Historic Preservation Ordinance

Article I

Purpose

The Purpose of this Ordinance is to:

1. Safeguard the town of Litchfield’s historic, cultural and aesthetic heritage by preserving sites and landmarks of historic and cultural interest.

2. Promote the cultural, educational, and economic welfare of the people of the town through the recognition, perpetuation and enhancement of sites and landmarks of historical and cultural significance.

3. To enhance the town’s image as a place attractive to visitors and thus support and stimulate business in the town.

4. To promote the use of historic and culturally significant sites and landmarks as a source of education and enjoyment for the people of the town.
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Article II

Definitions

As used in this ordinance, the following terms have the meaning indicated:

*Alteration* -- The word alteration includes: “rebuilding”, “reconstructing”, “removing”, and “demolishing”.

*Building* -- A combination of any materials forming a shelter that may be used for persons, animals, or property.

*Commission* -- The commission acting as the Litchfield Historic Preservation Commission established per Article III.

*Certificate of Appropriateness* -- This certificate will be required only in the cases of *Historic Landmarks* and *Historic Sites* as defined below. The certificate is a written approval granted by the Commission upon application of a person with sufficient right, title, or interest to the property defined as a Historic Site or Landmark. The certificate may be issued after a prescribed review procedure, certifying that the proposed actions by an applicant are found to be acceptable for the property in question.

*Demolition* -- The razing of any exterior architectural feature, structure, or object.

*Historic Landmark* -- Any improvement, building or structure of particular historic or architectural significance to the town of Litchfield relating to its heritage, cultural, social, economic or political history. Such Historic Landmarks must be designated by ordinance. Any alteration to a Historic Landmark requires a Certificate of Appropriateness as defined above.

*Historic Site* -- Any parcel of land of special significance in the history of Litchfield and its inhabitants, including prehistoric and archeological sites. Such Historic Sites must be designated by ordinance and may constitute part of the premises on which an historic landmark is located. Any alteration to such Historic Sites requires a Certificate of Appropriateness as defined above.
Relocation – Moving a building, structure or other historic landmark from its original location to another location.

Renovation -- Adding or replacing a feature to simulate the original.

Repair -- Correcting deterioration, decay or damage to the real property or structure with the intent to restore it to the condition prior to the deterioration, decay or damage.

Restoration -- To bring back to a former or original state.

Structure -- Anything constructed or erected the use of which requires a fixed location on or in the ground. Examples would include, but not be limited to, old mill dams and mill sites.
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Article III

Establishment, Organization, and Powers of the Commission

1. Operating procedures:

   A. Appointment: Persons wishing to be considered for membership on the Commission shall submit a written request to the Selectmen, who shall appoint members for staggered 3-year terms or to fill out the remaining term of a vacating member. The Commission will consist of at least five and not more than thirteen members.

   B. Vacancy: A vacancy shall be created when a member resigns, dies or is removed by the Board of Selectmen for cause. If a member is absent for three consecutive meetings without excuse the Commission will notify the Board of Selectmen of such absence with a summary of the circumstances and a recommendation that the member either be retained or dismissed from the Commission. Vacancies should be filled within 60 days.

   C. Meetings: The Commission shall hold at least four meetings per year and shall post its meeting schedule at the Town Office. All meetings shall be open to the public.


   E. Officers: At the first meeting of the calendar year, the Commission shall elect whatever officers it will, but must include a Chairman and a Secretary. The Secretary shall record the minutes of each meeting, post them at the Town Office, and deliver them to each member.

   F. Quorum: A quorum shall consist of a majority of the members.

   G. Legal Vote: A legal vote shall consist of a majority of the members present and voting.

   H. Eligibility: A municipal officer may not be a voting member of the Commission.

   I. Dismissal: A member may be dismissed by the Board of Selectmen for cause.

2. Powers and Duties:
The Commission shall be authorized to:

A. Conduct a survey of historic and archeological resources within Litchfield according to the guidelines established by the Maine Historic Preservation Commission and maintain a record of such.

B. Recommend methods and procedures to the Town officials necessary to preserve, restore, maintain and operate historic landmarks and historic sites under the ownership and/or control of the Town.

C. Review alterations, relocation and demolition of the designated historic sites and historic landmarks within the Town’s jurisdiction.

D. Review all new construction affecting designated historic landmarks and historic sites within the Town’s jurisdiction to determine how the designated site or landmark will be affected.

E. Review all proposed National Register nominations for historic landmarks and historic sites within the Town’s jurisdiction. When considering a nomination requiring evaluation by a professional in a specific discipline not represented on the Commission, the Commission shall seek outside expertise in that area before rendering a decision.

F. Recommend ordinances to Town Officials and otherwise provide information for the purposes of historic preservation in the town.

G. Recommend to the Town Officials guidelines for the conservation of designated historic sites and historic landmarks to be used in decisions for requests for permits for new construction, alterations, demolition, relocation, or addition to designated historic sites or historic landmarks within the Town’s jurisdiction.

H. Act in an advisory role to Town Officials and other departments/committees regarding the protection of local cultural preservation.

I. Act as a liaison on behalf of the Town government to individuals and organizations concerned with historic preservation.

J. Promote and conduct an educational and interpretive program on historic preservation and historic properties and sites within the town.

K. Cooperate with federal, state, and local governments in the pursuance of the
objectives of historic preservation.

L. Participate in the conduct of land use and other planning processes undertaken by the Town, State and Federal Government, and by the agencies of these entities.

M. Cooperate with and keep communications open to the Maine Historic Preservation Commission.

N. Issue Certificates of Appropriateness pursuant to this ordinance.

O. Administer the Historic Preservation Ordinance.
Historic Preservation Ordinance

Article IV

Historic Sites and Historic Landmarks.

1. Criteria for Designation:

The historic sites and historic landmarks established in accordance with this Ordinance shall meet one or more of the following criteria, without limitation as to cultural or chronological period:

   A. Structures or sites at which events occur or have occurred that contribute to and are identified with or significantly represent or exemplify the broad cultural, political, economic, military, social, or sociological history of the town of Litchfield, the State of Maine or the nation, including sites, structures and buildings at which visitors may gain insight or see examples either of particular items or of larger patterns in the North American heritage.

   B. Structures or sites associated with historic personages, great ideas or ideals of local, state, or national importance.

   C. Structures or structural remains and sites embodying examples of architectural types or specimens valuable for studying of a period, style, or method of building construction, of a community organization and living, or of landscaping; or a notable structure or site representing the work of a master builder, designer, architect or landscape architect.

   D. Structures contributing to the visual continuity of the town.

   E. Those sites or areas on or eligible for listing on the National Register of Historic Places or as a National Historic Landmark.

2. Designation of Historic Sites and Historic Landmarks:

   A. Application Content. Any application for the designation of a historic site or historic landmark shall be in writing, directed to the Chairman of the Historic Preservation Commission, and shall include the following:

      i. A description of the physical elements, qualities, architectural style,
period and historical significance represented by the proposed site or landmark, including a consideration of scale, materials, workmanship and spatial qualities as relevant.

   ii. A statement of how the proposed site or landmark meets the qualifications outlined under, “Criteria for Designation” in Article IV of this Ordinance.

   iii. A map showing the proposed boundaries, and a written justification of the boundaries.

   iv. Photographs of the proposed site or landmark illustrating the significant detail(s) which qualify it for designation.

The Historic Preservation Commission may require such additional documentation or evidence as it may determine to be necessary, including plans, drawings and elevations and, notwithstanding any time limit for any action or decision in this Ordinance, it may continue a proceeding for such additional time as it may reasonably take for the applicant or any other party to comply with the request for additional documentation.

B. Initiation of Application.  An application for the establishment or designation of a historic site or landmark shall be initiated only by the owner of the property or a qualified agent of the owner.  An owner shall mean anyone with fifty-one percent or more ownership of a property.

C. Review of Application for the Designation of Historic Sites and Historic Landmarks.  The Historic Preservation Commission shall review the applications for designation of historic sites and historic landmarks.  Before making the Historic Preservation Commission’s recommendations to the Selectmen, the Historic Preservation Commission shall forward a draft of the application to the Planning Board and the Maine Historic Preservation Commission for review and comment.

D. Public Hearing

   i. A public hearing shall be held within sixty (60) days of the receipt of a completed Application for Designation.  Written notice of the application hearing shall be given by certified mail, return receipt requested, thirty (30) days prior to the hearing date to the applicant(s), the owner of the property that is the subject of the proposed designation, owners of all property within one hundred feet of the boundaries of the proposed historic site or landmark, and all other persons found by the Historic Preservation Commission to have special interest in the application.
including any historical organizations in the town.

ii. Failure of any property owner to accept or receive notice of the hearing shall not constitute grounds for objection by such property owner, and shall not invalidate any recommendations made by the Historic Preservation Commission.

iii. Notice of the hearing shall be included in a newspaper of general circulation at least ten (10) days prior to the hearing date.

iv. At the public hearing, the Historic Preservation Commission may call witnesses, including experts, as it deems necessary. The Commission may view the parcels at issue and direct the conduct of an independent investigation into the proposed designation.

E. Final Report. Within sixty (60) days after the public hearing, the Historic Preservation Commission shall report its findings on the application, including the views of affected and interested parties, and give its recommendations to the Selectmen.

F. Designation by Town Meeting. The designation of historic sites and historic landmarks shall be enacted by Town Meeting conducted in accordance with State and Municipal laws.

3. Designated Historic Sites and Historic Landmarks:

The following described structures in the Town of Litchfield are designated Historic Landmarks.

Litchfield Academy
The Old Town House

4. Amendment and Rescission of Designation.

Amendment or rescission of any designation shall be upon the request of a person or persons authorized to designate the property or structure affected, or upon request of the Selectmen and shall follow the procedure for designation set forth in Article IV of this Ordinance.
Historic Preservation Ordinance

Article V

Certificates of Appropriateness

1. When required: A Certificate of Appropriateness is required before a building permit can be issued for the demolition, new construction, exterior alteration, modification, relocation or addition to any structure designated as an historic landmark or any structure located on an historic site. Any building permit not issued in conformity with this ordinance shall be considered void.

2. Application form: The Commission may prescribe application forms and may require such data as is reasonable and necessary to determine the nature of the application. An application shall not be considered complete until all the required data have been submitted.

3. Filing and Fee Requirements: An application for a Certificate of Appropriateness, signed by the owner of the property or site in question, shall be filed with the Code Enforcement Officer or other person designated by the Board of Selectmen. The Selectmen shall establish a reasonable fee which should not exceed the Town’s costs of processing Certificates of Appropriateness and advertising meetings thereon.

4. Consideration by the Commission and Public Hearing: An application for a Certificate of Appropriateness shall be considered by the Commission at its next regular meeting, provided it has been filed at least twenty-one (21) calendar days before the regularly scheduled meeting. The Commission shall conduct a public hearing on the Certificate of Appropriateness at that meeting or the next succeeding meeting. The Commission shall make best efforts to inform abutters of the public hearing. The Commission chairman or vice-chairman shall sign the Certificate stating its approval, denial, or approval with conditions, and shall state the reasons for the decision.
5. **Exemptions:** Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of structures when that repair does not involve a change in design, material, or outer appearance of the structure. Emergency repairs and paint color shall be exempted from this ordinance.
Article VI

Substantial Hardship

If a Certificate of Appropriateness is denied, the property owner may apply for an exemption based on the substantial hardship of maintaining the property according to the design guidelines for historic properties. Substantial hardship is to be considered by the Commission where one or more of the following unusual and compelling circumstances exist:

1. The property can not be reasonably maintained in the manner dictated by the ordinance.

2. There are no other reasonable means of saving the property from deterioration.

3. The property is owned by a nonprofit organization and it is not financially or physically feasible to achieve the charitable purposes of the organization while maintaining the property appropriately.
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Article VII

Design Guidelines and Review Standards

In granting a Certificate of Appropriateness, the Commission shall take into account the architectural and historical significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure, and of any proposed structures as well.

When considering an application for a Certificate of Appropriateness for new construction, alteration, repair, or restoration, the Commission shall use the Secretary of the Interior’s Standards for Rehabilitation as guidelines in making its decisions. In addition, the Commission may adopt more specific guidelines for local historic buildings which will be subject to the approval by Town Meeting. The Secretary of the Interior’s Standards for Rehabilitation which shall be applied by the Commission for Town owned properties are:

1. An historic property or contributory structure will be used as it was historically, or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

2. The historic or contributory character of a property shall be retained and preserved. The removal of distinctive materials, or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other buildings, will not be undertaken.

4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary
and physical evidence.

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

8. New structures, additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property or the relationship of the property to the district. The new work or structure will be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property, and its environment.

9. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property, its environment would be unimpaired.
Historic Preservation Ordinance

Article VIII

Appeals

Any person aggrieved by a decision of the Commission may appeal the decision of the Commission pursuant to Rule 80 B of the Maine Rules of Civil Procedure.
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Section 1 General Provisions

A Title: This Ordinance is known and cited as the Town of Litchfield Land Use Ordinance and will be referred to as “this Ordinance”.

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

C Purpose: The purposes of this Ordinance are:
1. To provide for an expeditious and efficient process for the review of all building and structures.
2. To meet the goals and conform to the policies of the Litchfield Comprehensive Plan.
3. To assure the safety, health and welfare of the people of Litchfield.
4. To promote the development of an economically sound and stable community.
5. To preserve and enhance the rural character of the community.
6. To preserve and protect natural and cultural resources of the community.
7. To ensure the safety and convenience on public roads.
8. To ensure an orderly process to direct growth and development.

D Applicability: The provisions of this Ordinance shall govern the use of all land and structures within the Town of Litchfield, except for those areas regulated under the Town of Litchfield Shoreland Zoning Ordinance.

E Effective Date: This Ordinance takes effect upon enactment by the Town Meeting on June 12, 2004 and the following ordinances of the Town in effect prior to the enactment of this Ordinance shall be repealed as of that date:
Site Plan Review Ordinance
Building Regulations of the Town of Litchfield
Litchfield Minimum Lot Size Ordinance

F Relationship with other Ordinances: Whenever a provision of this Ordinance conflicts with, or is inconsistent with, another provision of this Ordinance or any other ordinance, regulation or statute, the more restrictive provision shall control.
In addition to the requirements of this Ordinance all development proposals involving the following; subdivisions; floodplain management; shoreland zoning, and roads shall conform to the applicable requirements of those separate ordinances.

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

H Amendments: Amendments to this Ordinance may be initiated by a majority vote by the Board of Selectmen, Planning Board, or by written petition by a number of voters equal to at least 10% of the number of votes cast in the municipality in the last gubernatorial election.
Section 1 (continued)

An amendment to this Ordinance shall be adopted by a majority vote of a Town Meeting. The Planning Board shall conduct a public hearing on any proposed amendments prior to the Town Meeting.

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

J Application Forms:
The Planning Board and the Code Enforcement Officer shall develop appropriate application forms to be used by all applicants seeking permits.

K Permit Fee:
All applications for a permit shall be accompanied by the fee established by the Board of Selectmen. All fees are non-refundable and shall be paid to the Town of Litchfield upon filing a permit application.

Section 2 Administration and Enforcement

A Code Enforcement Officer:
1 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/she shall immediately notify, in writing the person responsible for such violation, indicating the nature of the violation and the action necessary to correct it. The Code Enforcement Officer is authorized to order immediate cessation of any development activity, pending action of the Board of Selectmen, as provided in subsection B below.

2 The Code Enforcement Officer shall maintain a file of all permit applications and maintain a record of all essential transactions of the office, including but not limited to applications submitted, permits granted or denied, variances granted or denied, Planning Board reviews granted or denied, revocation orders violations and fees collected.

3 The Code Enforcement Officer may enter any property at reasonable hours, and enter any structure with the consent of the property owner, occupant, or agent to inspect the property or structure for compliance with this Ordinance. If consent is denied, the Code Enforcement Officer may enter the property after obtaining the necessary legal authorization.

B Enforcement:
1 When any violation of any provision of this Ordinance shall be found to exist, The Board of Selectmen, upon notice from the Code Enforcement Officer, is hereby authorized and directed to institute any and all corrective actions and proceedings, including, to require the removal of illegal buildings; structures; additions; or work being done; or any other action to insure compliance with, or to prevent violation of, this Ordinance in the name of the Town.

2 Any person, firm or corporation being the owner, contractor or having control or use of any structure or premises who violates any provisions of this Ordinance shall upon conviction be fined in accordance with the provisions of Title 30-A MRSA Section 4452. Each day such a violation is permitted to exist after notification by the Code Enforcement Officer shall constitute a separate offense. All fines including the award of any court cost shall be made payable to the Town of Litchfield.
Section 2 (continued)

C Planning Board:
1 The Planning Board shall hear and decide upon permit applications and perform other duties as authorized by this Ordinance.

D Board of Appeals
1 The Board of Appeals shall have the following powers:
   (A) Administrative Appeals: To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or the Planning Board in the administration of this Ordinance.
   (B) Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this ordinance.

2 Variance Appeals
   (A) Variances may only be granted from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage and setback requirements. Variances shall not be granted for the establishment of any uses otherwise prohibited by this Ordinance.
   (B) The Board of Appeals shall not grant a variance unless it finds that strict application of the terms of this ordinance would result in undue hardship. The term undue hardship shall mean the following:
      (1) The land in question cannot yield a reasonable return unless a variance is granted.
      (2) The need for the variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood.
      (3) The granting of the variance will not alter the essential character of the locality.
      (4) The hardship is not the result of action taken by the applicant or a prior owner.
   (C) The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes 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.
   (D) The variance approval shall be filed by the applicant at the registry of deeds within 90 days of the date of the written approval of the variance or the variance is void.
   (E) The Board of Appeals may grant a variance to a property owner for the purpose of making that property accessible to a person with a disability who is living on the property. The Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the property by the person with the disability. The Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives on the property. The term “structures necessary for access to or egress from the property” shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.
Section 2 (continued)

3 Appeal Procedure
   (A) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such an appeal shall be taken within 30 days of the date of the decision appealed from, and not otherwise, except that the Board, upon showing of good cause, may waive the 30 day requirement.
   (B) Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:
      (1) A concise written statement indicating what relief is requested and why it should be granted.
      (2) A sketch drawn to scale showing lot lines, location of structures and other physical features of the lot pertinent to the relief sought.
   (C) Upon being notified of an appeal the Code Enforcement Officer or the Planning Board, as appropriate, shall transmit to the Board of Appeals all the papers constituting the record of the decision appealed from.
   (D) The Board of Appeals shall hold a public hearing on the appeal within 35 days of its receipt of an appeal request. The public hearing shall meet the requirements established in Section 3, O, 2, of this Ordinance.
   (E) A majority of the Board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
   (F) The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision or determination of the Code Enforcement Officer or Planning Board, to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The Board may reverse the decision, or failure to act of the Code Enforcement Officer or the Planning Board only upon a finding that the decision, or failure to act was clearly contrary to specific provisions of this Ordinance.
   (G) The person filing the appeal shall have the burden of proof.
   (H) The Board shall decide all appeals within 35 days after the close of the public hearing, and shall issue a written decision on all appeals.
   (I) All decisions shall become part of the record and shall include a statement of findings and conclusions as well as the reasons or basis thereof, and the appropriate order, relief or denial thereof.
   (J) The Board of Appeals may reconsider any decision within 30 days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.
   (K) An 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.

Section 3 Permit Requirements

A Permits shall be required for the following:
   1 The construction, erection, improvement, addition, enlargement, alteration, demolition, or movement of any building or structure including temporary structures when the fair market value of such labor and materials exceeds $1,000.00 cumulatively within a 12 month period.
   2 The installation or construction of a dwelling unit, mobile home or modular home.
   3 Expansions of a non-conforming use or structure.
Section 3 (continued)

4 Mineral extraction activities.
5 For a new or expanded land use activity as listed in the Land Use Table.
6 Change of use to one that is allowed in a particular land use district.
7 For the installation of internal plumbing and subsurface wastewater disposal systems.

B Permits Not Required
Permits are not required for the following:
1 For any allowed use activity as listed in the Land Use Table
2 For normal repair and maintenance
3 For any activity as listed in A, 1 above that is less than the stated fair market value of $1,000.00 within a 12 month period and is not located within a shoreland zone.
4 For the following activities when they are reviewed and issued a permit under the following
   Subdivision as per the Subdivision Ordinance.
   Floodplain development as per the Floodplain Management Ordinance.
   Shoreland development as per the Shoreland Zoning Ordinance

C Permit Required Prior to Construction
A permit shall be obtained for all those activities listed in Section A prior to the start of any construction, site work, development, or commencement of a land use activity.

D Permits Issued After Appropriate Review:
All permits shall be obtained from the Code Enforcement Officer after meeting the appropriate review requirements established in this Ordinance.

The Table of Land Uses indicates what type of review is required for each land use activity. The following types of review are specified:
1 The Code Enforcement Officer reviews and issues permits for certain activities.
2 The Planning Board reviews certain activities and a permit is obtained from the Code Enforcement Officer after the Board votes to approve the application.
3 Allowed uses as indicated on the Land Use Table do not require review of a permit but are expected to comply with applicable sections of this Ordinance.
4 Activities listed in (B) above, do not require review or a permit.
5 Plumbing and Subsurface Waste Water Disposal systems require a permit from the Local Plumbing Inspector.

E Plumbing Permit Required:
A plumbing permit and/or a subsurface wastewater disposal permit shall be obtained for all land use and construction activities, unless the specific activity does not require a plumbing or subsurface wastewater disposal system permit as per State Law and Regulation.

F Expiration of Permit
Permits are valid for 24 months from the date of issuance. An extension may be granted for an additional 12 months by the Code Enforcement Officer upon request of the applicant. Permits that have expired shall become null and void and the applicant shall obtain another permit to complete the project as required by this Ordinance. A permit is transferable.

G Permit Fee
The Board of Selectmen shall establish a fee for all permits. All fees shall be non-refundable and shall be paid upon submission of the permit application for review.
Section 3 (continued)

H  Decisions
   After a review of a complete application the Code Enforcement Officer /Planning Board shall
determine whether or not the permit application meets the review criteria contained in Section 4
of this Ordinance. The Planning Board/Code Enforcement Officer shall make a written finding of
fact to support its decision and vote to approve the application, approve the application with
conditions, or deny the application. The Planning Board shall submit its decision on the
application to the Code Enforcement Officer.

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

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

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

L  Additional Information and Studies
   The Planning Board may at its discretion retain expert independent technical assistance to
supplement the evidence presented by the applicant and the public hearing. The cost of such
expertise shall be borne by the applicant in accordance with the terms of the escrow account set-
up at the time the application is submitted as listed in the Permit Fee Schedule established by the
Board of Selectmen.

M  Waivers
1   The Planning Board may vote to waive any of the neighborhood standards, submission
requirements, or performance standards contained in this Ordinance when it finds one of
the following:
   (A)   One or more of the submission requirements, neighborhood standards or
performance standards are not applicable to the proposal due to the size of the
project, circumstances of the site, design of the project, type of project or unique
features of the proposed use.
   (B)   The applicant has proposed an alternative design that meets or exceeds the
requirements set forth in the ordinance performance standards or neighborhood
standards.
         The Planning Board may consider a waiver only for land use activities that
require Planning Board review.
2   The applicant shall submit information and materials that support the waiver request with
the application.
3   The Planning Board shall review any written waiver request and if it meets the criteria for
a waiver, shall approve the request. If the Planning Board finds that the request does not
meet the waiver criteria, the Board shall deny the request. The applicant shall amend the
application as required if the waiver is not approved by the Board. The Planning Board
may vote to suspend review of the application until such time that the applicant provides
any information necessary as a result of not obtaining the waiver. In no case shall the
Section 3 (continued)

Planning Board make a final decision upon the application until the applicant supplies any additional information to the satisfaction of the Board.

4 All waivers approved by the Planning Board shall be listed in the final decision letter and permit issued by the Code Enforcement Officer.

N Conditions
Upon consideration of the review criteria, the Planning Board/Code Enforcement Officer may attach such conditions to the proposed application that it finds necessary to further the purposes of this Ordinance. Conditions are limited to further address items already contained in this Ordinance. A condition may not be imposed to regulate any item not specifically discussed in this Ordinance.
In determining whether conditions are appropriate or necessary, the Planning Board/Code Enforcement Officer shall consider the unique features of the following: site and surrounding area; proposed use and proposed structure. A written finding of fact shall be created stating that unique features are found to exist and suitable conditions can be imposed that will allow the proposal to meet the purposes of this Ordinance.
The conditions shall be listed in the permit and shall be made enforceable under this Ordinance.

O Public Hearing Requirements
The Planning Board shall hold a public hearing on each application that it is required to review as follows:
1 The public hearing shall be held within 45 days of determining that the application is complete.
2 The notice of the date, time, and place of the public hearing shall be made as follows:
   (A) Published at least once in a newspaper having general circulation within the Town. The date of the publication shall be at least 7 days before the hearing.
   (B) Mailed by first class mail to the applicant.
   (C) Mailed by first class mail to all property abutters, at least 7 days prior to the public hearing. The Planning Board shall maintain a list of all property abutters who were mailed a notice in the application file. Failure of an abutter to receive a notice shall not invalidate the public hearing, nor shall it require the Planning Board to schedule another hearing.
3 The Planning Board may vote to continue the public hearing in order to receive additional public comment or information concerning the application. The Board is not required to meet the notice requirements listed above for the continued public hearing.

P Expiration of Site Plan Application
Site Plan applications are valid for 12 months from the date the fee is paid. An extension may be granted by the reviewing authority when it feels additional time is needed. Permit applications that have expired shall become null and void.

Section 4 Review Criteria

A Review Criteria
The applicant for a permit review shall demonstrate that the proposed use or project meets the review criteria listed below. The Planning Board/Code Enforcement Officer shall approve a permit application only after making a written finding that all of the following criteria have been met.
1 The application is complete and applicable review fee has been paid.
2 The proposed activity will not cause unreasonable soil erosion or a reduction in the land’s capacity to hold water so that a dangerous or unhealthy condition results.
Section 4 (continued)

3 The proposed activity will not have an adverse impact on wetlands.
4 The proposed activity will not have an adverse impact upon any waterbody.
5 The proposed activity will provide for adequate storm water management.
6 The proposed activity will provide for adequate sewage disposal.
7 The proposed activity will not adversely impact any floodplain areas and will conform to the applicable requirements of the Town of Litchfield Floodplain Management Ordinance.
8 The proposed activity will not result in air or water pollution.
9 The proposed activity has sufficient water available for the current and foreseeable needs of the development.
10 The proposed activity will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
11 The proposed activity will dispose of all solid waste in conformance with all local, state and federal regulations.
12 The proposed activity will not have a significant detrimental effect on adjacent land uses or other properties that might be affected by waste, noise, glare, fumes, smoke, dust, odors or their effects.
13 The proposed activity will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of highways or roads existing or proposed.
14 The proposed activity to the maximum extent possible will not have an adverse effect on historic and archeological sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife, or rare and irreplaceable natural areas.
15 The proposed activity shall conform to all the applicable requirements of the Town’s other local Ordinances and all State and Federal regulations.
16 The proposed activity will not unreasonably increase a great pond’s phosphorus concentration if the development is within the watershed of a great pond.
17 The applicant has the financial and technical capacity to meet the provisions of this Ordinance.
18 The proposal conforms to all the applicable provisions of this Ordinance.

Section 5 Application Procedure

A Code Enforcement Officer Permit Review:

The following requirements shall apply to all those land use activities that require review by the Code Enforcement Officer.

1 Application Procedure:
   (A) Within 14 calendar days of receiving a permit application, the Code Enforcement Officer shall determine if the application is complete and notify the applicant in writing that the application is complete, or if the application is incomplete, the specified additional materials needed to make the application complete.
   (B) Within 14 calendar days of determining that the application is complete, the Code Enforcement Officer shall render a final decision to approve, approve with conditions or deny the permit application. The final decision shall be issued in writing to the applicant.

2 Submission Requirements:
   A permit application shall contain the following:
   (A) Name, address and telephone number of the applicant and applicant’s agent if applicable.
   (B) Property location, including map and lot number.
   (C) Verification of applicant’s right title or interest in the property. (May include but not limited to Registered Deed, Purchase Sales Agreement signed by all parties, signed Lease.)
Section 5 (continued)

(D) Receipt of the application fee.
(E) Estimated cost of the proposal.
(F) Schedule of construction, including anticipated beginning and completion dates.
(G) Plumbing permit and subsurface wastewater disposal permits if applicable.
(H) Floodplain Management or any other local permit application if applicable.
(I) A complete description of the project, including how the proposal complies with all the applicable Review Criteria.
(J) A map drawn to scale showing the location, boundaries, elevations, uses and size of the following: site, structures, setbacks, parking areas, driveways, roads, erosion control and stormwater control features, easements and rights-of-way, and all waterbodies.
(K) Any other information necessary to show that the proposal complies with the applicable requirements of this Ordinance.

B Planning Board Review

Applicants are encouraged to meet with the Planning Board in a Pre-Application Meeting before submitting a formal application. The purpose of the Pre-Application Meeting is for the applicant to present a sketch plan and general information regarding the proposal to the Planning Board and to receive the Planning Board’s comments.

The following shall apply to all land use activities requiring review by the Planning Board.

1 Application Procedure:
(A) The applicant shall submit the Planning Board Review application to the Code Enforcement Officer along with the appropriate application fee.
(B) The Code Enforcement Officer shall issue a dated receipt to the applicant upon receiving the application.
(C) Within 14 days of receipt of the application, the Code Enforcement Officer shall make a determination whether submission requirements in Section 5B2 have been provided and notify the applicant of his/her determination.
   (1) If all submission requirements have not been provided the Code Enforcement Officer shall notify the applicant of the specific materials needed to complete the application. The applicant shall provide the required materials according to above listed procedure.
   (2) If all submission requirements have been provided the Code Enforcement Officer shall notify the Planning Board that a complete site review application has been received and schedule a public hearing.
(D) The applicant shall at least 14 days prior to the scheduled public hearing submit to the Code Enforcement Officer 9 copies of the application. The Code Enforcement Officer shall distribute to the Planning Board copies of the application prior to the public hearing. The Code Enforcement Officer may allow the applicant to submit reduced size copies of maps and plans. The Code Enforcement Officer shall base the decision upon the size and complexity of the proposal, however; at least one full size set of plans may be submitted.
(E) The Planning Board shall make a final decision upon the application within 45 days of the public hearing; however, upon mutual consent of the applicant and the Planning Board the final decision may be extended.
(F) The Planning Board shall vote to determine whether an application is complete.
(G) The Planning Board shall submit their final decision in writing to the applicant
Section 5 (continued)

and to the Code Enforcement Officer. Any conditions imposed upon the application shall be listed in their final decision.

2 Submission Requirements
All site review applications shall be submitted on the forms provided by the Town of Litchfield and may include the following materials and information as required by the Planning Board.
(A) Planning Board Review Application
(B) Application fee.
(C) Waiver Request Form if Applicable.
(D) General information including the following:
   (1) Name, address and telephone number of the applicant and applicant’s agent if applicable.
   (2) Property location, including address, map and lot number.
   (3) Verification of the applicant’s right, title or interest in the property, (May include but not limited to Registered Deed, Purchase Sales Agreement signed by all parties, signed Lease.)
   (4) Estimated cost of the proposal.
   (5) Schedule of construction including anticipated beginning and completion dates.
   (6) A description of the project.
   (7) The name and address of all property owners abutting the property.
(E) General location information including the following:
   (1) A copy of the tax map showing the property and surrounding parcels.
   (2) A copy of the Kennebec County soils map showing the property.
   (3) A copy of the USGS Topographic map showing the property.
   (4) A copy of the Town Land Use Map showing the property.
   (5) A copy of the FIRM map showing the property.
   (6) A map drawn to scale showing the location, boundaries, elevations, uses and size of the following: developed site, type of structures, setbacks, parking areas, driveways and roads, drainage ways, easements and rights-of-way, watercourses, water bodies and wetlands, number of acres within the development, size of all impervious areas, and all other significant natural and physical features.
(F) The location of all proposed subsurface wastewater disposal systems or test pit data indicating that the site can accommodate a subsurface system.
(G) Indication of the water source for the proposal including evidence that an adequate water supply is available to supply all the water needs.
(H) Evidence that all other permits can be obtained including but not limited to Floodplain Management, Shoreland Zone, State, and Federal.
(I) An erosion control plan.
(J) A storm water control plan.
(K) A phosphorus control plan.
(L) The location of any site or structure listed on the National Register of Historic Places or any archeological site identified by the State Historic Preservation Commission.
(M) The location of any significant wildlife resources or natural areas.
(N) The traffic data for the site including an estimate of the amount of vehicular traffic to be generated on a daily basis.
(O) Any proposed areas or structures to be dedicated for public use.
Section 5 (continued)

(P) Engineered drawings showing the location and construction specifications for all proposed roads.
(Q) Any other material to indicate that the applicable performance standards or other requirements of this Ordinance are followed.
(R) A statement indicating how solid waste from the project will be handled.
(S) The type and location of any proposed fire protection features and appropriate documentation.

Section 6 Non-Conformance (Grandfathering)

A Purpose:
It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that lawfully existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this section.

B General Requirements:
Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, moved, or altered and no new lot shall be created unless in conformity with all of the regulations herein specified for the district in which it is located.
Non-conforming structures, lots and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
This Ordinance allows, without a permit the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure and such other changes in a non-conforming use or structure as federal, state or local building and safety codes may require.

C Non-Conforming Structures:
1 The following provisions shall apply to non-conforming structures:
   (A) A non conforming structure may be repaired, maintained and improved but shall not be added to or expanded except by one of the following:
       (1) Expansions are permitted if they conform to all applicable dimensional requirements except lot size and frontage.
       (2) Expansions are permitted when they do not cause any further increase in the linear extent of the nonconformity of the existing structure with respect to the required setback from any lot line and will extend no further into a setback area than does any portion of the existing structure.
       (3) A variance is obtained for the proposed expansion.
   (B) A non-conforming structure that is removed or destroyed may be replaced according to the following:
       (1) The structure shall be replaced so as to conform to the applicable dimensional requirements to the greatest extent possible taking into consideration the existing foundation, topography, water supply and sanitary disposal. The Code Enforcement Officer shall make the determination if the proposal meets the dimensional requirements to the greatest extent possible.
       (C) A non-conforming mobile home legally existing in Litchfield before the effective date of this Ordinance may be moved to another lot.

D Non-Conforming Uses:
1 The use of land, buildings or structures, lawful at the time of adoption of this ordinance,
Section 6 (continued)

or subsequent amendments of this ordinance, may continue, although such use does not conform to the provisions of this Ordinance, except as provided in the following subsections;

2 A non-conforming use that is discontinued for a period of 12 consecutive months may not be resumed. A use will be considered discontinued if the property owner’s intent is to give up his or her legal right to continue the existing nonconforming use. The property owners’ intent shall be judged by some overt act such as but not limited to removing advertising signs, removing fixtures, equipment or goods, or by allowing the structure to become dilapidated. The use of the land, buildings, or structures shall thereafter conform to the provisions of this ordinance.

3 Whenever a non-conforming use is changed to a conforming use, the property shall thereafter conform to the provisions of this Ordinance.

4 A non-conforming use may be changed to another non-conforming use by requesting a permit review from the Planning Board. The Planning Board may approve such a change when it finds that the proposed non-conforming use will not create any more adverse impact or nuisance than the original non-conforming use. In making this determination the Board shall consider the following: noise, traffic, lighting, parking, and harm to the environment.

5 A non-conforming use may be expanded after obtaining approval from the Planning Board. The Planning Board may approve such an expansion when it finds that the proposed expansion will not create a nuisance or negative impact upon adjacent properties greater than the existing non-conforming use and the expansion will conform to all the applicable provisions of this Ordinance.

E Non-Conforming Lots:

1 A legally non-conforming lot of record that existed on the effective date of this Ordinance can be built on, providing that setbacks can be complied with or the Board of Appeals grants a variance for setbacks.

2 Lots located within a legal existing subdivision may be built upon even if they do not meet the dimensional standards contained in this ordinance. All structures placed on such lots are required to meet the applicable dimensional requirements for the district in which they are located unless a variance is obtained from the Board of Appeals.

Section 7 Land Use Districts

A Official Map
Land use districts are located as shown on the Official Map which is made part of this Ordinance. The Official Map is displayed at the Town Office.

Please Note: The Official Map will also show the Shoreland Zoning Districts which are described in the Town of Litchfield Shoreland Zoning Ordinance.

B District Boundaries:
Where uncertainty exists as to the boundaries of Land use districts as shown on the Official Map the following rules shall apply:

1 Boundaries indicated as approximately following the centerlines of streets, highways, rivers or streams. Or defined in terms of their distance from said lines shall be construed to precisely reference such centerlines.

2 Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines. In the cases where the lot line shifts due to boundary line adjustments, the district boundary will shift accordingly.

3 Boundaries indicated as approximately following Town limits shall be construed to
Section 7 (continued)

follow such limits.

4 Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of a change in the shoreline shall be construed as moving with the actual shoreline.

C Lots Divided by District Boundaries:
When a lot is divided by a district boundary, is 2 acres or less in area, the requirements of either district may be used, but shall apply to all portions of the lot. On lots larger than 2 acres, the district regulations shall be followed in each portion of the lot. However, any portion of a lot that is within a shoreland zone shall be subject to all the requirements of the Ordinance that pertain to shoreland zones.

D Inconsistencies:
Where physical or cultural features existing on the ground vary from those shown on the Official Map, or other circumstances not covered by this section, the Board of Appeals shall interpret the district boundaries.

E Designation of Land Use Districts:
The following Land Use Districts are hereby established:

R = Rural District
V = Village District
PD = Planned Development District

Refer to the Shoreland Zoning Ordinance for information concerning Shoreland Zoning Districts.

F District Purpose:

1 Rural District
The rural district constitutes the majority of land area within the community and is designated in order of preference for agriculture, forestry, open space, recreation, resource based activities, and low density housing. Cottage industries and home occupations in compliance with the Ordinance are allowed. Development activities that occur within the district are expected to be designed and undertaken in a manner that preserves for future generations the traditional rural character of the land.

2 Village District
The village districts are designated to include three of the Town’s traditional higher density and older commercial areas. The district is intended to accommodate primarily residential development. However, some service, retail and municipal uses will be permitted. The goal is to over time more clearly define the village areas by encouraging a denser pattern of development that incorporates some traditional design elements such as walking paths and proximity to some services and recreation.

3 Planned Development District
The planned development district is designed for major commercial activities and larger scale residential developments. The district was selected primarily due to frontage on State Arterials, land is available for development and some commercial activities are already in the vicinity. The majority of growth is encouraged to locate within this district.
Section 7 (continued)

G   Land Use Tables:
Land uses permitted in the Town of Litchfield are shown in the Land Use Tables by the type of review required, or not required within each district. It shall be the responsibility of the Code Enforcement Officer to determine which listed category a proposed land use activity falls within. Any use not listed is presumed to be Not Permitted.

Key to the Land Use Tables:

Y   =   Allowed use
C   =   Use requires review and permit from the Code Enforcement Officer
P   =   Use requires review from the Planning Board and upon approval a permit from the Code Enforcement Officer
N   =   Use is not permitted in the district

Table G.1 contains information about resource protection land uses:

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>R</th>
<th>V</th>
<th>PD</th>
</tr>
</thead>
<tbody>
<tr>
<td>G.1.1</td>
<td>Resource protection activities</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
</tbody>
</table>

Table G.2 contains information about resource production land uses:

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>R</th>
<th>V</th>
<th>PD</th>
</tr>
</thead>
<tbody>
<tr>
<td>G.2.1</td>
<td>Timber harvesting</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>G.2.2</td>
<td>Agriculture &amp; Aquiculture</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>G.2.3</td>
<td>Extraction of minerals</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>G.2.4</td>
<td>Land Use</td>
<td>R</td>
<td>V</td>
<td>PD</td>
</tr>
</tbody>
</table>
Section 7 (continued)

Table G.3 contains information about residential land uses:

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>R</th>
<th>V</th>
<th>PD</th>
</tr>
</thead>
<tbody>
<tr>
<td>G.3.1</td>
<td>Single and Duplex family residential</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>G.3.2</td>
<td>Accessory housing unit</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>G.3.3</td>
<td>Multi-family residential</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>G.3.4</td>
<td>Community living facility</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>G.3.5</td>
<td>Home Occupation</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>G.3.6</td>
<td>Bed and breakfast</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>G.3.7</td>
<td>Overnight Accommodations</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>G.3.8</td>
<td>Boarding /group facility</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>G.3.9</td>
<td>Mobile Home parks (1)</td>
<td>N</td>
<td>N</td>
<td>P</td>
</tr>
<tr>
<td>G.3.10</td>
<td>Subdivisions (2)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

Table G.4 contains information about institutional/governmental land uses:

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
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<th>V</th>
<th>PD</th>
</tr>
</thead>
<tbody>
<tr>
<td>G.4.1</td>
<td>Municipal/Government</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>G.4.2</td>
<td>Educational/school</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>G.4.3</td>
<td>Hospital/Care facility</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>G.4.4</td>
<td>Community/ Civic/ Club Facility</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>G.4.5</td>
<td>Cemetery</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>G.4.6</td>
<td>Churches</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>
Section 7 (continued)

Table G.5 contains information about commercial land uses:

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>R</th>
<th>V</th>
<th>PD</th>
</tr>
</thead>
<tbody>
<tr>
<td>G.5.1</td>
<td>Cottage industry</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>G.5.2</td>
<td>Farm Stand</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>G.5.3</td>
<td>Rural resource industry</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>G.5.4</td>
<td>Horse stables</td>
<td>C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>G.5.5</td>
<td>Veterinary services</td>
<td>C</td>
<td>P</td>
<td>C</td>
</tr>
<tr>
<td>G.5.6</td>
<td>Nursery and greenhouses</td>
<td>C</td>
<td>P</td>
<td>C</td>
</tr>
<tr>
<td>G.5.7</td>
<td>Eating /Drinking establishment</td>
<td>N</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>G.5.8</td>
<td>Business service &amp; office</td>
<td>N</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>G.5.9</td>
<td>Commercial (under 3,000 sq. ft) (see note 3)</td>
<td>N</td>
<td>P</td>
<td>C</td>
</tr>
<tr>
<td>G.5.10</td>
<td>Commercial (over 3,000 sq ft) (see note 3)</td>
<td>N</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>G.5.11</td>
<td>Vehicle sales &amp; service</td>
<td>N</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>G.5.12</td>
<td>Warehouse</td>
<td>P</td>
<td>N</td>
<td>P</td>
</tr>
<tr>
<td>G.5.13</td>
<td>Manufacturing/industrial</td>
<td>N</td>
<td>N</td>
<td>P</td>
</tr>
<tr>
<td>G.5.14</td>
<td>Day Care facility</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>G.5.15</td>
<td>Junkyard</td>
<td>N</td>
<td>N</td>
<td>P</td>
</tr>
<tr>
<td>G.5.16</td>
<td>Adult business</td>
<td>N</td>
<td>N</td>
<td>P</td>
</tr>
<tr>
<td>G.5.17</td>
<td>Strip Mall Development</td>
<td>N</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>G.5.18</td>
<td>Wind Turbines and Meteorological Towers</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>G.5.19</td>
<td>Telecommunication facility</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>G.5.20</td>
<td>Bulk fuel oil storage/facility</td>
<td>N</td>
<td>N</td>
<td>P</td>
</tr>
</tbody>
</table>
Section 7 (continued)

Table G.6 contains information about utilities land uses:

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>R</th>
<th>V</th>
<th>PD</th>
</tr>
</thead>
<tbody>
<tr>
<td>G.6.1</td>
<td>Essential services</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>G.6.2</td>
<td>Utility buildings/structures</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>G.6.3</td>
<td>Airport</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

Table G.7 contains information about recreation land uses:

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>R</th>
<th>V</th>
<th>PD</th>
</tr>
</thead>
<tbody>
<tr>
<td>G.7.1</td>
<td>Passive recreation</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>G.7.2</td>
<td>Park/playground</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>G.7.3</td>
<td>Campground</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>G.7.4</td>
<td>Indoor Recreation</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>G.7.5</td>
<td>Outdoor Recreation commercial</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>G.7.6</td>
<td>Golf Course</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

Table G.8 contains information about accessory/other land uses:

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>R</th>
<th>V</th>
<th>PD</th>
</tr>
</thead>
<tbody>
<tr>
<td>G.8.1</td>
<td>Accessory use or structure</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>G.8.2</td>
<td>Parking facility</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>G.8.3</td>
<td>Uses similar to allowed uses</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>G.8.4</td>
<td>Uses similar to uses requiring a CEO review</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>G.8.5</td>
<td>Uses similar to uses requiring Planning Board review</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

Notes:
1. Legally existing mobile home parks regardless of their location may be expanded. Planning Board review is required.
2. All types of subdivisions shall be reviewed according to the Town of Litchfield Subdivision Ordinance. This review shall satisfy the application review required under this Ordinance.
3. This Commercial use category shall be used for a commercial/retail activity that cannot be classified under another type of use in the Land Use Table.

H District Dimensional and Design Requirements:

The dimensional requirements unless otherwise noted are minimum requirements. All land uses, structures and subsurface sewage disposal systems shall comply with these standards unless additional requirements are specified in this Ordinance.

All lots are required to meet all applicable Maine State Plumbing Code requirements.
### Dimensional Requirement Table

<table>
<thead>
<tr>
<th>Minimum lot size (1)</th>
<th>R</th>
<th>V</th>
<th>PD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2 acres</td>
<td>1 acre</td>
<td>1 acre</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Road frontage(town): road, lane</th>
<th>R</th>
<th>V</th>
<th>PD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>200 ft.</td>
<td>100 ft.</td>
<td>200 ft.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Road frontage (private): road, lane, common driveway</th>
<th>R</th>
<th>V</th>
<th>PD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>150 ft.</td>
<td>100 ft.</td>
<td>150 ft.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Front setback</th>
<th>R</th>
<th>V</th>
<th>PD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>50 ft</td>
<td>25 ft.</td>
<td>35 ft.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Side setback</th>
<th>R</th>
<th>V</th>
<th>PD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>20 ft.</td>
<td>10 ft.</td>
<td>20 ft.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Rear setback</th>
<th>R</th>
<th>V</th>
<th>PD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>20 ft.</td>
<td>10 ft.</td>
<td>20 ft.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Max. building height (2)</th>
<th>R</th>
<th>V</th>
<th>PD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>35 ft.</td>
<td>35 ft.</td>
<td>35 ft.</td>
</tr>
</tbody>
</table>

Notes:
1. Each principal structure shall conform to the minimum lot size requirement and the other applicable dimensional requirements.
2. The maximum building height shall apply to all buildings proposed for human occupancy used as a place of residence. The building height shall not apply to telecommunication facilities, buildings used solely for storage, agricultural structures, and accessory features on buildings including, antenna, towers, chimneys and similar features.
3. Subdivision lots less than 2 acres may reduce minimum road frontage (town and private), front side and rear setbacks to the dimensional requirements for the Village District.
4. Duplex family residential is not allowed on lots less than an acre.

### SECTION 8 Neighborhood and Environmental Standards

#### A Access to Lots
All lots shall be provided with an access to the property by means of a driveway, common driveway, lane or road. The specific requirements for each of these access ways are contained in the Town of Litchfield Road Ordinance.

B Rear Lot Access and Frontage

Rear lot development is permitted in the Rural, Village and Planned Development Districts. New lots proposed to be placed behind a legal lot that has existing town road frontage shall be deemed to comply with the minimum road frontage requirements if it meets the following:

1. The lot conforms to all the dimensional requirements of this Ordinance except for road frontage.
2. The lot has access that complies with requirements of the Town of Litchfield Road Ordinance for a driveway or common driveway as appropriate.
3. The necessary right-of-way for the driveway or common driveway does not reduce the road frontage of the existing road lot below the minimum established for the District in which it is located.
4. A 200 ft. setback from public right-of-way is required for all new structures.

C Accessory Buildings and Structures

Accessory buildings or structures including garages and sheds, swimming pools, and other similar structures located in the Rural, Village, and Planned Development Districts shall be subject to the following minimum setback requirements:

1. The minimum side and rear setback may be reduced to 10 feet.
2. These provision shall not apply to any accessory structure that is attached to the principal structure.

D 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 in accordance with State and Federal regulations.

Section 8 (continued)

E Aquifer

Any new non-residential land use activity situated over the Sand and gravel Aquifer as identified in the most recent Town of Litchfield Comprehensive Plan shall develop a written management plan for any contaminants that might spill and pollute the groundwater.

F Historic and Archeological Sites

1. If any portion of a development has been identified as a site of historic, prehistoric or archeological importance by the comprehensive plan, Maine Historic Preservation Commission or the National Register of Historic Places, appropriate measures for the protection of those resources shall be included in any development design.
2. Any proposed development of sites listed by one of the above listed sources shall require review and comment by the Maine Historic Preservation Commission prior to the issuance of a permit. The Code Enforcement Officer or the Planning Board shall consider any comments and recommendations received from the commission prior to rendering a
decision on the permit application.

G  Outdoor Lighting
1  The outdoor lighting standards shall apply to all land use activities except for residential dwellings, and agricultural activities.
2  Lighting fixtures shall be shielded or hooded so that lighting elements are not exposed to normal view by motorist, pedestrians, structures located on adjacent properties. Light shall be directed downward so it does not light up the night sky.
3  No lighting fixture, except for street lights, shall extend beyond a height of 25 feet, as measured from ground level.
4  All exterior lighting and all reflective properties of the proposed development will be designed to minimize adverse impact on neighboring properties. No activity shall be permitted to produce a strong, dazzling light, flashing light or reflection of light beyond its lot lines onto neighboring properties, or onto any town way so as to impair the vision of the driver of any vehicle upon that town way or create a nuisance for neighboring property owners.

H  Sanitary and Liquid Waste
1  All land use activities shall provide for the disposal of all solid waste on a timely basis as not to create a health hazard and in an environmentally safe manner.
2  All necessary Internal Plumbing and Subsurface Wastewater Disposal permits required as per State law and regulation shall be obtained by the applicant.
3  The specific amount and nature of all industrial or chemical waste to be generated by the proposed operation shall be listed in the permit application. Industrial or commercial waste may be discharged only in such quantities and/or quality as to be able to be accepted into the applicable disposal system. Wash water or other process water carrying stone dust, stone particles, silt or other mineral matter shall be treated by an acceptable system. The handling, use and disposal of all industrial and chemical waste shall conform to all applicable state and federal regulations.

I  Material Storage
1  All commercial outdoor storage areas including areas used for the storage or collection of solid waste, junk automobiles, auto parts, building materials, machinery, sand and gravel, or other such items, shall have screening sufficient to minimize its impact on roads, and other properties in the area. Walls, fencing, dense plant material, or a combination of material can be used to achieve this intent.
2  Areas designed for the outdoor display of items sold on the premises including but not limited to, vehicle sale lots, greenhouse items, and similar activities shall provide for a buffer between the road right-of-way.

Section 8 (continued)

The buffer width in the Village District shall be 5 feet and the buffer width in the Planned Development District shall be 10 feet.

J  Natural Resource Protection
1  If any portion of the parcel has been identified as a Critical Natural Area by the Maine Natural Areas Program or as containing threatened or endangered species of plants or animals by the Maine Department of Inland Fisheries and Wildlife, these areas should not be developed. If development of these areas is proposed because no other reasonable alternative exists, the applicant shall develop a mitigation plan in cooperation with the
Maine Department of Conservation and/or the Maine Department of Inland Fisheries and Wildlife as appropriate. The Code Enforcement Officer or the Planning Board shall incorporate the provisions of the mitigation plan as conditions of the permit.

2 If any portion of the parcel to be developed includes areas mapped by the Maine Department of Inland Fisheries and Wildlife as Deer Wintering Areas, the applicant shall consult with the Department or a qualified wildlife biologist on means to limit the impact of the development on the habitat and incorporate those recommendations into the plan insofar as practicable.

3 If any portion of the development contains a wetland as identified by the Town of Litchfield, The Maine Department of Environmental Protection or listed on the most recent map edition of the National Wetland Inventory Maps, the applicant shall avoid, minimize, or mitigate impacts on the wetland both during and after construction. The applicant shall comply with all applicable state and federal regulations.

K Erosion Control

1 All soil disturbances must be conducted in a manner which avoids sediment leaving the property. Development must employ erosion control best management practices. Temporary and permanent erosion control measures shall be selected for the development according to the “Maine Erosion and Sediment Control BMPs (DEPL W0588)”, published by the Maine DEP, March 2003, or latest revision and the provisions of this section.

2 All development within the Rural, Village and Planned Development Districts shall develop a written erosion control plan unless the Code Enforcement Officer certifies in writing that the nature of the site and the proposed development poses very little risk of erosion.

3 The Code Enforcement Officer may based upon site conditions and the nature and extent of the construction establish additional erosion control requirements which shall be listed on the permit.

4 All temporary erosion control measures shall be installed prior to any digging, soil removal, stripping of vegetation, or soil disturbance. The measures may be installed in phases to match the construction schedule.

5 Additional measures shall be installed by the applicant in order to address the failure or limited effectiveness of any measure previously installed.

L Storm Water Control

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

2 The following stormwater standards shall apply to development that exceeds 5,000 square feet of impervious area. Agricultural activities and single and duplex residential dwellings are not required to meet these standards.

Section 8 (continued)

(A) A storm water control plan shall be developed to limit peak discharge from the site to predevelopment levels. The applicant must demonstrate the surface runoff will be minimized and detained on site to the extent practicable. Where natural
features are insufficient to adequately control stormwater runoff, applicants are encouraged to consider and utilize measures described in Stormwater Management for Maine (DEPL W0738), Vol. III-BMP Technical Design Manual (Maine DEP, 2006), or as revised.

(B) Stormwater systems shall be maintained as necessary.

M Phosphorus Control
1 The following standards shall apply to all development that exceeds 5,000 square feet of impervious surface and is within the direct watershed of a Great Pond and Carter Pond. (Great Pond is defined in the Shoreland Zoning Ordinance) Agricultural and single family residential dwellings are not required to meet these standards.
   (A) A phosphorus control plan describing the generation and control of phosphorus as a result of the proposed developments shall be prepared in accordance with the manual “Stormwater Management for Maine (DEPL W0738), Vol. II – Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development” (Maine DEP, 2008) with the exception of chapter 6, or as revised..

N Noise
1 The following standards shall apply to all commercial uses over 3,000 square feet, industrial uses, mineral extraction operations junkyards, wind turbines, and commercial outdoor recreation facilities. Any land use activity not listed such as agricultural, home occupations, resource production activities, and cottage industry are not required to meet these standards.
2 The maximum permissible sound pressure level of any continuous regular, or frequent source of sound produced by any activity shall be limited by the time period and receiving district listed below:
   Sound Pressure Level Limits (measured in dB)
   8:00 p.m. - 6:30 a.m.
   Planned Development District 55
   All other Districts 50
3 The levels specified may be exceeded by 10 dB for no more than 15 minutes per day.
   Noise shall be measured by a meter set on the A-weighted response scale, slow response.
   The meter shall meet the American National Standards Institute (ANSI SI.4-1961) “Specification for General Purpose Sound Level Meters”. Sound levels shall be measured at least 4 feet above the ground at the property boundary.
4 The following activities shall be exempt from these standards:
   (A) Sounds emanating from construction and maintenance activities.
   (B) Sounds emanating from safety signals, warning devices, emergency pressure relief valves, and other emergency or public safety devices.

O Signs
1 This sign standard shall apply to all commercial, industrial, retail, and institutional and governmental uses. It shall not apply to directional signs as authorized by the State Department of Transportation or for signs relating to farm stands.
2 The size, location, design, lighting, and materials of all exterior signs and outdoor advertising structures or features will not detract from the design of proposed buildings and structures and the surrounding properties through conformance with the following standards:
   (A) No sign shall be located in or extend over, the road right-of-way, nor shall any sign reduce or obstruct traffic visibility or present a safety hazard.
Section 8 (continued)

(B) All signs shall comply with State Law and Regulations.

(C) All exterior signs attached to a building or a structure shall not exceed the height of the building or structure. No portion of any sign on a building or structure shall extend more than 35 feet as measured from the ground level immediately below the sign. Freestanding signs and freestanding sign structures shall not exceed a height of 14 feet as measured from the ground level immediately below the sign or structure.

(D) The use of any sign lawfully in existence at the time of the adoption of this Ordinance may continue although the sign does not conform to the provisions of this Ordinance. Normal maintenance and repairs are permitted. The sign shall not be enlarged or expanded in size except in conformance with this Ordinance.

(E) One freestanding sign structure shall be allowed per development. Locations which have multiple occupancies shall be limited to sharing the freestanding sign structure.

(F) In addition to (E) above, each business is allowed one freestanding sign not to exceed (8) square feet of sign area.

P Fire Protection

The development shall be designed so that the Town of Litchfield Fire Department shall have unrestricted access to all developed areas and adequate provisions are made for a supply of water for fire suppression. The applicant shall obtain a signed form (provided by the town) from the Fire Chief indicating that the fire protection measures proposed for the development have been reviewed. This statement shall be submitted with the preliminary plan application. The Fire Chief in making his/her review of the proposed fire protection measures shall consider the following:

a. The road is adequate for the passage of fire equipment.

b. An adequate water supply is available near or within the development to serve the density of the development.

c. The Fire Chief shall review the fire protection measures proposed for the development and may make suggestions for water holding features, such as but not limited to a fire pond(s), and for roads over 1000 feet in length a water holding tank or tanks installed per Litchfield Fire Department specs using NFPA standards.

SECTION 9 Performance Standards for Specific Activities

A Adult Business

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

(A) In districts where they are permitted, adult businesses shall not be located within 1000 feet of a residential, educational, or religious use, nor within 1000 feet of a day care facility, recreational area or any other adult business.

   1 Measurement shall be made from the edge of the developments.

(B) Minimum front setback of the development shall be 200 feet.

(C) Adult Businesses shall be screened from view from the road and development in all directions. Screening shall be sufficient to block the view of the business.

(D) In addition to the sign requirements contained in this ordinance, signs for adult
businesses shall not depict the human figure in any unclothed, degrading, or suggestive manner. No sexually explicit message, materials, or activity shall be visible outside the building.

(E) Notwithstanding any other provision in this ordinance, movies rated G, PG, PG-13, or R, by the Motion Picture Association of America (MPAA), or live theatrical performances with serious artistic, social, or political value, that depict or describe specified anatomical areas or specified sexual activities, are expressly exempted from regulation under this ordinance.

Section 9 (continued)

B Overnight Accommodations
1 Hotels, motels, rental cottages (3 or more) and inns designed and constructed for transit and temporary occupancy (except for bed and breakfast) are subject to the following requirements:
   (A) Each rental unit shall contain not less than 200 square feet of habitable floor area. Each rental unit shall include a private bath.
   (B) For each building or lot, one apartment may be provided for a resident owner, manager, or other responsible staff person.
   (C) A landscape plan shall be submitted with the permit application that contains at a minimum a green space along the front lot line and any portion of the side and rear lot lines that are adjacent to a residential property.
   (D) Facilities that cater to truckers shall contain adequate parking areas for trucks that are separate from automobile parking.
   (E) Any overnight accommodation unit that contains a self-contained kitchen and toilet facilities or otherwise designated as housekeeping units are considered to be dwelling units and shall meet the applicable requirements of this Ordinance.
   (F) Overnight accommodations that would meet the definition of a subdivision shall be reviewed by the Planning Board under this Ordinance.
   (G) Facilities shall conform to all State regulations.

C Bed and Breakfast
1 Bed and breakfast facilities shall comply with these standards:
   (A) Each rental room shall have a minimum of 120 square feet.
   (B) Each rental room shall be equipped with an approved, hard-wired smoke and carbon monoxide detector.
   (C) There shall be at least one bathroom provided for the rental rooms, in addition to the bathroom for the dwelling unit.

D Telecommunication Facilities
1 Consideration shall be given to serving new communication service demands by use of existing towers through co-location whenever feasible. Applicants for new facilities shall state why location on an existing tower is not feasible.
2 New towers shall be designed in such a way to facilitate co-location, and be restricted to a maximum height of 150 feet.
3 All facilities shall comply with all applicable state and federal regulations. The applicant shall provide documentation that all applicable state and federal regulations can be met.
4 Towers shall be setback from the property line a minimum horizontal distance equivalent to the height of the tower plus 10 feet. The applicant may provide evidence that land within the setback area will not be developed which shall be deemed to comply with the
setback requirements.

5 New towers shall be constructed with materials and colors that match or blend in with the surrounding natural or built environment to the maximum extent practicable.

6 All towers and facilities must comply with structural standards established by the Electronic Industries Association/Telecommunication Industries Association. Compliance with these standards shall be certified by a registered professional engineer.

7 Any communication tower that is unused or out of service for a period of 18 continuous months shall be considered abandoned and shall be removed as soon as practicable.

8 The Planning Board shall require, at the time of application for a new telecommunication facility, that the applicant supply a performance bond or other acceptable form of surety, acceptable to the Board of Selectman, to cover the future cost of removing the tower after it ceases operation.

9 The telecommunication facility shall be fenced to discourage trespass.

Section 9 (continued)

10 Existing towers over 150 feet, as of June 12, 2004 shall not be extended beyond their current height

11 Existing unlighted towers and any newly constructed towers shall remain unlighted.

E Accessory Housing Units
1 Owners of single family residential dwellings may add a single accessory housing unit regardless of the lot size and density of the district, provided that they meet the requirements of this section. Units which do not meet these requirements will be considered separate dwellings and shall meet the use and dimensional requirements of the district in which they are located.

(A) The units would be created in an owner-occupied single family residential dwelling or an attached garage. The additional unit would be located within the existing building envelope and not be clearly identifiable in the exterior profile of the building.

(B) The floor area of the accessory unit would be no more than 600 square feet or 30% of the gross floor area of the principal living unit whichever is less.

(C) Accessory units are intended for rental or gratis occupancy. Under no circumstances will the unit be deeded separately or converted into condominium ownership.

F Multi-Family Residential
1 Multi-family residential shall be reviewed under the provisions of this Ordinance and is not required to undergo subdivision application review. (Note: More than two Multi-family residential buildings in the same complex will require additional review under the Subdivision Ordinance.) Multi-family residential shall meet the following standards:

(A) Evidence shall be provided to show that the wastewater disposal system will be available to supply the needs of the project, according to applicable State regulations.

(B) Evidence shall be provided to show that a source of potable water is available to serve the project.

(C) Evidence shall be provided from the State of Maine Fire Marshall Office that the project meets all applicable State regulations including but not limited to the Life Safety Code.

(D) Multi-family residential housing shall conform to the following dimensional requirements:

(1) The applicable dimensional requirements for the district in which the
Each unit, including the first unit, of multi-family residential complex shall increase the lot size by an additional 25% of the first unit.

Each additional unit above 4 shall increase the minimum road frontage by an additional 10%.

(E) A covered structure or a covered trash container shall be provided. It shall be screened from view from the road and side and rear property lines.

(F) Parking areas and any accessory structures including trash containers shall not be located within the front setback area.

G Cottage Industries

1 Cottage Industries is a use that may include retail, office, service, commercial or industrial. It is a use that is of a size and intensity to be considered low impact and can also meet the following provisions.

(A) Each cottage industry shall be considered a principal use and must meet the applicable dimensional requirements for the district in which it is located. A cottage industry use that is located on a farmstead consisting of the farm home site or one or more agricultural buildings is exempt from meeting the road frontage requirements.

(B) The total number of employees shall not exceed eight.

Section 9 (continued)

(C) The total square footage of all structures (based upon ground floor area) shall not exceed 3,000 square feet. The re-use of an existing structure, regardless of size, may be used as long as all the other provisions of this section are met. (An existing structure must have existed prior to the adoption of this Ordinance).

(D) The structures and any outside areas including parking and storage shall not exceed 10% of the lot.

(E) All outside storage, processing and parking areas shall be screened to the maximum practical extent from the view of adjacent property lines.

(F) The use shall comply with all the other applicable provisions of this Ordinance.

(G) The following activities would not be eligible as a cottage industry; junkyards, adult businesses, and oil or fuel storage facilities.

H Home Occupations

1 The purpose of this section is to permit home occupations within the Town without changing the essential overall residential character of the dwelling unit and the neighborhood in which it is located. The home occupation shall be incidental and secondary to the use of the dwelling as a residence and can be carried on by a member of the family permanently residing in the dwelling. A home occupation may be any occupation or profession which can be carried on within the home and meet the following standards.

2 In order to protect residential and/or rural character of the community, home occupations shall meet the following requirements:

(A) The home occupation shall be carried on wholly within the principal building or
within a building or other structure accessory to it.

(B) No more than one person outside the immediate family residing in the dwelling shall be employed in the home occupation.

(C) A home occupation shall not create greater traffic than normal for the area in which it is located or generate more than 20 vehicle trips per day.

(D) Any vehicle used for the regular delivery of goods to the home occupation shall be limited to the hours of 7 a.m. and 7 p.m.

(E) There shall be no exterior display, no exterior sign, except as permitted in this section. No exterior storage of material and no exterior indications of the home occupation or variation from the residential character of the dwelling.

(F) The residential appearance of the property shall be maintained.

(G) The sales of products shall be limited to those which are crafted, assembled or substantially altered directly on the premises and to items which are accessory and incidental to a service which is provided.

(H) Any parking for customers and employees shall be off-street.

(I) One sign that does not exceed 16 square feet in area is permitted. The sign shall not be internally lighted.

(J) Home occupations which include building trades, transportation services, or similar fields which involve work or services performed away from the dwelling are allowed under these conditions:

1. The dwelling is used primarily as an office.
2. No more than one person outside of the immediate family residing in the dwelling is directly employed within the dwelling.
3. More than one outside employee is permitted provided that they work away from the premises.

Section 9 (continued)

4. The premises are used to store or park no more than 2 vehicles or construction equipment for employees who work off premises.

(K) The following uses are prohibited as home occupations: welding shops, machine shops, auto body repair, vehicle repair or service, vehicle sales, engine or motor repair or service.

(L) Any use that cannot qualify as a home occupation may be permitted as another land use activity. The Table of Land Uses contained in this Ordinance should be consulted.

(M) For Veterinary services there shall be no onsite treatment of animals.

I Mobile Homes

1. All mobile homes shall be installed according to the “Manufactured Home Installation Standard” developed by the State of Maine Manufactured Housing Board, as most recently amended.

2. All units shall be a minimum of 14 feet in width.

3. All units shall comply with the safety standards in the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70. Units constructed prior to enactment of these standards shall be made to conform to the standard. The applicant shall provide a written statement from a professional engineer licensed in the State of Maine indicating that the mobile home has been upgraded and is in full compliance with the standard.

J Mobile Home Parks

1. All mobile home parks shall meet the following standards:
(A) All roads shall comply with the Town of Litchfield Road Ordinance.
(B) All land within a park shall remain in a unified ownership and the fee to the lots or portions of lots shall not be transferred.
(C) No dwelling unit other than manufactured housing shall be located within the park.
(D) Each mobile home park owner shall establish regulations governing the conduct of the internal affairs of the park.
(E) Mobile home parks are considered subdivisions and shall be reviewed according to the provisions of the Subdivision Ordinance.
(F) No mobile home park approved under these standards may be converted to another use without approval of the Planning Board, and meeting the appropriate dimensional requirements of this ordinance.
(G) Individual mobile homes within the park shall be setback a minimum of 20 feet from the lot line.
(H) Mobile homes shall be setback a minimum of 50 feet from the park boundary lines.
(I) Each mobile home park shall have a buffer strip of at least 50 feet wide around the perimeter of the park. No structures, roads or utilities may be placed in the strip except that roads and utilities may cross the strip to serve the park. A 25 feet wide area of the buffer shall have a natural or man-made screen capable of providing a visual barrier of 8 feet in height between the park and neighboring properties.
(J) Mobile home parks located within a shoreland zone shall meet the appropriate dimensional requirement for the zone district in which it is located.
(K) Lots served by individual subsurface wastewater disposal systems shall have at least 30,000 square feet and a lot width of 100 feet.
(L) Lots served by a central or cluster subsurface wastewater disposal system shall have a lot size of at least 12,000 square feet and a lot width of 75 feet. The Overall Density of the park shall not exceed one unit per 20,000 square feet of the total park area.
(M) Each mobile home park lot shall be marked with a lot number.
(N) Existing mobile home parks may be expanded in the district in which they are located subject to the requirements of this section.
(O) A recreation area consisting of a park and/or playground shall be built and maintained for the use of the residents of the mobile home park.

Section 9 (continued)

1. There shall be 200 feet of recreation area for every mobile home in the park.
2. Existing parks that expand shall create a recreation area as in 1 above for the entire park including for what existed before the adoption of this ordinance.

K Junkyards
1. All automobile graveyards, automobile recycling businesses and junkyards shall be licensed in accordance with Title 30-A MRSA Sections 3751 through 3760.
2. The area used for the facility shall be setback a minimum of 100 feet of any property line.
3. A buffer consisting of vegetation, fences, berms, or any combination thereof shall be installed along all property lines and shall be capable of providing a year-round screen to a minimum height of 8 feet or to the height necessary to block the view of any materials, whichever is higher.
4. All facilities shall conform to all the applicable provisions of State law and regulations.
5. Each facility shall also obtain a permit from the Board of Selectmen as required by State Law.

L. Mineral Extraction

1. All new mineral extraction activities and the expansion of any existing site shall comply with the applicable requirements of Title38, MRSA Sections 490A through 490M as most recently amended and shall meet the following standards.
   
   (A) The hours of operation may be limited by the Planning Board in order to ensure compatibility with the surrounding area.
   
   (B) No mud, soils or other debris shall be allowed to accumulate on a public road from transporting vehicles.
   
   (C) No equipment, debris, junk or other materials shall be permitted in the excavation site except those directly related to active extraction operations.
   
   (D) A reclamation plan shall be submitted at the time of application, showing that within 12 months, following the completion of extraction operations at the site ground levels and grades shall be established so that if natural storm drainage and water courses leave the site, they do so at pre-development volumes and locations. All debris, stumps, boulders and similar materials may be removed and disposed of on the property in an approved location, or, in the case of inorganic material, buried and covered with a minimum of 2 feet of soil. Only materials generated on-site may be buried or covered.
   
   (E) Excavation shall not extend closer than 100 feet to a public right-of-way or 75 feet of the property line. Excavation areas may extend into a property line if a suitable easement between property owners is established. Natural vegetation shall be maintained within the setback area. The excavation shall be setback a minimum of 100 feet from the normal high water line of a Great Pond or river and 75 feet from a wetland or stream.

2. Existing extraction operations in lawful existence as of the effective date of this Ordinance shall within 24 months of the effective date of this Ordinance:
   - Submit to the Code Enforcement Officer a map of the mineral extraction site indicating the existing boundaries.
   - The size of mineral extraction area.

Mineral extraction operations that fail to comply with this section will no longer be in lawful existence.

M. Wind Turbines and Meteorological Towers

1. Wind Turbines shall be used to produce electrical power primarily for on-site consumption.

2. Wind Turbine Height shall not exceed 150 feet.

3. Wind Turbines shall be set back from property lines a minimum distance equivalent to the Wind Turbine Height plus 10 feet.

Section 9 (continued)

4. Wind Turbine guy wires and anchors shall not be located in the setbacks of the Dimensional Requirement Table for the district they are located in.

5. Wind Turbines shall be a non-reflective, neutral color unless otherwise required by the Federal Aviation Administration.

6. Any Wind Turbine that is unused or out of service for a period of 18 continuous months shall be considered abandoned and shall be removed as soon as practicable.
7. Existing unlighted towers and any newly constructed towers shall remain unlighted.

8. Manufacturing specifications of and audible noise from Wind Turbines shall not exceed noise limits in Section 8.N of the Ordinance except during short term events such as severe windstorms.

9. Meteorological Towers shall require the same application procedures and applicable standards as Wind Turbines.

N Strip Mall Development

1. Strip Mall Development shall be reviewed under the provisions of this Ordinance and are not required to undergo subdivision application review. Strip Mall Development shall meet the following standards:

   (A) Evidence shall be provided to show that the wastewater disposal system will be available to supply the needs of the project, according to applicable State regulations.

   (B) Evidence shall be provided to show that a source of potable water is available to serve the project.

   (C) Evidence shall be provided from the State of Maine Fire Marshall Office that the project meets all applicable State regulations including but not limited to the Life Safety Code.

   (D) Strip Mall Development shall conform to the following dimensional requirements:

      (1) The applicable dimensional requirements for the district in which the project is located shall be met.

      (2) The minimum lot size for the district the Strip Mall Development is in shall be increased by 25% for every 1000 feet of floor area.

   (E) A covered structure or a covered trash container shall be provided. It shall be screened from view from the road and side and rear property lines.

   (F) Parking areas and any accessory structures including trash containers shall not be located within the front setback area.
Vehicle Sales and Service

Vehicle Sales and Service establishments shall meet the following standards:

(A) For Districts other than the Planned Development District:

   (1) The total gross floor area of all buildings shall not exceed 3,000 square feet; and

   (2) The total impervious surface of the development shall not exceed 10,000 square feet.

(B) The developed area shall have screening to the maximum practical extent sufficient to minimize its impact on adjoining residential or undeveloped properties.

(C) At the time of application, the applicant shall provide a list of hazardous, flammable, or toxic chemicals to be produced, used, or stored on the site, together with a plan for emergency containment and cleanup of such chemicals. The Planning Board can require a plan prepared by a qualified waste remediation professional.
SECTION 10 Road Access, Traffic and Parking Standards

A General Requirements

1. All driveways, common driveways, lanes, private roads and public roads shall conform to the requirements of the Town of Litchfield Road Ordinance.

2. All driveway entrances are required to obtain a driveway entrance permit as specified in the Town of Litchfield Road Ordinance.

B Access to Public Streets

These standards shall apply to all lanes, private roads, public roads, and driveways or access ways that serve commercial, industrial, and other similar non-residential activities. Driveways and common driveways serving residential dwellings are exempt from these standards.

1 General Provisions

(A) The number of access points shall be the minimum necessary to ensure safe and proper vehicular access to the site. A limit of two access points onto a single road shall be permitted unless a traffic study for the site recommends additional access points. If more than one road provides access to the site the access point from the activity shall be located on the road with less potential for congestion and traffic hazard.

(B) The street giving access to the lot and neighboring streets which can be expected to carry traffic to and from the development shall have sufficient and safe traffic carrying capacity or be suitably improved to accommodate the amount and type of traffic to be generated by the proposed use. Traffic improvements required to accommodate the site shall be the responsibility of the developer.

(C) Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the developer shall install turning lanes, traffic directional islands, frontage roads, signalization, or other traffic controls within public streets. All such installations shall conform to standards in the “Manual on Uniform Traffic Control Devices” published by the American Traffic Safety Services Association.

(D) A traffic study shall be required as follows: when in any one hour period traffic attributable to the development equals or exceeds 35 trips at the project driveway, or when in the opinion of the Planning Board, a traffic safety or road capacity deficiency exist in the vicinity of the development.

(E) Access points shall be designed and have sufficient capacity to avoid the stopping or standing of vehicles attempting to enter from the street.

(F) The developer shall plan or install interconnections with adjoining properties where such links will serve to reduce demand for vehicular movement on public roads.

(G) Interconnections for new uses over existing uses may be approved without a new review of the existing use when the combined vehicle trips do not change traffic volume as in Section 10 (B)(2) and there is documentation of the applicant’s right, title or interest in the connection.

(H) In order to provide adequate visibility, all access points shall be kept free from visual obstructions, including signs, higher than 3 feet above street level within a triangular area defined by legs of 25 feet measured along the driveway and street lines.
2 Location and Design of Access Points

(A) All access points shall be designed and located to provide minimum sight distance of 10 feet for each mile per hour of posted speed limit in both directions. Sight distance shall be measured from a point 10 feet behind the edge of the traveled way, with the height of the eye at 3.5 feet to the top of an object 4.5 feet above the pavement.

(B) Access points shall be designed and constructed to a standard consistent with their estimated volume as follows:
- Low Volume: peak hour volume of 10 or fewer vehicles.
- Medium Volume: any access that is not a low volume or high volume.
- High Volume: peak hour volume of 400 or more vehicles.

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

(D) The curb radius for two-way access points shall be between 10 feet and 20 feet, except that high volume access points serving a significant percentage of trucks may provide curb radius up to 50 feet. The curb radius for one-way access points or access points with a median island shall be between 5 and 10 feet on the inside corner and 30 feet on the outside.

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

(F) From the edge of the traveled way, the access point should not exceed a grade of 2% for a minimum distance of 75 feet, or, where a traffic study has been done, for the full distance of the predicted queue of vehicles at the peak hour.

(G) A median island is required for high volume access points and may be required for medium volume access points at the discretion of the Planning Board. Median islands shall be between 6 feet and 10 feet in width and shall define a throat length of adequate dimensions based on the traffic study, but in no case less than 60 feet.

(H) No low or medium volume access point shall be located within 50 feet of any street intersection, nor within 150 feet of an intersection controlled by a traffic signal. No high volume access point shall be within 250 feet of any intersection. Distance shall be measured from the point of tangency for the intersection curb radius to the point of tangency for the access radius. The minimum separation distance between two low volume access points or a low and a medium volume access point is 50 feet. The minimum separation distance between two medium access points or a high and a medium volume access point is 75 feet. The minimum separation distance between two high volume access points is 150 feet. No access point shall be located within 10 feet of a property line, unless it serves as a shared or common driveway.

(I) All portions of an access point within the right-of-way of the public street shall be paved with a bituminous concrete pavement. The paving shall meet the requirements for a public road as specified in the Town of Litchfield Road Ordinance.
C Parking Requirements

The parking requirements shall apply to all land uses except for single family residential and agricultural activities. All new land uses and expansions of existing activities shall provide the necessary parking so that no vehicles will need to park on the street.

1 Access Restrictions
   (A) Parking areas with more than two spaces shall be arranged so that it is not necessary for vehicles to back into the street.
   (B) Vehicle access points shall conform to the requirements of section B above.
   (C) All parking areas and aisles shall be set-back at least 5 feet for any side or rear lot line, unless more is required for buffer yards.
   (D) Required parking shall not be located within right-of-way of the public street.

2 Interior Vehicular Circulation
   (A) Interior travel lanes should be designed to allow continuous and uninterrupted traffic movement, with particular reference to the necessity of avoiding slowing vehicles on the public road.
   (B) Interior travel lanes shall be designed so that circulation patterns in the parking area will provide for the safe and efficient flow of traffic and minimize driving movements across parking isles.
   (C) Parking aisles should be oriented perpendicular to stores or businesses for easy pedestrian access and visibility.

3 Parking Stalls and Aisles
   (A) Parking stalls shall be a minimum of 9 feet wide by 18 feet in length. Handicap spaces shall be provided in accordance with applicable State and Federal requirements.
   (B) In paved parking areas painted strips shall be used to delineate parking stalls and travel lanes.
   (C) Two-way aisles shall be a minimum of 22 feet in width. One-way aisles shall be a minimum of 18 feet in width.
   (D) Parking areas serving more than 20 vehicles shall be paved with bituminous concrete or an equivalent surface treatment. Seasonal operations such as fairgrounds, recreational areas and similar operations shall be exempt from this requirement.
Parking Space Requirements  
The following table contains parking space requirements for different uses.

<table>
<thead>
<tr>
<th>Number of Spaces</th>
<th>Land Use Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spaces per room or dwelling unit</td>
<td>Place of Residence or Accommodation</td>
</tr>
<tr>
<td>1/3</td>
<td>Dedicated retirement home, Nursing care facility</td>
</tr>
<tr>
<td>1</td>
<td>Hotel, Motel, Bed &amp; breakfast.</td>
</tr>
<tr>
<td>2</td>
<td>Multi-family residential dwelling</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Spaces per seat based on max. seating capacity</td>
<td>Places of Public Assembly</td>
</tr>
<tr>
<td>¼</td>
<td>Theater with fixed seating</td>
</tr>
<tr>
<td>1/3</td>
<td>Church</td>
</tr>
<tr>
<td>½</td>
<td>Restaurant, meeting hall, grange, bottle club</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Spaces per 1,000 square feet of gross floor area</td>
<td>Places of Commerce and Industry</td>
</tr>
<tr>
<td>1</td>
<td>Warehousing, sales of motor vehicles</td>
</tr>
<tr>
<td>1 ½</td>
<td>Industrial and manufacturing facility</td>
</tr>
<tr>
<td>3</td>
<td>Grocery store over 5,000 square feet, offices, professional and personal services, except as noted.</td>
</tr>
<tr>
<td>4</td>
<td>Retail sales except as noted</td>
</tr>
<tr>
<td>5</td>
<td>Banks, medical and dental offices, fitness clubs, child care</td>
</tr>
<tr>
<td>8</td>
<td>Strip Mall Development</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Spaces per 1,000 square feet of gross floor area</td>
<td>Public and Institutional Facilities</td>
</tr>
<tr>
<td>2</td>
<td>Elementary schools</td>
</tr>
<tr>
<td>4</td>
<td>Secondary schools, library, museum, municipal office. Hospital</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Spaces as specified</td>
<td>Miscellaneous</td>
</tr>
<tr>
<td>1 per 1,000 sq. feet</td>
<td>Indoor sports facility, No spectators</td>
</tr>
<tr>
<td>1 per 4 seats</td>
<td>Stadiums, arenas other spectator sport activities</td>
</tr>
<tr>
<td>30 per acre</td>
<td>Mini-golf, go-carts and other outdoor amusements</td>
</tr>
</tbody>
</table>
Parking spaces for uses not shown in the table shall be based upon a similar type of use illustrated in the table.

The required number of parking spaces shall be provided on the same lot as the land use activity unless the parking area is located on an adjacent lot located no more than 200 feet from the principal structure.

Parking areas should not contain more than 25% more of the required parking established for the use.

Mixed use buildings shall have the required number of spaces to meet each use unless the property owner can show a difference in parking demand based upon time of day.

Areas for loading and unloading of goods shall be provided as necessary. Loading areas shall not reduce the safe and efficient flow of traffic in the parking lot and shall not be located in the front setback area.

5 Screening Requirements

Parking areas for commercial and industrial uses shall meet the following screening requirements.

The area adjacent to the road right-of-way shall contain a buffer between the parking area and the front property line. The buffer shall consist of a vegetative strip except for necessary driveway crossings. The buffer width shall be: 20 feet within the Rural District; 10 feet within the Planned Development District; and, 5 feet within the Village District. The vegetative strip shall consist of ground cover, trees, shrubs, fences, berms or any combination thereof that will provide a barrier of not less than 3 feet in height. Vegetation should comply with the 3 foot height requirement within 3 years of planting.
Section 11   DEFINITIONS

Construction of Language

In the interpretation and enforcement of this Ordinance, all words other than those specifically defined in the Ordinance shall have their ordinarily accepted meaning, except to the extent that another meaning is clearly implied by their context in this ordinance. In the case of any difference of meaning or implication between the text of this Ordinance and any map, illustration, or table the text shall control.

The word “person” includes firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity. The words “he” “she” or “they” when used shall refer to the person or persons so designated regardless of gender.

If clearly implied by the context in which they appear, the present tense includes the future tense, the singular number includes the plural, and the plural numbers include the singular.

The words “shall” and “will” are mandatory, the word “may” is permissive.

The word “lot” includes the words “plot” and “parcel”.

The words “used” or “occupied”, as applied to any land or building, shall be constructed to include the words “intended arranged, or designed to be used or occupied”.

Section 11 (continued)

Definitions

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

Accessory Housing Unit - A dwelling unit that is allowed to be added to a single family residential dwelling according to specific standards contained in this Ordinance.

Access Points - An access point is the point of contact between the public street system and the vehicular circulation system of a development or a subdivision. An access point is classified low, medium, or high based upon the average number of vehicles expected to use it in a day. It is also called a curb cut or a driveway entrance.

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

Adult Arcade / On-Site Video Screening Establishment - Any place to which the public is permitted or invited wherein coinoperated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, videos, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or
describing of "specified sexual activities" or "specified anatomical areas."

**Adult Book Store** - A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- **a.** books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations that are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas;" or
- **b.** instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."

A principal business purpose exists if materials offered for sale or rental depicting or describing "specified sexual activities" or "specified anatomical areas" occupy 10% or more of total floor space. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as Adult Book Store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an Adult Book Store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials that depict or describe "specified sexual activities" or "specified anatomical areas."

**Adult Business** - Any operation of adult amusement stores, adult video stores, adult bookstores, adult novelty stores, adult motion picture theaters, on-site video screening establishments, adult arcades, adult cabaret, adult entertainment nightclubs or bars, establishments featuring strippers or erotic dancers, escort agencies or other sexually oriented businesses.

Section 11 (continued)

**Adult Cabaret / Adult Entertainment Nightclub or Bar** - A nightclub, bar, restaurant, café, or similar commercial establishment that regularly, commonly, habitually, or consistently features:

- **a.** persons who appear in a state of nudity or semi-nudity; or
- **b.** live performances that are distinguished or characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- **c.** films, motion pictures, video cassettes, slides, photographic reproductions, or other image producing devices that are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
- **d.** persons who engage in “exotic” or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

**Adult Motion Picture Theater** - A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly, commonly, habitually, or consistently shown that are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

**Adult Novelty Store / Adult Amusement Store / Adult Video Store** – Means the same as Adult Bookstore.

**Adult Theater** - A theater, concert hall, auditorium, or similar commercial establishment that
regularly, commonly, habitually, or consistently features persons who appear, in person, in a state of nudity and/or semi-nudity, and/or live performances that are distinguished or characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

**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; tree farms; Christmas tree farms and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

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

**Airport** - Any area designated and set aside for the landing and take-off of aircraft including all necessary facilities for the housing and maintenance of aircraft.

**Alteration** - Any change, addition, or modification in construction, other than cosmetic or decorative, or any change in the structural members of buildings such as bearing walls, columns, beams, or girders.

**Automobile Graveyard and Junkyard** - A yard, field, or other area used as a place of storage for three or more unserviceable, discarded, worn-out or junked motor vehicles as defined in Title 29-A MRSA Section 101, subsection 42, or parts of such vehicles; Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture; discarded, scrap, junked lumber; or old or scrap copper, brass, rope, rags, paper, trash, rubber debris, waste, and all scrap iron, steel, and other scrap ferrous or non-ferrous material. Automobile graveyard does not include any area used for temporary storage by an establishment or place of business that is primarily engaged in doing auto body repair work to make repairs to render a motor vehicle serviceable. Temporary storage shall not exceed 90 days. Automobile graveyard includes an area used for automobile dismantling, salvage and recycling operations.

Section 11 (continued)

**Automobile recycling business** - The business premise of a person who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, provided that 80% of the business premises specified in the site plan in Title 30-A MRSA Section 3755-A subsection 1, paragraph C is used for automobile recycling operations.

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

**Bed and Breakfast** - A house or portion thereof, providing short-term lodging, where meals are provided only to overnight guests, and where the proprietors live on the premises.

**Boarding/Group Facility** - A residential structure where lodging or lodging and meals are
provided for compensation for a period of at least 2 weeks. Common areas are provided for cooking and recreational activities. This use does not include hospital and care facilities which offer medical care or supervision.

**Bulk Fuel Oil Storage /Facility** - Structures, buildings and fuel storage facilities designed for the storage of oil and gas for re-sale to retail fuel distributors.

**Building** - Any structure having a roof supported by columns, walls, or other framework intended for the housing or enclosure or persons, animals, or personal property.

**Building / Structure Height** - The vertical distance measured between the average finished grade of the ground at the front of a building and the highest point of the roof, not including chimneys, spires, towers, or similar auxiliary structures.

**Business Service and Office** - The place of business used primarily as an office such as a doctor office, real estate office and similar activities it also includes an activity in which the principal source of income is the provision of labor for compensation and shall include by example: barber shop, beauty salon, printing and banks. The term excludes vehicle sales and service and retail which shall be considered a commercial use.

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

**Cemetery** - Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

**Church** - A building or structure, or group of buildings or structures, designed, primarily intended and used for the conduct of religious services.

**Code Enforcement Officer** - A person or persons appointed by the Litchfield Board of Selectmen to administer and enforce this Ordinance. Reference to the Code Enforcement Officer is intended to include references to the Building Inspector or Plumbing Inspector according to the State certification held by the appointed person.

**Commercial Small** - A retail, service, or office use or any combination thereof that consist of less than 3,000 square feet of floor area, and which is not otherwise defined by another land use category in the Land Use Table.

Section 11 (continued)

**Commercial Large** - A retail, service or office use or any combination thereof that consist of more than 3,000 square feet of floor area and which is not otherwise defined by another land use category in the Land Use Table.

**Commercial/ Rural Resource Industry** - The processing, cutting and finishing of raw logs into finished products, or the manufacturing, handling, treatment, or packing of crops, livestock, or dairy products produced or raised on farms; excluding rendering plants, fertilizer manufacturing plants, and similar operations, but including related activities such as storage and sales.

**Commercial use** - the use of lands, buildings, or structures, other than a "home occupation,"
defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

**Communication /Telecommunication Facility** - A structure on which commercial transmitting and/or receiving antenna are located.

**Telecommunications Tower** - Any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange phone services, specialized mobile radio communications (SMR), common carrier wireless exchange access services, and personal communications service (PCS) or pager services.

**Community/Civic/Club Facility** - Includes public community centers, Litchfield Fair Grounds, and facilities operated by social, religious, benevolent, or academic groups and organizations which are usually open to members and guests.

**Community Living Facility** - A state approved, authorized, certified, or licensed housing facility for no more than 8 persons.

**Cottage Industry** - A commercial use of low intensity that is subject to specific standards contained in the Ordinance.

**Day Care Facility** - Any establishment, including a private residence, where 3 or more children are cared for, (exclusive of any children who may be living in the home which is serving as the day care facility,) in return for compensation.

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

**Dimensional requirements** - Numerical standards relating to spatial relationships including but not limited to setback, lot area, and height.

**Direct Watershed of a Pond** - That portion of the watershed which drains directly to the pond through sheet or concentrated flow without first passing through an upstream pond or river.

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**Disability** - any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.
**Driveway** - a vehicular access-way other than a lane or a road that provides access to a building, structure or parking area.

**Dwelling** - A room or group of rooms designed and equipped exclusively for as use as a permanent, seasonal, or temporary living quarters. The term shall include mobile homes but not recreational vehicles.

- Single Family Residential Dwelling: A building containing only one dwelling unit. It may also include the addition of one accessory housing unit.
- Duplex Residential Dwelling: A building containing 2 dwelling units.

**Dwelling Unit** - A room or suite of rooms which contains independent living, cooking, sleeping, bathing and sanitary facilities designed for use a single household unit.

**Eating or Drinking Establishment** - An establishment where food and/or beverages are prepared and served to the general public for immediate consumption in exchange for compensation. The sale of pre-packaged meal items or preparation of food intended exclusively for consumption off premises (delivery or take-out) are considered retail sales and are not included in this definition.

**Escort** - A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

**Escort Agency** - A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

**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.

**Establishment** - Means and includes any of the following:
- the opening or commencement of any adult entertainment establishment as a new business;
- the conversion of an existing business, whether or not an adult entertainment establishment, to any adult entertainment establishment;
- the addition of any adult entertainment establishment to any other existing adult entertainment establishment; or
- the relocation of any adult entertainment establishment; or
- an adult entertainment establishment or premises on which the adult entertainment establishment is located.

**Establishment Featuring Strippers or Erotic Dancers** – Means the same as Adult Cabaret.

Section 11 (continued)
Expansion of a structure - an increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached: decks, garages, porches and greenhouses.

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

Fair 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.

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

Farm Stand - A booth, stall, or building located on a farm from which produce, farm products and accessory items are sold to the general public.

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.

Foundation - the supporting substructure of a building or other structure including but not limited to basements, slabs, sills, posts or frost walls.

Freshwater wetland/wetland - freshwater swamps, marshes, bogs, forested wetland and similar areas which are: Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

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

Hospital/Care Facility - An institution providing, but not limited to overnight health services, care for the sick or injured. Surgical care and services, nursing homes or other related care facility not defined as a boarding/group facility, or a community living facility. A medical office shall be considered as a business service and office use.

Home occupation - an occupation or profession which is conducted in a residential structure or accessory building and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than one person other than family members residing in the home, and meets the performance standards contain in this Ordinance.

Horse Stables - Facilities for the boarding and care of horses including riding areas and similar activities which are commercial enterprises. Facilities that are for personal use and which are secondary to an existing agricultural operation are not included in this definition.

Impervious Surface - Any hard surface that is human-made and does not readily absorb or retain water. Examples include building roof, paved or graveled driveway and parking areas, sidewalks and paved recreational facilities, among others.
Section 11 (continued)

**Increase in nonconformity of a structure** - Any change in a structure or property which causes further deviation from the dimensional standards 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 steams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body or wetland than the closest portion of the existing structure from that water body or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

**Indoor Recreation** - A recreation facility designed and equipped for the conduct of sports, leisure time activities, performances and other customary recreation activities which take place indoors.

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

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

**Manufacturing** - The making of goods and articles by hand or machinery. manufacturing shall include assembling, fabricating, finishing, packaging or processing operations. A manufacturing activity includes warehousing, power generation, waste disposal and other functions directly associated with the activity.

**Meteorological Tower** – A structure that includes a tower, equipment booms, base plate, anchors, guy wires, and weather instrumentation and is designed to gather wind resource data.

**Minimum lot width** - the closest distance between the side lot lines of a lot.

**Minimum lot size** – The area within the property lines of a lot minus road Right of Ways crossing the lot.

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

**Mobile Home** - A structure transported to a building site on a permanent chassis, to be used as a dwelling when connected to the required utilities.

**Mobile Home Park** - Means a parcel of land under unified ownership approved by the Town for the placement of 3 or more mobile homes.
Multi-Family residential - a residential structure containing three (3) or more residential dwelling units.

Non-conforming lot - a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

Section 11 (continued)

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

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

Nudity or a state of nudity - The appearance of a human anus, pubic area, male genitals, or female genitals with less than a fully opaque covering; or a female breast with less than a fully opaque covering of any part of the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

Outdoor Recreation - A public recreation facility, operated for income producing purposes and intended for the conduct of sports and other recreational activities which take place predominately outdoors.

Overnight Accommodation - A building or group of buildings in which lodging is offered to the general public for compensation. The term includes establishments referred to as hotels, motels, inns, guest houses, and 3 or more rental cottages.

Parking Facility - An area or structure where the parking of motor vehicles, trucks, and trailers is the primary use.

Parks/Playgrounds - Non-commercially operated recreation facilities including but not limited to, playground monuments, neighborhood parks, athletic fields and similar uses.

Passive Recreation - Outdoor recreation activities which involve no structural or mechanical components or facilities such as hiking, fishing, hunting and snowmobile trails.

Permit - An official document or certificate issued by the Code Enforcement Officer, which authorizes performance of an activity or activities described in the permit application.

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.

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

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

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

**Residential dwelling unit** - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, and manufactured housing but not recreational vehicles.

Section 11 (continued)

**Resource Protection Activities** - Activities include hunting, fishing, forest management, wildlife management, fire protection activities, and similar activities.

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

**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.

**Road Frontage** - The horizontal, straight-line distance between the intersections of the side lot lines with the road right-of-way.

**Rural Resource Industry** - (See Commercial Rural Resource Industry)

**Screening** - A visual barrier to minimize the impact on adjacent properties and roads. Walls, fencing, dense plant material, or a combination of materials can be used to achieve this intent.

**Self-Storage Facility** - A building consisting of individual, small, self-contained units that are leased or owned for the storage of business, household goods, personal items or contractor supplies. These facilities shall be considered as small commercial or large commercial uses based upon their size.

**Setback** - the nearest horizontal distance from a property line to the nearest part of a structure, parking space or other regulated object or area.

**Sexually Oriented Business** - An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

**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 Carter Pond; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; within 250 feet, horizontal distance, of certain forested wetlands depicted on the Land Use Map; within 75 feet, horizontal distance, of the normal high-water line of a stream; and within 75 feet, horizontal distance, of certain flowing waters as depicted on the Land Use Map. This also applies to any structure built on, or abutting a dock, wharf, or pier, or other structure extending or located beyond the normal high-water line of a waterbody or flowing waters, or within a wetland or forested wetland.

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

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

**Sign, Free Standing**- A sign placed on the ground and not attached to any building or structure.

**Sign, Free Standing Structure**- A structure supported by one or more upright poles, columns, or braces placed in the ground and not attached to any building or structure for the purpose of attaching a sign.

**Sketch Plan** - A plan showing in simple sketch form (scaled is preferable) the proposed layout of buildings, parking areas, driveways and other features in relation to existing site conditions and showing the general location of lot boundaries and steep slopes, wetlands, vegetative cover (trees, grassland, or other).

**Specified anatomical areas** - Means:

- **a.** the human male genitals in a discernibly turgid state, even if fully and opaquely covered;
- **b.** less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

**Specified sexual activities** - Means and includes any of the following:

- **a.** the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts, whether covered or uncovered;
- **b.** sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- **c.** masturbation, actual or simulated; or
- **d.** excretory functions as part of or in connection with any of the activities set forth in (A) through (C) above.
Stream - a channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined.

Strip Mall Development - A development that includes a building not exceeding 5000 square feet in gross floor area that houses non-residential multiple uses that may include retail, personal services, professional services, food sales or restaurants.

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

Subdivision - As defined in Title 30-A MRSA Section 4401 and in addition, lots greater than 40 acres shall be deemed to be a lot.

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

Section 11 (continued)

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

Traffic Study - The study shall conform to the requirements for a traffic impact study as contained in the “Access Management, Improving the Efficiency of Maine Arterials, A Handbook for Local Officials” published by the Maine Department of Transportation, 1994 or as revised.

Transportation services - A business providing transportation off premises including but not limited to: trailer freight trucks, local delivery or sales trucks, service trucks, passenger vans or busses.

Vegetation - all live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 ½ feet above ground level.
Vehicle Sales and Service - A business establishment engaged in general repair of engines, parts service or rebuilding, specialized repair or service, sales or maintenance of vehicles which include automobiles, trucks, farm equipment, boats, recreational vehicles, mobile homes, snowmobiles, ATV’s, small engines and any similar type of motorized apparatus or equipment.

Vehicle Trip per Day - Refers to the number of vehicles generated by a unit of land use per day. A trip is the one way movement from origin to destination. Each trip has two trip ends. The trips generated by land uses are found in the “Institute of Transportation Engineers, Manual of Trip Generation.

Veterinary Services - A building or structure used for the diagnose, care and treatment of ailing or injured animals which may include overnight stays.

Warehouse - A building used primarily for the storage of goods and materials and which may include freight and shipping facilities. Self-storage units are defined as a commercial use under this Ordinance.

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

Wetland - a freshwater wetland.

Wind Turbine – The blades and associated mechanical and electrical conversion components mounted on top of a supporting tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity primarily used for onsite consumption.

Wind turbine height – The distance measured from predevelopment ground elevations to the highest point of any Wind Turbine rotor blade measured at the highest arc of the blade.

See Appendix A District Map next page
Section 1 General

A Title:
This Ordinance shall be known as the Town of Litchfield Road Ordinance and will be referred to as “this Ordinance”.

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

C Purpose:
The purposes of this Ordinance are:
   To establish minimum specifications for the design and construction of driveways, lanes and roads.
   To establish minimum requirements for a road and a lane to qualify for Town acceptance.
   To ensure that safe and sufficient access is provided to all new development within the Town.

D Applicability:
This Ordinance shall apply to the design and construction of all driveways, common driveways, lanes and roads in the Town of Litchfield.

E Effective Date:
This Ordinance takes effect upon enactment by the Town Meeting on June 2001.

F Conflicts with other Ordinances:
Whenever this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or any other ordinance, regulation or statute, the more restrictive provision shall control. This Ordinance is designed to complement applicable provisions contained in the Land Use Ordinance and the Subdivision Ordinance. The standards and terms set forth in this Ordinance shall be followed whenever there exist any conflict with a standard or term described in the Subdivision Ordinance.

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

H Amendments:
Amendments to this Ordinance may be initiated by a majority vote by the Board of Selectmen, or by written petition by the number of voters equal to at least 10% of the number of votes cast in the Town in the last gubernatorial election. An amendment to this Ordinance may only be adopted by majority vote of a Town Meeting. The Board of Selectmen shall conduct a public hearing on any proposed amendments prior to the Town Meeting.
Section 2 Administration and Enforcement

A General: The standards contained in this Ordinance apply to the construction of all driveways, common driveways, lanes and roads within the Town initiated after the effective date of this Ordinance. The Planning Board and the Code Enforcement Officer shall apply the applicable requirements established in this Ordinance for any driveway, common driveway, lane or road proposed under the authority of the Land Use Ordinance and the Subdivision Ordinance. The Code Enforcement Officer is also hereby authorized to enforce specific provisions of this Ordinance as they apply to review and permits obtained under the aforementioned ordinances.

The Road Commissioner shall be responsible for issuing all Access/Driveway Entrance permits as prescribed in this Ordinance and for conducting inspections as authorized by this Ordinance. The Board of Selectmen shall be responsible: for monitoring the use of this Ordinance; for proposing revisions to the Ordinance as necessary; for ensuring that this Ordinance is properly enforced; and, for administrating the road acceptance application process.

B When any violation of this Ordinance shall be found to exist, the Board of Selectmen, upon notice from the Code Enforcement Officer, is hereby authorized and directed to institute any and all corrective actions and proceedings, including the removal of any work being done or any other action to ensure compliance with, or to prevent violation of this Ordinance in the name of the Town.

Any person, firm or corporation being the owner, contractor or having control or use of any premises who violates any provision of this Ordinance shall upon conviction be fined in accordance with the provisions of Title 30-A MRSA Section 4452. Each day such a violation is permitted to exist after notification by the Code Enforcement Officer shall constitute a separate offense. All fines including the award of any court cost shall be made payable to the Town of Litchfield.

Section 3 Road and Access Categories

A 1. All new roads, lanes, common driveways, and driveways regardless of whether they are proposed for public acceptance shall conform to the standards established in this Ordinance. The type of access shall be selected according to the number of dwellings or traffic volume created by use.

2. All new subdivisions located in the Town of Litchfield shall have access to a public road by one or more road and access categories described below.

B Categories:

1 Driveway may serve not more than 2 residential dwellings. The maximum daily vehicular trips shall not exceed 20 trips. A driveway is not eligible for public acceptance.

2 Common Driveway may serve no more than 4 residential dwellings. The maximum daily vehicular trips shall not exceed 40 trips. A common driveway in not eligible for public acceptance.

3 Lane may provide access for up to 8 residential dwellings. The maximum daily vehicular trips shall not exceed 80 trips. A lane may be eligible for public acceptance if meets the standards for a road except for right-of-way width and travel way width.
4. Road is designed for more than 8 residential dwellings and all other types of uses not herein described.

5. Other types of access:
   The access category for all commercial and non-residential uses shall be based upon the daily vehicular trips estimated for the particular use.

C. Other Requirements:
   All roads and access ways shall meet the applicable requirements contained in the Land Use Ordinance and the Subdivision Ordinance.

D. Options:
   Nothing shall prohibit a person from designing and building an access way to meet a category in excess of the current anticipated use.

E. Future Upgrades:
   All new roads and access ways constructed after the effective date of this Ordinance may not serve new development that would exceed the capacity of the road or access category in which they were constructed unless the road or access way is expanded as necessary. Nothing in this Ordinance shall be implied to mean that the Town of Litchfield is required to upgrade a road or access way to meet any new development or traffic demand.

Section 4 Application Requirements

A. General Requirements:
   The materials necessary to show compliance with the applicable requirements of the Land Use Ordinance and the Subdivision Ordinance shall be included in each application in addition to the material specified below. The Town may develop application forms.

B. Application Requirements for a Common Driveway:
   a. All applications for a proposed common driveways shall contain the following:
      (Engineered drawings are not required)
      1. A scaled drawing of the proposed development showing the dimensions of the common driveway and all other proposed structures.
      2. The construction details of the proposed common driveway in text or drawings that indicate that all the applicable requirements are met.
      3. The number of dwellings to be served or the maximum daily vehicular trips.
      4. Any other material necessary to show compliance with this Ordinance.

C. Application Requirements for a Lane and a Road:
   a. All applications for a proposed lane and road shall contain the following:
      1. An engineered plan drawn to scale showing the dimensions and details of the road/lane.
      2. Road and profile drawings shall be drawn to a scale of one inch equals 50 feet horizontal and one inch equals 5 feet vertical.
      3. Show at 50 feet intervals and with cross sections at all culverts and a plan profile of road centerlines.
      4. The direction north and date of magnetic bearing.
      5. The right-of-way lines in relation to monuments.
      6. Dimensions, both lineal and angular, necessary for locating boundaries,
subdivisions, lots, easements and building lots.
7 All lots abutting, the right-of-way and the owners of record.
8 All natural waterways and water courses and wetlands within the right-of-way as well as on land contiguous of said road within 100 feet each side.
9 Location of all culverts and stormwater features.
10 Maine Registered Professional Engineers Seal.
11 The location of all land use district boundaries.
12 Location and type of all erosion control measures.
13 Construction details of the road way.
14 All other information necessary to show compliance with this Ordinance.

Section 5 Construction Standards

A General Requirements:

1 All roads proposed for public acceptance shall meet the requirements contained in Section 7.

2 All roads not proposed for public acceptance shall develop a road maintenance plan that outlines how the road is to be maintained and improved in the future. The plan shall at a minimum require mandatory membership in a road association that has the authority to raise funds and conduct maintenance. Roads that are planned to be set forth for public acceptance shall also create a road maintenance plan to be effective until the road is approved for acceptance at a Town Meeting.

3 All driveways, common driveways, lanes and roads shall be inspected according to the provisions of this Ordinance.

4 All drainage features at the intersection with the existing Town Road shall be approved by the Road Commissioner.

5 Utilities:
All water lines and sanitary lines shall be located and separated as prescribed by the Department of Environmental Protection or applicable State Standards. Utility poles shall be placed 20 feet from road centerline or 5 feet beyond the flow line of the ditch.

6 Easements:
Whenever it is required to alter an existing water course, a drainage easement shall be secured form the property owners affected. Wherever any road way construction or design features cannot be placed entirely within the road right-of-way, easements shall be secured form abutting property owners .All drainage easements, if required, shall be secured from abutting property owners.

7 All necessary State and Federal permits shall be obtained by the applicant.

8 All dead-end roads and lanes shall have a turn-around as described in Appendix A.
B Minimum Construction Standards for Common Driveways:

1. Common driveways shall comply with the minimum specifications contained in subsection D.

2. All vegetative materials including stumps, roots, trees, and other perishable items shall be removed from the travel way before the road surface material is placed.

3. Suitable drainage features shall be installed so that surface run-off from the travel way does not cause storm water to damage abutting property.

4. A minimum of an 15 inch diameter culvert shall be placed at the intersection with the Town road. The culvert size and type shall be specified by the Road Commissioner. A road opening permit shall be obtained from the Road Commissioner prior to access to Town Road. A road opening permit shall be obtained from the Department of Transportation for any access onto a State road.

5. A suitable turn-around shall be located at the end of every common driveway. At a minimum it shall be capable of allowing a vehicle of at least 20 feet in length to turn in the opposite direction.

C Minimum Construction Standards for Lanes and Roads

1. Lanes and roads shall comply with the minimum specifications contained in subsection D.

2. The graded areas between ditches shall be cleared of all stumps, roots, bushes, topsoil, and perishable materials including trees and large rocks,

3. All ledge shall be removed to a minimum depth of one foot below subgrade.

4. All developed areas of the road section shall be located within the right-of-way or deeded slope, easement, including cut and fill slopes over cross culverts and in no case shall the edge of the shoulder be less than 8 feet for the side boundary at the right-of-way.

5. Culverts shall be coated steel or recognized equalivants accepted by the Maine Department of Transportation. Roadway culverts shall not be less than18 inches in diameter for road crossing .All other stormwater drainage features shall be designed according to a stormwater plan as required by the Land Use Ordinance and/or the Subdivision Ordinance.
<table>
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<th>Road</th>
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<th>Driveway</th>
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<td>n/a</td>
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<tr>
<td>Minimum Grade</td>
<td>.5%</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Minimum Intersection</td>
<td>90%</td>
<td>75%</td>
<td>75%</td>
<td>75%</td>
</tr>
<tr>
<td>Minimum Length Radius</td>
<td>100'</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Minimum Tangent Length</td>
<td>100'</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Shoulder Grade</td>
<td>1/4 inch per foot</td>
<td>1/4 inch per foot</td>
<td>1/4 inch per foot</td>
<td>n/a</td>
</tr>
<tr>
<td>Maximum Grade within 75 Feet of Intersection</td>
<td>3%</td>
<td>3%</td>
<td>3%</td>
<td>3% *</td>
</tr>
<tr>
<td>Minimum ditch back slope</td>
<td>3 to 1</td>
<td>3 to 1</td>
<td>3 to 1</td>
<td>n/a</td>
</tr>
<tr>
<td>Minimum ditch fill slope</td>
<td>3 to 1</td>
<td>3 to 1</td>
<td>3 to 2</td>
<td>n/a</td>
</tr>
<tr>
<td>Elevation below centerline</td>
<td>30 inches</td>
<td>30 inches</td>
<td>24 inches</td>
<td>n/a</td>
</tr>
<tr>
<td>Min, radius w/o super-elevation</td>
<td>280'</td>
<td>175'</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Min. radius with super-elevation</td>
<td>175'</td>
<td>110'</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Maximum length</td>
<td>n/a</td>
<td>n/a</td>
<td>2000 feet</td>
<td>n/a</td>
</tr>
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* 2005: Maximum Grade within 25 ft. from its intersection with a public road
Section 6  Mobile Home Park Roads

A  Mobile home park roads shall be built according to the following standards:

1  Roads shall be built according to acceptable engineering standards. Roads shall be designed by a Maine Professional Engineer in accordance to standards established by the Manufacturer Housing Board.

2  The minimum right-of-way width shall be at least 23 feet and shall be paved with a minimum of 2 inches of hot bituminous base course.

3  Roads shall comply to MDOT minimum safety standards applicable to intersections with public ways adjacent to the mobile home park.

4  Mobile home park roads are not eligible for public acceptance unless they conform to the applicable standards for a road or lane as contained in this Ordinance.

Section 7  Public Acceptance Procedure

A  All roads and lanes proposed for public acceptance shall comply with the procedures and requirements of this Section.

B  Roads are eligible for public acceptance. Lanes are eligible for public acceptance if they comply with all of the specifications for a road except for road right-of-way and travel width.

C  The Board of Selectmen with the assistance of the Road Commissioner shall review all proposals for road acceptance and shall make a recommendation to the Town Meeting. The Town shall accept roads only by a vote of the Town Meeting.

D  A road shall not be eligible for public acceptance unless it complies with all of the requirements of this section.

E  The Board of Selectmen shall determine that a road is eligible for public acceptance only after it conforms to the following:

1  The road complies with all of the requirements of this Ordinance.

2  The road has bituminous surface according to the specifications for a road.

3  The road has been designed and constructed according to the plans developed by a professional engineer.

4  The Road Commissioner and other appropriate municipal officials have inspected the road and deemed it in compliance with this Ordinance.

5  The road shall be inspected according to the inspection requirements contained in the Subdivision Ordinance.

6  A performance bond as required by the Subdivision Ordinance has been obtained and the bond has been released by the Town.

7  The road has been inspected by a professional engineer and certified to have been constructed according to the requirements of this Ordinance and the road plan..
If the Board of Selectmen determine that the Road conforms to all applicable standards they shall hold a public hearing to discuss the road acceptance. The Board of Selectmen may vote to recommend to the Town that the road be considered for public acceptance. The Board of Selectmen shall propose a suitable Town meeting warrant article for consideration if the road meets all the appropriate standards.

Section 8  Driveway Entrance Permits

A The Road Commissioner is responsible for reviewing driveway entrances on Town maintained roads for any parcel of land which agricultural or timber-harvesting uses will be conducted or on which will be built a new structure for a residential, commercial, or industrial unit.

B A driveway entrance permit will be required for new entrances (constructed) on Town maintained roads from the effective date of this policy. There will be no fee for the Permit.

C Driveway Entrance Permit Standards

1 Sight distance in each direction is equal to or greater than 10 times the posted speed limit for the section of the road where the driveway entrance is located.

2 Applicable standards contained in the Land Use Ordinance Section 10 are followed.

3 A new culvert, made of corrugated metal having a minimum gauge of 16, a minimum diameter of 15 inches, a minimum cover of gravel equal to or exceeding the diameter of the culvert, shall be installed, if necessary as determined by the Road Commissioner.

4 Inlet and outlet ditches are constructed in such a manner as to prevent ponding of the road drainage and slope ratios consistent with existing ditches.

5 Erosion control measures shall be used at the entrance site.

D The landowner is responsible for constructing the driveway entrance per the standards contained in this Ordinance. When the Road commissioner determines a change to these standards is warranted due to site conditions, he may require as applicable the trimming of vegetation, installation of signage, installation of larger culverts, or additional ditching.

E The landowner may have a private contractor of their choice meet the entrance standards or the may schedule the Town’s Public Works Dept to meet the standards. The town will bill the landowner for labor and equipment (not to exceed MDOT rates) plus any cover material, culverts, or contracted ledge blasting required for installation.

F Driveway Entrance permits will not be issued until all installation standards are met and any installation cost to the Town have been paid.

G The Town will maintain the culvert at driveway entrances for which the road Commissioner has granted a permit.

H Any Application for a building permit on any parcel of land on which a new structure for a residential, commercial or industrial unit will be built and which has a driveway entrance on a Town maintained road that has not received an entrance permit from the Road Commissioner shall not be approved.
This standard is established by Board of Selectmen pursuant to Title 23 MRSA Sections 705 and 3251.

Section 9 Waivers

A General: Where the Selectmen find that extraordinary and unnecessary hardship may result from strict compliance with this Ordinance or where there are special circumstances of a particular site, they may vary these standards provided that such waivers are not contrary to good design, public health, safety and general welfare of the public. In granting a waiver, the Selectmen shall place reasonable conditions on the modified proposal, as they deem necessary, to ensure that the objectives of this Ordinance are met. In no case shall the requirements specified in this Ordinance for gravel and paving thickness be reduced or waived.
Litchfield
Shoreland Zoning
Ordinance

Adopted: Dec 1997
Amended: June 12, 1999,
        June 15, 2002,
        June 16, 2007,
        October 29, 2007,
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<td>PREFACE:</td>
<td>The Mandatory Shoreland Zoning Act, 38 M.R.S.A. sections 435-449, requires all municipalities to adopt, administer, and enforce ordinances which regulate land use activities within 250 feet of great ponds, rivers, freshwater and coastal wetlands, including all tidal waters; and within 75 feet of streams as defined. The Act also requires the Board of Environmental Protection to</td>
</tr>
</tbody>
</table>
establish minimum guidelines for such ordinances. This document, adopted by the Board on February 14, 1990 and amended July 14, 1992, August 7, 1994, February 6, 1999, February 13, 2000 and May 1, 2006 contains those guidelines for municipal shoreland ordinances. The Act requires that municipalities adopt shoreland zoning ordinances consistent with, or no less stringent than, those minimum guidelines.
Shoreland Zoning Ordinance for the Municipality
Of Litchfield

Purposes
The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

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

Applicability
This Ordinance applies to all land areas within 250 feet, horizontal distance, of the

- normal high-water line of any great pond or river, or
- upland edge of a freshwater wetland,
- Carter Pond and Knight Pond as depicted on the Shoreland Zoning Map,

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.

Effective Date

A. Effective Date of Ordinance and Ordinance Amendments.
This Ordinance, which was adopted by the municipal legislative body on June 16, 2007, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance, or Ordinance Amendment, if the Ordinance, or Ordinance Amendment, is approved by the Commissioner.

Availability

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

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.
Conflicts with Other Ordinances

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

Amendments

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

Districts and Zoning Map

A. Official Shoreland Zoning Map

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

i. Resource Protection
ii. Limited Residential
iii. Stream Protection

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

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

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

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.

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

**Non-conformance**

**A. Purpose**

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

**B. General**

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

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

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

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

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

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

iii. For structures located less than 75 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total floor area for all portions of those structures within that 75-foot distance is 1,000 square feet, and the maximum height of any portion of a structure that is within 75 feet, horizontal distance, of a water body, tributary stream or upland edge of a wetland is 20 feet or the height of the existing structure, whichever is greater.
iv. For structures located less than 100 feet, horizontal distance, from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total floor area for all portions of those structures within that 100-foot distance is 1,500 square feet, and the maximum height of any portion of a structure that is within 100 feet, horizontal distance, of a great pond is 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet, horizontal distance from the normal high-water line of a water body, tributary stream, or the upland edge of a wetland must meet the floor area and height limits of division (iii).

For the purposes of Section 12(C)(1)(a), a basement is not counted toward floor area.

(b) Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12(C)(2) Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure, it shall not be considered to be an expansion of the structure.
ii. Relocation. A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

(a) Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that
are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

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

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

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

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

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

D. Non-conforming Uses

(1) Expansions. Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section 12(C)(1)(a) above.
ii. **Resumption Prohibited.** A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

(3) **Change of Use.** An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C)(4) above.

**E. Non-conforming Lots**

(1) **Non-conforming Lots:** A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.
ii. Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

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

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

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

Establishment of Districts

A. Resource Protection District

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed.

(1) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of May 1, 2006. For the purposes of this paragraph “wetlands associated with great ponds and rivers” shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. “Wetlands associated with great ponds or rivers” are considered to be part of that great pond or river.
ii. Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils.

iii. Areas of two or more contiguous acres with sustained slopes of 20% or greater.

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

v. Land areas along rivers subject to severe bank erosion, undercutting, or riverbed movement.

B. Limited Residential District

The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District.

C. Stream Protection District

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

**Table of Land Uses**

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

**Key to Table 1:**

- **Yes** – Allowed (no permit required but the use must comply with all applicable land use standards)
- **No** – Prohibited
- **PB** – Allowed with permit issued by the Planning Board.
- **CEO** – Allowed with permit issued by the Code Enforcement Officer
- **LPI** – Allowed with permit issued by the Local Plumbing Inspector

**Abbreviations:**

- **RP** – Resource Protection
- **LR** – Limited Residential
- **SP** – Stream Protection
TABLE 1. LAND USES IN THE SHORELAND ZONE

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>SP</th>
<th>RP</th>
<th>LR</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Non-intensive recreational uses not requiring structures such as</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>hunting, fishing and hiking</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Motorized vehicular traffic on existing roads and trails</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>3. Forest management activities except for timber harvesting &amp; land</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>management roads</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Timber harvesting</td>
<td>yes</td>
<td>CEO</td>
<td>yes</td>
</tr>
<tr>
<td>5. Clearing or removal of vegetation for activities other than timber</td>
<td>CEO</td>
<td>CEO</td>
<td>yes</td>
</tr>
<tr>
<td>harvesting</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Fire prevention activities</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>7. Wildlife management practices</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>8. Soil and water conservation practices</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>9. Mineral exploration</td>
<td>no</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>10. Mineral extraction including sand and gravel extraction</td>
<td>no</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>
</tr>
<tr>
<td>12. Emergency operations</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>13. Agriculture</td>
<td>yes</td>
<td>PB</td>
<td>yes</td>
</tr>
<tr>
<td>14. Aquaculture</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>15. Principal structures and uses</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>CEO</td>
</tr>
<tr>
<td>B. Multi-unit residential</td>
<td>no</td>
<td>no</td>
<td>PB</td>
</tr>
<tr>
<td>C. Commercial</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>16. Structures accessory to allowed uses</td>
<td>PG</td>
<td>PB</td>
<td>CEO</td>
</tr>
<tr>
<td>17. Permanent piers, docks, wharfs, bridges and other structures and</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>uses extending over or below the normal high-water line or within a</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>wetland</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18. Conversions of seasonal residences to year-round residences</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
</tr>
<tr>
<td>19. Home occupations</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>20. Private sewage disposal systems for allowed uses</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
</tr>
<tr>
<td>21. Essential services</td>
<td>PG</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>A. Roadside distribution lines (34.5kV and lower)</td>
<td>PG</td>
<td>PG</td>
<td>yes</td>
</tr>
<tr>
<td>B. Non-roadside or cross-country distribution lines involving ten</td>
<td>PG</td>
<td>PG</td>
<td>CEO</td>
</tr>
<tr>
<td>poles or less in the shoreland zone</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C. Non-roadside or cross-country distribution lines involving eleven</td>
<td>PG</td>
<td>PG</td>
<td>PB</td>
</tr>
<tr>
<td>or more poles in the shoreland zone</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22. Other essential services</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23. Service drops, as defined, to allowed uses</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>24. Public and private recreational areas involving minimal structural</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>development</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25. Campgrounds</td>
<td>no</td>
<td>no</td>
<td>PB</td>
</tr>
<tr>
<td>26. Road construction</td>
<td>PB</td>
<td>no</td>
<td>PB</td>
</tr>
<tr>
<td>27. Land management roads</td>
<td>yes</td>
<td>PB</td>
<td>yes</td>
</tr>
<tr>
<td>28. Parking facilities</td>
<td>no</td>
<td>no</td>
<td>PB</td>
</tr>
<tr>
<td>29. Marinas</td>
<td>PB</td>
<td>no</td>
<td>PB</td>
</tr>
<tr>
<td>30. Filling and earth moving of &lt;10 cubic yards</td>
<td>CEO</td>
<td>CEO</td>
<td>yes</td>
</tr>
<tr>
<td>31. Filling and earth moving of &gt;10 cubic yards</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
</tr>
<tr>
<td>32. Signs</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td></td>
<td>33. Uses similar to allowed uses</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>---</td>
<td>---------------------------------</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td></td>
<td>34. Uses similar to uses requiring a CEO permit</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td></td>
<td>35. Uses similar to uses requiring a PB permit</td>
<td>PB</td>
<td>PB</td>
</tr>
</tbody>
</table>

1. In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.
2. Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
3. In RP not allowed in areas so designated because of wildlife value.
4. Provided that a variance from the setback requirement is obtained from the Board of Appeals.
5. Functionally water-dependent uses and uses accessory to such water dependent uses only (See note on previous page).
6. See further restrictions in Section 15( L)(2).
7. Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.
8. Except as provided in Section 15(H)(4).
9. Single-family residential structures may be allowed by special exception only according to the provisions of Section 16(E), Special Exceptions. Two-family residential structures are prohibited.
10. Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.
11. Excluding bridges and other crossings not involving earthwork, in which case no permit is required.
12. Permit not required but must file a written “notice of intent to construct” with CEO.
13. Must meet Litchfield Road Ordinance to a Public Way.

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A. section 480-C, if the activity occurs in, on, over or adjacent to any freshwater wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
B. Draining or otherwise dewatering;
C. Filling, including adding sand or other material to a sand dune; or
D. Any construction or alteration of any permanent structure.
Land Use Standards

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

A. Minimum Lot Standards

<table>
<thead>
<tr>
<th>Minimum Lot Area (sq. ft.)</th>
<th>Minimum Shore Frontage(ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(1)

(a) Residential per dwelling unit

<table>
<thead>
<tr>
<th>Minimum Lot Area (sq. ft.)</th>
<th>Minimum Shore Frontage(ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>40,000</td>
<td>200</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Minimum Lot Area (sq. ft.)</th>
<th>Minimum Shore Frontage(ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>60,000</td>
<td>300</td>
</tr>
</tbody>
</table>

(c) Public and Private Recreational Facilities

<table>
<thead>
<tr>
<th>Minimum Lot Area (sq. ft.)</th>
<th>Minimum Shore Frontage(ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>40,000</td>
<td>200</td>
</tr>
</tbody>
</table>

ii. 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 area.

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

iv. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
v. 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, accessory structures and Subsurface sewage disposal system shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds classified GPA, rivers that flow to great ponds classified GPA, and Carter Pond, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, twenty (20) feet from a side or rear property line and twenty (20) feet from the right of way of a private or public road. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

In addition:

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

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

ii. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

iii. 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. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.

iv. The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed.
v. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:

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

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

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

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

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

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

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

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

NOTE: If the wall and associated soil disturbance occurs within 75 feet, horizontal distance, of a water body, tributary stream or wetland, a permit pursuant to the Natural Resource Protection Act is required from the Department of Environmental Protection.

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

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

ii. The location shall not interfere with existing developed or natural beach areas.

iii. The facility shall be located so as to minimize adverse effects on fisheries.

iv. 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.

v. 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.

vi. New permanent piers and docks shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.
vii. 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.

viii. Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

NOTE: New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.

D. Campgrounds

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

(1) Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
ii. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

E. Individual Private Campsites

Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

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

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

iii. A 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.

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

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

F. Outdoor Lighting

(1) The outdoor lighting standards shall apply to all land use activities except for residential dwellings, and agricultural activities.

ii. Lighting fixtures shall be shielded or hooded so that lighting elements are not exposed to normal view by motorist, pedestrians, structures located on adjacent properties. Light shall be directed downward so it does not light up the night sky.

iii. No lighting fixture, except for streetlights, shall extend beyond a height of 25 feet, as measured from ground level.
iv. All exterior lighting and all reflective properties of the proposed development will be designed to minimize adverse impact on neighboring properties. No activity shall be permitted to produce a strong, dazzling light, flashing light or reflection of light beyond its lot lines onto neighboring properties, or onto any town way so as to impair the vision of the driver of any vehicle upon that town way or create a nuisance for neighboring property owners.

G. Parking Areas

(1) Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

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

iii. In determining the appropriate size of proposed parking facilities, the following shall apply:

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

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

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

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

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

Section 15 (H)(1) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(H) (1) except for that portion of the road or driveway necessary for direct access to the structure.
ii. Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream or wetland.

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

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

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

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

v. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(Q).
vi. Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

vii. 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.

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

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

<table>
<thead>
<tr>
<th>Grade (Percent)</th>
<th>Spacing (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-2</td>
<td>250</td>
</tr>
<tr>
<td>3-5</td>
<td>200-135</td>
</tr>
<tr>
<td>6-10</td>
<td>100-80</td>
</tr>
<tr>
<td>11-15</td>
<td>80-60</td>
</tr>
<tr>
<td>16-20</td>
<td>60-45</td>
</tr>
<tr>
<td>21+</td>
<td>40</td>
</tr>
</tbody>
</table>
(b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.

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

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

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

I. Signs

The following provisions shall govern the use of signs in the Resource Protection, Stream Protection and Limited Residential:

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

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

iii. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
iv. Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

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

vi. No sign shall extend higher than fourteen (14) feet above the ground.

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

J. Storm Water Runoff

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

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

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

K. Septic Waste Disposal

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

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

L. Essential Services

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

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

M. Mineral Exploration and Extraction

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

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

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

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

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

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

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

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

N. Agriculture

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

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

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

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

L. Timber Harvesting

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

(a) Within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line in a shoreland area zoned for resource protection abutting a great pond there shall be no timber harvesting except to remove safety hazards.

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

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

(i) Within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clear-cut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

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

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

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

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

(i) Surface waters are frozen; and

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

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

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

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

(1) In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards. Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.
ii. Except in areas as described in Section P(1), above, and except to allow for the development of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

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

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

<table>
<thead>
<tr>
<th>Diameter of Tree at 4-1/2 feet Above Ground Level (inches)</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 - &lt; 4 in.</td>
<td>1</td>
</tr>
<tr>
<td>4 – &lt;8 in.</td>
<td>2</td>
</tr>
<tr>
<td>8-&lt; 12 in.</td>
<td>4</td>
</tr>
<tr>
<td>12 in. or greater</td>
<td>8</td>
</tr>
</tbody>
</table>
Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

For the purposes of Section 15(P)(2)(b) “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 1/2) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot. Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

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

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

(e) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.
Section 15(P)(2) does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

iii. At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area. In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared.

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

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

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

(a) Mulching and revegetation of disturbed soil.

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

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

ii. 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.

iii. 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.

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

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

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

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

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

O. Soils

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

P. 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.

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

R. Natural Resource Protection

(1) If any portion of the parcel has been identified as a Critical natural Area by the Maine Natural Areas Program or as containing threatened or endangered species of plants or animals by the Maine Department of Inland Fisheries and Wildlife, these areas should not be developed. If development of these areas is proposed because no other reasonable alternative exists, the applicant shall develop a mitigation plan in cooperation with the Maine Department of Conservation and/or the Maine Department of Inland Fisheries and Wildlife as appropriate. The Code Enforcement Officer or the Planning Board shall incorporate the provisions of the mitigation plan as conditions of the permit.
ii. If any portion of the parcel to be developed includes areas mapped by the Maine Department of Inland Fisheries and Wildlife as Deer Wintering Areas, the applicant shall consult with the Department or a qualified wildlife biologist on means to limit the impact of the development on the habitat and incorporate those recommendations into the plan insofar as practicable.

iii. If any portion of the development contains a wetland as identified by the Town of Litchfield, The Maine Department of Environmental Protection or listed on the most recent map edition of the National Wetland Inventory Maps, the applicant shall avoid, minimize, or mitigate impacts on the wetland both during and after construction. The applicant shall comply with all applicable state and federal regulations.

S. Phosphorus Control

(1) The following standards shall apply to all development that exceeds 3,000 square feet of building footprint or has more than 20,000 square feet of impervious area and is within the direct watershed of a Great Pond, Carter Pond or Knight Pond. Agricultural and single family residential dwellings are not required to meet these standards.

(a) A phosphorus control plan shall be developed in accordance with the design criteria contained in the current edition of “Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development” published by the Maine Department of Environmental Protection, revised September 1992 or latest revision thereof.

T. Noise
(1) The following standards shall apply to all commercial uses over 3,000 square feet, industrial uses, mineral extraction operations junkyards, and commercial outdoor recreation facilities. Any land use activity not listed such as agricultural, home occupations, resource production activities, and cottage industry are not required to meet these standards.

ii. The maximum permissible sound pressure level of any continuous regular, or frequent source of sound produced by any activity shall be limited by the time period and receiving district listed below:

   Sound Pressure Level Limits (measured in dB)

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:00 p.m. – 6:30 a.m.</td>
<td>55</td>
</tr>
<tr>
<td>Planned Development District</td>
<td></td>
</tr>
<tr>
<td>All other Districts</td>
<td>50</td>
</tr>
</tbody>
</table>

iii. The levels specified may be exceeded by 10 dB for no more than 15 minutes per day. Noise shall be measured by a meter set on the A-weighted response scale, slow response. The meter shall meet the American National Standards Institute (ANSI S1.4-1961) “Specification for General Purpose Sound Level Meters”. Sound levels shall be measured at least 4 feet above the ground at the property boundary.

iv. The following shall be exempt from these standards:

   Sounds emanating from safety signals, warning devices, emergency pressure relief valves, and other emergency or public safety devices.

Administration

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

ii. Board of Appeals. A Board of Appeals shall be created in accordance with the provisions of 30–A M.R.S.A. section 2691.

iii. Planning Board. A Planning Board shall be created in accordance with the provisions of State law.

B. Permits Required

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

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

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

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

   (c) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.
ii. A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer’s level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

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

C. Permit Application

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

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

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

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

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

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

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

(1) Will maintain safe and healthful conditions;

ii. Will not result in water pollution, erosion, or sedimentation to surface waters;

iii. Will adequately provide for the disposal of all wastewater;

iv. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
v. Will conserve shore cover and visual, as well as actual, points of access to inland waters;

vi. Will protect archaeological and historic resources as designated in the comprehensive plan;

vii. Will avoid problems associated with floodplain development and use; and

viii. Is in conformance with the provisions of Section 15, Land Use Standards.

ix. Will not have an adverse impact on wetlands.

x. Will dispose of all solid waste in conformance with all local, state and federal regulations.

xi. Will not have a significant detrimental effect on adjacent land uses, wetland, or other properties, that might be affected by waste, noise, glare, fumes, smoke, dust odors or their effects.

xii. To the maximum extent possible will not have an adverse affect on historic and archeological sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife, or rare and irreplaceable natural areas.

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

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

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

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

iii. All proposed buildings, sewage disposal systems and other improvements are:

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

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

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

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

F. Expiration of Permit

Permits are valid for 24 months from the date of issuance.

G. Installation of Public Utility Service

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

H. Appeals

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

NOTE: Whether an administrative appeal is decided on an “appellate” basis or on a “de novo” basis, or whether an enforcement decision is appealable to the board of appeals, shall be the decision of the municipality through its specific ordinance language. The Department is not mandating one alternative over the other. If a municipality chooses appeals procedures different from those in Section 16(H), it is recommended that assistance be sought from legal counsel to ensure that the adopted language is legally sound.

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

ii. Variance Appeals. Variances may be granted only under the following conditions:

(a) Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
(b) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

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

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

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

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

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

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

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

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

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

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

iii. Administrative Appeals

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

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the
Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

iv. Appeal Procedure

(a) Making an Appeal

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

(ii) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:

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

b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
(iii) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

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

(b) Decision by Board of Appeals

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

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

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

(iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board’s decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.
v. Appeal to Superior Court. Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

vi. Reconsideration. In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony. Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

I. Enforcement

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

ii. Code Enforcement Officer

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

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

(c) The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.
iii. Legal Actions. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

iv. Fines. Any person, including but not limited to a landowner, a landowner’s agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. section 4452.

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

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

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

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

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

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

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

**Boat Launching Facility** – a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.
Bureau – State of Maine Department of Conservation's Bureau of Forestry

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

Canopy – the more or less continuous cover formed by tree crowns in a wooded area.

Commercial use – the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

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

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

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

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

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

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

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

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

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

**Expansion of a structure** - an increase in the floor area or volume of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

**Expansion of use** - the addition of one or more months to a use’s operating season; or the use of more floor area or ground area devoted to a particular use.
**Family** – one or more persons occupying a premises and living as a single housekeeping unit.

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

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

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

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

**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, frost walls, or other base consisting of concrete, block, brick or similar material.

**Freshwater wetland** – freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:
(1) Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and

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

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

**Functionally water-dependent uses** – those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and that 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 can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to inland waters.

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

**Great pond classified GPA** – any great pond classified GPA, pursuant to 38 M.R.S.A. Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.
**Ground cover** – small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

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

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

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

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

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

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

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

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

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

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

**Market value** – the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.
Mineral exploration – hand sampling, test boring, or other methods of determining
the nature or extent of mineral resources which create minimal disturbance to the
land and which include reasonable measures to restore the land to its original
condition.

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

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

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

Native – indigenous to the local forests.

Non-conforming condition – non-conforming lot, structure or use which is allowed
solely because it was in lawful existence at the time this Ordinance or subsequent
amendment took effect.

Non-conforming lot – a single lot of record which, at the effective date of
adoption or amendment of this Ordinance, does not meet the area, frontage, or
width requirements of the district in which it is located.

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

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

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

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

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

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

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

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

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

**Public facility** – any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.
Recent floodplain soils — the following soil series as described and identified by the National Cooperative Soil Survey:

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

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

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

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

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

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

Residual Stand — a stand of trees remaining in the forest following timber harvesting and related activities.
**Riprap** - rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

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

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

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

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

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

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

**Shore frontage** - the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.
Shoreland zone - the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

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

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

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

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

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

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

Substantial start - completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.
Subsurface sewage disposal system – any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

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

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

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

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

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

Upland edge of a wetland – the boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils
support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

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

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

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

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

**Wetland** – a freshwater wetland.

**Windfirm** – the ability of a forest stand to withstand strong winds and resists wind throw, wind rocking, and major breakage.

**Woody Vegetation** – live trees or woody, non-herbaceous shrubs.
TOWN OF LITCHFIELD

SOLID WASTE AND RECYCLING

ORDINANCE

ADOPTED 10/29/02
AMENDED 6/12/04
Town of Litchfield
Solid Waste and Recycling Ordinance

Whereas, the Litchfield Landfill is expected to close permanently for the acceptance of municipal solid waste not later than December 31, 1992; and

Whereas, after the landfill is closed, the town will enter into contracts with regional facilities to process and market recyclables and process and dispose of other wastes;

Whereas, after the landfill is closed, the Town will license waste haulers to collect recyclable and disposable solid waste at the curbside for delivery to designated processing facilities and the town will operate a bulky waste drop-off facility for the convenience of its citizens;

Whereas, after the landfill closed, open burning of waste materials (including brush, construction and demolition debris) at the site of the landfill will be prohibited thereby creating a shortage of appropriate disposal areas within the Town of Litchfield; and

Whereas, it is necessary to regulate the disposal of waste items to insure the safety and well being of the town and its citizens and to protect environmental resources including soil, air and water; and

Whereas, the citizens of Litchfield wish to manage solid waste generated within the town of Litchfield by using a combination of waste reduction, reuse, recycling, composting and waste-to-energy strategies and to encourage all individuals within the Town to become aware of the waste they generate and participate in its management; and

Whereas, the cost of managing solid waste is likely to increase significantly and the citizens of Litchfield feel that these costs are best borne by those who generate waste rather than owners of real estate based on property valuations;

Now, Therefore, Be it ordained by the Town Meeting, the following regulations for the disposal and recycling of certain wastes generated in the Town of Litchfield are hereby established:
1 IDENTIFICATION AND DEFINITION OF ORDINANCE

1.1 Identification. This ordinance shall be known as the TOWN of LITCHFIELD SOLID WASTE AND RECYCLING ORDINANCE herein referred to as “the ordinance”.

1.2 Purpose. The purpose of the Ordinance is to protect the health, safety and general well being of the citizens of Litchfield, Maine, enhance and maintain the quality of the environment and conserve natural resources by providing for a comprehensive, rational and effective means of regulating the disposal of solid waste in the Town of Litchfield in accordance with the provisions of Title 38, M.R.S.A., 1301 et seq. (the Maine Hazardous waste, Septage and solid Waste Management act) and title 30-A M.R.S.A., 3001 et seq. (Ordinance Powers of Municipalities and Counties).

1.3 Applicability. This ordinance applies to all domestic, residential, public and private institutional, commercial and industrial generators of solid waste in the Town of Litchfield.

1.4 Definitions. Except as provided below, the definitions set forth in Title 38 M.R.S.A. 1303-c as amended (Solid Waste Definitions) apply to the Ordinance and are incorporated herein by reference. Any word not otherwise defined shall have its ordinary meaning.

1.4.A Acceptable Waste is that solid waste generated in the Town of Litchfield which may include, but is not limited to: household waste, garbage, commercial waste, recyclables, white goods, construction and demolition debris, yard waste. Acceptable waste also includes uncontaminated waste oil in containers of 5 gallons or less.
1.4.B **Unacceptable Waste** is that portion of solid waste which is not defined as acceptable waste and includes, but is not limited to: sewage and its derivatives, junk vehicles, wet cell batteries, dead animals or portions thereof, hazardous waste, infectious waste or special waste such as asbestos, industrial process waste, or contaminated soils.

1.4.C **Commercial Hauler** is any person who carries solid waste for compensation.

1.4.D **Universal Waste**: a hazardous waste regulated by the State within the amended Hazardous Waste Management Rules and including:

- CRT's- Cathode Ray Tubes:
  Computers, Electronic Equipment, Monitors, Mainframes, Generators, TV's, VCR's Stereos, Telephones, Copiers, Faxes, and all Medical/Lab Equipment

- Fluorescent Lamps:
  Coated, Uncoated, U-Lamps, Circles & Compacts, HID Lamps, Sodium & Mercury Vapor

- Batteries:
  NiCd, Lead Acid, Alkaline, Magnesium, Lithium, Silver Oxide

- PCB Ballasts:
  Must Be <499 ppm

- Mercury Contaminated Manufactured Articles (MCMA):
  Mercury Relays, Thermometers, Thermostats, Manometers, Etc.

1.5 **Designation of Solid Waste Facilities.**

1.5.A **Disposal Facility.** The Town of Litchfield hereby designates the Mid-Maine Waste Action Corporation located on Goldthwaite road, Auburn, Maine as its designated disposal facility.
1.5.B. **Recycling Processing Facility.** The Town designates the recycling facility currently under contract with the Town to receive and process recyclable materials;

1.5.C **Local Drop-off Facility.** The Town hereby designates the Litchfield Drop-off Facility located on Hallowell Road, Litchfield, Maine as its disposal facility for material designated under 3.2 below.

2 **REGULATION AND ENFORCEMENT**

2.1 **RULE Making Powers.** The Board of Selectmen shall adopt written solid waste rules and regulations for the processing, recycling and disposal of solid waste at the designated facilities. The Board of Selectmen shall have the authority to establish and collect fees for the use of these facilities and for the licensing of commercial haulers. Fees established hereunder shall reflect actual administrative costs incurred by the town related to solid waste disposal and recycling.

2.2 **Enforcement Powers.** Town Officials as designated by the Board of Selectmen are authorized to enforce the requirements of this ordinance and such Solid Waste Rules and Regulations as are enacted under 2.1

2.3 **Unlawful Dumping Activities**

2.3.A **No Dumping.** No person shall permanently dispose of waste or refuse of any kind upon any land within the corporate limits of the Town of Litchfield unless such land has been designated by the town as a solid waste disposal facility, except that land clearing debris and yard waste may be disposed of on land as permitted by regulations of the Maine Department of Environmental Protection.
2.3.B **No Littering.** No person shall throw or deposit or cause to be thrown or deposited any solid waste within the Town on any street, gutter, sidewalk, parking area, park, any other public place, or into or on any body of water within or adjacent to the Town.

2.3.C **No Strewing from Vehicles.** No person operating a vehicle shall permit or cause any solid waste to leave such vehicle in violation of 2.3.A or B above. No person shall transport any solid waste over the public way, street or place within the limits of the Town except when the material is covered in such a manner that the refuse shall not be strewn along public ways. Proof that solid waste has blown from or fallen from any vehicle shall be prima facie evidence that said vehicle was not sufficiently covered.

2.3.D **Enclosed Vehicles.** Commercial Haulers shall transport solid waste only in completely enclosed vehicles, which shall render the waste or refuse material completely enclosed.

**COLLECTION AND TRANSPORT**

3.1 **Curbside Collection.** Any person using curbside collection of solid waste or recyclables shall contract with a commercial hauler who is licensed to operate in the Town of Litchfield under 6.1 below.

3.1.A **Curbside Baggable Waste.** Material to be placed at curbside for disposal must be placed in a bag or container which is acceptable to the hauler and containing not more than 33 gal or more than 50 pounds of weight. Bags shall contain no unacceptable waste and shall be placed at curbside not more than 24 hours before scheduled pick up.

3.1.B **Fees.** Commercial haulers may charge fees for services according to fee schedules approved under 5 below. Persons contracting for services from commercial haulers are responsible for the payment of fees billed.
3.1.C **Home Storage.** Storage of material prior to disposal or recycling shall be the responsibility of the dwelling, commercial or industrial facility owner or the primary occupants. Storage shall be in closed containers or by other similar methods to preclude odors, rodents, insects or other public nuisances. Recyclables shall be kept clean and dry.

3.2 **Drop-off Facility.** Any person using the drop-off facility shall deliver or cause to be delivered material during the hours of operation of the facility. Material shall be prepared in the manner prescribed by the rules and regulations adopted under 2.1 and deposited at the station under the supervision of the drop-off facility attendant. The attendant may reject any material not meeting specifications and require its removal from the site.

3.2.A **Fees.** Any person using the drop–off facility may be assessed a fee according to a schedule adopted under 2.1 and is responsible for paying this fee to the town prior to depositing items in the drop-off facility.

3.3 **Direct Delivery to Designated Facility.** Acceptable solid waste may be delivered directly to the designated disposal and recycling facilities. A permit must be obtained from the town and displayed on the vehicle. Any fees charged by the facility are the responsibility of the user.

4 **FLOW CONTROL**

4.1 **Direction of Solid Waste to Designated Facilities.** The Town has entered into one or more binding contracts to deliver all waste to the designated facilities. As authorized by 38 M.R.S.A. 1304-B as amended (Flow Control- delivery of solid Wastes to Specific Waste Facilities), the Town hereby controls and directs acceptable solid waste to be delivered only to those facilities designated in 1.5 any person who delivers acceptable solid waste to any other facility is in violation of this ordinance.
4.2 **No Scavenging.** No person shall scavenge, salvage or otherwise divert any acceptable waste once it is deposited at curbside or in a designated disposal facility without the prior approval of the Town.

5 **COMMERCIAL HAULING**

5.1 **Licensing.** Each commercial hauler shall secure a license from the town Clerk in order to operate within the borders of the Town. The license shall be valid from July 1 to June 30 of the following year. In order to obtain a license, an applicant must:

   a. obtain the approval of the Board of Selectmen that the applicant’s pricing structure encourages and/or require recycling, reuse and reduction of solid waste over disposal. A licensee may request approval of changes to its pricing structure no sooner than 90 days from its last approval or within 30 days of a Town change of designated facilities under 1.5,
   b. provide evidence of general liability insurance coverage at a minimum of $300,000,
   c. provide evidence of worker’s compensation insurance coverage if such coverage is required by law, and
   d. pay an administrative licensing fee, if so established under 2.1

5.2 **Collection Costs.** Each commercial hauler is responsible for the costs of providing collection and transportation services.

5.2.A **Disposal Tipping Fees.** Each commercial hauler may transport solid waste only to a solid waste disposal facility designated by the Town. All tipping and other fees associated with solid waste disposal will be paid by the commercial hauler within 30 days to the designated payee.
6 VIOLATIONS AND PENALTIES

6.1 General. Violations of this ordinance shall be enforced under the provision of 30-A M.R.S.A. 4452 as amended (Enforcement of land use laws and ordinances) as land use violations. The penalties set forth in the aforementioned statute shall apply to violations of this ordinance. (Currently these penalties include fines of not less than $100 nor more than $2,500 for each day of a violation.)

6.2 Municipal Costs of Enforcement. In addition to the foregoing penalty provisions, any person violating any provision of this ordinance shall be liable to reimburse the town for costs of enforcement including reasonable attorney fees and court costs. This provision shall not preclude the town for seeking and obtaining equitable relief.

6.3 Suspension of Licenses. In addition to the foregoing penalty provisions, any commercial hauler who violates any provision of this ordinance may be punished by the revocation of his/her license to operate in the Town of Litchfield for up to two years and the forfeiture of all license and permit fees. The Board of Selectmen may revoke a license after notifying an operator of a violation and conducting a hearing on the matter.

6.4 Costs of Disposal. In the case of illegal dumping upon private or public land, the costs of clean up and disposal shall be borne by the person so dumping, unless no person is so charged. The Town may pay the tipping fee for disposal of illegally dumped material if the land owner reports the violation to the Town Police Department or Town Officers and the person or persons responsible for the act cannot be determined.
7 STIPULATIONS

7.1 **Severability.** If any provision of this ordinance or the application thereof is held invalid by any court of law, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provisions or applications, and to this end, the provisions of the ordinance are declared to be severable.

7.2 **Repeal.** All existing ordinances and/or parts of existing ordinances inconsistent with this ordinance are hereby repealed.
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Section 1  General

A.  Title:
This Ordinance shall be known as the Town of Litchfield Subdivision Ordinance and will be referred to as “This Ordinance”.

B.  Authority:
This Ordinance has been prepared in accordance with the provisions of Title 30-A MRSA § 4403.

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

D.  Applicability:
The provisions of this Ordinance shall apply to all development considered to be a subdivision as defined by Title 30-A MRSA § 4401 and this Ordinance.

E.  Effective Date:
The effective date of this Ordinance shall be the date of the adoption by the Town of Litchfield on: June 17, 2000.

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

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

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

I.  Application Forms:
The Town of Litchfield Planning Board shall develop application forms to be used by all applicants seeking subdivision approval.

J.  Application Fee:
All applications for subdivision approval shall be accompanied by the fees as established by the Board of Selectman.
Section 1 (continued)

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

K. Amendments:
Amendments to this Ordinance may be initiated by a majority vote by the Board of Selectmen, Planning Board, or by written petition by a number of voters equal to at least 10% of the number of votes cast in the municipality in the last gubernatorial election.
An amendment to this Ordinance may only be adopted by a majority vote of a Town Meeting. The Planning Board shall conduct a public hearing on any proposed amendments prior to the Town Meeting.

Section 2 Open Space Subdivisions

A. Purpose:
The purposes of this section are:
1. To provide for efficient use of the land and the preservation of open space, farmland, and rural character;
2. To provide for development in harmony with the natural features of the land that is consistent with historic land use patterns of village-like areas where residences are grouped, surrounded by areas of open space used for agriculture, forestry, recreation and similar purposes;
3. To protect high value natural areas;
4. To reduce the impacts on water resources by minimizing land disturbance and creation of impervious surfaces and stormwater runoff;
5. To encourage efficient use of infrastructure.

B. Applicability:
The provisions of Section (2) shall apply to all subdivisions.

C. District Requirements:

1. Village District

a. Density of Development

The overall density of the development shall not exceed a density of 1 dwelling unit per acre in the Village District. The density of the development shall be based solely on land deemed suitable for development.
b. Minimum Lot Size in Subdivision

No lot may be less than 20,000 square feet.
c. Protected Open Space

At a minimum, 5 percent of developable land must be set aside as protected open space, plus land unsuitable for development to the greatest extent possible (See definition.)
d. Design Criteria

The area of land reserved for open space within the subdivision shall be shaped and lots located according to the following objectives to the greatest extent feasible in prioritized order:
Section 2 (continued)

1. Areas Unsuitable for Development (See definition.) included as contiguous protected open space;
2. Lots on or with access to suitable soils for subsurface disposal;
3. At least 75% of protected open space is contiguous and is linked to nearby open space on other properties;
4. Essential habitat identified on State Beginning with Habitat map in protected open space;
5. Existing trails and other recreational areas shall be preserved;
6. Preservation of cultural features of the village landscape, including stone walls, tree lines, significant trees and when feasible historic homes and outbuildings;
7. Lots where buildings will not interfere with solar access of other properties;
8. Lots where greatest number of units could be designed to take maximum advantage of solar heating opportunities;
9. Stream corridors and wildlife travel corridors with respective undisturbed vegetative buffers of 75 feet.

2. Planned Development District

a. Density of Development

The overall density of the development shall not exceed a density of 1 dwelling unit per acre in the Planned Development district. The density of the development shall be based solely on land deemed suitable for development.

b. Minimum Lot Size in Subdivision

No lot shall be less than 20,000 square feet.

c. Protected Open Space

At a minimum, 20 percent of developable land must be set aside as protected open space, plus land unsuitable for development to the greatest extent possible (See definition.)

d. Design Criteria

The area of land reserved for open space within the subdivision shall be shaped and lots located according to the following objectives to the greatest extent feasible in prioritized order:
1. Residential lots and protected open space no closer than 300 feet from a public road right of way, (ROW) allowing commercial development within 300 feet of a public ROW subject to applicable setbacks and other requirements.
2. Areas Unsuitable for Development (See definition.) included as contiguous protected open space;
3. Lots on or with access to suitable soils for subsurface disposal;
4. Essential habitat and high value plant and animal habitat identified on the State Beginning with Habitat map in protected open space;
5. At least 75% of protected open space is contiguous and is linked to nearby open space on other properties;
6. Existing trails or other recreational areas shall be preserved;
7. Preservation of cultural features of the landscape, including stone walls, tree lines, significant trees and when feasible historic homes and outbuildings;
8. Lots where buildings will not interfere with solar access of other properties;
9. Lots where greatest number of units could be designed to take maximum advantage of solar heating opportunities;

Section 2 (continued)

10. Lots or if that’s not possible, houses within woodlands or if that’s not possible along far edges of open fields preferably adjacent to woodlands (to enable new construction to be absorbed by natural landscape features);
11. Lots where scenic views from public roads are least likely to be blocked or interrupted.
12. Stream corridors and wildlife travel corridors with respective undisturbed vegetative buffers of 75 feet.

3. Rural District

a. Density of Development

The overall density of the development shall not exceed a density of 1 dwelling unit per 2 acres in the Rural District. The density of the development shall be based solely on land deemed suitable for development.

b. Minimum Lot Size in Subdivision

No lot shall be less than 20,000 square feet.

c. Protected Open Space

At a minimum, 50 percent of developable land must be set aside as protected open space, plus land unsuitable for development to the greatest extent possible (See definition.)

d. Design Criteria

The area of land reserved for open space within the subdivision shall be shaped and lots located according to the following objectives to the greatest extent feasible in prioritized order:
1. Areas Unsuitable for Development (See definition.) included in protected open space;
2. Lots on or with access to suitable soils for subsurface disposal;
3. Lots or if that’s not possible, houses within woodlands or if that’s not possible along far edges of open fields preferably adjacent to woodlands (to enable new construction to be absorbed by natural landscape features);
4. At least 75% of protected open space is contiguous and is linked to nearby open space on other properties;
5. Essential habitat and high value plant and animal habitat identified on State Beginning with Habitat map in protected open space;
6. Contiguous, usable area for agriculture or sustainable wood lot production in protected open space
7. Existing trails or other passive recreational areas shall be preserved;
8. Lots where scenic views from public roads are least likely to be blocked or interrupted;
9. Farmland and land classified as prime agricultural soils shall be in protected open space;
10. Preservation of cultural features of the rural landscape, including significant trees, stonewalls, tree lines, and when feasible historic farmhouses and outbuildings. Significant trees, tree lines, and stone walls and other important natural features not included within designated open space should be incorporated along the edges of individual lots or along a path or road, rather than transected by lot lines or a roadway.
11. Stream corridors and wildlife travel corridors with respective undisturbed vegetative buffers of 100 feet and 300 feet width in protected open space
Section 2 (continued)

D. Other Standards

1. Open Space Uses.

Limited to uses for passive recreation, or other passive outdoor activities, agriculture, forest management or individual or group septic systems, and for preserving the natural features of the site except as noted in Section (D)(4) Potential uses (e.g., farming) may be by the subdivider, owners or residents, or a lessee. The use of any open space may be further limited or controlled at the time of final subdivision approval as necessary to protect adjacent properties.


If a homeowners’ association (association) is to be formed it shall be incorporated by the developer prior to final subdivision approval. Covenants for mandatory membership in the association shall be approved by the Planning Board and included in the deed for each lot or unit. Draft by-laws of the proposed lot owners' association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities shall also be subject to Planning Board approval. The association’s documents shall specify that:

a. All facilities dedicated to the common use and/or ownership by the development’s residents shall be the responsibility of association.
b. The association shall levy annual charges against all property owners to defray the expenses, if any, connected with maintenance of the common open spaces and facilities.
c. The association shall have the power to place a lien on the property of members who fail to pay dues or assessments.
d. The developer shall maintain control of designated open space and facilities and be responsible for their maintenance until at least 51% of the development lots or units have been conveyed, with evidence of such completion and sales submitted to and approved by the Planning Board.

3. Open Space Ownership.

Owned, preserved, and maintained as required by this section by any of the following mechanisms or combinations thereof:

a. Dedication of open space to the Town or a suitable land trust, if either is willing to accept the dedication.
b. Dedication of development rights of open space to a suitable land trust with ownership by a private individual or homeowners' association. (In the form of a conservation easement)
c. Ownership of the open space by a homeowners' association which assumes full responsibility for its maintenance with open space protection deed restrictions enforceable by any landowner in the subdivision, any owner of separate land parcels abutting the open space, or the municipality

d. Ownership by a private individual with open space protection deed restrictions enforceable by any land owner within the subdivision, any owner of separate land parcels abutting the open space, or the municipality. This option may apply only if open space is part of an existing farm, working or not, if there is a future intent to farm by the owner and no land trust is willing to accept dedication of development rights of the open space.

4. Active Recreation.

Active recreation requires equipment and takes place at prescribed sites and includes tennis and other court games, swimming, baseball and other field sports and playground activities. Active recreation shall be limited to one site, can encompass no more than one acre of the designated open space in rural districts. Any building associated with the active recreation site is limited to 400 square feet. When open space subdivisions are located in a Village or Planned Development District up to 25% of the designated open space up to a maximum of 3 acres can be used for active recreation including ball fields and total building footprint is limited to 1000 square feet.

The developer shall maintain control of designated open spaces and facilities and be responsible for their maintenance until at least 51% of the development lots or units have been conveyed, with evidence of such completion and sales submitted to and approved by the Planning Board.

Section 3 Review Criteria

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

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

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

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

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

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

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

G. The proposed subdivision will not cause an unreasonable burden on the town’s ability to dispose of solid waste, if Town services are used.
H. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, archeological sites, significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the Town, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

Section 3 (continued)

I. The proposed subdivision conforms with the applicable standards and requirements of this Ordinance, the comprehensive plan, and other local ordinances. In making this determination, the Planning Board may interpret these ordinances and plans.

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

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

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

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

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

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

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

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

Section 4 Administration and General Procedures

A. Administration:

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

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

B. Decisions:

1. The Planning Board shall make the final determination as to whether the subdivision application is complete when it has determined it has received all the submittal information it needs to make a decision before it makes a final decision on the application.

2. After review of a complete application the Planning Board shall determine whether or not the application meets the Review Criteria contained in Section (3) of this Ordinance.

3. The Planning Board shall make a written finding of fact to support its decision and vote to approve the application, deny the application, or approve the application with conditions.

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

5. Each waiver approved by the Planning Board shall be listed along with the reasons for these waivers in the Planning Board’s decision. Each waiver shall also be listed on the final subdivision plan.

C. Burden of Proof:

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

D. Additional Studies:

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

E. Rights Not Vested:

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

F. Site Inspection:

1. The Planning Board may vote to schedule an on-site inspection of the proposed project. The Planning
Board shall schedule the date and time of the site inspection at the sketch plan meeting or at another
time. The Planning Board shall post the date, time and place of the site inspection at the Town Office
seven days prior to the site inspection. Minutes will be taken for the on-site inspection.

2. The purpose of the site inspection is for the Planning Board to obtain knowledge about the site and
surrounding area. The Planning Board may discuss the project and give feedback to the applicant
regarding design criteria

G. Waivers:

1. The Planning Board may vote to waive portions of submission information if the Board finds that
the information is not required to determine compliance with the standards and review criteria.

2. The Planning Board may vote to waive one or more of the performance standards if the applicant
has proposed an alternative design that will satisfy the review criteria equally or better than one or more
performance standards.

3. The Planning Board may vote to waive one or more of the performance standards due to the size of
the project, circumstances of the site or unique features of the proposals provided that the review
criteria are satisfied.

4. The applicant shall submit information and materials that support the waiver request with the
application. The burden of proof shall be on the applicant to demonstrate that the review criteria have
been satisfied.

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

H. Subdivision Review Process:

All subdivision applicants shall be required to follow a three-tier review process. Review of each tier
must be completed prior to proceeding to the subsequent tier. The tiers in order of review are:
Pre-Application Meeting; Preliminary Plan Review and Final Plan Review.

I. Revisions to Approved Plans

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

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

3. The applicant shall submit a copy of the approved plans and 8 copies of the revised portions of the plans. The application shall include enough supporting data to allow the Planning Board to make a decision that the proposed revision meets the review criteria.

Section 4 (continued)

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

5. The applicant shall record any subdivision plan revision approved by the Planning Board according to Title 30-A MRSA § 4407 and return copies of recorded revised plan to the Code Enforcement Officer.

J. As Built-Plans:

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

K. Appeals to Superior Court:

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

L. Public Hearing Requirements:

1. The Planning Board shall hold a public hearing on all preliminary plan applications. The Planning Board may vote to hold a public hearing on a final application.

2. The public hearing notice shall be made as follows:
   a. The Planning Board shall hold a public hearing within 30 days after receiving a complete application. A notice of the date, time and place of the public hearing shall be:
      (1) Published, at least two times, in a newspaper having general circulation in the municipality. The date of the first publication shall be at least 7 days before the hearing.
      (2) Mailed by first class mail to the applicant, at least 7 days prior to the public hearing.
      (3) Mailed by first class mail to all property abutters, at least 7 days prior to the public hearing. The Planning Board shall maintain a list of all property abutters and record the date the notice was mailed. Failure of an abutter to receive a notice shall not invalidate the public hearing, nor shall it require the Board to schedule a new public hearing.

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

M. Joint Meetings:

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

N. Performance Guarantee:

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

2. The performance guarantee may include one or more of the following:

   Section 4 (continued)

   a. A certified check, in an amount equal to the expense of installing the public improvements, made payable to the Town.

   b. A performance bond, in an amount equal to the expense of installing the public improvements, made payable to the Town, issued by a surety company.

   c. A conditional agreement with the Town, whereby no lot in the subdivision may be sold and no building permit issued until the applicant installs all public improvements.

   d. An irrevocable letter of credit from a bank or other lending institution which shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.

3. The Applicant, prior to approval of the final plan, shall consult with the Selectmen and the Town Manager on the terms proposed by the applicant for the performance guarantee. The Selectmen and the Town Manager shall decide on the amount of the certified check, performance bond letter of credit or the terms of the performance guarantees. A period of 1 year (or such period as the Town Manager may determine appropriate, not to exceed 3 years) shall be set forth in the bond time within which required improvements must be completed. The terms established by the Selectmen for the performance guarantee shall be provided in writing to the Planning Board and included as a condition for approval of the subdivision application.

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

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

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

O. Inspection Requirements:

1. The Code Enforcement Officer shall be responsible for conducting and/or coordinating all inspections with other municipal officials. The following municipal officials shall perform the following inspections:

   a. All road and access categories as defined in the Litchfield Road Ordinance, (LRO) except driveways, proposed for public acceptance shall also be inspected by a professional engineer as per the road performance standards contained in the Town’s Road Ordinance. The engineer will submit a detailed engineer’s inspection report to the Code Enforcement Officer.
b. The Local Plumbing Inspector shall inspect the installation of all subsurface waste water treatment systems.

c. The Code Enforcement Officer shall inspect all erosion control measures, stormwater management features, and all other site features.

Section 4 (continued)

2. At least 15 days prior to commencing construction of required improvements, the subdivider shall notify in writing the Code Enforcement Officer of the time when he proposes to commence construction of improvements so that the Code Enforcement Officer can cause inspection to be made to assure that all specifications and requirements shall be met during the construction of improvements and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

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

Section 5  Pre-Application Meeting and Site Visit

A. Purpose:

The purpose of the pre-application meeting and site visit is for the applicant to present general information regarding the proposed subdivision to the Planning Board and to receive the Planning Board’s comments prior to the expenditure of substantial sums of money for developing the subdivision plan.

B. Procedure:

1. The applicant shall submit a complete sketch plan to the Code Enforcement Officer at least 14 days before a scheduled meeting of the Planning Board.

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

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

4. The Planning Board shall determine the contour intervals to be shown on the plan, 10 feet or less.

5. The applicant shall indicate if any proposed roads will be considered for public acceptance.

C. Submissions:
1. The sketch plan does not have to be an engineered plan and may be a free hand penciled sketch.

2. The sketch plan shall show in simple sketch form the proposed layout of roads, lots, buildings, and other features in relation to existing site conditions.

Section 5 (continued)

3. The sketch plan shall show general location of steep slopes, wetlands and vegetative cover.

4. The sketch plan shall be submitted on forms provided by the Planning Board and include the following:
   a. A copy of the Tax Assessors map of the site and surrounding area.
   b. A copy of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision.
   c. A copy of the County Soil Survey showing the area of the proposed subdivision including an explanation of each soil type found on the site.
   d. A copy of Beginning with Habitat Map 1 “Water Resources” and Map 2 “High Value Plant and Animal Habitats” with a half mile circle delineated from subject property on each map. The boundary of the watershed where subject property is located shall be highlighted.

D. Site Visit

The applicant may request at the Pre-Application meeting or in writing to the CEO that the Planning Board conduct a site visit of the property for the purpose of clarifying design criteria. All site visits shall be conducted in accordance with Section (4)(F).

Section 6 Preliminary Plan Review

A. Procedure:

1. The applicant shall submit a complete preliminary plan application to the Code Enforcement Officer. The applicant shall be issued a dated receipt.

2. The application shall consist of 2 complete copies including all maps and related attachments. The Code Enforcement Officer shall retain one copy and the other copy shall be placed in the Town Office for public review.

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

4. Within 30 days of the receipt of the preliminary plan application, the Code Enforcement Officer shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Code Enforcement Officer shall notify the applicant of the specific material needed to complete the application.
5. The Code Enforcement Officer shall schedule a public hearing for the Planning Board within 30 days of determining that it has received a complete application. The applicant shall provide the Code Enforcement Officer with 8 complete copies of the subdivision application for distribution to the Planning Board at least 10 days prior to the scheduled public hearing.

6. Within 30 days of the public hearing, or within another time period as may be mutually agreed to by the Planning Board and the applicant, the Planning Board shall make a decision on the application.

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

8. The Planning Board shall inform the Code Enforcement Officer after approval of the preliminary plan if it will require a public hearing on the final plan.

B. Preliminary Plan Submissions:

1. The applicant is responsible for supplying all the necessary information to show that the proposed subdivision is in compliance with the review criteria, and requirements and performance standards contained in this Ordinance. The preliminary plan submissions shall consist of the following:

   a. A receipt from the Town indicating that the application fee has been paid.
   b. A preliminary plan application form and all required attachments and maps.
   c. Waiver request form, if applicable.
   d. A location map, drawn at an appropriate scale to show the relationship of the proposed subdivision to adjacent properties, the map shall show the following:
      (1) Existing subdivisions abutting the proposed subdivision.
      (2) Locations and names of existing and proposed roads.
      (3) Boundaries and designations of all shoreland zoning and other land use districts.
      (4) An outline of the proposed subdivision and any remaining portion of the owner’s property if not included in the subdivision proposal.
   e. The following general information:
      (1) Name and address of the applicant and applicant’s agent.
      (2) Verification of right, title or interest in the property.
      (3) A copy of the most recently recorded deed for the parcel.
      (4) A copy of all existing and proposed, deed restrictions, rights-of-way, or other encumbrances affecting the property.
      (5) The book and page and Map and lot information of the property.
      (6) The name, mailing address and map and lot of all property owners abutting the property.
      (7) Acreage of the proposed subdivision.
   f. A subdivision plan consisting of one or more maps drawn to a scale of not more than 100 feet to the inch. The plan shall show the following:
      (1) Name of the subdivision.
      (2) Number of lots.(See definition.)
      (3) Date, north point, graphic scale.
      (4) Proposed lot lines with dimensions.
      (5) A survey of the perimeter of the tract giving complete descriptive data by bearing and
distances, signed and sealed by a Professional Land Surveyor. The corner of the tract shall be located on the ground and marked by permanent markers. The plan shall indicate the type of permanent marker proposed to be set or found at each lot corner.

(6) Contour intervals of 10 feet or less.
(7) The location of all wetlands regardless of size and all vernal pools.
(8) The location of all rivers, streams, brooks and ponds within or adjacent to the subdivision.

Section 6 (continued)

(9) The location of all slopes in excess of 25% slope.
(10) The number of acres within the subdivision, location of property lines, existing buildings, impervious areas, and vegetative cover type.
(11) The location of any significant sand and gravel aquifer.
(12) The location of any Prime Agricultural Soils.
(13) The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the Town’s most recent FIRM Map.
(14) The boundaries of all shoreland zoning districts.
(15) The location and boundaries of any significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife.
(16) The location of any site or structure listed on the National Register of Historic Places or any archeological site identified by the State Historic Preservation Commission.
(17) The location of all scenic areas and Unique Natural Areas.
(18) The location of all subsurface wastewater disposal system test pits/test boring and test data and appropriate documentation.
(19) The location of existing and proposed wells and appropriate documentation.
(20) All temporary and permanent erosion control features proposed for the site.
(21) All stormwater control hydrology and mitigation design features proposed for the site.
(22) All parcels of land proposed to be owned or held in common or joint ownership by the subdivision or individual lot owners. All land proposed to be offered for public acceptance to the Town.
(23) Phosphorus control measures, if the subdivision is located within the direct watershed of a great pond.
(24) Road plans and specifications and appropriate documentation including if any road is to be considered for public acceptance.
(25) Traffic access data for the site including an estimate of the amount of vehicular traffic to be generated on a daily basis.
(26) The type and location of any proposed fire control features and appropriate documentation.
(27) A list of all proposed deed covenants and restrictions on the plan.
(28) The location of all existing trails such as but not limited to snowmobile trails and hiking trails.
(29) The location and size of any existing culverts and drains that will serve the development.
(30) A detailed list of all proposed public improvements including the cost of each item.

g. A statement indicating how the solid waste from the subdivision will be handled.
h. Documentation indicating that the applicant has the financial and technical capacity to meet the requirements of this Ordinance.
i. Any other data necessary in order to meet the requirements of this Ordinance.

Section 7 Final Plan Review

A. Procedure:
1. The applicant shall submit a complete final plan application to the Code Enforcement Officer. The applicant shall be issued a dated receipt.

2. The application shall consist of all final plan submission requirements in Section (7)(B) including an electronic copy (Auto-CAD format per Town requirements), 2 stable-based transparencies and 3 paper copies. The Planning Board shall receive 2 original transparencies, and two paper copies. One paper copy shall be placed in the Town Office for public review.

3. Within 30 days of the receipt of the final plan application, the Code Enforcement Officer shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Code Enforcement Officer shall notify the applicant of the specific material needed to complete the application in writing.

4. The Code Enforcement Officer shall schedule a meeting or public hearing for the Planning Board within 30 days of determining that it has received a complete application.

5. Within 30 days of the public hearing or meeting, or within another time period as may be mutually agreed to by the Board and the applicant, the Planning Board shall make a decision on the application.

6. Final plan review shall be conducted following Section 4 procedures.

7. Upon voting to approve the final plan, the Planning Board shall sign the 2 stable-based transparencies. The applicant shall file the approved final subdivision plan with the Register of Deeds, within 90 days of the date upon which the plan is approved. Failure to file the plan with the Register of Deeds, within 90 days, shall make the plan null and void. Final Plans not filed in the appropriate time period shall be re-submitted to the Board according to the requirements of Section (7) of this Ordinance.

8. 90 days after approval of the final plan, the Code Enforcement Officer will acquire a copy of their registered plan.

B. Final Plan Submissions:

1. The applicant is responsible for supplying all the necessary information to show that the proposed subdivision is in compliance with the review criteria requirements and performance standards contained in this Ordinance. The final plan submissions shall consist of the following:
   a. A receipt from the Town indicating that the application fee has been paid.
   b. A final plan application form and all required attachments and maps.
   c. All the submission materials required for a preliminary plan.
   d. All conditions and modifications approved by the Planning Board for the preliminary plan shall be contained on the final plan.
   e. All waivers approved by the Planning Board shall be shown on the final plan.
   f. All additional studies and/or materials required by the Planning Board, as applicable.
   g. A signature block shall be provided on all pages of the final plan.
   h. A performance guarantee, if applicable.
   i. The location and type of all permanent markers set at all lot corners and verifying documentation including a signed letter from the licensed surveyor who set the monuments stating that the monuments meet requirements of Section 8.C of this Ordinance.
   j. If the subdivision contains any private roads, the plan shall contain a statement as follows: The subdivision roads are designed as private roads and are not eligible for acceptance by the Town of
k. Written copies of any documents of land dedication, and written evidence that the Board of Selectmen is satisfied with the legal sufficiency of any documents accomplishing such land dedication.

l. Any conditions placed on the final plan by the Planning Board shall be clearly listed on the plan. Planning Board imposed conditions shall be listed separately from any covenants or restrictions placed on the subdivision by the applicant.

m. Appropriate documentation from the Department of Environmental Protection or other applicable State or Federal Agencies shall be provided with the Final Plan Application for any proposed disturbance to any waterbodies indicated on the subdivision plan. Any applicable required setbacks associated with these waterbodies must be delineated on the subdivision plan.

Section 8 Performance Standards

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

B. General Lot Requirements:

1. All subdivision lots shall conform to the dimensional requirements of the Land Use Ordinance except that lot density shall be determined as described in Section (2)(C) of this Ordinance.

2. The minimum lot area for each proposed subdivision lot shall include a contiguous parcel of land as determined by the Planning Board that is suitable for development.

NOTE: The following areas shall be deemed unsuitable for development: wetlands; rivers; streams; brooks; ponds; vernal pools; stormwater drainage features; public and private rights-of-way; land zoned as resource protection; slopes in excess of 25%; significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife; and identified archeological and historic resources as identified by the Maine Historic Preservation Commission.

C. Monuments:

1. Monumentation as required by the Maine Board of Registration of Land Surveyors shall be installed at the following:
   a. At all road intersections and points of curvature, but no farther than 750 feet apart along road lines without intersections or curves.
   b. At all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135 degrees or less.
   c. At all other subdivision boundary corners and angle points as well as lot boundary corners and angle points.

D. Water Supply:

1. Individual wells shall be sited and constructed to prevent infiltration by surface water and contamination from subsurface wastewater disposal systems and other sources of pollution. The lot design shall permit the placement of wells, subsurface wastewater disposal systems and reserve areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.
2. The water supply for the subdivision and each lot shall be adequate to supply all the potable, and other water requirements of the development.

3. Furnish documentation from Well Driller or Hydrologist familiar with the area, stating that adequate water is available to supply the sub-division.

E. Fire Protection:

1. The subdivision shall be designed so that the Town of Litchfield Fire Department shall have unrestricted access to all developed areas within the subdivision and adequate provisions are made for a supply of water for fire suppression. The applicant shall obtain a signed form (provided by the town) from the Fire Chief indicating that the fire protection measures proposed for the subdivision have been reviewed. This statement shall be submitted with the preliminary plan application.

2. The Fire Chief in making his/her review of the proposed fire protection measures shall consider the following:
   a. The road is adequate for the passage of fire equipment.
   b. An adequate water supply is available near or within the subdivision to serve the density of the development.
   c. The Fire Chief shall review the fire protection measures proposed for the subdivision and may make suggestions for water holding features, such as but not limited to a fire pond(s), and for roads over 1000 feet in length a water holding tank or tanks installed per Litchfield Fire Department specs using NFPA standards.
   d. Any provisions under this section shall be maintained by the Home Owners Association. A condition shall be placed on the plan requiring an annual report to be sent to the Code enforcement Officer of all maintenance and inspections.

F. Subsurface Wastewater Disposal Systems:

1. The applicant shall submit evidence of site suitability for subsurface wastewater disposal systems prepared by a Licensed Site Evaluator in compliance with the Subsurface Wastewater Disposal Rules of the State of Maine, or the latest revision to date. The Site Evaluator shall certify in writing that all test pits meet the requirements for a new system and represent an area large enough to support a disposal area on soils which meet Maine’s Disposal Rules. All test pit/test boring locations and when applicable subsurface disposal footprints shall be shown on the subdivision plan and be accompanied by an HHE-200 Form or other format which shows the appropriate soils data. Test pit/test boring and when applicable subsurface disposal footprint locations shall also be marked on the site.

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

3. In no instance shall a disposal area for a lot or structure require a New System Variance from the Subsurface Wastewater Disposal Rules. The subdivision shall provide for adequate sewage disposal.

4. Lots less than 30,000 square feet (SF) shall utilize shared subsurface disposal systems. A septic leach field may be permitted in designated, protected open space provided that Maine’s Disposal Rules
have been met and appropriate provisions for legal obligations related to maintenance and replacement have been established.

5. Lots 30,000 SF or larger must reserve a 1,000 SF footprint suitable for subsurface disposal. A minimum of one test pit and four test borings must be utilized by a Site Evaluator to determine soil suitability for subsurface disposal in the footprint. The footprint shall not be built upon or the soil profile shown in the HHE 200 summited with the plan shall not be altered.

6. Set back shall be consistent with that of a structure in the Litchfield Land Use Ordnance and the Litchfield Shoreland Zoning Ordnance.

Section 8 (continued)

7. A condition shall be placed on the Subdivision Plan and all deeds preserving areas reserved for Subsurface Wastewater Disposal Systems.

G. Erosion Control:

1. All activities which, involve filling, grading, excavation or other similar activities which result in destabilized soil conditions shall comply with the following:
   a. The site shall be developed so as to prevent soil erosion from entering waterbodies, wetlands, stormwater drainage features, and adjacent land. All temporary and permanent erosion control measures shall be designed in accordance with the current edition of “Maine Erosion and Sediment Control Best Management Practices, by the Maine Department of Environment Protection, March 2003, or the latest revision.
   b. All temporary and permanent erosion features shall be shown on the subdivision plan. Provisions for the maintenance of both temporary and permanent measures shall be included on the plan.

H. Phosphorus Control:

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

2. A phosphorus control plan describing the generation and control of phosphorus as a result of the proposed subdivision shall be prepared in accordance with the manual “Stormwater Management for Maine (DEPLW0738), Vol. II - Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development”, published by the Maine Department of Environmental Protection, 2008, with the exception of chapter 6, or as revised.

3. Phosphorus shall be treated onsite.

I. Stormwater Control:

1. All construction and development shall be designed to minimize storm water runoff from the site. Where possible existing natural runoff control features shall be retained in order to reduce runoff and encourage infiltration. A storm water control plan shall be developed for the site according to the following standards:
   b. Peak discharges shall be limited to the predevelopment levels for the 2-year, 10-year and 25-year frequency, 24-hour duration storm.
   c. A storm water control plan that is developed according to the requirements of the Department of
Environmental Protection Regulations, Chapter 500, Stormwater Management and Chapter 502, Direct Watersheds of Waterbodies Most at Risk from New Development shall be deemed to be a suitable equivalent to these standards.

d. Road culverts shall be designed to handle a 25 to 50 year storm frequency.
e. The size and location of proposed developed and disturbed sites on each lot shall be shown on the plan based upon the phosphorus and stormwater control plan for the subdivision.

J. Waterbody Protection:

The locations of all rivers, streams, brooks, vernal pools and wetlands shall be identified on the subdivision plan. This shall include all perennial and intermittent streams and forested and non-forested wetlands.

K. Ground Water:

1. Any development proposed within a Sand and Gravel Aquifer as identified in the Town’s Comprehensive Plan, shall be designed and constructed according to a plan which takes into account the impact of the development upon the aquifer. The plan developed by a professional engineer or qualified groundwater consultant will show that the proposed development will not have an adverse impact upon the aquifer.

L. Historic, Archeological, Wildlife Habitat, Scenic Areas, and Unique Natural Areas:

1. The subdivision plan shall show the locations of any historic and archeological sites, wildlife habitat, scenic areas and unique natural areas. If any of these areas are located on the site, a protection plan shall be developed in accordance with the following:

   a. If any portion of the site is designated as a significant archeological or historic site by the Maine Historic Preservation Commission, or listed on the National Register of Historic Places, the applicant shall develop appropriate measures for the protection of these resources according to local, state and federal regulations.

   b. If any portion of the site is located within an area designated by the Town of Litchfield as a scenic area or a unique natural area by the Maine Natural Areas Program, the applicant shall develop appropriate measures for the preservation of the values which qualify the site for such designation.

   c. If any portion of the site is within a wildlife habitat area, the applicant shall consult with the Maine Department of Inland Fisheries and Wildlife and develop measures to protect these areas from environmental damage and habitat loss.

Wildlife habitat areas shall include the following:

(1) Habitat or endangered species appearing on the official state or federal list of endangered or threatened species.

(2) High or moderate value waterfowl and wading bird habitats as defined by the Maine Department of Inland Fisheries and Wildlife.

(3) Deer wintering areas as identified by the Maine Department of Inland Fisheries and Wildlife.
M. Financial and Technical Capacity:

1. The applicant shall submit evidence that he/she has adequate financial and technical capacity to design and construct the development in accordance with all applicable local, state and federal laws and regulations. Evidence of adequate financial and technical capacity shall consist of the following:

   a. A list of all technical and professional staff involved with the proposal and preparation of the application including their qualifications and past experience with projects of similar size and scale.

   b. A list of all persons with inspection and oversight responsibilities for the development and if available, the persons selected to construct the project, including their qualifications and past experience with projects of similar size and scale.

   c. A letter from a financial institution such as a bank or other lending institution that states that the applicant has the necessary funds available or a loan commitment from this institution to complete the proposed development within the time period specified by the applicant.

N. Conformity with All Other Applicable Local Ordinances:

1. The applicant shall show that the subdivision meets all other applicable local ordinances including but not limited to Litchfield's Land Use, Shoreland Zoning, Floodplain Management, Solid Waste, and Road Ordinances.

O. Recreational Access Standards

1. A recreation plan designed to serve the subdivision residents shall be developed according to the requirements listed below. The subdivision proposal shall be deemed to meet the requirement for providing recreation if it conforms to one of the following:

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

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

   c. An active recreation area composed of land not designated as protected open space and/or designated protected open space, limited to 1 acre of protected open space in the Rural district and up to 25% of the protected open space up to a maximum of 3 acres in other districts and consisting of at least two of the following:

      - Playground for small children
      - Baseball field
      - Tennis court (minimum of 2 courts)
      - Basketball court (full size court)
      - Multi-purpose field
      - The Planning Board may consider other types of active recreation facilities.
d. Combination of recreational options. The applicant may propose to offer a combination of
recreational sites consisting of a portion of some of the options listed above.

e. A payment into the Town of Litchfield Recreational Development Fund to be used exclusively for
the purchase or development of new or existing parks, playgrounds and other recreational facilities
subject to Planning Board approval. The amount of such payment shall be $2500.00 for each lot
approved on the final plan. (This option is subject to the creation of the Recreational Development
Fund by the Town of Litchfield to be administered by the Town's Board of Selectmen.)

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

All land proposed for recreation purposes and not part of protected open space specifically required in
the district shall be protected by a suitable deed restriction that prohibits development and preserves the
land for future inhabitants.

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

The Planning Board shall review all proposed ownership arrangements to ensure that the long-term
maintenance and preservation of the recreational sites is provided.

P. Trails

1. Existing trails shall be preserved and may be relocated to accommodate development and must
maintain adjacent interconnections. Trails relocated must be constructed and be consistent with the
original trail.

Q. Agricultural and Forest Resources

1. Whenever a proposed subdivision is located adjacent to a farm listed under the Maine Farm and Open
Space Law or a woodlot listed under Tree Growth, suitable provisions shall be incorporated in the
subdivision proposal to minimize future conflicts between residential sites, agriculture and forestry
operations.

2. To reduce conflicts between residences and activities of a working rural landscape the following shall
be required:
   a. A structure set-back of 100 feet from the farm or forest site.
   b. A vegetative buffer along property lines.
   c. Location of homes away from the farm or forest.
   d. A disclosure notice, included in the deed for each lot, to inform the new landowner that
      agricultural and forest activities generate noise, dust and odors.

R. Rural Design and Landscape Standards for Public Scenery

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

Section 8 (continued)

h. Prime agriculture soils as identified in the comprehensive plan shall be preserved to the greatest extent possible.

S. Road and Access Provisions for Subdivision Lots

1. Points of subdivision access shall not exceed two.

2. All subdivision roads shall meet the requirements of the Town of Litchfield Road Ordinance.

3. All road and access categories as defined in the town’s Road Ordinance will be inspected as required in Section (4)(O)(1)(a) of this Ordinance.

Section 9 Definitions

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

Active Recreation: Leisure activities that require equipment, take place at prescribed sites, are often performed with others and include tennis and other court games, swimming, baseball and other field sports and playground activities.

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

Agriculture: The production, keeping, or maintenance for sale or lease, of plants and/or animals, including but not limited to: forage and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products.

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

Archeological or Historic Resource: Areas identified by the Maine Historic Preservation Commission as having significant value as an historic or archeological resource and areas listed on the National Register of Historic Places.

As-Built Plans: The subdivision plan that shows any changes, modifications, or revisions in the actual placement or construction of all public improvements installed within the subdivision when it differs from
the design submitted in the Final Plan.

Complete Application with: An application that the Planning Board decides to be complete when it finds that the submission material required by this Ordinance except for information the Board has waived is sufficient and the application fee has been paid.

Density of Development: The number of dwelling units per unit of land.

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

Section 9 (continued)

Design Criteria: A set of standards defining parameters to be followed in site design and development.

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

Lot: A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law to be separately owned, used, developed, built upon or encompass remaining land.

Passive Recreation: Outdoor recreation activities, which involve no structural or mechanical components or facilities such as hiking, fishing, hunting and snowmobile trails.

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

Pre-application Meeting: an initial meeting held between the developer or their representative and the Planning Board to discuss development options.

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

Prime Agricultural Soils: Soils identified by the Department of Agriculture in the Soil Survey of Kennebec County, issued August 1978, and also identified in the Town of Litchfield Comprehensive Plan.

Property Owner: The owner of land shall be determined to be that person listed as the current owner of record on the Town of Litchfield property tax assessment records.

Public Improvements: The term shall include all roads proposed for public acceptance; any structure or land proposed to be dedicated to the Town; any land or structure which is offered as an easement to the Town; and all storm drainage structures which are designed to allow water to flow outside the property of the subdivision.

Public Road or Way: A state, county, or town road dedicated for public use. It shall not include any road or way that has been discontinued or abandoned.

River, Stream, or Brook: Means a channel between defined banks. A channel is created by the action of surface water and has 2 or more of the following characteristics:

- It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5 minute series topographic map, or if that is not available, a 15 minute series topographic map.
- It contains or is known to contain flowing water continuously for a period of at least 3 months of the year in most cases.
- The channel bed is primarily composed of mineral material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.
- The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present, within the stream bed.
- The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

River, stream or brook does not mean a ditch or other drainage way constructed and maintained solely for the purpose of draining storm water or a grassy swale.

Scenic Area or Vista: Areas identified by the Town of Litchfield Scenic Survey as having significant scenic value to the Town.

Significant Wildlife Habitat: Areas identified by the Maine Department of Inland Fisheries and Wildlife as having significant value as habitat for animals.

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

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

Subdivision: As defined in Title 30-A MRSA § 4401 and in addition, lots greater than 40 acres shall be deemed to be a lot and subject to the provisions of this Ordinance.

Tract: An area, parcel, site, piece of land that is the subject of a development application.

Trail: A recreational access identified on the Town of Litchfield Master Trail Plan or a path or way created by easement or agreement for some form of recreation such as walking, hiking, biking, skiing, horse riding, or snowmobiling.

Unique Natural Area: Area identified by the Maine Department of Conservation Natural Areas Program as having significant value as a natural area.

Unsuitable for Development: Areas that contain one or more of the following: wetlands, rivers, streams, brooks, ponds, vernal pools, stormwater drainage features, public and private rights-of-way, land zoned as Resource Protection, steep slopes in excess of 25%, significant natural resources as identified by the Department of Inland Fisheries and Wildlife, and archeological and historic resources as identified by the Maine Historic Preservation Commission.

Waterbody: Any great pond, river, stream, brook or wetland.

Wetland: Areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and are not part of a great pond, river, stream or brook. Wetlands may contain small stream channels or inclusions of land that do not conform to the above criteria.

Vernal Pool: A naturally occurring, seasonal body of water that does not support fish and does provide
breeding habitat for one or more of Maine’s four vernal pool indicator species – spotted and blue-spotted salamanders, wood frogs and fairy shrimp as determined by DEP.

SECTION 10  ENFORCEMENT

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

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

SECTION 10 (continued)

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

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

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

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

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

H. No lot in a subdivision may be sold, leased, or otherwise conveyed before completion per this Ordinance of required or proposed improvements including but not limited to common utilities, recreation area, trails, and water tank for the fire department.

I. Violations of the above provisions of this section are a nuisance and shall be punished in accordance with the provisions of Title 30-A MRSA § 4452.