, of this Ordinance.

7.2.2 The height of the proposed tower, alteration, or other necessary structure does not exceed what is essential for its intended use.

7.2.3 The proximity of the tower and impact to residential development shall be minimized.

7.2.4 The WCF shall minimize changes to the existing natural topography to the maximum extent feasible and shall take into consideration the surrounding topography.

7.2.5 The WCF shall utilize the surrounding tree coverage and foliage as a buffer. Removal of mature trees shall be strongly discouraged.

7.2.6 The design of the WCF including the tower, antenna, antenna array, and any functionally dependent structures shall have the effect of reducing or eliminating visual obtrusiveness.

7.2.7 The WCF shall minimize visual impacts on viewsheds, ridgelines, and other areas of impacts by means of tower location, tree and foliage clearing, and placement of incidental structures.

7.2.8 The proposed facility shall not be constructed in such a manner as to result in unnecessary height, mass, and guy-wire supports.

7.2.9 Based on information submitted by the applicant, the Planning Board shall ensure that other technically feasible sites have been investigated and the proposed facility has been located in order to minimize the effect of the location on visually sensitive areas such as residential use, historical areas, open space areas, and marshes.

7.2.10 The Planning Board may require a performance guarantee in accordance with Section 9.1 of this ordinance. The applicant shall also provide a removal guarantee as required by Section 9.2 of this ordinance.

7.2.11 The applicant shall pay all reasonable and customary fees incurred by the Town necessary to review the application, including, but not limited to, independent engineering, planning, legal, or similar professional consulting services. Any such fees shall be assessed for review and shall be payable without regard to consultation results or the outcome of the application review. Any fees incurred shall be paid in full at the time of application.
8.0 PERFORMANCE STANDARDS

All applications requiring Planning Board review shall meet and maintain the following performance standards to the maximum extent possible as determined by the Planning Board.

8.1 Structural Design Standards
a. Any new single-use tower shall be designed to support structurally a minimum of two additional antenna arrays.
b. Communication towers shall be designed and installed in accordance with the most current standards of the Electronic Industries Association (EIA) Structural Standards for Steel Antenna Towers and Antenna Supporting Structures.
c. The applicant's engineer shall provide documentation showing that the proposed WCT meets or exceeds the most current standards of the American National Standards Institute for Sagadahoc County relative to wind and ice loads when the tower is fully loaded with antennae, transmitters, and other equipment as described in the submitted plan.
d. For towers or antennas placed on buildings or alternative tower structures, the applicant shall also provide written certification from a structural engineer that the building or ATS itself is structurally capable of safely supporting the tower, antennas, their accompanying equipment and ice and wind loads.
e. A proposal to construct a new co-located WCT at or below the maximum height allowable permitted for a single wireless communication service must include evidence that the tower can structurally support a minimum of two antennae arrays for each anticipated co-locating entity.

8.2 Radiation Emission Standards: The design, siting, and operation of the tower and any related structures must assure that all potentially hazardous radiation is controlled or contained, and that radiation levels are at safe levels as determined by applicable State and Federal standards.

8.3 Aesthetics
a. Except where otherwise dictated by Federal or State requirements, the Planning Board may require that a proposed tower be designed to blend with its surroundings. Blending may include, but is not limited to, having a galvanized finish or being painted flat blue-gray or in a sky tone above the tops of surrounding trees and earth tone below treetop level.
b. If lighting is required by State or Federal regulations, the Planning Board may review the available lighting alternatives and approve the design that will cause the least disturbance to the surrounding properties and views.
c. Antenna arrays and microwave dishes located on an ATS shall be placed in such a manner as to be as indistinguishable as possible from the current appearance of the existing structure as viewed from the ground level adjacent to the ATS. If circumstances do not permit such placement, the antenna array and dishes shall be placed and colored to blend into the architectural detail and coloring of the host structure.
d. The Planning Board may require special design of the facilities where findings of particular sensitivity are made (for example, proximity to historic or aesthetically significant structures, views, or community features).
e. No advertising or signage shall be permitted on any tower or antenna except for safety or other signage that may be required by the FCC.

8.4 Access: The operator shall keep the access to the facility free from snow and debris to ensure emergency access if required.

9.0 ADDITIONAL STANDARDS AND CRITERIA

Operators of wireless communications facilities and their successors and assigns shall, on an annual basis, provide to the Town of Georgetown a letter certifying that the tower is still in use.
and that the tower and its component equipment have not been superseded by more modern and preferred technology, thus rendering their use obsolete.

9.1 Performance Guarantee

Any application that requires Planning Board review and approval shall require the posting of a performance guarantee for the development, construction, modification, and/or removal of the WCF. The amount of the guarantee shall be sufficient to return the land to a condition as near to the original pre-construction condition as possible as determined by the Planning Board. The amount of the guarantee shall be determined by the Planning Board based on estimates from independent contractors. The type and form of guarantee shall be approved by the Board of Selectmen. The guarantee shall be released only as authorized by the Planning Board.

a. Wireless communications facilities that are not in use for wireless communications purposes for six consecutive months shall be removed by the facility owner or the contractually responsible party at his or her own expense. Removal, including the removal of all components associated with the facility, shall occur within 90 days of the end of such six-month period. Upon removal, the site shall be cleaned, restored, and re-vegetated to blend with the surrounding vegetation at the time of abandonment, or to a condition as near to the original pre-construction condition as possible as determined by the Planning Board.

b. Should the specific use of these wireless communication facilities be superseded by more modern and preferred technology, thus rendering their use obsolete, the tower and associated equipment and components be dismantled and the site restored.

c. The applicant for a new tower shall, prior to issuance of any building permit required for a WCF or WCT hereunder, post a performance guarantee in the form of a continuous corporate surety bond, or an escrow account, for the benefit of the Town equal to 125 percent of the estimated demolition and removal cost of the tower and associated facilities and components. Estimates of demolition and removal costs shall be provided by an independent contractor, and shall not be based on services being provided by Town employees and Town equipment. The amount of the guarantee shall be approved by the Planning Board, and shall be sufficient to return the land to a condition as near to the original pre-construction condition as possible as determined by the Planning Board.

d. Estimated removal costs shall include all above-ground structures, equipment, foundations, guy anchors, utilities, fencing, access roads, or driveways specifically constructed to serve the tower, structures, equipment, or utilities.

e. The type and form of the guarantee shall be subject to review and approval by the Town Attorney and the Board of Selectmen. The Board of Selectmen shall have the authority to require either a certified check payable to the Town of Georgetown, a savings account passbook issued in the name of the Town, an irrevocable letter of credit in favor of the Town from a financial institution authorized to do business in Maine, or a faithful performance bond running to the Town and issued by a surety company authorized to do business in Maine and acceptable to the Board of Selectmen.

f. All performance guarantees shall be on a continuous basis, with any provision for cancellation to include that the Town must be given at least 30 days notice of cancellation. The performance guarantee covering removal shall be for a minimum term of three years. It shall contain a mechanism satisfactory to the Planning Board for reviewing the cost of removal of the structure every three years, and a mechanism for increasing the amount of the guarantee, should the revised cost estimate so necessitate. The performance guarantee shall be released by the Planning Board only upon the completion of tower and facility removal and land restoration (as required by this Section) to the satisfaction of the Code Enforcement Officer.

9.2 Time Schedule: The WCF must be completed for operational use by the end of a 12-month period after final approval.

9.3 Liability: The Town of Georgetown is excluded from any liability relating to the loss of life, personal injury, or property damage as a result of the use of this wireless communications facility, its equipment, and component thereof.
10.0 ALTERATIONS TO EXISTING FACILITIES

10.1 Normal maintenance and repairs of any conforming WCT and its related buildings may be performed without a permit from the CEO.

10.2 Planning Board review and approval in accordance with the standards of this Ordinance shall be required if any of the following changes are proposed:

a. Any increase in the number or size of antenna(s), antenna array(s), or broadcast capacity in excess of the exemption standards contained in FCC OET Bulletin 65.

b. Any increase in tower height. Also requires a building permit issued by the CEO.

c. Any change to tower lighting or existing buffering.

d. Any change to the access road or the size (square feet or volume) of any structure on site. Also requires a building permit issued by the CEO.

11.0 BUILDING PERMIT REQUIREMENTS

The Planning Board shall ensure that the following requirements are met before issuing a building permit for a WCF. Building permits shall be issued in accordance with the requirements of the Building Permit Ordinance and Shoreland Zoning Ordinance except for the additional requirements or standards cited in this Ordinance.

11.1 A building permit for the construction of a new WCF or any change to an existing WCF shall not be issued until the Planning Board has approved the facility and all applicable conditions have been met.

11.2 The Planning Board shall not issue a building permit for a WCF unless all required permits are obtained and filed with the Town including, but not limited to, any applicable Federal or State permits or licenses.

11.3 In the event that an applicant proposes to add capacity, or change component parts of the antenna, the Planning Board may issue a building permit for additional antenna, antenna array(s), or broadcast capacity if the changes have been previously and specifically approved by the Planning Board. The Planning Board approval must specifically state that this capacity is allowed. Any increase in broadcast capacity in excess of the exemption standards contained in FCC OET Bulletin 65 must be previously and specifically approved by the Planning Board.

11.4 The Planning Board shall have the authority to use professional and technical services to review proposed plans and to inspect the construction of an approved project. The applicant shall pay all costs incurred for these review and inspection services.

11.5 If the Planning Board requires inspections and/or proof of insurance, all necessary forms and inspection schedules shall be submitted.

11.6 If the Planning Board requires a performance guarantee and/or abandonment/removal bond for the proposed WCF, it must accept the bond required before acting on the application.

12.0 INSPECTIONS

12.1 Inspections of towers by either a registered professional engineer or a qualified third party mutually agreed upon by the applicant and the Planning Board/CEO shall be performed to assess structural integrity. Such inspections shall be performed as follows:
12.2 The owner shall submit the inspection report to the CEO or designee 30 thirty days of its receipt. Based upon the results of the inspection, the CEO, or upon recommendation by the CEO, the designee may require repair or demolition of the tower.

12.3 The cost of such inspections, reports, repairs, or demolition required shall be borne entirely by the tower owner. Required repairs shall be completed within 90 days or less, as required by the CEO or designee for safety reasons.

12.4 Failure to provide required inspection reports in the required time schedule shall be deemed prima facie evidence of abandonment.

13.0 REMOVAL OF ABANDONED WIRELESS COMMUNICATION FACILITIES

13.1 The owner of a WCF shall notify the CEO of the date of cessation of use of the facility or any component thereof within one month from the date of such cessation. If the owner fails to give the notice required by this paragraph, the CEO shall make a determination of such date, which determination shall be conclusive.

13.2 Any WCF or component thereof that is not operated for a continuous period of six months shall be considered abandoned. The owner of an abandoned WCF or component thereof shall remove it within 90 days of receipt of notice from the CEO of determination of abandonment. If the owner fails to remove the abandoned WCF or component thereof as required, the Town shall utilize the removal guarantee and shall cause the removal of the abandoned equipment and any required site restoration.

13.3 If the owner goes out of business or becomes bankrupt, the WCF shall be considered abandoned. The owner shall meet the removal and restoration requirements in this Section.

13.4 The applicant shall be required to post a performance guarantee in accordance with standards established in Section 9 above.

13.4 If two or more operators use a single WCF or tower, these provision shall not apply until all users cease using the WCF or tower.

13.5 If all antennae above a manufactured connection on a tower are removed, the resulting unused portions of the tower shall be removed within three months.

13.6 The replacement of all or portions of a WCF previously removed requires a new application and site plan approval as established in this Ordinance

14.0 WAIVERS

The Planning Board may waive any of the submission requirements based upon a written request of the applicant submitted at the time of application. It may grant a waiver of any submission requirement only if it finds in writing that the information is not required to determine compliance with the standards of this Ordinance. The Planning Board must additionally determine that such modification or waiver would not adversely affect properties in the vicinity or the general safety
and welfare of the Town. The burden of proof rests solely with the applicant and must be shown to be consistent with Federal and State law and with the purpose of this Ordinance.

15.0 APPEALS

Appeals shall be in accordance with the standards established in the Building Permit Ordinance or Shoreland Zoning Ordinance. Appeal applications and variance requests shall be in accordance with Board of Appeals Ordinance Section VI.

16.0 CONFLICT AND SEVERABILITY

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, the more restrictive provision shall apply. The invalidity of any part of this Ordinance shall not invalidate any other part of this Ordinance.

17.0 EFFECTIVE DATE

This Ordinance becomes effective upon approval at Town Meeting.

18.0 DEFINITIONS

In addition to those terms defined in the Building Permit and Shoreland Zoning Ordinances, the following terms are applicable for reviewing an application for a WCF and for ensuring that applicable standards are met.

**ATS (Alternative Tower Structure):** Clock towers, steeples, light poles, water towers, electrical transmission line towers, and similar alternative mounting structures that camouflage or conceal the presence of antennae or towers associated with a WCF.

**Antenna/Antenna Array:** (1) A device used in communication that transmits or receives radio or electromagnetic frequency signals. (2) A system of one or more rods, panels, discs, or similar devices used for transmitting or receiving radio frequency (RF) signals through electromagnetic energy. These include, but are not limited to, omni-directional antennae (whip or rod), directional antennae (panel), and parabolic antennae (dish or disc).

**Antenna Support Structure:** Any pole, telescoping mast, tower tripod, or other structure that attaches to a tower and supports one or more antenna.

**Co-location:** The use of a WCF by more than one wireless telecommunications provider.

**Equipment Facility:** Any structure used to contain ancillary equipment for a WCF, including cabinets, shelters, a build-out of an existing structure, pedestals, and other similar structures.

**FAA:** the Federal Aviation Administration or its lawful successor.

**FCC:** the Federal Communication Commission or its lawful successor.

**Normal Maintenance:** The regular, routine maintenance of a WCF including but not limited to changing light bulbs, plowing and maintaining the existing access road and gate, fence repair and maintenance, maintenance of the buffer, replacing an existing antenna with a functionally equivalent antenna, and changing or repairing electronic components that do not increase the broadcast capacity of the WCF in excess of the exemption standards contained in FCC OET Bulletin 65. This definition specifically includes painting provided that it is done in accordance with the standards established in this Ordinance. This definition specifically excludes widening an
access road, increasing tower height, replacing light fixtures, and increasing the broadcast capacity of a WCF within the exemption standards contained in Bulletin 65.

**OET:** The FCC Office of Engineering and Technology.

Parabolic Antenna: (also known as a satellite dish antenna): An antenna that is bowl shaped, designed for receiving or transmitting RF communication signals in a specific directional pattern.

**Tower Height:** The vertical distance measured from the mean elevation of a 25’ radius of a circle whose center is the base of the tower to the highest point of the tower or ATS, including the base pad, all antennae, and other attachments. When towers are mounted on buildings or other structures, the total vertical height is measured from the ground level as stated above.

**Wireless Communications:** Any personal wireless services as defined in the Federal Telecommunications Act of 1996, which includes FCC-licensed commercial wireless telecommunications services including but not limited to telecommunications services, radio or television signals, or any other spectrum-based transmissions/receptions, cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, radio, television, and similar services that exist or may be developed.

**WCF (Wireless Communication Facility) or Facility:** A facility that transmits, receives, distributes, provides, or offers wireless communications. This definition includes the facility's associated antennae, microwave dishes, horns, cables, wires, conduits, ducts, lighting rods, electronics, and other types of equipment for transmitting, receiving, distributing, or offering such signals, wireless communication towers, antenna support structures, and other structures supporting the equipment, and any attachments to those structures, including guy wires and anchors, equipment buildings, generators, parking areas, utility services, driveways, roads, and other accessory features.

**Wireless Communication Towers - Co-Located:** A Wireless Telecommunications Tower or ATS supporting one or more antennae or antenna arrays owned or used by more than one public or private entity. A Co-Located Tower may include two or more antenna arrays serving the same company provided that the applicant can demonstrate to the Planning Board that separate levels are a practical necessity.

**WCT (Wireless Communication Tower) or Tower:** A structure designed and constructed specifically to support an antenna array that provides wireless communication. A tower may be a monopole (i.e. "flagpole"), self-supporting (lattice) tower, guy-wire support tower, or other similar structure, and includes all supporting lines, cables, wires, and braces.