Town of Northport Ordinances

Northport (Me.)

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Be it enacted by the Inhabitants of the Town of Northport, Maine, as follows:

TITLE

This Ordinance shall be known as and may be cited as the "Administrative Ordinance of the Town of Northport, Maine," and will be referred to herein as the "Ordinance."

PURPOSE

The purpose of this ordinance is to provide the Town with the administrative capability necessary to function effectively and efficiently in accordance with state law and the Town's ordinances and comprehensive plan.

AUTHORITY

This Administration Ordinance is an enacted by the authority of and pursuant to Title 30-A M.R.S.A. Chapter 141, Section 3001 et seq., and by the authority of any other enabling statutes, and all amendments thereto.

ARTICLE I: GRANT OF POWERS

Section 1.01 Powers of the Town

The Town of Northport shall have all the powers possible for a municipality to have under the constitution and laws of Maine.

Section 1.02 Construction

The powers of the Town under this Administrative Ordinance shall be construed liberally in favor of the Town, and no mention of particular powers in the Administrative Ordinance shall be construed to be exclusive or as limiting in any way, the general power stated in this article or the general power of the Town pursuant to Home Rule Authority.

Section 1.03 Intergovernmental Relations

The Town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or of the United States or agencies thereof to the extent permitted by law.

ARTICLE II: LEGISLATION

Section 2.01 Town Meeting

The legislative body for the Town shall be the Town Meeting.

A. Annual Town Meeting:
Annual Town Meeting shall be held during the month of June of each year for municipal elections of municipal officers and other municipal officials. Questions to be acted upon by referendum (secret ballot) and the election of municipal officers and municipal officials shall be voted on the Saturday preceding the day of the floor vote for the Annual Town Meeting. At such time, a Moderator shall be nominated and elected by floor vote at the beginning of the Annual Town Meeting, and the Moderator shall continue to preside at the floor vote of the Annual Town Meeting. As a legislative body of the Town, the Town Meeting shall have general authority for the enactment of ordinances and other legislation by the Town.

B. Town Meeting:

Town Meetings may be called by order of the Select Board or by citizen’s petition, in accordance with the provisions of Title 30-A M.R.S.A. Sections 2521, 2522, 2523 and 2524. At such time a Moderator shall be nominated and elected by floor vote. Town meetings held between Annual Town Meetings should be used when either there are numerous or time sensitive warrant articles to be considered or issues of importance for townspeople to address. By holding Town Meetings between Annual Town Meetings, the agenda of the Annual Town Meeting may be less protracted.

C. Record of Town Meeting:

The Select Board shall provide for keeping minutes of all Town Meetings. The minutes shall be a public record.

Section 2.02 Warrants for Town Meeting

Each Town Meeting shall be called by a warrant (M.R.S.A. Title 30-A, Sections 2521 and 2523).

A. Articles for the Warrant. The Select Board, on its own initiative, may, by majority vote, place on the warrant any article relating to the welfare of the municipality.

B. Petitions for Articles in the Warrant. Any qualified voter may request the Select Board to place an article in the warrant and shall present, in written form, the substance of the article. If the request is denied by the Select Board, on the written petition of a number of voters equal to at least ten percent (10%) of the number of votes cast in the Town at the last gubernatorial election, but in no case less than ten percent (10%), the Select Board shall either insert a particular article in the next warrant issued or shall, within sixty (60) days, call a Special Town Meeting for its consideration.
Section 2.03 Ordinances

A. All ordinances shall be enacted by the legislative body, acting through a Town Meeting, except those ordinances, rules and regulations, that the Select Board can, by law, enact.

B. Except for emergency ordinances, or those with dates specified by statute, ordinances shall become effective seven days after adoption, unless otherwise specified therein.

Section 2.04 Emergency Ordinances

Emergency ordinances affecting life, health, property, or the public peace may be introduced or adopted in accordance with the procedures for regular ordinances except that publication and notice of public hearing requirements may be omitted, providing the enacting clause of the emergency ordinance sets forth a statement of the emergency. The emergency ordinance may be adopted by a vote of the legislative body with or without amendment at the meeting at which it is introduced. Emergency ordinances so enacted shall be automatically repealed after the time specified in the ordinance but not later than the next Annual or Special Town Meeting.

Section 2.05 Authentication and Recording of Ordinances

A. Authentication and Recording. All ordinances and resolutions adopted by the Town or Select Board shall be authenticated by the signatures of the Select Board and the Town Clerk and recorded in full by the Town Clerk in a properly indexed book kept for that purpose. Such ordinances and resolutions shall be certified by the Town Clerk in accordance with Title 30A M.R.S.A. Section 3006.

B. Printing of Ordinances and Resolutions. The Select Board shall cause each ordinance and resolution having the force and effect of law and each amendment to this Administrative Ordinance to be printed promptly following its adoption, and the printed ordinances, resolutions and Administrative Ordinance amendments shall be distributed or sold to the public at reasonable prices as fixed by the Select Board.

ARTICLE III: SELECT BOARD

Section 3.01 General Powers and Duties

A. The Select Board shall provide for the performance of all duties and obligations imposed on the Town by law.

B. The Select Board shall have the following enumerated powers in addition to those powers granted to the Board at an Annual or Special Town Meeting.

C. The Select Board shall have supervisory authority over the affairs of the Town.
1. The Select Board shall have the authority to appoint or to remove for cause, after notice and hearing, non-elected municipal officials, pursuant to the provisions of Section 4.04.

2. The Select Board shall, by majority vote, appoint all boards, committees, commissions and trustees with the exception of those deemed to be elected positions under Section 5.04 (A).

3. All appointments shall be made within thirty (30) days (to the extent practical) of the adjournment of the Annual Town Meeting, or when a special need arises.

4. The Select Board shall have the right to initiate boards or commissions, as they deem necessary for Town affairs, examples include, but are not limited to boards for housing, conservation, roads, waste management, recreation and cemeteries, special events, and history.

5. The Select Board shall serve as Overseers of the Poor and Assessors of the Town. The Select Board may appoint as necessary an Assessor’s Agent under contract or annual retainer.

6. The Select Board shall make temporary and full time appointments to paid and unpaid Town positions.

7. The Select Board shall review and evaluate applications for officials and other Town positions to insure capable and qualified candidates. Job openings except those positions filled internally shall be advertised in local publications and posted in the Town Office.

8. The Select Board shall have the authority to remove for cause, after notice and hearing, all officials and employees whom the Board is authorized to appoint and for whom the Board confirms appointment, and as set forth in Section 5.05 (A) (4).

9. The Select Board shall develop and administer a complete and appropriate personnel policy for all year-round Town employees.

10. The Select Board shall act as a personnel board, when necessary, to resolve personnel issues.

Section 3.02 Composition, Election and Terms

A. Composition. The Select Board shall be composed of three (3) members, each of whom shall be elected by the registered voters of the entire Town.

B. The number of members on the Select Board may be changed by the legislative body of the Town.
C. Election. The election of the Select Board shall be held, in the manner provided by law, on the Saturday preceding the Annual Town Meeting floor vote. At each annual municipal election Select Board members (Municipal Officers) shall be elected to fill the positions of those whose terms expire.

D. Terms. Select Board members shall be elected to serve staggered three-year terms. See Section 5.04 (A) (2) (a).

E. Nominations for election to the Select Board shall conform with the requirements set forth in Title 30-A Maine Revised Statutes, Section 2528 (4), except as set forth in Section 8.01 of this Administrative Ordinance.

Section 3.03 Compensation; Expenses

A. Compensation. Annual compensation shall be paid to each Select Board member. Changes in the rate of compensation for the Select Board shall be established from time to time by article in the Town Warrant at the Annual Town Meeting. Members serving unexpired terms shall be paid on a pro-rata basis for time served.

B. Expenses. Board members shall receive their actual and authorized expenses incurred in the performance of their duties of office. In order to be reimbursed for actual expenses, Board members must provide itemized receipts of those expenses.

Section 3.04 Prohibitions and Limitations

A. Employment of Select Board members by Town. No Select Board member, during his or her term of office, shall receive direct or indirect personal compensation for any goods or services provided or for employment with the Town unless such compensation for goods or services or employment is the result of a competitive bid proposal approved by the majority of the Select Board, excluding the Select Board member who would receive such compensation, in accordance with Title 30-A M.R.S.A., Section 2605.

B. Prohibited appointment. No Select Board member, during the term for which that Select Board member has been elected and for one year thereafter, may be appointed to any municipal office of profit or employment position of the Town, which was created or the compensation of which was increased by the action of the Select Board member during that person’s term. This section shall not be construed to prohibit actions allowed or required under state or federal law, municipal ordinance or municipal charter but the requirements of this subsection shall conform to the statutory requirements of Title 30-A M.R.S.A., Section 2605 (5) (B).

C. Limitations of Board Action. The Select Board shall act as a unit settling all questions by formal vote in a duly noticed public meeting. Members must not act individually unless some duty has been delegated to a member by a majority vote of the Select Board.
A formal minority report may be issued by Board members in the minority, which shall be recorded in the minutes of the Select Board meetings.

D. Teleconference. Up to one Select Board member may attend a duly noticed Select Board meeting via telephone conference, so long as all communication is audible to the public and questions may be asked of the telephoning member to the same extent as those other Board members physically present. This is only to be used in unavoidable circumstances where schedules would not otherwise accommodate physical presence.

E. Acquisition and Disposition of Tax-Acquired Property. The procedure for acquisition of property is as follows: Within one year after non-payment of taxes, a lien is set on the property; the property owner is sent notice of this. The lien matures in 18 months. Before the lien matures, a 30-45 day notice is sent to the property owner indicating that the Town intends to acquire the property. Should the Town decide to acquire the property after the maturity date; a 30-day notice to the property owner is required. Should the property be sold or transferred from the property owner to another party, excluding the Town, the Select Board shall issue a quitclaim deed once the taxes are paid in full. The Select Board shall not dispose of any tax-acquired property without the approval of the voters at Town Meeting. Those persons from whom the property has been taken will have first rights in repurchasing the property, so long as they have paid all back taxes, interest, penalties, administrative and attorneys’ fees that were incurred by the Town through the bid procedure. The potential bidder shall not rely on any statement of fact relating to the property, but shall bid for whatever right, title or interest the Town has, as is, without any reference to quality of title nor quantity of the premises. The Town reserves the right to reject any bid for whatever reason.

F. Interference with Administration. Except for the purpose of inquiries and investigations under Section 9.08, the Board or its members shall deal with Town officials and employees who are subject to the direction and supervision of the Select Board.

Section 3.05 Vacancies; Forfeiture of Office; Suspension; Filling of Vacancies

A. Vacancies. The office of a Select Board Member shall become vacant upon a Board member’s non-acceptance, resignation, death, permanent disability, legal in-competency, and forfeiture of office or failure of the municipality to elect a person to the office.

B. Forfeiture of Office. After holding a duly authorized public hearing, a Select Board Member shall forfeit that office for one or more of the listed actions, with evidence of these actions included in the public hearing record; or shall have the opportunity to maintain their position by satisfactorily explaining to the Select Board in the hearing that he or she did not in fact commit one of the following actions:

1. Lacks at any time during the term of office for which elected, any qualification for the office prescribed by this Administrative Ordinance or by law,
2. Intentionally violates any express material prohibition of this Administrative Ordinance,

3. Is convicted of a crime or offense which is reasonably related to his or her ability to serve as a Select Board Member, or

4. Fails to attend three (3) consecutive regular meetings of the Board without having been excused by the Board.

C. Suspension: If a Select Board Member is indicted, he/she may be suspended (with pay) at a duly authorized public hearing by the Select Board until the matter is resolved by the judicial authorities.

D. Filling of Vacancies. If a seat in the Select Board becomes vacant more than five (5) months prior to the next Annual Town Meeting, the Select Board shall call a special election to fill the un-expired term. If such a vacancy occurs five (5) months or less prior to the next Annual Town Meeting, that seat shall be filled at that next Annual Town Meeting.

Section 3.06 Code of Conduct

Upon advance written notice to all Board members, and following a public hearing with ten (10) days advance notice to the public, the Board shall have the power to set additional standards of conduct for its members beyond those specified in the Administrative Ordinance and may provide for such penalties as it deems appropriate, including forfeiture of office. Decisions made by the Board under this section may be subject to judicial review.

Section 3.07 Recorder to the Board

The Select Board shall appoint an official or employee of the Town who shall have the title of Recorder to the Board. The Recorder to the Board shall keep the journal of its proceedings and perform such other duties as are assigned by the Select Board. A record of attendance of Board members at all regular and special meetings shall be recorded by the Recorder. For all town meetings, the Clerk shall be the keeper of the record and he/she will take minutes and record the proceedings, pursuant to State Statute.

Section 3.08 Meeting Procedure

A. Initial Meeting. The members of the newly constituted Board shall meet within two (2) weeks after the adjournment of the Annual Town Meeting and the Board shall organize to the extent possible as follows:

1. To be sworn to the faithful discharge of their duties by any person authorized by state law to administer oaths.
2. Elect a Board Chair, Vice-chair and Secretary.

3. To confirm and appoint Town officials as necessary, within thirty (30) days (to the extent practical) of the adjournment of Annual Town Meeting.

B. Regular and Special Meetings

1. The Select Board shall, at its first meeting or as soon as possible thereafter, establish by resolution a regular place and time for holding its regular meetings, shall meet regularly at least twice a month, and shall give appropriate legal notice thereof to the public. It shall also provide a method for calling a special meeting.

   a. In the event of an emergency meeting, notice shall be made in accordance with the general laws of the State of Maine, and notice shall be posted for such emergency meetings in two conspicuous places whenever practical.

2. All meetings of the Select Board shall be open to the public and the public shall have the opportunity to be heard. However, the Board may recess for an executive session for any reason permitted under Title 1, M.R.S.A, Section 405.

3. The Chair, or Vice-chair in his or her absence, shall preside at meetings of the Board and shall be recognized as head of the Town government for all ceremonial purposes and by the Governor for purposes of military law, but he shall have no regular administrative duties.

4. The Chair shall exercise his or her vote in Town affairs as a regular member of the Board. The Chair or Vice-chair is also responsible for calling special meetings of the Board when such meetings are warranted.

C. Rules and Journal. The Select Board shall determine its own rules and order of business, allow for public comment within certain time limits, and shall provide for keeping a journal of its proceedings. This journal shall be a public record. Correspondence among Select Board Members, including email messages, shall be copied and sent to the Town Office, available for public review.

D. Voting. Voting, except on procedural motions, shall be by a show of hands for votes, and the votes of each member shall be recorded in the journal if other than by unanimous vote. Two members of the Board shall constitute a quorum. No action of the Board shall be binding or valid unless adopted by affirmative vote of two Board members.

Section 3.09 General and Administrative Ordinances

A. Ordinances. The Select Board may enact ordinances as authorized by M.R.S.A. Title 30-A, Chapter 141, Sections 3008 and 3009.
B. Articles for the Warrant. The Select Board on their own initiative may by majority vote place on the warrant any article relating to the welfare of the municipality.

ARTICLE IV: ADMINISTRATIVE ORGANIZATION

Section 4.01 Municipal Policy

A. The Town of Northport is an equal opportunity employer and as such will pursue, in good faith, affirmative action programs.

B. It shall be the policy of the Town of Northport to appoint, assign, and promote personnel on the basis of merit and fitness without regard to race, color, religious creed, national origin, sex, sexual orientation, ancestry, age or physical handicap, or military status unless related to bona fide occupational qualifications.

C. All appointments and promotions of Town officials and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination, evaluations(s) or other evidence of competence.

D. The Town of Northport shall prepare an affirmative action program for the Town in accordance with criteria established by state and federal law.

Section 4.02 Personnel Administration

A. Personnel Board

The Select Board shall develop and administer a complete and appropriate personnel policy for all year-round Town employees. They shall also act as a personnel board, when necessary, to resolve personnel problems occurring in the Town administration and keep complete minutes of personnel proceedings.

Non-elected municipal employees shall receive a written annual review of their performance, which shall be used as a guide changes in salary, promotion, demotion and dismissal.

Section 4.03 Legal and Professional Services

A. Attorney – appointed annually by the Select Board

B. Assessor’s Agent – appointed annually by the Select Board

C. Auditing Company – contracted by the Select Board
Section 4.04 Elected and Appointed Officials; Compensation

A. Elected Positions

1. The election of officials in conjunction with the last Annual Town Meeting shall require that those Town offices continue to be filled by election until the Town designates otherwise at a meeting held at least ninety (90) days before the Annual Town Meeting. Officials required by statute to be elected are Select Board, School Committee members, Road Commissioner, and Moderator (Moderator per Section 2.01 B.)

2. The following elected positions shall be determined by secret ballot vote in conjunction with the Annual Town Meeting:
   a. Select Board – Three (3) members: staggered three-year terms.
   b. School Committee Member – Two (2) members for staggered 3-year terms.
   c. Road Commissioner - One (1) position for a two-year term

3. Positions, other than Select Board, unfilled at the time of election or any vacancies occurring during a regular term may be filled by appointment until the next Annual Town Meeting at the discretion of the Board of Select Board.

B. Appointed Positions

1. The Select Board shall, by majority vote, appoint all boards, committees, commissions and officials not elected. Such annual appointments shall be made within thirty (30) days (to the extent practical) of the Annual Town Meeting or when a special need arises.

2. The appointment of officials in conjunction with the last Annual Town Meeting shall require that those Town offices continue to be filled by appointment until the Town designates otherwise at a meeting held at least ninety (90) days before the Annual Town Meeting.

3. The following positions shall be appointed:
   a. Addressing Agent – term of one year
   b. Animal Control Officer – term of one year
   c. Attorney for the Town – term of one year
   d. Budget Committee Members – terms of one year
   e. Building Inspector – term of one year
   f. Code Enforcement Officer – term of one year
   g. Comprehensive Plan Committee Members (as needed) – terms of one year
h. Deputy Town Clerk – Motor Vehicle Clerk – term of one year
i. Election (Ballot) Clerks – terms of one year
j. Emergency Management Director – term of one year
k. Fire Warden – term of one year
l. Harbor Master – term of one year
m. Health Officer – term of one year
n. Land Use Ordinance Committee Members (as needed) – terms of one year
o. Planning Board Members – staggered terms of three years
   Alternates: terms of one year
p. Plumbing Inspector – term of one year
q. Registrar of Voters – term of one year
r. Tax collector – term of one year
s. Town Administrator – term of one year
t. Town Clerk–Treasurer–Registrar of Voters–Tax Collector -- term of one year
u. Tree Warden – term of one year
v. Zoning Board of Appeals Members – staggered terms of three years
   Alternates: terms of one year

Other positions as may be required

Section 4.05 Departments

A. Fire Department

1. Fire prevention and fire fighting services for the Town, shall be provided by the Northport Volunteer Fire Department, which is an independent corporation that sets its own policies.

2. The Fire Chief shall submit an annual budget to the Select Board for inclusion in the Annual Town Warrant. In addition, the Fire Chief shall submit semi-annual reports to the Select Board that describes activities of the Fire Department, including the number and type of fire calls made, and related issues occurring during the period.

B. First Responders

1. The First Responder Service Chief shall submit an annual budget to the Select Board for inclusion in the Annual Town Warrant. In addition, the First Responder Service Chief shall submit to the Select Board semi-annual reports on the activities of the First Responders, including the number and type of First Responder calls made, and related issues occurring during the period.

C. Law Enforcement

1. Police protection and public safety for the Town, shall be provided by the Waldo County Sheriff’s Office.
2. The Constable shall submit quarterly reports and an annual budget to the Select Board for inclusion in the Annual Town Warrant.

D. Public Works

1. Maintenance of the Town roads, ditches, culverts, and Town property shall be supervised by the Road Commissioner, as well as other requirements determined by the Town and/or the Board of Select Board.

   a. Road commissioner – Elected for a term of two years

2. The Road Commissioner shall submit an annual budget, and list of budget priorities, to the Select Board for inclusion in the Annual Town Warrant.

Section 4.06 Boards, Committees and Commissions

A. Duties and Responsibilities

1. Regular members and alternates should attend as many meetings as possible.
2. Work with other departments, committees and municipal officials.
3. All meetings shall be held in a public handicap accessible place, publicly announced or posted and open to the public. Meetings may be televised.
4. Draft minutes shall be submitted to the Town Office as soon as possible for distribution to the Board of Select Board.
5. Members shall meet publicly to discuss and fulfill the committee’s charge.
6. Work with the Comprehensive Plan as a guideline – keeping in mind that the Plan will continue to be revised and updated to project Northport’s future.
7. Voting members shall elect annually a Chair, Vice Chair and Secretary.
8. An alternate may participate in discussions but may vote only in the absence of a regular member.
9. Chair shall submit a written report of activities to the Select Board to be included in the Annual Town Report.
10. Chair shall submit an annual budget to the Select Board for inclusion in the Annual Town Warrant.
11. A board or committee member should excuse himself from debate and voting if there is a conflict of interest or appearance of one and/or feels he is unable to make a fair and unbiased decision.
12. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is being challenged.

B. Standing or Regular Boards, Committees or Commissions

1. Planning Board – shall under Home Rule Powers, review applications in accordance with the provisions of applicable town adopted ordinances and state
law, and work in collaboration with the Land Use Committee to prepare amendments for zoning and other land use ordinances. The Board shall adopt bylaws governing board functions, including rules and procedures for transaction of business. The bylaws, a record of its resolutions, transactions, correspondence, findings, and determinations, shall be kept at the Town Office. The Board secretary may keep a copy of these materials as well. A majority of appointed members present and voting shall constitute a quorum. The Board shall consist of:

a. Five (5) voting members with staggered 3-year terms appointed by the Select Board
b. Two (2) alternates appointed annually by the Select Board

2. Zoning Board of Appeals – shall have the power and authority set forth in Title 30-A M.R.S.A., Sections 2691 and 4353, as amended and in addition, any other powers or authority set forth in any zoning ordinance or other ordinances adopted by the legislative body of the Town. The Board shall adopt bylaws governing board functions, including rules and procedures for transaction of business. The Board secretary shall keep the bylaws, a record of its resolutions, transactions, correspondence, findings, and determinations, and provide a copy of the bylaws, records, and any revisions thereto, to the municipal clerk. A quorum shall constitute a majority of the Zoning Board of Appeals members. The Board shall consist of:

a. Five (5) voting members with staggered 3-year terms appointed by the Select Board
b. Two (2) alternates appointed annually by the Select Board

3. Comprehensive Plan Committee – shall continue to review and update the Comprehensive Plan annually to assure that it meets current needs and requirements of the community and shall consist of:

a. Five (5) or more voting members with 1-year terms
b. Two (2) alternates appointed annually

4. Land Use Ordinance Committee – shall continue to review, update or draft Lands Use Ordinances to assure that ordinances meets current needs and requirements of the community and shall consist of:

a. Five (5) or more voting members with 1-year terms
b. Two (2) alternates appointed annually

5. Conservation Commission – shall have duties and responsibilities as outlined by law and of the needs of the Town; and shall consist of:

a. Up to five (5) voting members with 1-year terms
b. Two (2) alternates appointed annually

6. Recreation and Cemeteries Committee – shall advise the Town and Municipal Officers on matters of recreation and cemeteries, and shall supervise any Town recreation programs; and shall consist of:
   a. Up to five (5) voting members with 1-year terms
   b. Two (2) alternates appointed annually

7. Harbor Committee – shall act as an advisory committee to the Select Board on matters related to the harbor and shall develop and write requests for state/federal grants of harbor related marine projects, and shall consist of:
   a. Up to five (5) voting members with terms as set in the Harbor Ordinance.

8. Waste Management (Transfer Station) Committee – shall act as an advisory committee to the Select Board on matters related to waster management and the transfer station, and shall consist of:
   a. Up to five (5) voting members with 1-year terms

9. Budget Committee – shall identify investment objectives, define risk tolerance, continually monitor the investment process, revenues, expenditures, tax policy, and to submit their findings to the Select Board and shall consist of:
   a. Town Treasurer and Administrator shall be permanent advisory members
   b. Up to five (5) voting members with 1-year terms
   c. Ad Hoc or temporary committees as needed
   d. Compensation and budgets shall be determined at the Annual Town Meeting.

ARTICLE V: FINANCIAL PROCEDURES

Section 5.01 Fiscal Year

The fiscal year of the Town of Northport shall begin on February 1 and end on June 30.

Section 5.02 Budget Committee

A. Composition – The Budget Committee shall be composed of up to five (5) members, each of whom shall be appointed by the Select Board.

B. Eligibility – Only registered voters of the Town shall be eligible to hold the office of Budget Committee member.

C. Terms – Budget Committee members shall serve one (1) year terms.
E. Responsibility –

1. The Budget Committee shall have the responsibility of identifying investment objectives, defining risk tolerance, continually monitoring the investment process, revenues, expenditures, tax policy and the town budget.

2. The Budget Committee shall aid the Municipal Officers in determining recommended expenditure.

3. The Chair of the Budget Committee shall have the responsibility of chairing all Budget Committee meetings, including those meetings held with the Board of Select Board and the Town.

4. The Budget Committee shall handle all requests from provider agencies and recommend expenditures for Select Board approval.

F. Meeting Requirements –

1. The Budget Committee shall meet to elect a Chair, Vice-Chair, and Secretary.

2. Before the budget process begins, the Chair shall call an orientation meeting devoted to procedures and responsibilities, scheduling, and reviewing budget follow-up reports from the Town Administrator and the Superintendent.

3. All Budget Committee meetings shall be open to the public and notice posted.

4. The Chair of the Budget Committee shall call a meeting with the Select Board for a formal review of the Town Budget.

5. The Chair of the Budget Committee shall call a meeting with the Superintendent and School Committee for a formal review of the School Budget.

6. The Budget Committee shall make recommendations to the Town on proposed expenditures at a public budget hearing.

G. Recommendations –

1. The Budget Committee shall make recommendations to the Select Board on proposed expenditures.
2. The Budget Committee shall give a recommendation on all articles requesting an appropriation of money. The article on the warrant involving the appropriation of money must include a printed recommendation by the Budget Committee, Municipal Officers.

Section 5.03 Town Budget

A. The Town Budget shall provide a complete financial plan of all Town and Town Administration funds and activities for the ensuing fiscal year, and, except as required by this Administrative Ordinance, shall be in such form as the Select Board requires.

B. Budget Organization -- The Select Board shall utilize the most feasible combination of expenditure classifications by fund, organization unit, program, purpose or activities and object.

D. Budget Preparation

1. No later than the sixty (60) days before the Annual Town Meeting, the Select Board shall propose a budget for the ensuing fiscal year to be voted at Annual Town Meeting, and an accompanying message. The Budget Committee shall provide its recommendations in a timely manner, so that they may be incorporated in the proposed budget.

E. The Gross Town Budget shall show:

1. All estimated income that includes property taxes as well as non-property tax revenues and all proposed expenditures for current operations during the ensuing fiscal year in detail by office, departments and agencies in terms of their respective work programs, and the method of financing such expenditures.

2. Debt service, and proposed capital expenditures during the ensuing fiscal year detailed by offices, departments and agencies when practical, and the proposed methods of financing such expenditures.

3. Data arranged to show comparative budget figures for the estimated income and expenditures for the fiscal year in progress, the comparative actual income and expenditures for the most recently completed fiscal year, and the proposed income and expense budget for the ensuing fiscal year.

4. The best estimate of the anticipated change in Town Assessed Valuation from the prior year, as provided by the Assessor’s Agent.

Section 5.04 Preparation of Warrants
The Select Board shall determine the procedure for preparing warrants and writing corresponding checks for payment of Town expenses. No checks shall be signed until the warrants are approved and signed by the Board of Select Board.

Section 5.05 Payment of Town Taxes

A. Town taxpayers shall pay their real estate taxes in one annual payment.
   1. Tax bills for the total taxes due shall be issued no later than August 31 each year.

B. A postcard may be mailed to the taxpayers in February of each year as a reminder of outstanding taxes due.

C. The Annual Town Meeting shall establish the amount of interest to be charged for delinquent tax payments.

Section 5.06 Budget Amendments After Adoption

A. Modification of Appropriations -- If at any time during the fiscal year it appears probable to the Select Board that the revenues available will be insufficient to meet the amount appropriated, the Select Board shall indicate the estimated amount of the deficit, any remedial action recommendations as to any other steps to be taken. The Select Board shall then take any further action as it deems necessary to prevent or minimize any deficit.

B. Transfer of Appropriations -- The Select Board may call a Town Meeting to consider and vote on the transfer of part or all of any unencumbered appropriations balance from one appropriation to another.

Section 5.07 Lapse of Appropriations

A. General fund appropriations, except appropriations for a capital expenditure, grant funds not completely expended for a project, and funds allotted for projects not completed by fiscal year end, shall lapse at the close of the fiscal year to the extent that they have not been expended or encumbered, or except as prohibited by law or prior agreement, or unless the Town legislative body has granted specific authority to continue in force an appropriation for other than a capital expenditure.

B. Lapsed funds shall be transferred to a Fund Balance Account.

C. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned.

Section 5.08 Annual Post-Audit
The Select Board shall provide for an annual post-audit of the prior fiscal year municipal finances by an individual or firm.
Section 5.09 Administration of the Budget

The Select Board shall decide the procedures for administering the budget.

Section 5.10 Financial Public Records

A. Copies of the budget and the capital program as adopted by the Board of Select Board, School Committee, and Budget Committee shall be public record and shall be made available to the public.

B. Town Warrant – The Town Warrant shall contain the total budgeted revenues and expenditures for the two previous years, together with (under each article requiring an appropriation) the recommendation for the ensuing fiscal year of the School Committee or Select Board (as appropriate) and of the Budget Committee.

Section 5.11 Bid Procedure

In those cases where the scope of work or services to be performed for the Town shall require an expenditure of $5,000.00 or more, the following guidelines shall be followed:

A. A clear statement defining the required scope of services or specifications of the work to be performed shall be provided to the potential bidders along with notice as to where the bid forms may be picked up.

B. The manner of which the bids are to be submitted, when they shall be due in the Town Office and when the bids are to be opened shall be clearly stated.

C. Requests for bids shall be advertised in the local papers. Such advertisements should include the statement that “the Select Board reserve the right to accept or reject any or all bids.”

Section 5.12 Tax Anticipation Borrowing Guidelines

In the event that the Town of Northport finds it necessary to borrow money in anticipation of taxes, the following guidelines are to be followed:

A. Invitations to bid may be extended to three or more banks at the same time

B. Invitations shall be dated and delivered to the invited banks on a timely basis prior to the bid opening and awarding of the bid

C. Invitation to bid shall specify the maximum amount to be borrowed

D. The method of borrowing shall be clearly defined; i.e., as needed or lump sum
E. Invitation shall specify planned maturity dates of said notes, and may require the option to prepay

F. Invitation shall show estimated planned borrowing and repayment schedule. (Does not apply if borrowing is on a lump sum basis.)

G. Invitation shall state the date, time and place bids are due, and shall indicate date the bids will be opened and awarded

H. Invitation shall inform bidders of the Town’s right to accept or reject any or all bids

I. Bidder shall be asked to submit interest rates in multiples of one-hundredth (1/100) of one percent (1%)

J. The Town must specify the method in which interest shall be calculated; i.e., actual number of days outstanding over a 365-day period

Section 5.13 Town Clerk’s Fees

Pursuant to Title 30-A, Section 2652, any and all fees which would normally accrue to the Town Clerk shall accrue directly to the Town of Northport.

ARTICLE VI: ELECTIONS

Section 6.01 Town Elections

Conformity with State Law – elections shall conform with the requirements of Title 30-A, M.R.S.A., Section 2528 as amended, and other applicable statutes.

Section 6.02 Terms for Elected or Appointed Officials

A. The term of any elected official shall begin the day after the final day of adjournment of the Annual Town Meeting.

B. The term of any appointed official shall begin no later than the second business day following the appointment of said official.

C. Any official shall serve for his or her prescribed term or until a successor is elected or appointed.

Section 6.03 Swearing in of Officials

The Town Clerk shall administer the oath and sign it as the notary for every Town official. All Town officials shall be sworn to the faithful discharge of the duties incumbent upon him according to the Constitution and laws of the State of Maine and the Administrative Ordinance and ordinances of the Town of Northport and shall be sworn to
support the Constitution of the United States of America and the Constitution of the State of Maine.

Section 6.04 Elections

In the event that any election procedure is not expressly stated in this Administrative Ordinance, such election procedure shall conform to the requirements set forth in Title 30-A Maine Revised Statutes §2528, as that statute may from time to time be amended.

ARTICLE VII: GENERAL PROVISIONS

Section 7.01 Town Meeting

Town Meetings may be called by order of the Select Board or by citizen’s petition, in accordance with the provisions of Title 30-A, M.R.S.A., Section 2521 (4).

Section 7.02 Initiative and Referendum

The powers of initiative and referendum are hereby reserved to the voters of the Town.

A. Definition:

1. Initiative guarantees the right by which citizens can propose a law by petition and ensure its submission to the electorate.

2. Referendum is the actual submission of a proposed public measure or ordinance to a direct popular vote.

B. Procedure:

1. The details of procedure by which both of these rights are fulfilled are described in Title 30-A, M.R.S.A., Section 2522 for initiative and Section 2528(5) for referendum.

2. Nothing in this Administrative Ordinance shall be construed to diminish the rights granted by law.

Section 7.03 Conflicts of Interest

A. Conflicts of Interest -- The use of public office for private gain is prohibited. Regulations to this end shall include the following:

1. Acting in an official capacity on matters in which the official has a private or financial interest clearly separate from that of the general public

2. The acceptance of gifts and other things of value
3. Acting in a private capacity on matters dealt with as a public official

4. The use of confidential information

5. Making appearances by Town officials before other Town agencies on behalf of private interests.

6. Officials shall provide reasonable public disclosure of interest in any question, issue or contract with which they have decision-making authority over monetary expenditures and contractual matters. (Ref. M.R.S.A., Title 30-A, Section 2605)

Section 7.04 Prohibitions

A. Activities Prohibited

1. No appointed official or employee shall be removed from office or discharged without notice and the opportunity to request a hearing. Notice of such hearing shall be published in one or more newspapers of general circulation in the Town at least one week in advance of the hearing.

2. No person shall in any way be favored or discriminated against with respect to any Town position or appointive Town administrative office because of race, gender, age, handicap, country of origin, sexual preference, political or religious opinions or affiliations.

3. No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test certification or appointment under the personnel provisions of this Administrative Ordinance or the rules and regulation made there-under, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

4. No person shall directly or indirectly give, pay, render, offer, solicit or accept any money, service or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the municipal service.

5. Nothing herein contained shall affect the right of any person to hold membership in, and support, a political party, to vote as he chooses, to express privately and publicly his or her opinions on all political subjects and candidates, to maintain political neutrality and to attend political meetings.

B. Penalties – If any person elected, appointed or in the employ of the Town of Northport should be found to have violated any provision of Section 9.04 (A) by the appointing body, he may be removed or reprimanded as deemed necessary by the appointing body, after notice and hearing.
Section 7.05 Recall

Any elected official may be recalled and removed by the voters of the Town as herein provided.

   a. The name and address of the twenty-five or more registered voters.
   b. The address to which all notices are to be sent from the Town Clerk to the person submitting the petition.
   c. The name and address of the elected official whose removal is sought.
   d. A detailed statement of the reasons why the removal of that elected official is sought.

A. Procedure for Filing Petition.

1. Any voter may submit an affidavit with the signatures of five (5) or more registered voters of the Town and file that affidavit with the Town Clerk in order to seek the removal of any elected official of the Town provided that such affidavit shall contain the following information:

   a. The name and address of the five or more registered voters.
   b. The address to which all notices are to be sent from the Town Clerk to the person submitting the petition.
   c. The name and address of the elected official whose removal is sought.
   d. A detailed statement of the reasons why the removal of that elected official is sought.

2. Upon receipt of the affidavit, in proper form, the Town Clerk shall thereupon within five days deliver to the person submitting such affidavit, copies of petition blanks (printed forms of which shall be kept on hand for that purpose). Such blanks shall be issued by the Town Clerk with the Town Clerk’s signature and official seal thereto attached; they shall be dated and addressed to the Board of Select Board, shall contain the name of the persons to whom issued, the number of blanks shall be issued and circulated for each official whose removal is sought. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk.

3. The recall petition, to be effective, must be returned and filed with the Town Clerk within thirty (30) calendar days after the filing of the affidavit.

4. The petition, upon being returned and filed, shall contain the signatures of no less than twenty (20) percent of the voters of the municipality voting in the last gubernatorial election.

5. The petition, to be valid, must also contain the following information:
a. The name and address of the elected official whose removal is sought by the petition
b. The name and address of the five registered voters who commenced the circulation of the petition
c. A detailed statement of the reason why the removal from office is sought by the petitioners

B. Signatures to Petitions.

1. The signatures to petitions need not all be affixed to one petition, but to each separate petition there shall be attached an affidavit of the circulator thereof stating that the circulator, and they only, personally circulated the foregoing paper; that it bears a stated number of signatures; that each signature appended thereto was made in the circulator’s presence and is to the best of the circulator’s knowledge and belief the genuine signature of the person whose name it purports to be.

2. With each signature shall be stated the same name printed, the place of residence of the signer, giving the street and number or other description sufficient to identify the same.

C. Filing, Examination and Certification of Recall Petitions.

1. All petition papers comprising a recall petition shall be assembled and filed with the Town Clerk as one instrument.

2. Within ten (10) working days after a petition is filed, the Town Clerk shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified voters. The Town Clerk shall declare any petition paper entirely invalid which does not have attached thereto an affidavit signed by the circulator thereof.

3. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted, unless void on other grounds.

4. If the Town Clerk’s certificate shows the petition to be insufficient, the Town Clerk shall forthwith so notify in writing one or more of the persons designated on the petition as filing the same; and the petition may be amended at any time within the five (5) day after the giving of the notice of a supplementary petition upon additional papers, issued, signed and filed as provided herein for the original petition.

5. The Town Clerk shall, within ten (10) working days after such amendment, make like examination of the amended petition, and attach thereto the certificate of the result. If then found to be insufficient, or if no timely amendment was made, the
Town Clerk shall file the petition in the Town Clerk’s office and shall notify each of the persons, designated thereon as filing it, of that fact.

6. The final finding of insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose. After completing examination of the petition, the Town Clerk shall certify the result thereof to the Select Board at its next regular meeting. If the Town Clerk shall certify that the petition is insufficient, the particulars in which it is defective shall be set forth in the certificate.

D. Calling of recall election.

1. If the petition or amended petition shall be certified by the Town Clerk to be sufficient, the Town Clerk shall submit the same with the certificate to the Select Board at its next meeting and shall notify the member or members whose removal is sought of such action.

2. The Select Board shall at such meeting order an election to be held not less than thirty (30) nor more than sixty (60) days after the Select Board meeting; provided that, if the date set for the special election shall fall within four (4) months of the next regular or state or municipal election, no such special election shall be called and the question shall be submitted at the regular election.

E. Form of ballot in recall election.

1. Unless the member or members whose removal is sought shall have resigned before the receipt by the Select Board of the Town Clerk’s certificate, the form of the ballot at such election shall be as nearly as may be: “Shall “A” be recalled? Shall “B” be recalled?” etc., (the name of the member or members whose recall is sought being inserted in place of “A”, “B”, etc.)

2. In case of a majority of those voting for and against the recall of any official shall vote in favor of the recall, such official shall be thereby removed, provided however that the total number of votes cast equal or exceed 40% of the votes cast in the last gubernatorial election.

3. Any such vacancy shall be filled at the next scheduled regular or special election. Should the Select Board by vote deem it in the best interest of the Town to fill such vacancy before the next scheduled election, then the vacancy shall be filled within sixty (60) days by a special election called by the Board for that purpose.

F. Procedure on refusal of Board of Select Board.

1. In the event the Select Board fails or refuses to order a recall election, pursuant to the provisions set forth in this Section 9.05, then such election may be ordered by any Justice of the Superior Court, upon complaint to the Superior Court by any registered voter of the Town, such complaint shall be filed pursuant to Rule 80-B
of the Maine Rules of Civil Procedure and in accordance with the time limits for filing of such complaint set forth in Rule 80-B.

Section 7.06 Bonds

The Select Board shall require a bond by a reputable surety company, or other acceptable sureties satisfactory to the Board, from all persons trusted with the collection, custody or disbursement of any monies of the Town. The Town, however, shall pay the costs of providing such bonds.

Section 7.07 Public Records

A. Public records shall be made available to the public at the Town Office.

B. The records of all Town officials, whether elected or appointed, shall remain in the Town Office or other secure facility as directed by the Board of Select Board, and be made available for examination, by appointment, to the public. In order to insure availability, the Town office shall be open during specified times, such times to be determined by the Select Board in conjunction with the Town Clerk and posted in a public place.

Section 7.08 Investigations

The Board of Select Board, or authorized committees, or commissions of its own members, or of citizens appointed by the Select Board may make investigation into the affairs of the Town and the conduct of any Town department, office, official, employee or agency.

Section 7.09 Severability

If any provision of this Administrative Ordinance is held invalid, the other provisions of the Administrative Ordinance shall not be affected thereby. If an application of the Administrative Ordinance or any of its provisions to any person or circumstance is held invalid, the application of the Administrative Ordinance and its provisions to other persons or circumstances shall not be affected thereby.

Section 7.10 Statutory References

All references to statutes incorporating statutory language are intended to incorporate the language of that statute, as it existed as of the date of adoption of this Administrative Ordinance, and any amendments thereto.
ARTICLE VIII: ADMINISTRATIVE ORDINANCE AMENDMENTS

Section 8.01 Administrative Ordinance Amendments

Amendments to the Administrative Ordinance, which may be appropriate due to changed circumstances, may be initiated either by the municipal officers, or by the voters of the Town. Procedures are outlined in Title 30-A M.R.S.A. Chapter 141, Section 3001 et seq.

ARTICLE IX: TRANSITIONAL PROVISIONS

Section 9.01 Effective Date

After adoption of this Administrative Ordinance by the voters, this Administrative Ordinance shall become effective on February 1, 2004, which is the first day of the next succeeding municipal year; provided, however, that this Administrative Ordinance shall become effective immediately for the purposes of conducting any elections required by this Administrative Ordinance.

Section 9.02 Budget Committee

All members serving on the Budget Committee at the effective date of this Administrative Ordinance shall continue to hold office until their prescribed term expires and their successors are elected and qualified.

Section 9.03 Temporary Ordinances

All existing codes, ordinances, and policies will remain in effect until altered, amended, or rescinded except where these codes, ordinances, and policies are inconsistent with this Administrative Ordinance.

Section 9.04 Officials, Employees, and Board Members

A. Continuance of Office or Employment

1. Except as specifically provided by this Chapter, if at the time this Administrative Ordinance takes full effect a Town official or employee holds any office or position which is abolished by or under this Administrative Ordinance, he shall continue in such office or position until the taking effect of some specific provision under this Administrative Ordinance directing that he vacate the office or position or until his or her term of office expires or is terminated.

2. All established boards and committees not inconsistent with this Administrative Ordinance shall continue in effect until changed by action of the Board of Select Board, and the incumbent members shall serve their appointed terms or until replaced.
Section 9.05 Departments, Offices, and Agencies

A. Transfer of Powers

If a department, office or agency is abolished by or under this Administrative Ordinance, the powers and duties given it by law shall be transferred to the Town department, office or agency designated in this Administrative Ordinance, or if the Administrative Ordinance makes no provision, designated by the Board of Select Board.

B. Property and Records

All property, records and equipment of any department, office or agency existing when this Administrative Ordinance is adopted shall be transferred to the department, office or agency assuming its powers and duties; but, in the event that the powers or duties are to be discontinued or divided between units, or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one or more departments, offices or agencies designated by the Select Board in accordance with this Administrative Ordinance.

Section 9.06 Pending Matters

All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Administrative Ordinance and in each case shall be maintained, carried on or dealt with by the Town department, office or agency appropriate under this Administrative Ordinance.

Section 9.07 State and Municipal Laws

All Town ordinances, resolutions, orders and regulations which are in force when this Administrative Ordinance becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Administrative Ordinance or of ordinances or resolutions adopted pursuant thereto. To the extent that the Constitution and laws of the State of Maine permit, all laws relating to or affecting this Town or its agencies, officials or employees which are in force when this Administrative Ordinance becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this Administrative Ordinance or of ordinances or resolutions adopted pursuant thereto.

GLOSSARY

Assessor: Board of Select Board

Assessor’s Agent: An Assessor certified by the State of Maine
Boards: Decision-making or administrative bodies of the Town, such as Board of Select Board, Planning Board, and Zoning Board of Appeals.

Capital Expenditure Program: Investment in long-term or permanent assets.

Comprehensive Plan: A community development plan for the continuing development of the municipality. The plan includes maps, charts, and textual matter. The basic comprehensive plan has the following elements: a statement of objectives; a plan for land use; a plan for community facilities and utilities; and a map indicating the relationship of the proposed developments to areas in the municipality. The comprehensive plan includes the data and information as set forth in Title 30-A M.R.S.A. §4326.

Ensuing Year: The fiscal year subsequent to the current fiscal year.

Fiscal Year: The year with reference to accounting for finances and financial matters.

Legislative Body: Registered voters of the Town.

Moderator: The presiding official at a Town Meeting.

M.R.S.A.: Maine Revised Statutes Annotated.

Municipality: Town of Northport.

Municipal Officers: Select Board Members

Municipal Official: Any elected or appointed member of municipal government.

Municipal Year: Town’s fiscal year.

Overseers of the Poor: Select Board acting as Overseers of the Poor.

Petition: Document with sufficient signatures by statute that requires submission of an issue to the voters of the Town.

Qualified Voter: Any person qualified and registered to vote under law in the Town of Northport

Quorum: A minimum number of members to constitute a legal body to conduct business.

Resident: A person whose primary residence or domicile is within the Town.

Secret Ballot: A secret ballot within the meaning of Title 30-A M.R.S.A. 2528.

Staggered Terms: Terms of office, which are arranged so that such terms shall expire in different years; the purpose of staggered terms being continuity of office. Except as
otherwise stated in this Charter, a staggered three year term shall mean election or appointment of two members in the first year, two members in the second year, and one member in the third year of each three-year interval.

**Surety:** A guarantee of performance, payment or other obligation.

**Town:** Town of Northport.

**Town Employee, year-round:** A person hired by the Town of Northport, who is compensated for their work, and whose position is year-round, not seasonal.

**Warrant:** A document stating the time and place of the meeting and, in distinct articles, the business to be acted on at the meeting.
TOWN OF NORTHPORT
ALEWIFE ORDINANCE - 2009

Regulations for taking of alewives shall be as follows:

A minimum unobstructed opening of two feet (2’) shall be maintained at all
times between the riverbank and the downstream end of the weir.

The maximum mesh size of wire, twine, or other material used in the weir
shall not exceed one inch by one inch (1”x1”).

There shall be a 72-hour weekly closed season on alewives from sunrise
each Thursday morning until sunrise the following Sunday morning. No
fish shall be taken during this period and alewives must be allowed to escape
upstream to spawning areas. During the closed season, a minimum size
unobstructed opening of three feet by three feet (3’x3’) shall be maintained
in the upstream and downstream end of the trap to allow escapement of
spawning alewives and other migratory fish.

Migratory fish such as salmon, shad, or other species except alewives and
blue back herring that enter the trap shall be removed and allowed to pass
upstream.

Fishing operations shall cease and all fishing gear obstructing the passage of
fish shall be removed from the fishing waters not later than June 5th.

The total landings in pounds or bushels and value of the catch shall be made
available to the Maine Department of Marine Resources and/or National
Marine Fisheries Service on request by these agencies.

ADDITIONAL REGULATIONS
FOR STREAMS WITH ATLANTIC SALMON RUNS

The entrance to the dipping pen or trap shall be covered by bars, slats, or
spacers with a maximum width of two inches (2”) between said bars, slats or
spacers.

Dipping of alewives shall be confined to the dipping pen or trap.
Town of Northport

Building Permit Ordinance

Attested By: ______________________________
Date: ______________
Approved: ____________________
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Building Permit Ordinance

Section 1 - Title and Purpose

This ordinance shall be known as the Building Permit Ordinance of the Town of Northport, Maine and shall be referred to as the “Ordinance”. The purpose of this Ordinance is to promote health, safety, welfare and property values of the inhabitants of Northport.

Section 2 – Authority

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30-A, Section 3001 of the Maine Revised Statutes Annotated (M.R.S.A.).

Section 3 - Applicability

This Ordinance shall apply to all land and all structures within the boundaries of the Town of Northport. All buildings or structures thereinafter constructed, reconstructed, altered, enlarged, or moved, and the uses of buildings and land shall be in conformity with the provisions of this Ordinance.

Section 4 – Conflicts with Other Ordinances

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

Section 5 – Severability

In the event that any section, subsection, or any provision of this Ordinance shall be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

Section 6 – Effective Date
Town of Northport

The effective date of this ordinance shall be the date of adoption by the voters of Northport at a special Town Meeting on June 7, 2010 and as subsequently amended by said voters.

Section 7 – Code Enforcement Officer Permits

A. A permit from the Code Enforcement Officer shall be required before beginning or undertaking any of the following activities.

1. Flood Hazard Development Permit: All construction or earth moving activities or other improvements within the 100-year flood plain designated on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency. (Refer to Floodplain Ordinance)

2. Shoreland Zoning Permit: All construction or earth moving activities or other improvements within the Shoreland Zone. (Refer to Shoreland Zoning Ordinance)

3. Building Permit: New construction, conversion, addition (includes decks), relocations and replacement or significant segment thereof, including all trailers, manufactured homes and/or recreational vehicles when connected to any utility, and/or used as a residence for a period of more than 30 days. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while work authorized by the permit is performed. A permit is not required for the construction or placement of a dog house, children’s playhouse, tool shed or similar small building having not more than 100 square feet, providing such structures shall meet all other requirements of this Ordinance.

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

5. Moving or Demolition Permit: All buildings or structures, which are removed from or moved onto, or moved around within a lot, or demolished in a hazardous manner.

6. Change of Use Permit: The change of any premises from one category of land use to any other land use. A change of use may also require a permit from the Local Plumbing Inspector (LPI).

7. Seasonal Conversion: The conversion of a seasonal dwelling unit to year-round use requires a permit from the Local Plumbing Inspector (LPI).

8. Home Occupation: Home occupations shall be carried out wholly within a dwelling unit or accessory structure to a dwelling unit.
9. Site Plan Review Activities: Any building or structures approved by the Planning Board under the Site Plan Review Ordinance.

B. Procedure

1. Application: All applications for a Building Permit shall be submitted in writing to the Code Enforcement Officer on forms provided for the purpose, together with such fees as required in Section 9 of this Ordinance.

2. Submissions: All applications for a Building Permit shall be accompanied by a plan, accurately drawn to scale, and showing:

   a. The actual shape and dimensions of the lot for which a permit is sought;
   
   b. The location and size of all buildings, structures, and other significant features existing on the lot, as well as all water bodies and wetlands within two hundred fifty feet (250') of the property boundaries;
   
   c. The location of new buildings, structures or portions thereof to be constructed;
   
   d. The existing and intended use of each building or structure;
   
   e. Where applicable, the location of soils test pits, subsurface wastewater disposal system, parking lots and driveways, signs, buffer strips and private wells; and
   
   f. Such information as may be reasonably required by the Code Enforcement Officer to provide for the administration and enforcement of this Ordinance.
   
   g. 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.

3. To whom issued: No permit shall be issued except to owner of record or an authorized agent. Written proof of authorization shall be required.

4. Deadline for decision: The Code Enforcement Officer shall, within thirty (30) days of receipt of an application, issue the permit, if all proposed construction and uses meet the provisions of the Ordinance, refer the applicant to the Planning Board for Site Plan Review, or deny the application. All decisions of the Code Enforcement Officer shall be in writing. Failure of the Code Enforcement Officer to act within thirty (30) days shall constitute denial of the application.
5. Posting: The applicant shall conspicuously post any permit issued, on the lot where the activity will occur, at a location clearly visible from the road.

6. Commencement and completion of work: Construction and alteration activities on projects for which a permit has been granted under this section shall commence within twelve (12) months of the date of issuance of the permit and shall be substantially complete within twenty-four (24) months of that date.

Activities which are not commenced or substantially completed within the time limits provided above shall be subject to new application and the permit issued under this section shall be considered void.

Activities may be extended for up to twelve (12) months by the Code Enforcement Officer, for good cause, if an application for an extension is submitted not later than thirty (30) days prior to the expiration of the prior permit.

Section 8 – Fees

A. General Provisions
   1. Applications considered incomplete until payment of required fee: Applications for any of the permits, approvals, or certificates specified.

   2. Fee to be paid to Town: All fees shall be paid in the form of a cash or check made to the Town of Northport and the purpose of the fee shall be clearly indicated on the receipt for same.

B. Building Fees
   1. Fees for all applications for building permits issued by the Code Enforcement Officer shall be set by the Selectmen.

   2. Where a permit is not obtained until after construction begins the fee shall be tripled. The triple fee is in addition to any fine or penalty imposed for violating this Ordinance by failing to obtain a building permit prior to starting construction.

Section 9 – Enforcement

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

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

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

c. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.

3. Legal Actions. The Municipal Officers 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. Legal actions taken to enforce the ordinance pursuant to Rule 80K, or any other Maine Statute, may be instituted prior to or without any notice from the Code Enforcement Officer as described in subsection 2 above. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

4. Fines. Any person, including but not limited to a landowner, a landowner’s agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. Section 4452. In addition to the permissive penalties and fines authorized by Title 30-A, any person, including but not limited to a landowner, a landowner’s agent or contractor, who violates any provision or requirement of this Ordinance shall be fined a minimum of One Hundred Dollars ($100.00) per day for each and every violation, and said violator shall pay the Town’s legal fees, expert fees and costs of prosecution.
Section 10- Amendments

This Ordinance may be amended by majority vote of the voters of Northport at a special or regular Town Meeting.

Section 11- 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 or Code Enforcement Officer in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

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

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

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

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

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

      (i) The 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. 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.

3. Administrative Appeals

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

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

4. Appeal Procedure

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

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

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

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

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

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

b. Decision by Board of Appeals

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

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

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

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

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

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

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

Section 12 – Definitions

**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.

**Driveway** - a vehicular access-way serving two single-family dwellings or one two-family dwelling, or less.

**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 premise and living as a single housekeeping 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.

**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.

**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.

**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.

**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.

**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.

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

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

**Subsurface wastewater 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; 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.
Town of Northport

Dog Control Ordinance

Section 1. Purpose & Administration

This ordinance is adopted under municipal home rule powers granted in the Maine Constitution and pursuant to 3O-A M.R.S.A Section 3001

The purpose of this ordinance is to:

(1) Provide for the health, safety, and security of the Citizens of the Town of Northport.
(2) Provide for the humane treatment of dogs.
(3) Hold owners responsible for the conduct of their dogs.

Dangerous dogs, dogs running at large, and habitual barking dogs are hereby declared to be a public nuisance.

The Town of Northport Animal Control Officer shall enforce this ordinance. Any officer as designated by the Selectman, Game Wardens or other State Official charged with animal control duties may enforce this ordinance in the absence of the ACO.

Section 2 Definitions.

In general, all words and terms used in this ordinance shall have their customary dictionary meanings. More specifically, certain words and terms are described below.

A. “Town” means Town of Northport, Maine
B. “Animal Control Officer” and “ACO” mean the municipal official appointed by the select board of the town whose duties are as follows:
   1. Enforcing the Maine Animal Welfare Laws, 7 M.R.S.A. ss3911, 3912, 3916, 3921. 3924, 3943, 3948, 3950, 3950-A, 3952, 3966 through 3970, 4041. and 17 M.R.S.A section 1023. and any other State Laws imposing duties upon the ACO.
   2. Responding to reports of animals suspected of having rabies in accordance with 22 M.R.S.A. ss 1313 and 1313-A and performing other duties relating to rabies imposed on ACO’s by state law.
   3. Performing other duties to control animals as required by the municipal job description or by legislative action.
C. “Attack”, “attacks”, and “attacking” mean an unprovoked actual biting or an action of imminent physical harm to a person, a domestic pet, or farm animal.

D. “Dog” includes both male and female canines.

E. “Owner” means a person owning, keeping or harboring a dog or other animal.

F. “Dangerous dog” means a dog that bites an individual or a domesticated animal who is not trespassing on the dog owner’s or keeper’s premises at the time of the bite or a dog that causes a reasonable and prudent person who is not on the dog owner’s or keeper’s premises and is acting in a reasonable and nonaggressive manner to fear imminent bodily injury by assaulting or threatening to assault that individual or individual’s domestic animal. “Dangerous dog” does not include a dog certified by the State and used for law enforcement use. “Dangerous dog” does not include a dog that bites or threatens to assault an individual who is on the dog owner’s or keeper’s premises if the dog has no prior history of assault and was provoked by the individual immediately prior to the bite or threatened assault.

G. “At large” means off the premises of the owner and not under the control of any person whose personal presence and attention would reasonably control the conduct of the animal.

H. “Domestic animals” shall include, but not limited to, dogs, cats, cows, horses, pigs, sheep, goats, and chickens and other fowl being kept for domestic purposes. For the purpose of this ordinance, this term does not include birds of prey or any animal normally considered as wild, but held in captivity for any purpose.

I. “Abandoned dog” means a dog that has been deserted by its owner or keeper.

J. “Public nuisance” means a use of property or a course of conduct that interferes with the legal rights of others by causing damage, annoyance, or inconvenience.

K. “Under restraint” means physically capable of controlling the dog by a leash, cord, chain, or by voice command control to which the dog is obedient.

L. “Abused” means to treat an animal in any manner that violates any section or subsection of Title 7 M.R.S.A., Chapter 739. “Cruelty to Animals”.

Section 3. Sick or Injured Dogs

Any person finding a running at large, stray, and sick, injured or abused dog within the Town in an emergency situation should first contact the ACO, who shall take responsibility for the dog. If the ACO in unavailable, this person shall contact the selectman or other public official.

Section 4. Running at Large

A. No owner of a dog shall cause or permit that dog to run at large within the Town.
B. A dog shall be deemed under restraint within the meaning of this ordinance if it is controlled by a leash, cord, chain, or otherwise under control of a person an obedient to that person’s voice command.

C. An owner accompanying a dog on municipal property shall collect feces or vomit deposited by the dog and dispose of it in a lawful and sanitary manner.

D. Owners and users of seeing-eye dogs are exempt from this section.

E. Nothing in this section shall require the leashing or restraint of any dog, other than a dangerous dog, while on the owner’s premises.

F. Any dog found to be running at large, found to be sick or injured, or apparently abandoned, may be seized and impounded by the town ACO or designated official. That animal’s owner shall be liable for all related costs, in addition to any other fees or fines that may be assessed. Costs of impoundment and fees may be recovered by the town in a civil action.

Section 5. Attacks by Dangerous Dogs

A. An owner who is given written notice by the town’s ACO, or other officer that their dog has bitten or is reasonably believed to have in any way seriously injured any person, domestic pet, or farm animal shall not, without further written authorization by an officer or official, sell, give, or otherwise convey ownership or possession of that dog, or permit that dog to be moved beyond the boundaries of the town, except to or under the care of a licensed veterinarian, the ACO, or a law enforcement officer.

B. An owner receiving written notice shall immediately place the dog under confinement for a period of at least 10 days and shall promptly obey all rabies detection and control directions of the ACO, veterinarian, law enforcement officer, or other state official concerning that dog.

C. An owner receiving written notice shall comply with all applicable regulations of the Maine Commissioner of Agriculture and the Maine Commissioner of Health & Human Services and their authorized agents in matters of rabies detection and control.

D. Dangerous dogs shall be handled in accordance with 7 M.R.S.A. ss3951-3953 and remain designated as dangerous until the court orders otherwise.

Section 6. Special Restraint of Dangerous Dogs

A. An owner of a dog that has been determined to be a dangerous dog shall ensure that the dog is restricted at all times to the premises of the owner, except when being transported by a secure motor vehicle to a veterinarian or to some other premises of the owner or to take the dog out of Town with the knowledge and written consent of the ACO or to the custody of the ACO or other law enforcement officer.
B. The owner of a dangerous dog shall ensure that the dog, when out of doors on the owner’s premises, is either contained within a secure enclosure or is fastened with a secure latch to a well maintained reinforced restraint.

1. The length of any secure restraint must keep the dog more than three (3) feet away from any mail receptacle, entrance or exit to a house or other building, end or edge of a driveway, walkway, stoop or stairs leading to an entrance, edge of a lawn, property boundary or public sidewalk, or home fill pipe or utility meter.

Section 7. Barking Dogs

A. No owner or keeper of a dog within the legal limits of the Town shall keep or maintain a dog which continuously or repeatedly barks, howls, makes other loud or unusually noises, or in any other manner unreasonably disturbs the peace of any person.

B. Any person who keeps or maintains a dog which continuously or repeatedly barks, howls, or makes other loud or unusual noises, that are either:

a. Sustained for one (1) hour or
b. Intermittently for three (3) continuous hours or more

For four (4) consecutive days and which can be heard unreasonably disturbing the peace of any neighbors within 500 feet of the boundary of the property on which the dog is located is in violation of this ordinance.

C. Professionally trained working dogs (including certified guard dogs and sheep dogs) performing their duties are exempt from this section.

Section 8. Procedures on Violations

A. Investigation

1. The ACO shall quickly and fully investigate all known or suspected violations of this ordinance received from any citizen and keep a written record.

2. On a first complaint, the ACO, in his or her judgment, may issue a verbal warning. All subsequent warnings must be in writing.

3. The ACO shall report all complaints and findings to the select board.

4. The ACO is required to maintain a public file, located in the Town Office, of all complaints and findings.

5. Nothing in this ordinance is intended to bar or limit the right of individuals to make written complaints concerning dangerous dogs pursuant to State Law, or bar or limit any law enforcement officer from proceeding to act upon such a written complaint in accordance with State Law.

B. Prosecution
1. The ACO may issue summons for violation of this ordinance.
2. Alternatively, the municipal officers may have the Town Attorney prosecute the alleged violation.

C. Complaint for Dogs Presenting Immediate Threat to Public
   1. After issuing a summons and before hearing, if the dog poses an immediate or continuing threat to the public, a sheriff, local law enforcement officer or animal control officer shall order the owner or keeper of the dog to muzzle, restrain or confine the dog to the owner’s premises or to have the dog confined at the owner’s expense at a place determined by the sheriff, local law enforcement officer or animal control officer. If the owner or keeper fails to comply, the officer may apply to District Court or Superior Court or a justice of the peace for an ex parte order for authorization to take possession of the dog that poses an immediate or continuing threat to the public and turn the dog over to the applicant or other suitable person.
   2. The officer or ACO may prescribe the degree of restraint or confinement.
   3. Failure to comply constitutes a violation of this ordinance.
   4. The court in its final order shall include an order to the owner to pay this expense in a stated amount.

D. Order of the Court
   1. If, upon hearing, the court determines that the ordinance has been violated, the court may impose an appropriate penalty.
   2. If the court determines that a dog is a dangerous dog, the court may order the owner to muzzle the dog, and to restrain it, and confine it to the owner’s premises.
   3. If the court finds that the dog has killed, maimed, or inflicted more than de minimis bodily injury upon a person or upon a domestic pet or farm animal, or the court determines that the dog has a history of attacks then the court may order the dog to be euthanized. Such euthanasia shall be at the owner’s expense.

E. Failure to Abide By a Court Order
   1. An owner’s failure to comply with an order issued pursuant to this section constitutes a violation of this ordinance. This may be punishable by a new summons or as contempt following issuance of a show cause order on affidavit of a law enforcement officer.
   2. If an order of euthanasia is not complied with by the time set by the court, the court may, upon application by the ACO or other person, and upon notice to the owner, issue a warrant to the ACO to destroy the dog and make return of the warrant to the court within 14 days from the date of the warrant.
   3. The owner shall pay all costs of any supplementary proceedings and all reasonable costs for seizure and euthanasia of the dog. A failure to pay such costs by the time stated in the order of the court constitutes a distinct violation of this ordinance. This
may also be punished on proceedings for contempt after issuance of a show cause order.

Section 10 Penalties

A. For a first violation of this ordinance, the owner shall be ordered to pay a penalty of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00) plus any associated court ordered fees and costs.
B. All penalties awarded shall accrue to the town.
C. An owner found to have violated this ordinance shall pay all fees and surcharges assessed or required by a court order and shall pay court costs.
D. The penalties provided under this ordinance shall be in addition to any penalties provided by state or federal law.

Section 11 Legal Provisions

A. Effective Date: This ordinance shall take effect upon adoption at the special town meeting May 4, 2010
B. Interpretation: Interpretation of this ordinance shall be according to the purpose of the ordinance.
C. Conflict with other ordinances: Whenever the regulations of this ordinance conflict with another ordinance, the stricter shall apply.
D. Severability: Should any portion of this ordinance be found invalid for any reason by a court of law, then all portions not found invalid shall remain unaffected and continue in full force.
E. Repeal: This ordinance shall supersede the Town of Northport Barking Dog ordinance adopted at town meeting September 13, 2004 which is hereby repealed from and after the effective date of this ordinance.
Northport E911 Ordinance

Section 1. Title

This ordinance will henceforth be known as the "Addressing Ordinance."

Section 2. Purpose

The purpose of this ordinance is to enhance the easy and rapid location of structures by law enforcement, fire, rescue, and emergency medical services personnel in the municipality of Northport.

Section 3. Authority

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

Section 4. Administration

This ordinance shall be administered by the Code Enforcement Officer and or Addressing Agent which is authorized to and shall assign road names and numbers to all properties, both on existing and proposed roads, in accordance with the criteria in Sections 5 and 6. The designated addressing authority stated above or another designated individual shall be responsible for maintaining the following official records of this ordinance:

a. A municipal map(s) for official use showing road names and numbers.

b. An alphabetical list of all property owners as identified by current tax records, by last name, showing the assigned numbers.

c. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

The Selectman shall designate an Addressing Officer, who is responsible for and authorized to provide all required addressing and database information to the state agency responsible for the implementation of Enhanced 9-1-1 service. The Selectmen may designate a Selectman as the Addressing Officer.
Section 5. Naming System

All roads that serve two or more structures shall be named regardless of whether the ownership is public or private. A "road" refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare. A road name assigned by the municipality shall not constitute or imply acceptance of the road as a public way.

The following criteria shall govern the naming system:

a. No two roads shall be given the same name (ex. Pine Road and Pine Lane).
b. No two roads shall have similar-sounding names (ex. Beech Lane and Peach Lane).
c. Each road shall have the same name throughout its entire length.

Section 6. Numbering System

The following criteria shall govern the numbering system:

a. Numbers shall be assigned every 50 (fifty) feet along both sides of the road, with odd numbers appearing on the left side of the road and even numbers appearing on the right side of the road, as the numbers ascend. A 25-foot or less interval may be applied in more densely structured areas.

b. All number origins shall begin from Lincolnville/Rt. 1 or that end of a road closest to the designated origin. For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.

c. The number assigned to each structure shall be that of the numbered interval falling closest to the front door or the driveway of said structure if the front door cannot be seen from the main road.

d. Every structure with more than one principle use or occupancy shall have a separate number for each use or occupancy, i.e. duplexes will have two separate numbers; apartments will have one road number with an apartment number, such as 235 Maple Road, Apt 2.
Section 7. Compliance

All owners of structures shall, by the date stipulated in Section 9, display and maintain in a conspicuous place on said structure, assigned numbers in the following manner:

a. Number on the Structure or Residence. Where the residence or structure is within 50 (fifty) feet of the edge of the road right-of-way, the assigned number shall be displayed on the front of the residence or structure in the vicinity of the front door or entry.

b. Number at the Road Line. Where the residence or structure is over 50 (fifty) feet from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, the mail box, or on some structure at the property line adjacent to the walk or access drive to the residence or structure.

c. Size, Color, and Location of Number. Numbers shall be of a color that contrasts with their background color and shall be a minimum of four (4) inches in height. Numbers shall be located to be visible from the road at all times of the year.

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

e. Interior location. All residents and other occupants are requested to post their assigned number and road name adjacent to their telephone for emergency reference.

Section 8. New Construction and Subdivisions

All new construction and subdivisions shall be named and numbered in accordance with the provisions of this ordinance and as follows:

a. New Construction. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to obtain an assigned number from the designated addressing authority stated above or another designated individual. This shall be done at the time of the issuance of the building permit.

b. New Subdivisions. Any prospective subdivider shall show a proposed road name and lot numbering system on the pre-application submission to the Planning Board. Approval by the Planning Board after consultation with the designated addressing authority stated above or another delegated individual or board, shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on
the plan, lines or dots, in the center of the streets every 50 feet so as to aid in the assignment of numbers to structures subsequently constructed.

Section 9. Effective Date

This ordinance shall become effective as of _____________(date). It shall be the duty of the designated addressing authority stated above or another designated individual to notify by mail each property owner and the U.S. Postal Service of their new address at least 60 (sixty) days prior to the effective date of its use. It shall be the duty of each property owner to comply with this ordinance, including the posting of new property numbers, within 60 (sixty) days following notification. On new structures, numbering will be installed prior to final inspection or when the structure is first used or occupied, whichever comes first.

Section 10. Enforcement

Any violation of this ordinance shall be deemed a nuisance under M.R.S.A. Title 30-A § 4452.
Town of Northport

FLOODPLAIN MANAGEMENT ORDINANCE

Enacted August 31, 1992
Amended May 5, 2008
# Town of Northport

FLOODPLAIN MANAGEMENT ORDINANCE

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ARTICLE I–PURPOSE AND ESTABLISHMENT

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

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

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

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

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

The areas of special flood hazard, A, AE, and VE, are identified by the Federal Emergency Management Agency in a report entitled “Flood Insurance Study - Town of Northport, Maine, Waldo County,” dated May 15, 1991 with accompanying “Flood Insurance Rate Map” dated May 15, 1991, which are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

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

ARTICLE III - APPLICATION FOR PERMIT

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

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

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

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

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

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

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

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

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

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

   a. in Zones AE and VE from data contained in the "Flood Insurance Study - Town of Northport, Maine," as described in Article I; or,

   b. in Zone A:

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

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

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

      (4) in coastal zones use the U.S. Army Corps of Engineers' Tidal Flood Profiles New England Coastline,, September 1988 to select the 100-year Frequency Tidal Flood appropriate for the development site’s location on the profile.

2. highest and lowest grades at the site adjacent to the walls of the proposed building;

3. lowest floor, including basement; and whether or not such structures contain a basement; and,

4. level, in the case of non-residential structures only, to which the structure will be floodproofed;
I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;

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

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

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

2. a V-Zone Certificate to verify that the construction in coastal high hazard areas, Zone VE, will meet the criteria of Article VI.P.; and other applicable standards in Article VI;

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

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

5. a certified statement that containment walls will meet the standards of Article VI.N.;

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

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

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of $25.00 for all minor development and $50.00 for all new construction or substantial improvements shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

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

The Code Enforcement Officer shall:

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

B. Utilize, in the review of all Flood Hazard Development Permit applications:

1. the base flood and floodway data contained in the "Flood Insurance Study - Town of Northport, Maine," as described in Article I;

2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.; Article VI.K.; and Article IX.D., in order to administer Article VI of this Ordinance; and,

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

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

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

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

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

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

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

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

For development that requires review and approval as a Conditional Use, as provided for in this Ordinance, the Flood Hazard Development Permit Application shall be acted upon by the Planning Board as required in Article VII.

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

ARTICLE VI - DEVELOPMENT STANDARDS

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

A. All Development - All development shall:

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

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

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

4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during flooding conditions.
B. **Water Supply** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

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

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

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

F. **Residential** - New construction or substantial improvement of any residential structure located within:

1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.

2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B.; or Article IX.D.

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

G. **Non Residential** - New construction or substantial improvement of any non-residential structure located within:

1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
   a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
   b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
   c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.
2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B.; or Article IX.D., or
   a. together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.G.1.

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

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

1. Zone AE AH shall:
   a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;
   b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,
   c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
      (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,
      (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
      (3) all components of the anchoring system described in Article VI.H.1.c.(1)&(2) shall be capable of carrying a force of 4800 pounds.

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

3. Zone VE shall meet the requirements of Article VI.P.
I. **Recreational Vehicles** - Recreational Vehicles located within:

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

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

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

1. be 500 square feet or less and have a value less than $3000;

2. have unfinished interiors and not be used for human habitation;

3. have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;

4. be located outside the floodway;

5. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,

6. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

K. **Floodways** -

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

2. In Zones AE, and A riverine areas, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development...
shall not be permitted in the floodway as determined in Article VI.K.3, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,

b. is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," *Flood Insurance Study - Guidelines and Specifications for Study Contractors*, (FEMA 37/January 1995, as amended).

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

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

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

2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:

   a. be engineered and certified by a registered professional engineer or architect; or,

   b. meet or exceed the following minimum criteria:

      (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;

      (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,

      (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;

3. The enclosed area shall not be used for human habitation; and,
4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

M. **Bridges** - New construction or substantial improvement of any bridge in Zones AE, A, and VE shall be designed such that:

1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and

2. a registered professional engineer shall certify that:
   
a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K.; and

   b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

N. **Containment Walls** - New construction or substantial improvement of any containment wall located within:

1. Zones AE, A, and VE shall:
   
a. have the containment wall elevated to at least one foot above the base flood elevation;
   
b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
   
c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.

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

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

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

P. **Coastal Floodplains** -

1. All new construction located within Zones AE, A, and VE shall be located landward of the reach of mean high tide except as provided in Article VI.P.6.
2. New construction or substantial improvement of any structure located within Zone VE shall:

a. be elevated on posts or columns such that:

   (1) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to one foot above the base flood elevation;

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

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

b. have the space below the lowest floor:

   (1) free of obstructions; or,

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

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

c. require a registered professional engineer or architect to:

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

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

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

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

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

6. Conditional Use - Lobster sheds and fishing sheds may be located seaward of mean high tide and shall be exempt from the elevation requirement in Article VI.G. only if permitted as a Conditional Use following review and approval by the Planning Board, as provided in Article VII, and if all the following requirements and those of Article VI.A., VI.K., and VI.L. are met:
a. The conditional use shall be limited to low value structures such as metal or wood sheds 200 square feet or less and shall not exceed more than one story.

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

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

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

e. Any mechanical, utility equipment and fuel storage tanks must be anchored and either elevated or floodproofed to one foot above the base flood elevation.

f. All electrical outlets shall be ground fault interrupt type. The electrical service disconnect shall be located on shore above the base flood elevation and when possible outside the Special Flood Hazard Area.

Article VII - CONDITIONAL USE REVIEW

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

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

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

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

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

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

5. The applicant shall be notified by the Planning Board in writing over the signature of the Chairman of the Planning Board that flood insurance is not available for structures located entirely over water or seaward of mean high tide.
B. Expansion of Conditional Uses

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

ARTICLE VIII - CERTIFICATE OF COMPLIANCE

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

A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer:

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

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

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

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

1. review the required certificate(s) and the applicant’s written notification; and,

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

ARTICLE IX - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

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

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

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

C. Adequate drainage is provided in order to reduce exposure to flood hazards.
D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.

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

ARTICLE X - APPEALS AND VARIANCES

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

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

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

B. Variances shall be granted only upon:

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

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

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

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

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

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

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

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

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

1. other criteria of Article X and Article VI.K. are met; and,
2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

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

1. the development meets the criteria of Article X, paragraphs A. through D. above; and,
2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure’s continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

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

1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25 per $100 of insurance coverage;
2. such construction below the base flood level increases risks to life and property; and,
3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

G. Appeal Procedure for Administrative and Variance Appeals

1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.
2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

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

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

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

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

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

ARTICLE XI - ENFORCEMENT AND PENALTIES

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

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

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

   1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
   2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;
   3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;
   4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
   5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.
ARTICLE XII - VALIDITY AND SEVERABILITY

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

ARTICLE XIII - CONFLICT WITH OTHER ORDINANCES

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

ARTICLE XIV - DEFINITIONS

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

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

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

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

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

Basement - area of a building that includes a floor that is subgrade (below ground level) on all sides.

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

Building - see Structure.

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

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

Conditional Use - a use that, because of its potential impact on surrounding areas and structures, is permitted only upon review and approval by the Planning Board pursuant to Article VII.
**Containment Wall** – wall used to convey or direct storm water or sanitary water from the initial source to the final destination.

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

**Elevated Building** - a non-basement building that is:

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

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

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

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

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

b. Is required for purchasing flood insurance.

**Flood or Flooding**

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

   1. The overflow of inland or tidal waters.

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

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

**Flood Elevation Study** - an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.
**Flood Insurance Rate Map (FIRM)** - an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

**Flood Insurance Study** - see **Flood Elevation Study**.

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

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

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

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

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

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

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

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

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

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

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

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

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

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

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

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

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

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

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

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

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

**New Construction** - structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

**100-year flood** - see **Base Flood**.
Recreational Vehicle - a vehicle that is:

a. built on a single chassis;

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

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

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

Regulatory Floodway –

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

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

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

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

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

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

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

Substantial Improvement - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:
a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

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

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

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

**ARTICLE XV - ABROGATION**

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).
TOWN OF NORTHPORT
FLOODPLAIN MANAGEMENT ORDINANCE

Approved:________________

___________________________________
Selectman

___________________________________
Selectman

___________________________________
Selectman
 Harbor Ordinance  
Town of Northport, Maine

§1. Purpose  
The Northport Harbor Ordinance is hereby established in order to regulate marine activities within “Saturday Cove” and the tidal waters adjacent to the shoreline of the Town of Northport in order to ensure safety to persons and property, promote availability and use of valuable public resources and to create a fair and efficient framework for administration of the same. This ordinance is adopted pursuant to 30-A M.R.S.A. §2671 et seq, the specific authority granted to municipalities with respect to Harbor Masters as set forth in 38 M.R.S.A. §1 et seq, and the power of municipal home rule as set forth in 30-A MRSA §3001 et seq and Article VIII of the Constitution of the State of Maine.

§2. Harbor Master  
A. The selectpersons shall appoint a Harbor Master pursuant to 38 M.R.S.A. §1. The Harbor Master will assume office in November 15 of the year and will have the duties and powers prescribed by law and this ordinance. The term of office will be two years.
B. The Harbor Master may appoint deputy Harbor Masters to act in case of the Harbor Master’s absence. In the event of the Harbor Master’s disability, the selectpersons may appoint deputy Harbor Masters.
C. The Harbor Master must complete a basic harbor master training course in accordance with 32 M.R.S.A. §1.A.1 within one year after being appointed unless the Harbor Master has previously completed such a course.

§3. Harbor Committee  
A. The Northport Harbor Committee exists for the purpose of evaluating public usage and access to coastal waters of the town, planning for its future use, to advise the Town selectpersons and supervise the enforcement of this ordinance and oversee the care of Town waterfront facilities through the Harbor Master. The committee will also sit as a board of appeals to hear appeals of the Harbor Master’s decisions or actions as defined in this ordinance.
B. The committee shall consist of five members appointed by the Town selectpersons with a term of two years. The Harbor Master shall serve as a nonvoting sixth member, but may be appointed Secretary.
C. The chairman, majority of the voting members, or a majority of the selectpersons may call meetings of the Harbor Committee as needed. A quorum of the committee necessary to conduct an official committee shall consist of at least three (3) of the voting members.
D. The Secretary shall maintain a permanent record of all committee meetings and correspondence; these records shall be filed in the office of the Town Clerk.

§4. Harbor Limits  
A. For the purpose of this ordinance, the harbor limits shall be: beginning at a point of land, so called Knight’s Point, 44.17’572”N, 68.58’878”W and then NNE to
Great Spruce Head 44.19°39'5"N, 68.57°20'2"W and then NE to 44.20°33'N, 68.57°06'3"W and then NNE to 44.21°28'4"N, 68.56°80'2"W and then to a point at Little River Cove 44.23°47'2"N, 68.58°91'7"W and all municipal waters to the west.

B. For the purposes of this ordinance, Northport recognizes that West Penobscot Bay contains a deep water channel for large commercial vessels and the heavy use of town waters for both commercial and pleasure craft of all sorts. It is the interest of this ordinance that the town maintain open and unimpeded access to these waters and channels for all interests using them, including seagoing vessels from ports in the bay, bottom fishing vessels and their gear (including lobster, crab and fish traps), surface fishing vessels and pleasure vessels from any and all ports and anchorages being that those interests respect rules of navigation and conform to regulations of the United States Coast Guard, the State of Maine Marine Patrol and other recognized authorities, including other sections of this ordinance.

C. Sub Area - Northport Village Corporation (Bayside)
   1. The public pier, floats and the designated swimming area adjacent to the “swim” float within the boundaries of the Northport Village Corporation (also known as Bayside) within the town of Northport are subject to Northport Village Corporation regulations.
   2. Notwithstanding paragraph 1 above, all mooring and marine activities in the waters adjacent to the Northport Village Corporation facilities are subject to this ordinance.

D. Sub Area - Saturday Cove
   1. Sub Area Saturday Cove includes waters westerly of a line beginning at 44.20°13'3"N, 68.57°03'6"W and northerly to so-called Hildreth Point at 44.20°16'N, 68.56°93'3"W.
   2. This sub area contains the Northport public land, public dock(s) and floats and is for the exclusive use of Northport residents and/or property taxpayers.
   3. The docks and floats shall be maintained by the Town. As conditions permit, the floats shall be put in the water by May 1st and removed by December 1st of each year under the direction of the Harbor Master using town or contracted personnel.
   4. Storage of personal property, except for bait as defined in paragraph 6, is prohibited on Northport public land. Boat trailers must be pulled away from the launching area and clear of water access.
   5. Daily transfer of bait, fishing gear and personal property to water craft is permitted and such property can be left on town land or docks for up to twenty-four (24) hours as long as such gear does not interfere with facility usage by other boaters.
   6. A resident of Northport who holds a valid commercial fishing license may keep bait on Town property in Saturday Cove between the dates of May 1st
and December 1st. This bait must be stored in covered leak-proof containers kept in a safe and orderly manner.

7. Vessels may tie up to public docks and floats in order to transfer articles or gear. Boat operators must respect the needs of others to use the facility.

8. Vehicles shall be kept clear of launching areas and piers, an area southeast of the access road is suitable for parking and must be used by all non-boat owners.

§ 5 Channels

A. The following channel is established in Northport coastal waters:
   1. A channel, heretofore known as the Bayside Wharf Channel, extending 800 feet from the Bayside pier and floats in an easterly direction, separating the north and south side mooring areas. The boundaries of the channel shall consist of the first columns of permitted mooring buoys running generally parallel to the northern and southern sides of the Channel’s centerline.

B. Except for navigational or safety aids approved by the Harbor Master, no person shall be allowed to anchor or moor boats, vessels or other craft, nor to place or allow the placement of moorings, anchors, lobster traps or pots, crab traps or pots, fish nets, fish seines, as well as buoys, floats, warps, lines, anchors and other appurtenances or apparatus associated with or connected to such moorings, anchors, traps, pots, nets and seines, within the Bayside Wharf Channel between May 15th and November 1st of each year.

C. Notwithstanding paragraph B above, watercraft, while legally attached to the (permitted) moorings that define the northern and southern boundaries of the Bayside Wharf Channel, shall not be in violation of the mooring prohibitions set forth in Paragraph B above.

§ 6 Moorings

A. No person shall place a mooring within the coastal waters adjacent to the town of Northport unless:
   1. He or she has filed an application for a permit with the Harbor Master setting forth such information as shall be requested.
   2. The Harbor master has issued a written permit to the applicant that states the location of the mooring.

B. Moorings shall be prudent, appropriate and safe.

C. The mooring permittee is responsible to ensure that the permittee’s mooring permit number is affixed to the permittee’s mooring buoy in legible numbers not less than six inches in height.

D. Any permits issued pursuant to part A above shall be renewable on a yearly basis provided that the mooring’s owner has satisfied the regulations of this ordinance.
E. The Harbor Master is empowered, as set forth in 38 M.R.S.A. §4, to require mooring removal or relocation for reasons such as neglect or safety.

F. The Harbor Master will not issue a permit for a mooring unless satisfied that the information set forth in the application is adequate to ensure that the mooring and vessel attached to it will not become a danger to persons or property.

G. Notwithstanding the forgoing, the number of resident moorings shall always be at least equal to the number on non-resident moorings required under 38 M.R.S.A. §7-A as amended from time to time.

H. This ordinance allows the transfer of a mooring used for commercial fishing purposes. This ordinance may permit a mooring assignment to be transferred only at the death of the assignee, only to a member of the assignee’s family and only if the mooring assignment will continue to be used for commercial fishing purposes. For the purposes of this section, “member of the assignee’s family” means an assignee’s parent, child, or sibling, by birth or adoption, including a relation of the half blood or an assignee’s spouse.

I. This ordinance authorizes a waiting list for the assignment of mooring privileges.

J. Mooring privileges in lawful existence on the effective date of this ordinance shall be preserved after its adoption, the location and use to be determined by the Harbor master. For the purposes of this ordinance, one boat is to be served by one mooring. Unused moorings are not permitted, may not be set, and may be removed as under section E.

§7. Rules of Harbor Use
Vessels shall be operated within harbor limits in a safe and prudent manner, No person shall operate a vessel within harbor limits in a manner which threatens danger to persons or property, or which causes excessive wake or wash.

§8. Fees
A. Each applicant for a mooring site within the limits described in this ordinance shall pay an application fee and a yearly mooring permit fee.

B. Mooring application fees and mooring permit fees shall be set and published by the Select Board with the advice of the Harbor Committee.

C. All fees accrue to Northport waterfront facility funds.

§9. Appeals of Harbor Master Decisions
A. Any person may appeal a decision of the Harbor Master to the Northport Harbor Committee. Any such appeal shall be made within ten days of the date upon which the person notified of the decision of the Harbor Master is in written form. If the decision of the Harbor Master is mailed, the person shall have 13 days for the date of the mailing to appeal the decision. The desire to appeal may be made known to the Harbor Master, any member of the Harbor Committee or board of selectpersons. The appeal may be heard by the Harbor Committee at its next scheduled meeting or at a special meeting, is requested by the appellant of the Harbor Master, within ten days of the date that the appeal has been made.
B. Action taken by the Harbor Master for safety purposes shall be in force until the Harbor Committee has reached a final decision.

§10. Enforcement
A. Except as provided in Paragraph 9B, a violation of any provision of this ordinance may be prosecuted and relief, fines, fees and penalties granted and assessed pursuant to the provisions of 30 M.R.S.A. §4452.
B. A person is guilty of a Class E crime if that person intentionally, knowingly or recklessly fails to obey any lawful order of the Harbor Master.
C. Violations of this Harbor ordinance by neglect or refusal to obey its provisions shall be a civil violation and anyone determined by a court competent jurisdiction to be in such violation shall be penalized by a fine of not less than $25.00 and not more than $1000 for each day such violation continues after notification of the violation by the Harbor Master or town officials. In addition to the penalties provided herein the Town may bring action in Superior Court to obtain injunctive relief and to enjoin violation of this ordinance and for other and further relief as may be provided by law and equity. In addition, the offender if found guilty shall pay to the Town of Northport an amount equal to reasonable attorney fees, expert witness fees and other expenses incurred by the Town in the prosecution of any proceedings to enforce the provisions of this ordinance, including proceedings in equity to abate any nuisance or other condition in violation of this ordinance.

§11. Validity and Severability
If any section or subsection of this ordinance shall be found in violation of the law such section or subsection shall be deemed a separate distinct and independent pendant provision and the remaining portions of the ordinance shall remain valid and in effect.

§12. Effective Dates
This ordinance supersedes all previous articles, warrants or ordinances pertaining to Northport harbors, waters or used of Northport waterfront public land. The effective date of this ordinance shall be the day after it is signed by the Northport selectpersons.

§13. Amendments
This ordinance, the mooring application process and fee schedule shall be revisited and examined on an annual basis by the Northport Harbor Committee and selectpersons. Amendments to the above will be needed and are authorized by this ordinance to ensure a purposeful and inherently just and forward looking plan for the Town’s marine interests. Proposed amendments shall be posted in the town offices and in the local press in a timely manner in accordance with state law.

Approved August 23, 2001
Revised & Approved – March 24, 2004
Revised and Approved – May 5, 2008
Subdivision Ordinance
Town of Northport, Maine

Enacted 3/2/86
Amended 4/11/89
Amended 5/4/09
Attested: ________________
Date: ________________
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SECTION I: GENERAL PROVISIONS

A.TITLE
This Ordinance shall be known and be cited as the “Subdivision Ordinance of the Town of Northport, Maine,” and will be referred to herein as the “Ordinance.”

B.AUTHORITY
This Ordinance is enacted under the authority granted to the Town by the statutes of the State of Maine and in accordance with the provisions of Title 30-A, MRSA, Section 4403, as amended.

C.APPLICABILITY
The provisions of this Ordinance shall apply to subdivisions as defined by this Ordinance and by Title 30-A, MRSA, Section 4401, as amended. The current statute is reproduced in part below.
“...Subdivision means the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term “subdivision” also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period. ...

“...A division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption or a gift to a municipality or by the transfer of any interest in land to the owner of land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of the transferor in any transfer or gift within this paragraph is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph by a gift to a person related to the donor by blood, marriage or adoption is transferred within 5 years to another person not related to the donor of the exempt real estate by blood, marriage or adoption, then the previously exempt division creates a lot or lots for the purposes of this subsection. ...

D.CONFLICT WITH OTHER ORDINANCES
Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation, ordinance, deed restriction or covenant, the more restrictive requirements shall govern.
E. SUPERSEDURE

All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed, but only to the extent of such conflict. The Subdivision Ordinance in effect at the time that this Subdivision Ordinance is enacted is hereby repealed. Provided, however, that all lawfully adopted Ordinances or parts thereof shall remain in full force and effect with respect to any violation thereof in existence at the time of adoption of this Ordinance, and provided further that any such violation shall be deemed a violation of this Ordinance and subject to its terms and provisions.

F. SEPARABILITY

In event that any section, subsection or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

G. AMENDMENTS

The procedure to be followed in initiating and securing amendments to this Ordinance is as follows:

1. INITIATION

A proposal to amend this Ordinance may be initiated by:

a. The Planning Board, by majority vote;
b. The Select Board, through a request to the Planning Board; or
c. The Public, through a written petition signed by at least twenty-five (25) residents registered to vote in the Town of Northport.

2. PROCESS OF ADOPTION

The process to be followed in adopting an amendment to this Ordinance is as follows:

a. Proposed amendments must first be submitted to the Planning Board for their consideration.
b. The Planning Board shall, within thirty (30) days of receiving a proposed amendment, set a date to hold a public hearing on the proposed amendment.
c. Notice of the public hearing shall be given pursuant to the provisions of Section III.H of this Ordinance.
d. The Planning Board shall make its official report at the next Town Meeting following the public hearing.
e. Enactment of a proposed amendment that does not have the support of the majority of the Planning Board shall require a two thirds (2/3) vote of the voters voting at the Town Meeting.
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f. Amendments having the approval of the Planning Board shall require only a majority of the voters to enact that amendment.

H. EFFECTIVE DATE
The provisions of this Ordinance shall become effective the day of their enactment.

SECTION II: PURPOSES
The purposes of this Ordinance are as follows:

A. PROTECT GENERAL WELFARE
To assure the comfort, convenience, safety, health and welfare of the citizens of Northport;

B. PROTECT ENVIRONMENT
To protect the natural resources from unacceptable adverse impacts and to integrate new development harmoniously into the Town’s natural environment;

C. PROMOTE COMMUNITY DEVELOPMENT
To promote the development of an economically sound and stable community;

D. BALANCE PROPERTY RIGHTS
To protect property rights and values by balancing the rights of landowners to use their land for the purposes regulated by this Ordinance with the corresponding rights of abutting and neighboring landowners to enjoy their property without undue disturbance;

E. REDUCE FISCAL IMPACT
To provide the means for evaluating subdivision proposals for their fiscal impact on the municipality’s ability to provide and improve necessary public facilities and services;

F. ESTABLISH PROCEDURES AND STANDARDS
To establish procedures whereby the Town Officials may review the developments regulated by this Ordinance by providing fair and reasonable standards for evaluating such developments; and to provide a public hearing process through which Town residents may raise questions and receive answers regarding how such developments may affect them.
SECTION III: ADMINISTRATION

A. ADMINISTERING BODY
The Planning Board of the Town of Northport, hereinafter called the Board, shall administer this Ordinance.

B. APPROVAL REQUIRED
After the effective date of this Ordinance, no person shall engage in any activity requiring a permit under this Ordinance without first obtaining the approval of the Board.

C. APPLICATION REQUIRED
Applications for approval shall be submitted in writing to the Board, on forms provided by it. The Board may require the submission of whatever additional information is necessary to determine compliance with the provisions of this Ordinance.

D. PERMITS TO BE APPLIED FOR BEFORE APPROVAL
Applications for approval under this Ordinance will not be considered complete for processing until evidence that all other required local, state, and federal permits have been acquired, has been provided to the Board.

E. COMMENCEMENT AND COMPLETION OF WORK
Construction activities on subdivisions for which approval has been granted under this Ordinance shall commence within six (6) months of the date of approval and shall be completed within eighteen (18) months.

Construction activities which are not commenced or substantially completed within the time limits provided above shall be subject to new application and the prior approval issued under this Ordinance shall be considered void, unless an extension has been granted by the Board.

Construction activities may be extended for up to twelve (12) months at a time by the Planning Board upon a showing of good cause where a written request setting forth the reasons for the extension is submitted not later than (30) days prior to the pending commencement or completion date.
F. CERTIFICATE OF CONSTRUCTION REQUIRED
No land in a subdivision requiring approval under this Ordinance shall be conveyed, rented, leased, or occupied without a certificate of construction issued by the Code Enforcement Officer indicating that all of the required public improvements have been constructed as required.

G. CONDITIONS OF APPROVAL
The Board may in approving applications attach such reasonable and appropriate terms and conditions, in addition to those required elsewhere in this Ordinance. Refer to Section XVIII. Such terms and conditions may include, but are not limited to, specifications for:

1. Specific sewage or other waste disposal facilities;
2. Specific water supply facilities;
3. Landscaping and planting screens;
4. Sureties and bonds;
5. Restrictive covenants;
6. Location of piers, docks, parking areas and signs; and
7. Any other term or condition of approval necessary to fulfill the purposes of this Ordinance.

Violation of any of these terms or conditions shall be considered a violation of this Ordinance.

H. PUBLIC HEARINGS
In scheduling public hearings under this Ordinance, the Board shall notify the Applicant at least twenty (20) days in advance of the date, time and place of the hearing. The Board shall publish notice of the hearing at least seven (7) days in advance in a newspaper of general circulation in the area at least two (2) times and shall post such notice in at least two (2) conspicuous public places. The first notice shall appear at least seven (7) days in advance of the hearing.

At any hearing, a party may be represented by an agent or attorney. Hearings shall not be continued to other times except for good cause. The applicant’s case shall be presented first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairperson of the Board.
Whenever a public hearing is held pursuant to this Ordinance, the matters in that hearing may be carried over until the next regularly or specially scheduled meeting of the Planning Board for further public hearing without affecting any decisional deadline applicable to the Planning Board.

Ten (10) days after the public hearing, the administrative record shall close. Within thirty (30) days of the public hearing, the Board shall reach a decision on the proposed subdivision plan and shall inform the applicant and the Select Board in writing within ten (10) days of its decision stating its reasons. The Board shall prepare detailed, written findings of fact, as well as its conclusions and the reasons or basis thereof. These findings shall not be based on feelings or unsubstantiated allegations, but upon all reasonable and admissible evidence that is submitted prior to the closing of the record.

SECTION IV: CRITERIA OF APPROVAL

In approving applications submitted pursuant to this Ordinance, the Board shall find that the following requirements are met as designated under the Planning and Land Use Laws, Statutes
Northport Subdivision Ordinance
of the State of Maine in accordance with the provisions of Title 30-A, MRSA, Section 4404, as amended.

1. **POLLUTION**
The proposed subdivision will not result in undue water or air pollution.
In making this determination, the Board shall at least consider:
   A. The elevation of the land above sea level and its relation to the flood plains;
   B. The nature of soils and subsoils and their ability to adequately support waste disposal;
   C. The slope of the land and its effect on effluents;
   D. The availability of streams for disposal of effluents; and
   E. The applicable state and local health and water resource rules and regulations.

2. **SUFFICIENT WATER SUPPLY**
The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;

3. **MUNICIPAL WATER SUPPLY**
The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be utilized;

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

5. **TRAFFIC**
The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 any rules adopted under that section;
6. **SEWAGE DISPOSAL**
   The proposed subdivision will provide for adequate sewage disposal and will not cause an unreasonable burden on municipal services if they are utilized;

7. **MUNICIPAL SOLID WASTE DISPOSAL**
   The proposed subdivision will not cause an unreasonable burden on the municipality’s ability to dispose of solid waste, if municipal services are to be utilized;

8. **AESTHETIC, CULTURAL AND NATURAL VALUES**
   The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

9. **CONFORMITY WITH LOCAL ORDINANCES AND PLANS**
   The proposed subdivision conforms with this Subdivision Ordinance and any duly adopted comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;

10. **FINANCIAL AND TECHNICAL CAPACITY**
    The subdivider has adequate financial and technical capacity to meet the standards of this section;

11. **SURFACE WATERS**
    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;

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

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

14. FRESHWATER WETLANDS
All potential freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

15. RIVER, STREAM OR BROOK
Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, “river, stream or brook” has the same meaning as in Title 38, Section 480-B, Subsection 9.

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

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

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

19. LANDS SUBJECT TO LIQUIDATION HARVESTING
Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.
20. **STATE SUBDIVISION LAW CRITERIA**
In addition to the criteria above, the Board shall find that the proposed subdivision meets any additional criteria added by the Legislature to title 30-A, MRSA, Section 4404, from time to time.

21. **WRITTEN FINDINGS OF FACT REQUIRED**
In approving subdivisions under this Ordinance, the Board shall consider the criteria above; and before granting approval, shall make written findings of fact that the provisions of this Ordinance have been met.

22. **BURDEN OF PROOF**
In all instances the burden of proof of compliance with the above criteria shall be upon the person proposing the subdivision.

**SECTION V: ADMINISTRATIVE PROCEDURES**

**A. AGENDA REQUIRED**
In order to provide an orderly process for reviewing applications, an agenda shall be prepared in advance of each regularly scheduled Planning Board meeting.

**B. AGENDA MAY BE LIMITED**
The Planning Board, in order to conduct a thorough review of applications submitted to it, may limit such review to one subdivision application per regularly scheduled meeting.

**SECTION VI: PRE-APPLICATION CONFERENCE/SKETCH PLAN REVIEW**

**A. GENERAL**
All applicants shall meet with the Planning Board prior to the formal submission of a subdivision plan to generally discuss their proposed subdivision and to obtain guidance from the Planning Board in the development of the plan.
B. PROCEDURE
The procedure for Sketch Plan Review are as follows:

STEP 1: ADVANCE REQUEST TO BE PLACED ON AGENDA REQUIRED
The applicant shall request, through the Town Clerk, to be placed on the Planning Board’s agenda, for a pre-application conference, at least twenty-eight (28) days prior to the regularly scheduled meeting at which the applicant wishes to be heard.

STEP 2: REVIEW OF SUBMISSION PACKET FOR COMPLETENESS
The Chair of the Planning Board or designee shall not place an applicant on the agenda until determining that the applicant has presented the submission packet as specified in subsection C. of this section.

STEP 3: PLANNING BOARD REVIEWS SKETCH PLAN AND EXHIBITS
At the pre-application meeting, the Planning Board shall review the Sketch Plan and accompanying exhibits with the applicant, answer the applicant’s questions, and make specific suggestions to be incorporated by the applicant in subsequent submissions.

STEP 4: CLASSIFICATION OF SUBDIVISION
At the pre-application meeting, the Planning Board shall classify the proposed subdivision as either a minor or major subdivision and so notify the applicant in writing. (See Section XXVI: Definitions)

STEP 5: ON-SITE INSPECTION DATE SET
At the pre-application meeting, the Planning Board shall schedule an on-site inspection of the tract or parcel to be subdivided and shall notify the applicant of the time and date in writing.

C. SUBMISSION PACKET
The submission packet required for Sketch Plan Review shall include the following:

1. SKETCH PLAN
A Sketch Plan, showing the information specified in subsection C.1.d. below, shall be submitted to the Planning Board.
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a. NUMBER OF COPIES:
Eight (8) paper copies of the Sketch Plan shall be submitted.

b. SHEET SIZE:
The Sketch Plan shall be at least 11 x 17 inches, but no larger than 24 x 36 inches in size.

c. PLAN SCALE:
The Sketch Plan shall be drawn to scale.

d. INFORMATION TO BE SHOWN ON THE PLAN:
The following information shall be shown on all Sketch Plans:
1. The outline of the tract or parcel to be subdivided, with known or, if not known, estimated perimeter dimensions and area;
2. True North arrow;
3. The scale to which the plan is drawn;
4. The proposed layout of lots, roads, driveways, and building locations;
5. Identification of general areas of slopes fifteen percent (15%) or greater, areas of exposed ledge, wetlands, streams and floodplains;
6. Location of public utilities proposed to be utilized;
7. Location, dimensions, and terms of any existing easements, rights-of-way, and/or deed restrictions encumbering the property;
8. The tax map and lot numbers from Tax Assessor’s Office describing the parcel proposed to be subdivided; and
9. The present zoning classification of the parcel.

2. EXHIBITS TO ACCOMPANY SKETCH PLAN
Exhibits 1, 2, 3, and 4 of paragraph C.1.d., above shall accompany the Sketch Plan and be submitted with the Sketch Plan to the Town Clerk when requesting a Pre-application Conference.

D. ON SITE INSPECTION
The on-site inspection shall be jointly attended by the applicant or his/her duly authorized agent and by at least one member of the Planning Board or an individual appointed by the Chairperson of the Planning Board to act as the Board’s authorized representative for such inspection.

After the on-site inspection, the Planning Board shall determine the contour levels for subsequent submissions and shall notify the application in writing of the required contour interval.
E. RIGHTS NOT VESTED
The submittal or review of the pre-application sketch plan shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, M.R.S.A., Section 302, as amended.
SECTION VII: SUBDIVISION REVIEW PROCESS: MINOR SUBDIVISIONS

A. MINOR SUBDIVISION MAY HAVE TO COMPLY WITH MAJOR SUBDIVISION REQUIREMENTS
The Planning Board may require, where it deems it necessary for the protection of public health, safety and general welfare, that a Minor Subdivision, which is defined as any subdivision containing not more than four (4) lots or dwelling units, comply with all or any of the procedural and submission requirements of a Major Subdivision.

B. SUBMISSION PACKET
The submission Packet required for Minor Subdivisions shall include the following:

1. APPLICATION AND EXHIBITS
   An application and attachments for Planning Board review of Minor Subdivisions shall be submitted as specified in Section X of this Ordinance.

2. FINAL SUBDIVISION PLAN
   A Final Subdivision Plan for Planning Board review of Minor Subdivisions shall be submitted as specified in Section XII of this Ordinance.

3. ADMINISTRATIVE FEES AND ESCROW ACCOUNT
   An administrative fee and escrow account for Planning Board review of Minor Subdivisions shall be submitted as specified in Section XIII of this Ordinance.

C. PROCEDURE
The procedure for reviewing Minor Subdivision Plans is as follows:

STEP 1: REQUEST FOR FINAL PLAN REVIEW
Within six (6) months after classification of the proposed subdivision as a Minor Subdivision, the Applicant shall request, through the Town Clerk, to be placed on the Planning Board’s agenda.
Such a request shall be made at least twenty-eight (28) days prior to the regularly scheduled meeting at which the applicant wishes to be heard.

Failure to do so within six (6) months of classification may require a new pre-application conference.

**STEP 2: REVIEW OF SUBMISSION PACKET FOR COMPLETENESS**

The Planning Board Chair or designee shall not place an applicant on the agenda until determining that the applicant has presented the submission packet required for Minor Subdivisions by this Ordinance.

If the Planning Board Chair or designee determines that the submission packet is not complete, the submissions shall be returned to the applicant with a Notice of Incomplete Submission, specifying the required information found to be missing.

If the Planning Board Chair or designee determines that the submission packet is complete, the applicant shall be issued a Dated Receipt of Application and the application placed on the agenda of the first available scheduled Planning Board meeting.

**STEP 3: NOTICE TO ABUTTERS AND ADJACENT MUNICIPALITY**

Upon the issuance of a Dated Receipt Of Application, the Secretary of the Planning Board shall notify by mail all abutting property owners of the proposed subdivision, and the Clerk and Planning Board of municipalities that abut or include any portion of the proposed subdivision, if the proposed subdivision in fact abuts or is in part within another municipality.

Such notice shall specify that a Plan and application for a proposed Minor Subdivision has been received, the location of the proposed Minor Subdivision, and give a general description of the proposal.

**STEP 4: PLANNING BOARD REVIEW OF PLAN AND APPLICATION**

Within thirty (30) days from the receipt of an application, the Planning Board shall review the Plan and submissions for completeness.

If the Planning Board determines that the application is not complete, it shall issue the applicant a Notice of Incomplete Application specifying the additional information expected prior to further action on the application.
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If the Planning Board determines that the application is complete, it shall issue the applicant a Notice of Complete Application.

A Notice of Complete Application does not constitute the Planning Board’s approval of the information submitted. The Planning Board reserves the right to request additional information throughout the review process up to and until Final plan approval.

Full evaluation of the Final plan shall begin only after the Planning Board has determined that a complete application has been filed. This evaluation may commence at the same meeting at which the determination of completeness has been made.

**STEP 5: FINAL PLAN PUBLIC HEARING DISCRETIONARY**

Within thirty (30) days of the Planning Board’s determination that a complete application has been submitted or within such other time limit as may be mutually agreed to by the Planning Board and the Applicant, the Planning Board may decide that the proposed Minor Subdivision lacks such complexity that a public hearing is not warranted and not hold a public hearing on the Final Plan of the proposed Minor Subdivision.

Notice of a public hearing shall be given pursuant to the provisions of Section III. H. of this Ordinance, should the Planning Board decide one is necessary.

**STEP 6: PLANNING BOARD DECISION ON FINAL PLAN**

Within sixty (60) days of the Planning Board’s determination that a complete application has been submitted, or within thirty (30) days of the public hearing should a public hearing be held, or within such other time limit as may be mutually agreed to by the Planning Board and the Applicant, the Planning Board shall approve, approve with conditions, or disapprove the Final Plan of the proposed Minor Subdivision.

The Planning Board’s failure to grant an approval within the deadlines specified above shall constitute a denial of the application by the Board, unless the applicant waives the specified deadlines.

In issuing its decision, the Planning Board shall make written findings of fact and conclusions of law that the proposed Final Plan does or does not meet the criteria in Section IV of this Ordinance.

**STEP 7: SIGNATURES**
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Upon approving the Final Plan, those members of the Planning Board voting for approval shall sign two (2) reproducible copies and two (2) paper copies of the approved Subdivision Plan.

STEP 8: FILING OF APPROVED FINAL PLAN

Planning Board Orders and approved Final Plans for Minor Subdivisions shall be filed in the Waldo County Registry of Deeds as specified in Section IX of this Ordinance.

SECTION VIII: SUBDIVISION REVIEW PROCESS: MAJOR SUBDIVISIONS

A. SUBMISSION PACKET

The submission packet required for Major Subdivisions, which are defined as any subdivision containing more than four (4) lots or dwelling units, shall include the following:

1. APPLICATION AND ATTACHMENTS
   An application and attachments for Planning Board Review of Major Subdivisions shall be submitted as specified in Section X of this Ordinance.

2. FINAL SUBDIVISION PLAN
   A Final Subdivision Plan for Planning Board Review of Major Subdivisions shall be submitted as specified in Section XII of this Ordinance.

3. ADMINISTRATIVE FEES AND ESCROW ACCOUNT
   An administrative fee and escrow account for Planning Board review of Minor Subdivisions shall be submitted as specified in Section XII of this Ordinance.

B. PROCEDURE

The procedure for reviewing Major Subdivision Plans is as follows:

STEP 1: REQUEST FOR REVIEW OF PRELIMINARY PLAN
Within six (6) months after classification of the proposed subdivision as a Major Subdivision, the Applicant shall request, through the Town Clerk, to be placed on the Planning Board’s agenda for Major Subdivision Preliminary Plan review.

Such a request shall be made at least twenty-eight (28) days prior to the regularly scheduled meeting at which the applicant wishes to be heard.

Failure to do so within six (6) months of classification may require a new pre-application conference.

**STEP 2: REVIEW OF SUBMISSION PACKET FOR COMPLETENESS**

The Planning Board Chair or designee shall not place an applicant on the agenda until determining that the applicant has presented the submission packet required for Preliminary Plan review of Major Subdivisions by this Ordinance.

If the Planning Board Chair or designee determines that the submission packet is not complete, he/she shall return the submissions to the applicant with a Notice Of Incomplete Submission, specifying the required information found to be missing.

If the Planning Board Chair or designee determines that the submission packet is complete, the applicant shall be issued a Dated Receipt Of Application and the application placed on the agenda of the next regularly scheduled Planning Board meeting.

**STEP 3: NOTICE TO CEO, ABUTTERS AND ADJACENT MUNICIPALITY**

Upon the issuance of a Dated Receipt Of Application, the Secretary of the Planning Board shall notify by mail the CEO, all abutting property owners of the proposed subdivision, and the Clerk and Planning Board of municipalities that abut or include any portion of the proposed subdivision, if the proposed subdivision in fact abuts or is in part within another municipality.

Such notice shall specify that a Preliminary Plan and application for a proposed Major Subdivision has been received, the location of the proposed Major Subdivision, and give general description of the proposal.

**STEP 4: PLANNING BOARD REVIEWS PRELIMINARY PLAN AND APPLICATION**
Within thirty (30) days from receipt of an application, the Planning Board shall review the preliminary plan and submissions for completeness.

If the Planning Board determines that the application is not complete, it shall issue the applicant a Notice of Incomplete Application specifying the additional information expected prior to further action on the application.

If the Planning Board determines that the application is complete, it shall issue the applicant a Notice of Complete Application.

A Notice of Complete Application does not constitute the Planning Board’s approval of the information submitted. The Planning Board reserves the right to request additional information throughout the review process up to and until final plan approval.

Full evaluation of the preliminary plan shall begin only after the Planning Board has determined that a complete application has been filed. This evaluation may commence at the same meeting at which the determination of completeness has been made.

**STEP 5: PRELIMINARY PLAN PUBLIC HEARING**

Within thirty (30) days of the Planning Board’s determination that a complete application has been submitted, or within such other time limit as may be mutually agreed to by the Planning Board and the applicant, the Planning Board may hold a public hearing on the preliminary plan of the proposed Major Subdivision.

Notice of the public hearing shall be given pursuant to the provisions of Section III.H of this Ordinance.

**STEP 6: PLANNING BOARD DECISION ON PRELIMINARY PLAN**

Within thirty (30) days of the public hearing, or within such other time limit as may be mutually agreed to by the Planning Board and the Applicant, the Planning Board shall approve, approve with conditions, or disapprove the preliminary plan of the proposed Major Subdivision.

In issuing its decision, the Planning Board shall make written findings of fact that the proposed preliminary plan does or does not meet the criteria in Section II of this Ordinance. The Planning Board is not required to sign a preliminary plan.
STEP 7: REQUEST FOR REVIEW OF FINAL PLAN

Within six (6) months after approval of a preliminary plan for a Major Subdivision, the applicant shall request, through the Town Clerk, to be placed on the Planning Board’s agenda for final plan review.

Such a request shall be made at least thirty (30) days prior to the next regularly scheduled meeting at which the applicant wishes to be heard.

Failure to do so within six (6) months of preliminary plan approval shall require that the preliminary plan be re-reviewed as provided in Steps 1 through 6, above.

STEP 8: REVIEW OF SUBMISSION PACKET FOR COMPLETENESS

The Planning Board or designee shall not place an applicant on the agenda until determining that the applicant has presented the submission packet required for final plan review of Major Subdivisions by this Ordinance.

If the Planning Board Chair or designee determines that the submission packet is not complete, the submissions shall be returned to the applicant with a Notice Of Incomplete Submission, specifying the required information found to be missing.

If the Planning Board Chair or designee determines that the submission packet is complete, he/she shall issue the applicant a Dated Receipt of Application and place the applicant on the agenda of the next regularly scheduled Planning Board meeting.

STEP 9: NOTICE TO CEO, ABUTTERS AND ADJACENT MUNICIPALITY OF FINAL PLAN

Upon the issuance of a Dated Receipt Of Application, the Secretary of the Planning Board shall notify by mail all abutting property owners of the proposed subdivision, and the Clerk and Planning Board of municipalities that abut or include any portion of the proposed subdivision, if the proposed subdivision in fact abuts or is in part within another municipality.

Such notice shall specify that a final plan and application for a proposed Major Subdivision has been received, the location of the proposed Major Subdivision, and give a general description of the proposal.

STEP 10: PLANNING BOARD REVIEWS FINAL PLAN
Within thirty (30) days from receipt of the final plan, the Planning Board shall notify the applicant in writing either that the final plan is complete or, if the final plan is incomplete, the specific additional action needed to make a complete final plan.

**STEP 11: FINAL PLAN PUBLIC HEARING**

Within thirty (30) days of the Planning Board’s determination that a complete application has been submitted, or within such other time limit as may be mutually agreed to by the Planning Board and the applicant, the Planning Board shall hold a public hearing on the final plan of the proposed Major Subdivision.

**STEP 12: PLANNING BOARD DECISION ON FINAL PLAN**

Within sixty (60) days of the Planning Board’s determination that a complete application has been submitted, or within thirty (30) days of the public hearing, in the event the Planning Board decides to hold a public hearing, or within such other time limit as may be mutually agreed to by the Planning Board and the Applicant, the Planning Board shall approve, approve with conditions, or disapprove the final plan of the proposed Major Subdivision.

In issuing its decision, the Planning Board shall make written findings of fact and conclusions of law that the proposed final plan does or does not meet the criteria in Section IV of this Ordinance.

**STEP 13: SIGNATURES**

Upon approving the final plan, those members of the Planning Board voting for approval shall sign two (2) reproducible copies and two (2) paper copies of the approved Subdivision Plan.

**STEP 14: FILING OF APPROVED FINAL PLAN**

Planning Board Orders and approved final plans for Major Subdivisions shall be filed in the Waldo County Registry of Deeds as specified in Section IX of this Ordinance.
SECTION IX: FILING PROCEDURES FOR APPROVED SUBDIVISIONS

A. FILING OF PLANNING BOARD ORDERS REQUIRED PRIOR TO SIGNING OF AND FILING OF APPROVED FINAL SUBDIVISION PLANS

A copy of the Planning Board’s Order regarding any Final Subdivision Plans, including the Board’s findings of fact and conclusions and any conditions of approval shall be filed, by the applicant, in the Waldo County Registry of Deeds.

The book and page number of such recording shall appear and be referenced on the approved Final Subdivision Plan prior to the recording of such Plan, as set forth in Section C below.

B. FILING SECURITY DEPOSIT REQUIRED

Prior to the Planning Board’s signing of the Final Subdivision Plan, the applicant shall provide the Town with a filing security deposit, in the form of a cashier’s check made payable to the Town of Northport as the same may be established from time to time by the Board of Selectpersons, after notice and hearing. (see Fee Schedule)
C. SIGNING OF APPROVED FINAL SUBDIVISION PLANS
   Upon receipt of a copy of the recorded Planning Board Order, stamped by the Waldo County Registry of Deeds, and a filing security deposit, the Planning Board shall enter in ink, in the places provided in the Final Subdivision Plan Approval Block, the book and page and/or file numbers where such Planning Board Order is recorded in the Waldo County Registry of Deeds.

   After entering the book and page numbers, those members of the Planning Board voting for approval shall sign, their names in ink in the places provided, on two (2) reproducible copies and two (2) paper copies of the approved Final Subdivision Plan.

D. FILING OF THE SIGNED SUBDIVISION PLAN
   The applicant will be given the signed original reproducible (mylar) and two (2) signed paper copies of the Final Subdivision Plan. Within thirty (30) days of the date of Planning Board signatures the applicant shall file the reproducible (mylar) and one (1) paper copy with the Waldo Registry of Deeds and be responsible for having the second paper copy stamped and dated by the Registry of Deeds and returned to the Town of Northport.

E. FAILURE TO FILE AS REQUIRED TO RESULT IN VOIDING OF APPROVAL AND FORFEITURE OF FILING SECURITY DEPOSIT
   In the event that the applicant fails to file the approved Final Subdivision Plan within the thirty (30) days provided in Section D above, the Planning Board’s approval shall be considered void and the filing security deposit forfeited.

F. RETURN OF FILING SECURITY DEPOSIT
   Upon receipt from the applicant, of a copy of the approved Final Subdivision Plan, stamped and dated by the Registry of Deeds, the filing security deposit shall be refunded to the applicant by the Town.

G. FORFEITED DEPOSITS ACCRUE TO THE TOWN
   In the event the applicant forfeits his/her filing security deposit, such funds shall accrue to the benefit of the Town.
SECTION X: SUBDIVISION APPLICATION AND ATTACHMENTS

A. APPLICATION FORM
The application form used in the subdivision review process contained in this Ordinance shall be provided by the Town, filled out by the Applicant and shall include the information required below.

B. INFORMATION TO BE SUBMITTED
The following information shall be included in the application forms submitted to the Planning Board with the final plans for all Minor Subdivisions and with the preliminary plans for all Major Subdivisions:

1. INFORMATION REGARDING THE APPLICANT
   a. The name, address, and phone number of the Owner of Record (Applicant).
   b. Information regarding the applicant’s right, title, or interest in the parcel proposed to be subdivided.
   c. Information as to whether or not the applicant is a corporation and, if so, whether or not the corporation is licensed to do business in Maine.
   d. The name, address, and phone number of the applicant’s authorized agent (if an agent is applying on behalf of applicant).
   e. The name, address, phone number, and registration number of the Land Surveyors, and/or Land Planners employed by the applicant to design the proposed subdivision.
   f. The name, address, and phone number of the individual(s) to whom all communications from the Planning Board should be directed.
   g. Information regarding the applicant’s interest in any property abutting the parcel proposed to be divided and that the proposed subdivision plan covers his/her entire, contiguous holdings.

2. INFORMATION REGARDING PARCEL PROPOSED TO BE SUBDIVIDED
   a. The book and page numbers from Registry of Deeds describing the parcel proposed to be subdivided.
   b. The tax map and lot numbers from Tax Assessor’s Office describing the parcel proposed to be subdivided.
   c. The existing use of the property proposed to be subdivided.
   d. The total acreage of parcel proposed to be divided.
   e. The present zoning of parcel proposed to be subdivided.
   f. Whether or not the parcel proposed to be subdivided is part of a prior approved subdivision.
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g. Whether or not any part of the parcel proposed to be subdivided is within the Shoreland Zone.

h. Whether or not there are any freshwater wetlands located in whole or in part on the parcel proposed to be subdivided.

i. Whether or not there are any significant groundwater aquifers located in whole or in part on the parcel proposed to be subdivided.

j. Whether or not the parcel proposed to be subdivided is in whole or in part located within an identified special flood hazard area.

k. Whether or not the parcel proposed to be subdivided has any identified critical natural resources or wildlife habitats located in whole or in part on the parcel proposed to be subdivided.

3. INFORMATION REGARDING PROPOSED SUBDIVISION

a. Name of the proposed subdivision.

b. Type of proposed subdivision. (e.g.: residential, commercial, mobile home, mixed, etc.)

c. Number of lots and/or units proposed.

d. Information regarding proposed methods of disposing of sewage wastes generated by the proposed subdivision.

e. Information regarding proposed methods of supplying water required by the proposed subdivision.

f. Information regarding proposed methods of disposing of solid wastes generated by the proposed subdivision.

g. Information regarding proposed methods of controlling and/or preventing soil erosion and sedimentation resulting from the proposed subdivision.

h. Information regarding proposed methods of handling changes in storm water and/or surface water drainage patterns resulting from the proposed subdivision.

i. Information regarding proposed interior subdivision roads.

j. Information regarding proposed methods of handling traffic volumes projected to be generated by the proposed subdivision.

k. Estimated dates of starting and completing any proposed construction.

l. Estimated costs of required and proposed improvements.

C. EXHIBITS TO ACCOMPANY SUBDIVISION APPLICATIONS

In order for the Planning Board to make its required positive findings that the proposed subdivision in fact meets the Criteria of Approval contained in Section IV of this Ordinance, applicants are required to submit clear and sufficient evidence in support of each criteria.

The Planning Board shall from time to time adopt and keep up-to-date specifications of the nature and extent of the evidence it deems necessary to make positive findings with regard to the various criteria of approval.
SECTION XI: SPECIFICATIONS: PRELIMINARY PLANS

A. PRELIMINARY SUBDIVISION PLANS

Preliminary subdivision plans shall be prepared and submitted to the Planning Board, as follows:

1. SHEET SIZE
   Preliminary subdivision plans shall be 24 by 36 inches in size, and shall have a margin of two (2) inches outside of the border line on the left side for binding and a one (1) inch margin outside the border along the remaining sides.

2. NUMBER OF COPIES TO BE SUBMITTED
   Preliminary subdivision plans shall be submitted in ten (10) sets of one or more maps or drawings, printed or reproduced on paper. Ten (10) copies of the plan(s) reduced to a size of 8 1/2 x 11 inches shall be submitted. In addition, ten (10) copies of the application and required exhibits shall be submitted with the preliminary plans.

3. PLAN SCALE
   Preliminary subdivision plans shall be drawn to a scale of not more than one hundred feet (100’) to the inch.

B. INFORMATION TO BE SHOWN ON PRELIMINARY SUBDIVISION PLANS

The following information shall be shown on preliminary subdivision plans:

1. GENERAL INFORMATION
   The proposed name of the subdivision, name of the Town, the date the Plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner, applicant, and professional or professional firm who prepared the plan.

2. BOUNDARY SURVEY
   Survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a Professional licensed land surveyor. The type of monument set or found at each parcel corner shall also be shown.

3. CONTOUR LINES
Contour lines at the interval specified by the Board, showing elevations in relation to Mean Sea Level (NGVD).

4. PROPOSED LOT LINES AND LOT NUMBERS
   Proposed lot lines with appropriate dimensions in decimals of a foot and lot areas in square feet and proposed lot numbers.

5. EXISTING FOREIGN FEATURES
   The location, names, and widths of existing roads, highways, easements, building lines, parks and other open spaces on or adjacent to the proposed subdivision and the location and size of existing sewers, utility poles, water mains, culverts, other underground utilities and drainage ways on or adjacent to the proposed subdivision.

6. EXISTING NATURAL FEATURES
   The location and configuration of existing waterbodies, watercourses and wetlands on or immediately adjacent to the parcel, the cover types (open field, open shrub, wooded, etc.), and other significant physical features.

7. NAMES OF ADJACENT PROPERTY OWNERS
   The names of the owners of record of all abutting properties, including those of any properties directly across and along any existing public road abutting the proposed subdivision.

8. PROPOSED IMPROVEMENTS
   The location, names, and widths of any proposed roads, rights-of-way, easements, building lines, common open spaces associated with the proposed subdivision and the location and size of any proposed sewer lines, sewage disposal areas, water mains, wells, culverts and drainage ways associated with the proposed subdivision.

9. PUBLIC IMPROVEMENTS
   The location and width of any existing and proposed roads or other public improvements, within the subdivision, shown on the Official Map and/or the Comprehensive Plan, if any.

10. COMMON AND/OR PUBLIC AREAS AND FACILITIES
    Identification of all parcels and facilities proposed to be dedicated for common use and/or public ownership and/or use, and the conditions of such dedication and a description of their proposed improvement and management.

11. FLOOD HAZARD AREA BOUNDARIES
    If any portion of the subdivision is in a flood-prone area, the boundaries of such areas and the 100-year flood elevation.
12. EXISTING ZONING
   The names and boundaries of any existing local zoning designations applicable to the
   property proposed to be subdivided.

13. SURVEYOR/PLANNER’S CERTIFICATION AND SEAL
   The name, signature, registration number, and seal of the land surveyor who prepared
   the survey and the architect, engineer, or planning consultant who designed the plan.

SECTION XII: SPECIFICATIONS: FINAL SUBDIVISION PLAN

A. FINAL SUBDIVISION PLANS
   Final minor and final major subdivision plans shall be prepared and submitted to the
   Planning Board, through the Town Clerk, in the same manner as required for preliminary
   subdivision plans in Section XI.A, of this Ordinance.

B. INFORMATION TO BE SHOWN ON FINAL SUBDIVISION PLANS
   The same information required to be shown on preliminary subdivision plans, by Section XI.B, of
   this Ordinance shall be shown on all final minor and final major subdivision plans.

   In addition, the following shall be shown on all final minor and final major subdivision plans:

   1. FINAL PLAN APPROVAL BLOCK
      An approval block to record the approval of the final plan shall be permanently affixed
      to final minor and final major subdivision plans and shall read as follows:
2. **9-1-1 LOT NUMBERING SYSTEM**

   Lines or dots in the center of the streets every fifty (50) feet so as to aid in assignment of numbers to structures subsequently constructed.
SECTION XIII: APPLICATION FEES AND TECHNICAL REVIEW ACCOUNT

A. APPLICATION PACKET FEE
The Application Packet Fee required to cover printing costs for copies of the Application Form and copies of this Ordinance are as follows:

1. COPIES OF SUBDIVISION APPLICATIONS
   The non-refundable fee for copies of the Subdivision Application shall be set by the Select Board.

2. COPIES OF ORDINANCE
   The non-refundable fee for obtaining copies of this Ordinance shall be set by the Select Board. Copies of the Ordinance will be available for review at the Town Office.

B. APPLICATION PROCESSING FEES
The Application Processing Fees required to cover the administrative handling costs associated with subdivision review under this Ordinance are as follows:

1. MINOR SUBDIVISIONS
   The non-refundable fee to accompany the application of Minor Subdivision Final Plans as the same may be established from time to time by the Board of Selectpersons, after notice and hearing. The fee shall reflect the reasonable cost of processing, review, regulation and supervision of the application. (see Fee Schedule)

2. MAJOR SUBDIVISIONS
   The non-refundable fee to accompany the application of Major Subdivision Preliminary Plans as the same may be established from time to time by the Board of Selectpersons, after notice and hearing. The fee shall reflect the reasonable cost of processing, review, regulation and supervision of the application. (see Fee Schedule)

C. TECHNICAL REVIEW ACCOUNT
In addition to the fees for copies of the Application and Ordinance and the Application Processing Fee, the applicant shall pay a separate fee per lot or dwelling unit as the same may be established from time to time by the Board of Selectpersons, after notice and hearing. (see Fee Schedule) This fee to be deposited in a special account designed for the particular subdivision application, to be used by the Planning Board for hiring independent consulting or legal services to review the application.
This Technical Review Fee shall be paid prior to the start of the Planning Board’s review of the Final Plan of a Minor Subdivision or the Preliminary Plan of a Major Subdivision.

This fee shall be paid to the Town of Northport and the purpose of the fee shall be clearly indicated on the receipt for same. The town shall deposit this fee in a special bank account which is separate and distinct from all other Planning Board and Town accounts.

If the balance in this account is drawn down by 50% or more, the Board shall notify the applicant, and require that an additional fee per lot or dwelling unit be deposited by the applicant as the same may be established from time to time by the Board of Selectpersons, after notice and hearing. (see Fee Schedule) The Board shall continue to notify the applicant and require an additional fee per lot or dwelling unit as set by the Board of Selectpersons to be deposited as necessary whenever the balance of the account is drawn down by 50% of the original deposit.

Any Balance in the account remaining, after the approval of the subdivision, shall be returned to the applicant.
SECTION XIV: REVISION OF APPROVED PLANS AND TRANSFERS OF APPROVAL

A. REVISION OF APPROVED SUBDIVISION PLANS
   Any application for subdivision approval which constitutes a revision or amendment to a final subdivision plan, which has been previously approved, shall indicate that fact on the application and shall identify the original subdivision being revised or amended.

   Applications for revisions to existing plans shall comply with all of the fees, procedural requirements, and submissions required of this Ordinance for their classification.

   The Planning Board shall make findings of fact and conclusions of law that the proposed revisions do or do not meet the applicable criteria of approval provided in Section IV.

B. TRANSFER OF SUBDIVISION APPROVAL
   If the transfer in ownership of any approved subdivision involving public improvements or private road construction is anticipated prior to the successful completion of such improvements, the owner shall notify the Planning Board. The new owner shall be required to submit a subdivision plan amendment to the Planning Board for its review and action.
SECTION XV: ADDITIONAL REQUIRED IMPROVEMENTS
The following improvements are required for all subdivisions, unless waived by the Board in accordance with provisions of this Ordinance.

A. MONUMENTS
Development boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable permanent monumentation including, but not limited to the following:

   a. A granite monument;
   b. A concrete monument;
   c. An iron pin; or
   d. A drill hole in ledge.

B. WATER SUPPLY

1. The Board may allow the use of individual wells or a private central water supply system.

2. When a development is to be served by a central water supply system, the complete supply system, including any required fire ponds and dry hydrants, shall be installed at the expense of the subdivider.

3. If a central water supply system is provided by the developer, the location and protection of the source as well as the design, construction, and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water.

4. The applicant shall construct ponds and dry hydrants to provide for adequate water storage for fire-fighting purposes. An easement shall be granted to the Town granting access to the dry hydrants where necessary. The Board may waive the requirement for fire ponds only upon the submittal of evidence that soil types in the development will not permit their construction, or that a nearby water supply is deemed available and adequate for fire-fighting purposes by the Northport Fire Department.
C. SEWAGE DISPOSAL

1. The applicant shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules. In addition, on lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.

2. In a proposed subdivision, disposal areas shall not be permitted on soils or on a lot which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

D. SURFACE DRAINAGE

1. Where a development is traversed by a stream, river, or surface water drainage-way, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. The surface water management system shall be designed by a Registered Professional Engineer.

2. Drainage easements for existing water courses or proposed drainage ways of adequate dimension conforming substantially with the lines of existing natural drainage, shall be provided and indicated on the Plan.

3. The developer shall provide a statement from a qualified professional that the proposed development will not create erosion, drainage or runoff problems either in the development or in other properties. Where the peak runoff from the development onto other properties is increased either in volume or duration, easements from the abutting property owners, allowing such additional discharge shall be obtained.

4. A surface water drainage plan, showing ditching, culverts, storm drains, easements, and other proposed improvements, meeting the standards of Section XXI, shall be submitted.

E. SOLID WASTE DISPOSAL

All new subdivisions, where four (4) or more lots abut a private road, the Planning Board may require a properly screened or buffered dumpster. The maintenance of same shall be the responsibility of the developer or the homeowners association.
SECTION XVI: DEDICATION AND MAINTENANCE OF COMMON OPEN SPACE AND SERVICES

A. DEDICATION

1. All common land in subdivisions shall be owned jointly or in common by the owners of the dwelling units by means of a homeowners’ association, or by an association which has as its principal purpose the conservation or preservation of land in essentially its natural condition, or by the Town.

2. Further subdivision of the common land or its use for other than non-commercial recreation or conservation purposes, except for easements for utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land, except where prohibited.

3. The common open space shall be shown on the Final Plan of the proposed subdivision with appropriate notation on the plan to indicate that:

   a. It shall not be used for future building lots; and
   b. A part or all of the common open space may be dedicated for acceptance by the municipality or other organization acceptable to the Board.

B. MAINTENANCE OF COMMON SPACE IN SUBDIVISIONS

1. If any or all of the common open space are to be reserved for use by the residents, the by-laws of the proposed homeowners’ association shall specify maintenance responsibilities and shall be submitted to the Board prior to Final Plan approval.

2. The form of the covenants for mandatory membership in the homeowners association setting forth the owners’ right, interests, and privileges in the association and common property shall be reviewed and approved by the Planning Board, perhaps in consultation with the Town Attorney, and shall be included in the deed for each lot or dwelling.

3. The homeowners’ association shall have the responsibility of maintaining the common property unless or until dedication is accepted by the municipality or other organization acceptable to the Board.
4. The association shall levy annual charges against all owners of dwelling units to defray the expenses connected with the maintenance of common property and tax assessments.

5. The developer or subdivider shall maintain control of the common property, and be responsible for its maintenance until the association or the Town assumes that maintenance responsibility.

SECTION XVII: VIOLATIONS AND ENFORCEMENT

A. RECORDING OF SUBDIVISION PLAN WITHOUT PRIOR APPROVAL PROHIBITED
   No plan of a division of land within the municipality which would constitute a subdivision under this Ordinance shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Board in accordance with this Ordinance.

B. CONVEYANCE WITHOUT RECORDING PROHIBITED
   No person may sell, lease, develop, build upon or convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration and land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.

C. CONVEYANCE OF LOTS NOT SHOWN ON FINAL PLAN PROHIBITED
   No person may sell, lease, develop, build upon or convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration any land in an approved subdivision which is not shown on the Final Plan as a separate lot.

D. UTILITY HOOKUPS PRIOR TO APPROVAL PROHIBITED
   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 Board.

E. DEVELOPMENT PRIOR TO APPROVAL PROHIBITED
   Development of a subdivision or project requiring approval under this Ordinance, without Board approval shall be a violation. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a Final Plan approved as provided in this Ordinance.
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F. ROAD COMPLETION PRIOR TO OCCUPANCY REQUIRED
   No unit in a multi-family development shall be occupied before the road upon which the unit is accessed is completed in accordance with this Ordinance.

G. FAILURE TO COMPLY WITH CONDITIONS OF APPROVAL
   Failure to comply with any conditions of approval shall be construed to be a violation of this Ordinance and shall be grounds for revoking the approved development plan, initiating legal proceedings to enjoin construction, development or any specific activity violating the conditions of permit approval or applying the legal penalties provided herein.

H. NUISANCES
   Any violation of this Ordinance shall be deemed a nuisance.

I. CODE ENFORCEMENT OFFICER
   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, the person or persons responsible for such violation, the Town Select Board and the Planning Board, shall be notified in writing, including the nature of the violation and ordering the action necessary to correct it, including the discontinuance of illegal use of land, buildings, or structures, and abatement of nuisance conditions. A copy of such notice shall be maintained as a permanent record.

J. LEGAL ACTIONS
   When there is a violation of this Ordinance, the Select Board, upon notice from the Code Enforcement Officer, is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town. The Code Enforcement Officer, upon certification, is hereby authorized to represent the Town in District Court pursuant to Title 30-A, MRSA, Sec. 4451 et seq., as amended. In any case, the Town Attorney may prosecute such actions.

K. FINES AND FEES
   Any violation of this Ordinance is punishable pursuant to Title 30-A, MRSA, section 4452, as amended. The provisions of that statute governing fines and fees is expressly applicable to violations under this Ordinance. Each day such violation is continued is a separate offense. All such fines shall accrue to the Town.
L. CONTRACTOR LIABILITY
Any contractor involved in any activity regulated by the provisions of this Ordinance may be held liable for violating this Ordinance if the necessary permits and/or approvals for such activity have not been obtained.

SECTION XVIII: GENERAL PERFORMANCE STANDARDS
In reviewing applications submitted pursuant to this Ordinance, the Board shall consider the following performance standards and make written findings that each has been met prior to issuing final approval.

A. CONFORMANCE WITH COMPREHENSIVE PLAN
All proposed subdivisions shall be in conformance with the Comprehensive Plan and Policy Statements of the Town and with the provisions of all pertinent local ordinances and regulations, State and Federal laws and regulations.

B. RELATIONSHIP TO MUNICIPAL SERVICES
The proposed development shall not have an unreasonable adverse impact on the municipal services including municipal road systems, fire department, police department, sewer and water systems, solid waste program, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

C. PRESERVATION AND ENHANCEMENT OF THE LANDSCAPE
The landscape shall be preserved in its natural state insofar as reasonably practicable by minimizing tree removal, disturbance of soil, and retaining existing vegetation during construction. After construction is completed, landscaping shall be planted that will define, soften or screen the appearance of off-street parking areas, buildings and other structures from the public right-of-way and abutting properties in order to enhance the physical design of the proposed development, and to minimize the encroachment of the proposed uses on neighboring land uses.

D. RELATIONSHIP TO SCENIC CHARACTER OF THE NEIGHBORHOOD
Proposed buildings, structures and roads shall be related harmoniously to the terrain and to existing buildings and structures in the vicinity.
E. **RETENTION OF OPEN SPACES AND NATURAL OR HISTORIC FEATURES**

1. In any subdivision larger than twenty (20) acres, or more than ten (10) lots or dwelling units, the applicant shall provide at least ten (10) percent of his total area as usable open space. In any subdivision twenty (20) acres or less, or containing ten (10) lots or dwelling units or less, the Board may require the developer to provide at least ten (10) percent of his total area as usable open space. It is desirable that areas reserved for recreation be at least two (2) acres in size and easily accessible from all lots within the subdivision.

2. Land reserved for open space purposes shall be of a character, configuration, and location suitable for the particular use intended and deemed adequate by the Board.

3. Where the proposed subdivision is located on a lake, pond, river or stream, a portion of the waterfront area, when feasible, shall be included in the reserved land.

4. If the Planning Board determines that the reservation of land for parks and/or recreation purposes would be inappropriate or that the land is not suitable or is insufficient in amount, the Board may waive the requirement of land reservation on the condition that the Applicant deposit a cash payment in lieu of land reservation with the Town Clerk. Such payment shall be placed in a trust to be used exclusively for the purchase and development of neighborhood sites for parks, playgrounds and other recreational purposes. The amount of such payment shall be not more than 10% of the appraised market value, including improvements, for each lot approved on the final plan.

5. The Board may require that the development plans include a landscape plan that will show the preservation whenever practicable of any existing trees larger than twenty-four (24) inches in diameter four feet (4') in height above the ground; the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally significant areas.

Cutting of trees on the northerly boarders of lots should be avoided as far as possible, to retain a natural wind buffer.
F. LAND NOT SUITABLE FOR DEVELOPMENT
The following lands shall not be included in the calculations of lot area for the purpose of meeting the requirements of the minimum lot size for the zone in which the development is located:

1. Land which is situated below the upland edge of the wetland;
2. Land which is part of a right-of-way, or easement, including utility easements;
3. Land that has been created by filling or draining a pond or wetland;

G. TOPSOIL AND VEGETATION REMOVAL

1. Topsoil shall be considered part of the development and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.
2. Except for normal thinning, clearing for approved construction, landscaping, and cutting of trees to provide access to direct sunlight, existing vegetation shall be left intact whenever feasible to prevent soil erosion.
3. To prevent soil erosion of shoreline areas, tree cutting in a strip paralleling the shoreline of a water body, and extending one hundred (100) feet inland from all points along the upland edge of the wetland shall be limited in accordance with the clearing of vegetation provisions of the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances in effect at the time.

H. EROSION AND SEDIMENTATION CONTROL
The following measures relating to conservation, erosion and sediment control shall be included where applicable as part of all projects submitted for review and approval under this Ordinance. The Board shall require an applicant to take measures to correct and prevent soil erosion in the proposed development.

1. The procedures outlined in the erosion and sedimentation control plan, prepared and submitted by the applicant, shall be implemented during the site preparation, construction, and clean-up stages.
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2. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best-management practices:

   a. Stripping of vegetation, soil removal and re-grading or other development shall be done in such a way as to minimize erosion;

   b. Development shall keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff;

   c. The development shall not unreasonably increase the rate or volume of surface water runoff from the proposed site;

   d. Whenever feasible, natural vegetation shall be retained, protected and supplemented;

   e. The disturbed area and the duration of exposure shall be kept to a practical minimum;

   f. Disturbed soils shall be stabilized as quickly as practicable;

   g. Temporary vegetation or mulching shall be used to protect disturbed areas during development;

   h. Permanent (final) vegetation and mechanical erosion control measures in accordance with the standards of the County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends;

   i. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods;

   j. The top of a cut or the bottom of a fill section shall not be closer than ten (10) feet to an adjoining property, unless otherwise specified by the Board;

   k. During grading operations, methods of dust control shall be employed wherever practicable.

   l. Whenever sedimentation is caused by stripping vegetation, re-grading or other development, it shall be the responsibility of the person or persons causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at their expense as quickly as possible. Failure to do so within two (2) weeks after official notification by registered mail
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(return receipt requested) by the Code Enforcement Officer shall be considered a violation of this Ordinance. Under extenuating circumstances the Code Enforcement Officer may grant an extension of time.

m. It is the responsibility of any person performing any activity on or across a communal stream, watercourse or swale or upon the floodway or right-of-way thereof to maintain as nearly as possible the present state of the stream, water course, swale, floodway or right-of-way during the duration of such activity and to return it to its original or equal condition after such activity is completed; and

n. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

I. LOT STANDARDS

All lots shall have a minimum frontage of two hundred (200) feet on servicing road and minimum size of one acre per residential unit. All dimensional requirements must be met for each dwelling unit.

1. All the lot configurations should be designed to maximize the use of solar energy on building sites with suitable orientation.

2. Lot configuration and area shall be designed to provide for adequate off-road parking and service facilities based upon the type of development contemplated.

3. Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan, and deed restrictions shall indicate vehicular access shall be located only on the less traveled way.

4. Wherever possible, side lot lines shall be perpendicular to the road.

5. The division of tracts into parcels with substantially more than the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future re-subdivision. Where public utilities could be extended to the development in the foreseeable future, the development shall be designed to accommodate the extensions of utilities.

6. If a lot on one side of a road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the road or barrier to meet the minimum lot size, unless such lots are established lots of record prior to the adoption of this Ordinance.
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7. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum dimensional requirements are prohibited, unless such lots are established lots of record prior to the adoption of this Ordinance.

J. UTILITIES
1. The Board may require electric, cable television, and telephone lines to be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relation to neighboring properties and the site.

2. Underground utilities shall be installed prior to the installation of final gravel base of the road.

3. The size, type, and location of street lights and utilities shall be shown on the plan and approved by the Board.

K. CONSTRUCTION IN FLOOD HAZARD AREAS
When any part of a development is located in a Flood Hazard Area as identified by the Federal Emergency Management Agency, the plan shall indicate that all principal structures on lots in the development shall be constructed with their lowest floor, including basement, at least one foot above the 100-year flood elevation. Such a restriction shall be included in the deed to any lot which is included or partially included in the flood hazard area.

SECTION XIX: ROAD DESIGN AND CONSTRUCTION STANDARDS

A. GENERAL REQUIREMENTS
In approving applications submitted pursuant to this Ordinance, the following requirements shall apply:

1. The proposed development shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number and location of access points with respect to sight distances, intersections, schools and other traffic generators.

2. Curb cuts shall be limited to the absolute minimum number and widths necessary for safe entering and exiting. The proposed development shall not have an unreasonable adverse impact on the town road system and shall assure safe interior circulation within its site by separating pedestrian and vehicular traffic and providing adequate parking and loading areas.

3. Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.
4. The Board shall not approve any development plan unless proposed roads are designed in accordance with the specifications contained in this Ordinance. Approval of a Final Plan by the Board shall not be deemed to constitute or be evidence of acceptance by the Town of any road or easement.

B. ROAD DESIGN STANDARDS

1. These design standards shall be met by all roads within subdivisions reviewed under this Ordinance, and shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances.

2. Roads shall be designed to discourage through traffic within residential developments except where such roads are proposed in the Town’s Official Map, Land Use Plan, or Development Plan.

3. Where a development borders an existing narrow road (not meeting the width requirements of the standards for roads in this Ordinance), or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the development, the Planning Board may require that the development plan indicate reserved areas for widening or realigning the road marked “Reserved for Road Realignment (Widening) Purposes.” Land reserved for such purposes may not be included in computing lot area or setback requirements of this Ordinance. When such widening or realignment is indicated on the Official Map, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the Town or State.

4. Where a Major subdivision abuts or contains an existing or proposed Town Way, no residential lot may have vehicular access directly on to the Town Way. This requirement shall be noted on the Plan and in the deeds of any lot with frontage on the Town Way.

5. Any development containing ten (10) or more dwelling units or lots shall have at least two (2) road connections with existing public roads, roads shown on an Official Map, or roads on an approved development plan for which performance guarantees have been filed and accepted.

6. The following design standards apply to subdivision roads:

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>DIMENSION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Right Of Way Width</td>
<td>50’</td>
</tr>
</tbody>
</table>
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<table>
<thead>
<tr>
<th>Minimum Traveled Way</th>
<th>18’</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shoulder Width</td>
<td>2’</td>
</tr>
<tr>
<td>Maximum Grade</td>
<td>10%*</td>
</tr>
<tr>
<td>Roadway Crown</td>
<td>¾” /ft.</td>
</tr>
<tr>
<td>Angle of all Road Intersections</td>
<td>90 degrees</td>
</tr>
<tr>
<td>Maximum Grade within 75’ of Intersections</td>
<td>3%</td>
</tr>
<tr>
<td>Minimum Curb Radii at Intersections</td>
<td>25’</td>
</tr>
<tr>
<td>Minimum r/o/w Radii at Intersections</td>
<td>10’</td>
</tr>
</tbody>
</table>

*If road grade more than 10% in fifty (50’) feet, that portion must be paved.

7. The centerline of the roadway shall be the centerline of the right-of-way.

8. DEAD END ROADS:
   In addition to the design standards above, dead-end roads shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii: Eighty (80) foot property line radii and fifty (50) foot outer edge of travel way radii. The Board may require the reservation of a twenty (20) foot easement in line with the dead end road to provide continuation of pedestrian traffic or utilities to the next road.

   The Board may also require the reservation of a fifty foot (50’) easement in line with the dead end road to provide continuation of the road where future subdivision or development is possible.

9. GRADES, INTERSECTIONS AND SIGHT DISTANCES:
   a. Grades of all roads shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.
   b. All changes in grade shall be connected by vertical curves to provide for the minimum sight distances below.

<table>
<thead>
<tr>
<th>POSTED SPEED (MPH)</th>
<th>15</th>
<th>20</th>
<th>25</th>
<th>30</th>
<th>35</th>
<th>40</th>
<th>45</th>
<th>50</th>
<th>55</th>
</tr>
</thead>
<tbody>
<tr>
<td>SIGHT DISTANCE</td>
<td>150</td>
<td>200</td>
<td>250</td>
<td>300</td>
<td>350</td>
<td>400</td>
<td>450</td>
<td>500</td>
<td>550</td>
</tr>
</tbody>
</table>
c. Where new road intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table above.

d. Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

e. Cross (four-cornered) road intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A minimum distance of two hundred (200) feet shall be maintained between centerlines of side roads.

C. ROAD CONSTRUCTION STANDARDS

1. MINIMUM THICKNESS OF MATERIAL AFTER COMPACTION

<table>
<thead>
<tr>
<th>ROAD MATERIALS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>AGGREGATE SUB-BASE COURSE</td>
<td></td>
</tr>
<tr>
<td>Maximum sized stone = 4”</td>
<td>18”</td>
</tr>
<tr>
<td>CRUSHED AGGREGATE BASE COURSE</td>
<td>4”</td>
</tr>
</tbody>
</table>

2. PREPARATION:

a. Before any clearing has started on the right of way, the centerline and sidelines of the new road shall be staked or flagged at fifty (50) foot intervals.

b. On soils which have been identified as not suitable for roadways, such as stumps, organic duff, and loam, the subsoil shall be removed from the street site to a depth of two feet below the subgrade and replaced with material meeting the specifications for aggregate sub-base below.

c. Side slopes of exposed soil shall be no steeper than a slope of three (3) feet horizontal to one (1) foot vertical, and shall be graded, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan.
3. BASES AND PAVEMENT:

1) The Aggregate Sub-base Course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three (3) inch square mesh sieve shall meet the following grading requirements:

<table>
<thead>
<tr>
<th>SIFT DESIGNATION</th>
<th>PERCENTAGE BY WEIGHT PASSING SQUARE MESH SIEVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>¾ inch</td>
<td>25-70%</td>
</tr>
<tr>
<td>No. 40</td>
<td>0-30%</td>
</tr>
<tr>
<td>No. 200</td>
<td>0-7%</td>
</tr>
</tbody>
</table>

Aggregate for the sub-base shall contain no particles of rock which will not pass the six (6) inch square mesh sieve.

If Geotextile Fabric is proposed, or required it shall be installed under Sub-base course.

2) The Aggregate Base Course shall be screened or crushed gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three (3) inch square mesh sieve shall meet the following grading requirements:

<table>
<thead>
<tr>
<th>SIFT DESIGNATION</th>
<th>PERCENTAGE BY WEIGHT PASSING SQUARE MESH SIEVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>½ inch</td>
<td>45-70%</td>
</tr>
<tr>
<td>¾ inch</td>
<td>30-55%</td>
</tr>
<tr>
<td>No. 40</td>
<td>0-20%</td>
</tr>
<tr>
<td>No. 200</td>
<td>0-5%</td>
</tr>
</tbody>
</table>
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Aggregate for the base shall contain no particles of rock which will not pass the two (2) inch square mesh sieve.

D. CLEANUP
Following road construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire road right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the Plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.

E. ROAD NAMES, NUMBERING, SIGNS, AND LIGHTING
Roads which join and are in alignment with roads of abutting or neighboring properties shall bear the same name. Names of new roads shall not duplicate, nor bear phonetic resemblance to the names of existing roads within the Town, and shall be subject to the approval of the Town Addressing Agent. The developer shall reimburse the Municipality for the costs of installing road name, traffic safety and control signs. Road lighting shall be installed as required and approved by the Board, and paid for by the developer.

Any prospective subdivider shall show a proposed road name and lot numbering system on the pre-application submission to the Planning Board. The approval by the Planning Board shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots in the center of the streets every fifty (50) feet so as to aid in assignment of numbers to structures subsequently constructed.

F. DRIVEWAY CULVERTS
The minimum size of any driveway culvert shall be fifteen (15) inches in diameter and at least 30’ in length.

PVC pipe can be used as long as it has a minimum of eighteen (18) inches of cover; this means compacted, with suitable material, (no rocks larger than one (1) inch) on all sides of pipe.

G. CERTIFICATION OF CONSTRUCTION
Upon completion of road construction a written certification signed by a professional engineer registered in the State of Maine, approved by the Planning Board, shall be submitted to the Planning Board at the expense of the applicant, certifying that the proposed way meets or exceeds the design and construction requirements of this Ordinance. “As built” plans may be required by the Planning Board.
A. BUFFERS AND SCREENING

In approving applications submitted pursuant to this Ordinance, the Board shall require the applicant to meet the following buffer and screening standards:

1. All areas located along Town Ways, within twenty (20) feet of the edge of the right-of-way shall be used as buffer areas.

2. Buffers in the form of fences, landscaping, berms and mounds shall be required to minimize any adverse impacts or nuisance on the site or on adjacent properties.

3. Buffers shall be considered in or for the following areas and purposes:
   a. Along property lines, to shield various uses from each other;
   b. Along interior roads running parallel to roads exterior to the site, to prevent confusion, particularly at night;
   c. Parking areas, garbage collection areas, and loading and unloading areas; and
   d. To block prevailing wind patterns and to stop wind-borne debris from leaving the site.

4. Buffers shall be sufficient to shield structures and uses from the view of incompatible abutting properties and public road ways, and to otherwise prevent any nuisances.

5. Exposed storage areas, service areas, exposed machinery installation, sand and gravel extraction operations, truck-loading areas, utility buildings and structures, and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse, and similar accessory areas and structures, shall have sufficient setbacks and screening to provide an audio/visual buffer sufficient to minimize their adverse impact on other land uses within the development site and surrounding properties, such as a stockade fence or a dense evergreen hedge six (6) feet or more in height.

6. Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and shall be maintained in good condition.

7. Natural features shall be maintained wherever possible to provide a buffer between the proposed development and incompatible abutting properties and public roadways. When natural features such as topography, gullies, and stands of trees, shrubbery,
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rock outcrops do not exist or are insufficient to provide a buffer, other kinds of buffers shall be considered.

8. Evergreens can be used as buffers, provided they are planted in two (2) or three (3) rows of staggered plantings. The rows should be seven (7) feet apart and the evergreens planted six (6) feet on center.

9. Fencing and screening shall be durable and properly maintained at all times by the owner.

10. Fencing and screening shall be so located within the property line to allow access for maintenance on both sides without intruding upon abutting properties.

11. All buffers shall be maintained in a neat and sanitary condition by the owner.

B. PLANT MATERIAL MAINTENANCE GUARANTEE REQUIRED

Prior to the issuance of any permit, the applicant shall furnish to the Town of Northport a three (3) year guarantee that plantings be maintained in accordance with the terms of the Board’s approval and in good and healthy condition. A maintenance bond may be required by the Planning Board.

SECTION XXI: STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS

A. GENERAL PROVISIONS

In approving applications submitted pursuant to this Ordinance, the Board shall require the applicant to meet the following storm drainage design and construction standards:

1. The storm drainage system will not adversely affect neighboring properties, downstream water quality, or cause soil erosion. Whenever possible, on-site absorption and/or evaporation of run-off waters shall be utilized to minimize discharges from the site.
2. Surface water runoff shall be minimized and detained on-site if possible or practicable. If it is not possible to detain water on site, downstream improvements to the channel may be required of the developer to prevent flooding caused by the project. The natural state of watercourses, swales, floodways or rights-of-way shall be maintained as nearly as possible. The design basis is a twenty-five (25) year storm.

B. STORM WATER MANAGEMENT DESIGN STANDARDS

1. Adequate provision shall be made for disposal of all storm water generated within the development and any drained ground water through a management system of swales, culverts, underdrain, and water courses. The storm water management system shall be designed to conduct storm water flows to existing watercourses.

2. All components of the storm water management system shall be designed to meet the criteria of a twenty-five (25) year storm based on rainfall data for the closest reporting station to Northport, Maine.

3. The minimum pipe size for any storm drainage pipe shall be fifteen (15) inches in diameter. The minimum and maximum lengths, respectively shall be twenty-four (24) and thirty-six (36) feet in length. Maximum trench width at pipe crown shall be the outside diameter of the pipe plus two (2) feet. Pipe shall be bedded in a fine granular material, containing no stones larger than three (3) inches, lumps of clay, or organic matter, reaching a minimum of six (6) inches below the bottom of the pipe extending to six (6) inches above the top of the pipe.

4. Catch basins shall be installed where necessary.

5. Inlets and outlets of culverts shall be stabilized against soil erosion by stone rip-rap or other suitable materials to reduce storm water velocity.

6. The storm water management system shall be designed to accommodate complete watershed drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of fifty percent (50%) for potential increases in upstream runoff.

7. Downstream drainage requirements shall be studied to determine the effect of the proposed development. The storm drainage shall not overload existing or future planned storm drainage systems downstream from any development. The developer shall be responsible for financing any improvements to existing drainage systems required to handle the increased flows.
8. Where soils require a subsurface drainage system, the drains shall be installed and maintained separately from the storm water drainage system.

C. STORM DRAINAGE CONSTRUCTION STANDARDS

1. REINFORCED CONCRETE PIPE:
Reinforced Concrete Pipe shall meet the requirements of ASTM Designation C-76 (AASHTO M 170). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.2 on the .01 inch crack strength with a Class B bedding. Joints shall be of the rubber gasket type meeting ASTM designation C 443-70, or of an approved preformed plastic jointing material such as “Ramnek”. Perforated Concrete Pipe shall conform to the requirements of AASHTO M 175 for the appropriate diameters.

2. CORRUGATED METAL PIPE:
Corrugated Metal Pipe shall be bituminous coated meeting the requirements of AASHTO Designation M 190 Type C for iron or steel pipe or AASHTO Designation M 196 for aluminum alloy pipe for sectional dimensions and type of bituminous coating. Pipe gauge shall be as required to meet the soil and traffic loads with a deflection of not more than five (5) percent.

3. ABS PIPE:
ABS (Acrylonitrile-butadiene-styrene) composite pipe and fittings shall conform to the requirements of AASHTO M 264 and AASHTO M 265. Perforated pipe shall conform to the requirements of AASHTO M 36, Type III.

4. CORRUGATED PLASTIC PIPE:
Corrugated Plastic Pipe shall conform to the requirements of AASHTO M-252.

5. ACCESS HOLES:
Access holes, if required, shall be of precast concrete truncated cone section construction meeting requirements of ASTM Designation C 478 or precast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Bases may be cast in place 3000 psi 28 day strength concrete or may be of precast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed and tops shall conform to the requirements of AASHTO M 103 for carbon steel castings, AASHTO M 105, Class 30 for gray iron castings or AASHTO M 183 (ASTM A 283, Grade B or better) for structural steel.

6. CATCH BASINS:
Catch Basins shall be of precast concrete truncated cone section construction meeting the requirements of ASTM Designation C 478 or precast concrete manhole block
7. DRAIN INLET ALIGNMENT:
Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board, after consultation with the Town’s consulting Engineer.

8. ACCESS HOLE PLACEMENT:
Access holes, if required, shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of four hundred foot (400’) intervals.

9. CATCH BASIN AND ACCESS HOLE MAINTENANCE:
Upon completion each catch basin or access hole shall be cleaned of all accumulation of silt, debris or foreign matter and shall be kept clean until the Town will accept the road.

SECTION XXII: PROVISION FOR CLUSTER DEVELOPMENT

A. PURPOSE
The purpose of these provisions is to allow for innovative concepts of housing development where maximum variations of design may be allowed, provided that the net residential density shall be no greater than is permitted by this Ordinance.

In addition, the purpose of allowing Cluster Development shall be to encourage housing development which will result in:

1. Additional open space and recreation areas;
Northport Subdivision Ordinance

2. A pattern of development which preserves trees, outstanding natural topography and geologic features and reduces soil erosion; and

3. An efficient use of land resulting in small networks of utilities and streets.

B. ALLOWABLE REDUCTION IN REQUIREMENTS
To accomplish the purposes above, the layout and dimensional requirements of this ordinance may be reduced as follows:

1. The Board may reduce area requirements by not more than fifty percent (50%) but only if a net area at least equal in area to the cumulative lot size reduction is maintained as common or public land;

2. The Board shall not increase building height limitations; and

3. The modification of requirements under this section shall not require a variance and no finding of undue hardship shall be required;

C. PERFORMANCE STANDARDS
All cluster developments approved by the Board must meet the following requirements:

1. All the requirements and standards of this Ordinance, except those dealing with lot layout and dimensions, shall be met.

2. The minimum area of land in a cluster development shall be ten (10) acres.

3. No building shall be constructed on soil types that are poorly drained.

4. Where a cluster development is proposed on a parcel which abuts a water body, a portion of the shoreline, as well as reasonable access to it, shall be part of the common land.

5. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, south facing slopes, and natural drainage areas in accordance with an overall plan for site development and landscaping.
SECTION XXIII: PERFORMANCE GUARANTEES

A. TYPES OF GUARANTEES
With submittal of the application for final plan approval for any subdivision, the Board may require the developer to provide one of the following performance guarantees for an amount adequate to cover the estimated construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs.

1. Either a certified check payable to the Town or a savings account or certificate of deposit all naming the Town as owner, for the establishment of an escrow account, as provided for in Section C, below;

2. A performance bond payable to the Town issued by a surety company, approved by the Select Board and Town Attorney, as provided for in Section D, below;

3. An irrevocable letter of Credit from a financial institution establishing funding for the construction of the development, from which the Town may draw if construction is inadequate, approved by the Select Board and Town Attorney, as provided for in Section E, below; or

4. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed, as provided for in Section F, below.

The conditions and the amount of the performance guarantee shall be determined by the Board with the advice of the Town’s Road Commissioner, Municipal Officers and/or Attorney.

B. CONTENTS OF GUARANTEE
The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and date after which the developer will be in default allowing the Town access to the funds to finish construction, as provided for in Section I, below.

C. ESCROW ACCOUNT
A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the Town, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the developer, the Town shall be named
as owner or co-owner, and the consent of the Town shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the developer.

D. PERFORMANCE BOND
A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the developer, and the procedures for collection by the Town. The bond documents shall specifically reference the subdivision for which approval is sought.

E. LETTER OF CREDIT
An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the development and may not be used for any other project or loan.

F. CONDITIONAL AGREEMENT
The Board, at its discretion may provide for the developer to enter into a binding agreement with the Town in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the Final Plan on the condition that only up to three (3) lots may be sold or built upon until:

1. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with this Ordinance and the regulations of the appropriate utilities; and

2. A performance guarantee, acceptable to the Town is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.

Notice of the agreement and any conditions shall be on the Final Plan which is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Subsection H.

G. PHASING OF DEVELOPMENT
The Board may approve plans to develop a subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots or buildings abutting that section of the proposed development’s road which is covered by performance guarantee. When development is phased, road construction shall commence from an existing public way. All dead end roads shall be provided with a permanent or temporary cul-de-sac. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.
H. RELEASE OF GUARANTEE
   Prior to the final release of the performance guarantee, the Board shall determine that the proposed improvements meet or exceed the design and construction requirements.

I. DEFAULT
   If, upon inspection, the Board, or its qualified agent, finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, it shall so report in writing to the Code Enforcement Officer, the Select Board, and the subdivider or developer. The Select Board shall take any steps necessary to preserve the Town’s rights.

J. PRIVATE ROADS
   Where the development roads are to remain private roads, the following words shall appear on the recorded plan:

   “All roads in this development shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town.”
SECTION XXIV: WAIVERS

A. WAIVER OF SUBMISSION REQUIREMENTS
Where the Board makes written findings of fact that there are special circumstances of a particular site proposed to be subdivided, it may waive portions of the submission requirements, provided the public health, safety and welfare are protected and provided the waivers do not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, or any Ordinance.

B. WAIVER OF PERFORMANCE STANDARDS
Where the Board makes written findings of fact that there are special circumstances of a particular site proposed to be subdivided, it may waive portions of the performance standards, unless otherwise indicated in this ordinance, to permit a more practical and economical development, provided the public health, safety and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, or any Ordinance.

C. WAIVERS OF REQUIRED IMPROVEMENTS
Where the Board makes written findings of fact that due to special circumstances of a particular site proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity to the proposed subdivision or development, it may waive the requirement for such improvements, provided the waivers do not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan or any Ordinance.

D. WAIVERS FOR ROAD DESIGN AND CONSTRUCTION STANDARDS
Where the board makes written findings of fact that there are special circumstances of a particular site proposed to be subdivided, it may waive portions of the road design and construction standards, unless otherwise indicated in this Ordinance, to permit a more practical and economical development, provided the public health, safety and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, or any ordinance.

E. WAIVERS CONDITIONALLY GRANTED
In granting waivers to any of the provisions of this Ordinance in accordance with subsections A, B, and C, above, the Board shall require such conditions as will assure the purposes and objectives of this Ordinance are met.
F. WAIVERS LIMITED
No other waivers of the provisions of this Ordinance may be granted, except as expressly authorized by this section.

G. WAIVER REVOCABLE
All waivers granted by the Planning Board under this Section of the Ordinance are revocable up to the date of Final Plan approval.

SECTION XXV: APPEAL TO SUPERIOR COURT

A. APPEAL TO SUPERIOR COURT
An appeal may be taken within thirty (30) days after any decision is rendered by the Planning Board, by any party to Superior Court in accordance with State Law.
A. CONSTRUCTION OF LANGUAGE
In this Ordinance, certain terms and words shall be interpreted as follows:

1. The words “persons” and “applicant” includes individuals, firms, associations, corporations, organizations, and similar entities;

2. Words used or defined in one tense or form shall include other tenses or derivative forms;

3. Words in the singular number shall include the plural number and words in the plural shall include the singular number;

4. The masculine gender shall include the feminine and the feminine shall include the masculine;

5. The word “shall” is mandatory;

6. The word “may” is permissive;

7. In case of difference of meaning or implication between the text of this Ordinance and any map, illustration, or table, the text shall control.

B. DEFINITIONS
For the purpose of interpreting this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein.

1. APPLICANT
   The assessed owner or owners of land to be subdivided or person with documented right, title, or interest in the land to be subdivided.

2. BERM
   A narrow shelf or path such as a ledge at the top of a ditch.

3. BOARD
   The Planning Board of the Town of Northport, Maine.

4. CLUSTER DEVELOPMENT
A subdivision or development in which the lot sizes are reduced below those normally required in return for the provision of permanent open space owned in common by lot and/or unit owners, the Town, or a land conservation organization, as allowed by the Planning Board.

5. **COMPLETE APPLICATION**
   An application presented to the Planning Board which includes (1) receipt for fee paid; (2) completed application form; (3) Planning Board notification stating that all other submissions required herein for that type of application have been received and are satisfactory.

6. **COMPREHENSIVE PLAN OR POLICY STATEMENT**
   Any part or element of the overall plan or policy for development of the Town as defined in Title 30-A, MRSA, Section 4311, et. seq., as amended.

7. **CONTIGUOUS LOTS**
   Lots in the same ownership which adjoin at any line or point, except that lots on opposite sides of a public or private road shall be each considered a separate tract or parcel unless such road was established by the owner of land on both sides thereof.

8. **DRIVEWAY**
   Driveway shall mean a private way providing 4-wheel vehicular access from a public way to not more than two lots.

9. **EASEMENT**
   The authorization of the property owner for the use by another, and for specified purpose, of any designated part of his property.

10. **ENGINEER**
    Municipal Engineer or consulting engineer licensed by the State of Maine.

11. **FINAL PLAN**
    The final drawings on which the applicant’s plan of subdivision is presented to the Board for approval and which, if approved, shall be recorded at the Registry of Deeds.

12. **FRESHWATER WETLAND**
    Freshwater Wetlands shall be defined as in Title 38, MRSA, Sec. 480B, as amended, Natural Resources Protection Act. According to 1989 statutes, Freshwater Wetlands are defined as follows: “Freshwater Wetlands” means freshwater swamps, marshes, bogs and similar areas which are:
Northport Subdivision Ordinance

a. Of ten (10) or more contiguous acres, or of less than ten (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 ten (ten) acres;

b. 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

c. Not considered part of a great pond, coastal wetland, river, stream or brook. These areas may contain small stream channels or inclusion of land that do not conform to the criteria of this subsection.

Delineating standards shall be as per current rules and regulations of the Maine Department of Environmental Protection.

13. FRONTAGE

The linear distance between the sidelines of a lot, measured along the line that borders upon whatever right-of-way serves as legal access to the lot. For the purposes of these regulations, the following ways shall constitute legal access to a lot along which frontage may be measured:

A way accepted by or established as belonging to the Town of Northport, or the State of Maine, provided access is not specifically prohibited;

a. A way, whether dedicated to public ownership or not, as shown on an approved subdivision plan.
b. Frontage dimensions shall be one hundred (100) feet.

14. HIGH INTENSITY SOIL SURVEY

A Class A soil survey, conducted by a Certified Soil Scientist and prepared according to the standards of the National Cooperative Soil Survey, resulting in a soils map in which the mapping units are single phases of soils series and the mapping units delineated are contrasting soils of one eight (1/8) acre or less in size.

15. LEGISLATIVE BODY

Special or Regular Town Meeting.

16. LOT

Any separate or distinct unit of land, structure or part of structure, whether residential or non-residential, with a clearly separate but not necessarily different, use or intended use from the lot or lots adjacent to it, with the exception of auxiliary buildings for a single-family residence, not intended for human occupancy. Included under this definition of a lot would be apartments, shopping centers, and groups of non-residential buildings with different uses, even if owned by the same person.
17. NET ACREAGE
The total acreage available for the subdivision or development, and shown on the proposed subdivision or development plan, minus the area for roads or access and the areas which are unsuitable for development.

18. NGVD
National Geodetic Vertical Datum.

19. NORMAL HIGH WATER ELEVATION OF INLAND WATERS
Along lakes, ponds, and streams, the elevation at which vegetation changes from predominantly aquatic to predominantly terrestrial: along streams, the highest elevation on the bank of a channel at which the water has left a definite mark.

20. OFFICIAL MAP
The maps adopted by the Municipality showing the location of public property, ways used in common by more than two (2) owners of abutting property, and approved subdivisions; and any amendments thereto adopted by the Municipality or additions thereto resulting from the approval of subdivision plans by the Planning Board and the subsequent filing for record of such approved plans.

21. OFFICIAL SUBMITTAL DATE
The date upon which the Board issues a receipt indicating that a complete application has been submitted.

22. ONE-HUNDRED-YEAR FLOOD
The highest level of flood that, on the average, is likely to occur once every 100 years (that has a one percent chance of occurring in any year).

23. PERSON
Includes an individual, firm, association, partnership, trust, company, corporation, municipal or other local government entity, quasi-municipality, state agency, educational or charitable organization or institution or other legal entity.

24. PLANNING BOARD ORDER
A written decision of the Planning Board including findings of fact, conclusions of law, decisions, and conditions and/or terms of approval, if any.

25. PRELIMINARY SUBDIVISION PLAN
The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Board for its consideration.

26. RECENT FLOOD PLAIN SOILS
Northport Subdivision Ordinance

The following soil series as described and identified by the National Cooperative Soil Survey:

<table>
<thead>
<tr>
<th>Alluvial</th>
<th>Cornish</th>
<th>Charles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fryeburg</td>
<td>Hadley</td>
<td>Limerick</td>
</tr>
<tr>
<td>Lovewell</td>
<td>Medomak</td>
<td>Ondawa</td>
</tr>
<tr>
<td>Podunk</td>
<td>Rumney</td>
<td>Saco</td>
</tr>
<tr>
<td>Suncook</td>
<td>Sunday</td>
<td>Winooski</td>
</tr>
</tbody>
</table>

27. **REPRODUCIBLE COPIES OF FINAL PLAN**
Mylars, plastic film, or other durable, permanent, stable based, transparent material upon which Final Subdivision Plans are drawn and upon which the Planning Board affixes a stick-on approval block for their signatures at the time of final approval.

28. **RIGHT-OF-WAY**
A street or other area over which is given legal right of passage. A public right-of-way is a way dedicated to the use of the public and accepted for ownership by the Town of other level of government.

29. **ROAD**
Public and private ways such as Town ways, public rights-of-way, and private rights-of-way to 3 or more lots.

30. **SUBDIVISION**
As defined by Title 30-A, MRSA, Section 4401, as the same may be amended from time to time. See page 5, Section C.

31. **SUBDIVISION, MAJOR**
Any subdivision containing more than four (4) lots or dwelling units.

32. **SUBDIVISION, MINOR**
Any subdivision containing not more than four (4) lots or dwelling units.

33. **SWALE**
A hollow or depression especially in wet grounds.

34. **TOWN**
Town of Northport, Maine

35. **TRACT OR PARCEL OF LAND**
Northport Subdivision Ordinance

All contiguous land in the same ownership, whether or not the tract is separated at any point by an intermittent or non-navigable stream or a private road established by the abutting land owners.
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Town of Northport

Northport Wireless Telecommunications Facilities Ordinance

Enacted May 5, 2008
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Northport Wireless Telecommunications Facilities Ordinance

Section 1. Title
This Ordinance shall be known and cited as the "Wireless Telecommunications Facilities Siting Ordinance" of Northport, Maine, (hereinafter referred to as the "ordinance").

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

Section 3. Purpose
The purpose of this ordinance is to provide a process and a set of standards for the construction of wireless telecommunications facilities in order to: Implement a municipal policy concerning the provision of wireless telecommunications services, and the siting of their facilities; Establish clear guidelines, standards and time frames for the exercise of municipal authority to regulate wireless telecommunications facilities; Allow competition in telecommunications service; Encourage the provision of advanced telecommunications services to the largest number of businesses, institutions and residents of Northport; Permit and manage reasonable access to the public rights of way of Northport for telecommunications purposes on a competitively neutral basis; Ensure that all telecommunications carriers providing facilities or services within Northport comply with the ordinances of Northport; Ensure that Northport can continue to fairly and responsibly protect the public health, safety and welfare; Encourage the colocation of wireless telecommunications facilities, thus helping to minimize adverse visual impacts on the community; Enable Northport to discharge its public trust consistent with rapidly evolving federal and state regulatory policies, industry competition and technological development; Further the goals and policies of the comprehensive plan, while promoting orderly development of the town with minimal impacts on existing uses; and Protect the scenic and visual character of the community.

Section 4. Applicability
This local land use ordinance applies to all construction and expansion of wireless telecommunications facilities, except as provided in section 4.1.

4.1. Exemptions  The following are exempt from the provisions of this ordinance:

Enacted May 5, 2008


C.) Parabolic antenna. Parabolic Antennas less than seven (7) feet in diameter, that are an accessory use of the property.

D.) Maintenance or repair. Maintenance, repair or reconstruction of a wireless telecommunications facility and related equipment, provided that there is no change in the height or any other dimension of the facility.

E.) Temporary wireless telecommunications facility. Temporary wireless telecommunications facility, in operation for a maximum period of one hundred eighty (180) days.

F.) Antennas as Accessory Uses. An antenna that is an accessory use to a residential dwelling unit.

Section 5. Review and Approval Authority

5.1. Approval Required

No person shall construct or expand a wireless telecommunication facility without approval of the Code Enforcement Officer (CEO) or the Planning Board as follows:

A.) Expansion of an Existing Facility and Colocation. Approval by the CEO is required for any expansion of an existing wireless telecommunications facility that increases the height of the facility by no more than 20 feet; accessory use of an existing wireless telecommunications facility; or colocation on an existing wireless telecommunications facility.

B.) New Construction. Approval of the Planning Board is required for construction of a new wireless telecommunications facility; and any expansion of an existing wireless telecommunications facility that increases the height of the facility by more than 20 feet.

5.2 Approval Authority

In accordance with Section 5.1 above, the CEO or Planning Board shall review applications for wireless telecommunications facilities, and make written findings on whether the proposed facility complies with this Ordinance.
Section 6. Approval Process

6.1. Pre-Application Conference

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

6.2. Application

All persons seeking approval of the CEO or the Planning Board under this ordinance shall submit an application as provided below. The CEO shall be responsible for ensuring that notice of the application has been published in a newspaper of general circulation in the community.

A.) Application for CEO Approval. Applications for permit approval by the CEO must include the following materials and information:

1.) Documentation of the applicant's right, title, or interest in the property where the facility is to be sited, including name and address of the property owner and the applicant.

2.) A copy of the FCC license for the facility or a signed statement from the owner or operator of the facility attesting that the facility complies with current FCC regulations.

3.) Identification of districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed, or eligible for listing, in the National Register of Historic Places (see 16 U.S.C. 470w(5); 36 CFR 60 and 800).

4.) Location map and elevation drawings of the proposed facility and any other proposed structures, showing color, and identifying structural materials.

5.) For proposed expansion of a facility, a signed statement that commits the owner of the facility, and his or her successors in interest, to:

   a.) respond in a timely, comprehensive manner to a request for information from a potential colocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

   b.) negotiate in good faith for shared use by third parties;

   c.) allow shared use if an applicant agrees in writing to pay reasonable charges for colocation;

   d.) require no more than a reasonable charge for shared use, based
on community rates and generally accepted accounting principles. This charge may include but is not limited to a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction and maintenance, financing, return on equity, depreciation, and all of the costs of adopting the tower or equipment to accommodate a shared user without causing electromagnetic interference.

B.) Application for Planning Board Approval. An application for approval by the Planning Board must be submitted to the Code Enforcement Officer. The application must include the following information:

1.) Documentation of the applicant's right, title, or interest in the property on which the facility is to be sited, including name and address of the property owner and the applicant.

2.) A copy of the FCC license for the facility, or a signed statement from the owner or operator of the facility attesting that the facility complies with current FCC regulations.

3.) A USGS 7.5 minute topographic map showing the location of all structures and wireless telecommunications facilities above 150 feet in height above ground level, except antennas located on roof tops, within a five (5) mile radius of the proposed facility, unless this information has been previously made available to the municipality. This requirement may be met by submitting current information (within thirty days of the date the application is filed) from the FCC Tower Registration Database.

4.) A site plan:
   a.) prepared and certified by a professional engineer registered in Maine indicating the location, type, and height of the proposed facility, antenna capacity, on-site and abutting off-site land uses, means of access, setbacks from property lines, and all applicable American National Standards Institute (ANSI) technical and structural codes;
   b.) certification by the applicant that the proposed facility complies with all FCC standards for radio emissions is required; and
   c.) a boundary survey for the project performed by a land surveyor licensed by the State of Maine.

5.) A scenic assessment, consisting of the following:
   a.) Elevation drawings of the proposed facility, and any other proposed structures, showing height above ground level;
b.) A landscaping plan indicating the proposed placement of the facility on the site; location of existing structures, trees, and other significant site features; the type and location of plants proposed to screen the facility; the method of fencing, the color of the structure, and the proposed lighting method.

c.) Photo simulations of the proposed facility taken from perspectives determined by the Planning Board, or their designee, during the pre-application conference. Each photo must be labeled with the line of sight, elevation, and with the date taken imprinted on the photograph. The photos must show the color of the facility and method of screening.

d.) A narrative discussing:
   i.) the extent to which the proposed facility would be visible from or within a designated scenic resource,
   ii.) the tree line elevation of vegetation within 100 feet of the facility, and
   iii.) the distance to the proposed facility from the designated scenic resource's noted viewpoints.

6.) A written description of how the proposed facility fits into the applicant's telecommunications network. This submission requirement does not require disclosure of confidential business information.

7.) Evidence demonstrating that no existing building, site, or structure can accommodate the applicant's proposed facility, the evidence for which may consist of any one or more of the following:

   a.) Evidence that no existing facilities are located within the targeted market coverage area as required to meet the applicant's engineering requirements,

   b.) Evidence that existing facilities do not have sufficient height or cannot be increased in height at a reasonable cost to meet the applicant's engineering requirements,

   c.) Evidence that existing facilities do not have sufficient structural strength to support applicant's proposed antenna and related equipment. Specifically:
       i.) Planned, necessary equipment would exceed the structural capacity of the existing facility, considering the existing and planned use of those facilities, and these existing facilities cannot be reinforced to accommodate the new equipment.
       ii.) The applicant's proposed antenna or equipment would cause
electromagnetic interference with the antenna on the existing towers or structures, or the antenna or equipment on the existing facility would cause interference with the applicant's proposed antenna.

iii.) Existing or approved facilities do not have space on which planned equipment can be placed so it can function effectively.

d.) For facilities existing prior to the effective date of this ordinance, the fees, costs, or contractual provisions required by the owner in order to share or adapt an existing facility are unreasonable. Costs exceeding the pro rata share of a new facility development are presumed to be unreasonable. This evidence shall also be satisfactory for a tower built after the passage of this ordinance;

e.) Evidence that the applicant has made diligent good faith efforts to negotiate colocation on an existing facility, building, or structure, and has been denied access;

8.) Identification of districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed, or eligible for listing, in the National Register of Historic Places (see 16 U.S.C. 470w(5); 36 CFR 60 and 800).

9.) A signed statement stating that the owner of the wireless telecommunications facility and his or her successors and assigns agree to:

   a.) respond in a timely, comprehensive manner to a request for information from a potential colocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

   b.) negotiate in good faith for shared use of the wireless telecommunications facility by third parties;

   c.) allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for colocation;

   d.) require no more than a reasonable charge for shared use, based on community rates and generally accepted accounting principles. This charge may include but is not limited to a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the useful life span of the facility.

10.) A form of surety approved by the Planning Board to pay for the costs of removing the facility if it is abandoned.
11.) Evidence that a notice of the application has been published in a local newspaper of general circulation in the community.

6.3. Submission Waiver

The CEO or Planning Board, as appropriate, may waive any of the submission requirements based upon a written request of the applicant submitted at the time of application. A waiver of any submission requirement may be granted only if the CEO or Planning Board finds in writing that due to special circumstances of the application, the information is not required to determine compliance with the standards of this Ordinance.

6.4. Fees

A.) CEO Application Fee

An application for CEO approval shall include payment of an application fee of $500.00. The application shall not be considered complete until this fee is paid. The applicant is entitled to a refund of the application fee if the application is withdrawn within fifteen (15) days of date of filing, less all expenses incurred by the [municipality] to review the application.

B.) Planning Board Application Fee

An application for Planning Board approval shall include payment of an application fee of $1,500.00. The application shall not be considered complete until this fee is paid. An applicant is entitled to a refund of the application portion of fee if the application is withdrawn within fifteen (15) days of date of filing, less all expenses incurred by the Northport to review the application.

C.) Planning Board Review Fee

An applicant for approval by the Planning Board shall pay all reasonable and customary fees incurred by the municipality that are necessary to review the application. The review fee shall be paid in full prior to the start of construction. That portion of the review fee not used shall be returned to the applicant within fourteen (14) days of the Planning Board's decision.

6.5. Notice of Complete Application

Upon receipt of an application, the CEO shall provide the applicant with a dated receipt. Within five (5) working days of receipt of an application the CEO shall review the application and determine if the application meets the submission requirements. The CEO or Planning Board, as appropriate, shall review any requests for a waiver from the submission requirements and shall act on these requests prior to determining the completeness of the application.

If the application is complete, the CEO shall notify the applicant in writing.
of this determination and require the applicant to provide eight copies of the application to the Planning Board.

If the application is incomplete, the CEO shall notify the applicant in writing, specifying the additional materials or information required to complete the application.

If the application is deemed to be complete, and requires Planning Board review, the CEO shall notify all abutters to the site as shown on the Assessor's records, by first-class mail, that an application has been accepted. This notice shall contain a brief description of the proposed activity and the name of the applicant, give the location of a copy of the application available for inspection, and provide the date, time, and place of the Planning Board meeting at which the application will be considered. Failure on the part of any abutter to receive such notice shall not be grounds for delay of any consideration of the application nor denial of the project.

6.6. Public Hearing
For applications for Planning Board approval under Section 5.1(B), a public hearing shall be held within 30 days of the notice of the complete application.

6.7. Approval
A.) CEO Approval. Within thirty (30) days of receiving a complete application for approval under section 5.1(A), the CEO shall approve, approve with conditions, or deny the application in writing, together with the findings on which that decision is based. The CEO shall approve the application if the CEO finds that the application complies with the provisions in Section 7.1 of this ordinance. The CEO shall notify all abutters of the decision to issue a permit under this section. The time period may be extended upon agreement between the applicant and the CEO.

B.) Planning Board Approval. Within ninety (90) days of receiving a complete application for approval under section 5.1(B), the Planning Board shall approve, approve with conditions, or deny the application in writing, together with the findings on which that decision is based. However, if the Planning Board has a waiting list of applications that would prevent the Planning Board from making a decision within the required ninety (90) day time period, then a decision on the application shall be issued within sixty (60) days of the public hearing, if necessary, or within 60 days of the completed Planning Board review. This time period may be extended upon agreement between the applicant and the Planning Board.
Section 7. Standards of Review
To obtain approval from the CEO or the Planning Board, an application must comply with the standards in this section.

7.1. CEO Approval Standards
An application for approval by the CEO under Section 5.1(A) must meet the following standards.
A.) The proposed facility is an expansion, accessory use, or colocation to a structure existing at the time the application is submitted.
B.) The applicant has sufficient right, title, or interest to locate the proposed facility on the existing structure.
C.) The proposed facility increases the height of the existing structure by no more than twenty (20) feet.
D.) The proposed facility will be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable.
E.) The proposed facility, to the greatest degree practicable, shall have no unreasonable adverse impact upon districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed, or eligible for listing, in the National Register of Historic Places (see 16 U.S.C. 470w(5); 36 CFR 60 and 800).

7.2. Planning Board Approval Standards
An application for approval by the Planning Board under Section 5.1(B) must meet the following standards.
A.) Location New wireless telecommunications facilities may be permitted on private property.
B.) Siting on Municipal Property. If an applicant proposes to locate a new wireless telecommunications facility, or expand an existing facility on municipal property, the applicant must show the following:
   1.) The proposed location complies with applicable municipal policies and ordinances.
   2.) The proposed facility will not interfere with the intended purpose of the property.
   3.) The applicant has adequate liability insurance and a lease agreement with the municipality that includes reasonable compensation for the use of the property and other provisions to safeguard the public rights and interests in the property.
C.) Design for Colocation. A new wireless telecommunications facility and related equipment must be designed and constructed to accommodate expansion for future colocation of at least three additional wireless telecommunications facilities or providers. However, the Planning Board may waive or modify this standard where the district height limitation effectively prevents future colocation.

D.) Height. A new wireless telecommunications facility must be no more than 199 feet in height.

E.) Setbacks. A new or expanded wireless telecommunications facility must comply with the setback requirements for the zoning district in which it is located, or be set back one hundred five percent (105%) of its height from all property lines, whichever is greater. The setback may be satisfied by including the areas outside the property boundaries if secured by an easement. The following exemptions apply:

1.) The setback may be reduced by the Planning Board upon a showing by the applicant that the facility is designed to collapse in a manner that will not harm other property.

2.) An antenna is exempt from the setback requirement if it extends no more than five (5) feet horizontally from the edge of the structure to which it is attached, and it does not encroach upon an abutting property.

F.) Landscaping. A new wireless telecommunications facility and related equipment must be screened with plants from view by abutting properties, to the maximum extent practicable. Existing plants and natural land forms on the site shall also be preserved to the maximum extent practicable.

G.) Fencing. A new wireless telecommunications facility must be fenced to discourage trespass on the facility and to discourage climbing on any structure by trespassers.

H.) Lighting. A new wireless telecommunications facility must be illuminated only as necessary to comply with FAA or other applicable state and federal requirements. However, security lighting may be used as long as it is shielded to be down-directional to retain light within the boundaries of the site, to the maximum extent practicable.

I.) Color and Materials. A new wireless telecommunications facility must be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable. Unless otherwise required, muted colors, earth tones, and subdued hues shall be used.

J.) Structural Standards. A new wireless telecommunications facility must comply with the current Electronic Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision.
Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."

K.) Visual Impact. The proposed wireless telecommunications facility will have no unreasonable adverse impact upon designated scenic resources within the Town, as identified either in the municipally adopted comprehensive plan, or by a State or federal agency.

1.) In determining the potential unreasonable adverse impact of the proposed facility upon the designated scenic resources, the Planning Board shall consider the following factors:

   a.) The extent to which the proposed wireless telecommunications facility is visible above tree line, from the viewpoint(s) of the impacted designated scenic resource;
   b.) the type, number, height, and proximity of existing structures and features, and background features within the same line of sight as the proposed facility;
   c.) the extent to which the proposed wireless telecommunications facility would be visible from the viewpoint(s);
   d.) the amount of vegetative screening;
   e.) the distance of the proposed facility from the viewpoint and the facility's location within the designated scenic resource; and
   f.) the presence of reasonable alternatives that allow the facility to function consistently with its purpose.

L.) Noise. During construction, repair, or replacement, operation of a back-up power generator at any time during a power failure, and testing of a back-up generator between 8 a.m. and 9 p.m. is exempt from existing municipal noise standards.

M.) Historic & Archaeological Properties. The proposed facility, to the greatest degree practicable, will have no unreasonable adverse impact upon a historic district, site or structure which is currently listed on or eligible for listing on the National Register of Historic Places.

7.3 Standard Conditions of Approval

The following standard conditions of approval shall be a part of any approval or conditional approval issued by the CEO or Planning Board. Where necessary to ensure that an approved project meets the criteria of this ordinance, the Planning Board can impose additional conditions of approval. Reference to the conditions of approval shall be clearly noted on the final approved site plan, and shall include:
1.) The owner of the wireless telecommunications facility and his or her successors and assigns agree to:
   a.) respond in a timely, comprehensive manner to a request for information from a potential colocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response
   b.) negotiate in good faith for shared use of the wireless telecommunications facility by third parties;
   c.) allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for colocation.
   d.) require no more than a reasonable charge for shared use of the wireless telecommunications facility, based on community rates and generally accepted accounting principles. This charge may include, but is not limited to, a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction and maintenance, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the life span of the useful life of the wireless telecommunications facility.

2.) Upon request by the municipality, the applicant shall certify compliance with all applicable FCC radio frequency emissions regulations.

Section 8. Amendment to an Approved Application
Any changes to an approved application must be approved by the CEO or the Planning Board, in accordance with Section 5.

Section 9. Abandonment
A wireless telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The CEO shall notify the owner of an abandoned facility in writing and order the removal of the facility within ninety (90) days of receipt of the written notice. The owner of the facility shall have thirty (30) days from the receipt of the notice to demonstrate to the CEO that the facility has not been abandoned.

If the Owner fails to show that the facility is in active operation, the owner
shall have sixty (60) days to remove the facility. If the facility is not removed within this time period, the municipality may remove the facility at the owner's expense. The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads, and reestablishment of vegetation.

If a surety has been given to the municipality for removal of the facility, the owner of the facility may apply to the Planning Board for release of the surety when the facility and related equipment are removed to the satisfaction of the Planning Board.

Section 10. Appeals

Any person aggrieved by a decision of the CEO or the Planning Board under this ordinance may appeal the decision to the Board of Appeals, as provided by section X of the Northport Permit Ordinance. Written notice of an appeal must be filed with the Board of Appeals within thirty (30) days of the decision. The notice of appeal shall clearly state the reasons for the appeal.

Section 11. Administration and Enforcement

The CEO, as appointed through either the Permit Ordinance or by the Board of Selectmen, shall enforce this ordinance. If the CEO finds that any provision of this ordinance has been violated, the CEO shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. The CEO shall order correction of the violation and may take any other legal action to ensure compliance with this ordinance.

The Selectmen, or their authorized agent, are 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 a violation of this ordinance to continue unless: there is clear and convincing evidence that the violation occurred as a direct result of erroneous advice given by an authorized municipal official upon which the applicant reasonably relied to its detriment and there is no evidence that the owner acted in bad faith; the removal of the violation will result in a threat to public health and safety or substantial environmental damage. 

Enacted May 5, 2008
Section 12. Penalties
Any person who owns or controls any building or property that violates this ordinance shall be fined in accordance with Title 30-A M.R.S.A. § 4452. Each day such violation continues after notification by the CEO shall constitute a separate offense.

Section 13. Conflict and Severability
13.1 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, the more restrictive provision shall apply.

13.2 Severability
The invalidity of any part of this ordinance shall not invalidate any other part of this ordinance.

Section 14. Definitions
The terms used in this ordinance shall have the following meanings:

"Antenna" means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

"Antenna Height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the facility site. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

"Colocation" means the use of a wireless telecommunications facility by more than one wireless telecommunications provider.

"Expansion" means the addition of antennas, towers, or other devices to an existing structure.

"FAA" means the Federal Aviation Administration, or its lawful successor.

"FCC" means the Federal Communications Commission, or its lawful successor.

"Height" means the vertical measurement from a point on the ground at the mean finish grade adjoining the foundation as calculated by averaging the highest and lowest finished grade around the building or structure, to the highest point of the building or structure. The highest point shall exclude farm building components, flagpoles, chimneys, ventilators,
skylights, domes, water towers, bell towers, church spires, processing towers, tanks, bulkheads, or other building accessory features usually erected at a height greater than the main roofs of buildings.

"Historic or Archaeological Resources" means resources that are:

1. Listed individually in the National Register of Historic Places or eligible for listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs approved by the Secretary of the Interior;
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by Secretary of the Interior through the Maine Historic Preservation Commission; or
5. Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource and any areas identified in the municipality's comprehensive plan, which have been listed or are eligible to be listed on the National Register of Historic Places.

"Historic District" means a geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development and identified in the municipality's comprehensive plan, which is listed or is eligible to be listed on the National Register of Historic Places. Such historic districts may also comprise individual elements separated geographically, but linked by association or history.

"Historic Landmark" means any improvement, building or structure of particular historic or architectural significance to the Town relating to its heritage, cultural, social, economic or political history, or which exemplifies historic personages or important events in local, state or national history identified in the municipality's comprehensive plan, which have been listed or are eligible to be listed on the National Register of Historic Places.

"Line of sight" means the direct view of the object from the designated scenic resource.

"Parabolic Antenna" (also known as a satellite dish antenna) means an
antenna which is bowl-shaped, designed for the reception and or transmission of radio frequency communication signals in a specific directional pattern.

"Principal Use" means the use other than one which is wholly incidental or accessory to another use on the same premises.

"Public Recreational Facility" means a regionally or locally significant facility, as defined and identified either by State statute or in the municipality's adopted comprehensive plan, designed to serve the recreational needs of municipal property owners.

"Designated Scenic Resource" means that specific location, view, or corridor, as identified as a scenic resource in the municipally adopted comprehensive plan or by a State or federal agency, that consists of:

1.) a three dimensional area extending out from a particular viewpoint on a public way or within a public recreational area, focusing on a single object, such as a mountain, resulting in a narrow corridor, or a group of objects, such a downtown skyline or mountain range, resulting in a panoramic view corridor; or

2.) lateral terrain features such as valley sides or woodland as observed to either side of the observer, constraining the view into a narrow or particular field, as seen from a viewpoint on a public way or within a public recreational area.

"Targeted Market Coverage Area" means the area which is targeted to be served by this proposed telecommunications facility.

"Unreasonable Adverse Impact" means that the proposed project would produce an end result which is:

1.) excessively out-of-character with the designated scenic resources affected, including existing buildings structures and features within the designated scenic resource, and

2.) would significantly diminish the scenic value of the designated scenic resource.

"Viewpoint" means that location which is identified either in the municipally adopted comprehensive plan or by a federal or State agency, and which serves as the basis for the location and determination of a particular designated scenic resource.

"Wireless Telecommunications Facility" or "Facility" means 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.

**Section 15. Effective Date**
This ordinance becomes effective on May 5, 2008.
ARTICLE I. TITLE, PURPOSE AND DEFINITION

1.1 Title

This Ordinance shall be known and may be cited as the Special Amusement Ordinance of the Town of Northport.

1.2 Purpose

This Ordinance is enacted to fulfill the requirements of 28-A M.R.S.A. §1054. The purpose of this Ordinance is to control the issuance of special permits for music, dancing, or entertainment in facilities licensed by the State of Maine to sell liquor, without infringing on protected First Amendment rights. This section is adopted pursuant to the Town’s authority under 28-A M.R.S.A. §1054 and 30-A M.R.S.A. §3001.

1.3 Definitions

(1) Entertainment - For the purposes of this Ordinance, "entertainment" shall include any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises whether provided a) by professional entertainers; b) by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value; or c) by patrons induced by prizes or otherwise to engage in activities with an entertainment value.

(2) Licensee - For the purpose of this Section, "licensee" shall include the holder of a license issued under the Alcoholic Beverages Statutes of the State of Maine, or any person, individual, partnership, firm, association, corporation, or other legal entity, or any agent or employee of any such licensee.

ARTICLE II. GENERAL

2.1 Permit Required

No licensee for the sale of liquor to be consumed on his licensed premises shall permit, on his licensed premises, any music except radio or other mechanical device, or any dancing or entertainment of any sort unless the licensee shall have first obtained from the Board of Selectmen a special amusement permit.

Applications for all special amusement permits shall be made in writing to the Board of Selectmen and shall state the name of the applicant; his residence address; the name of the business to be conducted; his business address; the nature of his business, including a specific description of any entertainment to be offered; the location to be used; whether the applicant has ever had a license to conduct the business therein described either denied or revoked and, if so, the applicant shall describe those circumstances specifically; whether the applicant, including all
partners or corporate officers, has ever been convicted of a felony and, if so, the applicant shall
describe specifically those circumstances; and any additional information as may be needed by
the Board of Selectmen in the issuing of the permit, including but not limited to a copy of the
applicant's (current) liquor license.

2.2 Grounds and procedure for denial, suspension or revocation

(1) Generally. The Board of Selectmen may, after a public hearing preceded by
notice to the licensee, deny suspend or revoke any special amusement permits
which are sought or have been issued under this division on the grounds that the
music, dancing, live sporting exhibitions or entertainment so permitted constitute
a detriment to the public health, safety, or welfare, or violate any municipal
ordinances, articles, bylaws, rules or regulations, or the provisions of this chapter.

(2) Additional grounds. In addition to the general standards for denial, suspension or
revocation identified in subsection 1 of this section, a permit may be denied,
suspended or revoked upon a determination of the existence of one or more of the
following grounds:

a. The applicant has offered or will offer entertainment, which includes;
   (i) Exposing to view the male or female genitals, pubic hair or anus,
       or the vulva or any portion of the female breasts at or below areola
       area thereof. "Exposing to view" includes, without limitation,
       appearing without an opaque covering or appearing with only an
       opaque covering which adheres to the skin, such as body paint; or
   (ii) The actual or simulated touching, caressing or fondling of the
        breasts, buttocks or genitals;

b. The permitted activity, or persons on the premises for purposes of
participating in a permitted activity, or persons patronizing licensed
premises, has caused one or more breaches of the peace;

c. There is a clear and immediate danger that a breach of the peace will occur
   if the activity is permitted;

d. The permitted activity of persons patronizing the permitted premises will
   substantially adversely affect the peace and quiet of the neighborhood or a
   substantial portion thereof;

e. The permit licensee has violated any provision of this chapter in the
   conduct of the activity for which the permit has been applied or has been
   issued;
f. There has been an occurrence of any event subsequent to issuance of the permit which would have been a basis for denial of the permit; this shall be grounds for revocation of the permit; or

g. There has been an occurrence of entertainment as described in subsection 2(a) of this section.

h. The applicant has failed to fully complete the application forms, knowingly made an incorrect statement of a material nature on such a form, failed to supply any additional documentation required or reasonably necessary to determine whether such permit is issuable, or failed to pay any fee required under this chapter;

(3) No permit holder shall allow on the permitted premises any activity described in paragraphs (2)(a) through (d) of this section, without regard to whether such activity is carried on by professional entertainers, employees or any other person and without regard to whether any compensation is paid by the permit holder.

(4) The fee for a special amusement permit shall be $25.00; also the applicant shall pay the cost of publication of the hearing notice at the time of application.

(5) The Board of Selectmen shall, prior to granting a permit and after reasonable notice to the public and the applicant, hold a public hearing within 30 days of the date the request was received, at which the testimony of the applicant and that of any interested member of the public shall be taken.

(6) The Board of Selectmen shall grant a permit unless they find that issuance of the permit will be detrimental to the public health, safety or welfare, or would violate municipal ordinances, or rules and regulations, articles or bylaws.

(7) A permit shall be valid only for the license year of the applicant's existing liquor license.

2.3 Inspections

Whenever inspections of the premises used for or in connection with the operation of a licensed business which has obtained a special amusement permit are provided for or required by ordinance or state law, or are reasonably necessary to ensure or secure compliance with any ordinance provision or state law it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit any officer, official, or employee of the municipality authorized and appointed by the Board of Selectmen to make the inspection, at any reasonable time that admission is requested. Whenever an analysis of any commodity or material is reasonably necessary to ensure or secure conformance with any ordinance provision or state law, it shall be the duty of the licensee, or the person in charge of the premises, to give to any authorized officer, official or employee of the municipality requesting the same sufficient samples of the material or commodity for analysis.
In addition to any other penalty which may be provided, the Board of Selectmen may revoke the special amusement permit of any licensee in the municipality who refuses to permit any such officer, official, or employee to make an inspection or take sufficient samples for analysis or who interferes with such officer, official or employee while in the performance of his duty. Provided, that no license or special amusement permit shall be revoked unless written demand for the inspection or sample is made upon the licensee or person in charge of the premises, at the time it is sought to make the inspection.

2.4 Rules and Regulations

The Board of Selectmen is hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension, and revocation of special amusement permits, the classes of permits, the music, dancing, or entertainment permitted under each class, and other limitations on these activities required to protect the public health and safety and welfare. These rules and regulations may specifically determine the location and size of permitted premises, the facilities that may be required for the permitted activities on those premises, and the hours during which the permitted activities are permitted. Such rules and regulations shall be additional to and consistent with all sections of this Ordinance.

2.5 Permit and Appeal Procedures

(1) The Board of Selectmen shall, prior to granting a permit, hold a public hearing within 30 days of the date a completed application is filed with the Town, during which testimony will be received from the applicant or his or her designated agent and/or any interested member of the public. Notice of the public hearing shall be placed in a local weekly paper a minimum of seven (7) calendar days before the hearing.

(2) Any licensee requesting a special amusement permit from the Board of Selectmen shall be notified in writing of their decision no later than thirty (30) days from the date his application was received. In the event that a licensee is denied a permit, the licensee shall be provided with the reasons for the denial in writing. The licensee may not reapply for a permit within Thirty (30) days after an application for a permit is denied.

(3) Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may appeal the decision to the Northport Board of Appeals within thirty (30) days of the denial, suspension, or revocation. The Board of Appeals may grant or reinstate the permit if it finds that:

a. The permitted activities would not constitute a detriment to the public health, safety or welfare, or violate the Town's ordinances or regulations; or

b. The denial, revocation or suspension was arbitrary or capricious.
Appeals from decisions of the Board of Appeals shall be taken within forty-five (45) days to the Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

2.6 Admission

A licensed motel, restaurant, tavern or restaurant malt liquor licensee who has been issued a special amusement permit may charge admission in designated areas approved by the municipal special amusement permit.

ARTICLE III PENALTY, SEPARABILITY & EFFECTIVE DATE

3.1 Penalty

This Ordinance shall be enforced by any Town employee or Town official appointed by the Board of Selectmen to hold such authority.

Upon finding a violation of any provision of this Ordinance by a court of competent jurisdiction, a licensee shall be punished by a fine of not more than Three Hundred Dollars ($300.00) for the first offense, and up to Five Hundred Dollars ($500.00) for each subsequent offense, to be recovered on complaint, to the use of the Town of Northport. In addition, any licensee found in violation of this Ordinance shall pay the reasonable attorney fees for prosecution, and costs of prosecution. A court of competent jurisdiction may also issue orders of abatement or permanent injunctions to prohibit similar repeat violations.

3.2 Separability

The invalidity of any provision or portion of this Ordinance shall not invalidate any other part.

3.3 Effective Date

The effective date of this Ordinance shall be immediately upon passage of this Ordinance.
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

AS DEFINED IN SECTION 2.1 OF THE TOWN OF NORTHPORT SPECIAL AMUSEMENT ORDINANCE, NO LICENSEE FOR THE SALE OF LIQUOR TO BE CONSUMED ON HIS LICENSED PREMISES SHALL PERMIT, ON HIS LICENSED PREMISES, ANY MUSIC, EXCEPT RADIO OR OTHER MECHANICAL DEVICE, ANY DANCING OR ENTERTAINMENT OF ANY SORT UNLESS THE LICENSEE SHALL HAVE FIRST OBTAINED FROM THE MUNICIPALITY IN WHICH THE LICENSED PREMISES ARE SITUATED A SPECIAL AMUSEMENT PERMIT SIGNED BY AT LEAST A MAJORITY OF THE MUNICIPAL OFFICERS. A COPY OF THE SPECIAL AMUSEMENT PERMIT ORDINANCE IS AVAILABLE UPON REQUEST FROM THE NORTHPORT TOWN CLERK.

YOUR APPLICATION FOR A SPECIAL AMUSEMENT PERMIT SHOULD BE FILED ON THIS FORM WITH THE BOARD OF SELECTMEN OR ITS DESIGNATED AGENT. PAYMENT OF A NON-REFUNDABLE $25 FEE, PLUS PAYMENT OF THE COST OF PUBLICATION OF THE HEARING NOTICE, IS REQUIRED AT THE TIME THE APPLICATION IS FILED. YOU MUST ALSO SUBMIT A COPY OF YOUR CURRENT LIQUOR LICENSE WITH YOUR APPLICATION.

THE BOARD OF SELECTMEN SHALL, PRIOR TO GRANTING A PERMIT, HOLD A PUBLIC HEARING WITHIN 30 DAYS OF THE DATE YOU FILE YOUR COMPLETED APPLICATION AT WHICH TIME TESTIMONY WILL BE RECEIVED FROM YOU OR YOUR DESIGNATED AGENT AND/OR ANY INTERESTED MEMBER OF THE PUBLIC. FAILURE TO ATTEND THE PUBLIC HEARING MAY RESULT IN A DELAY IN ISSUING THE PERMIT.

* * * * * *

Name of Applicant for Permit: _______________________________________
Address of Applicant: _______________________________________________
Telephone # of Applicant: ___________________________________________
Name of Business: _________________________________________________
Address of Business: ________________________________________________
Location where entertainment will be provided (if different):
_______________________________________________________________
Telephone # of Business:___________________________________________
Nature of Business:________________________________________________
Is Business a Corporation, Partnership or Proprietorship? (Circle One)

Identify by name, address and phone number each and every shareholder, partner and corporate officer (President, Vice President, Secretary and Clerk) if the applicant is a Corporation, LLC or Partnership.

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

Type of Entertainment Planned: __________________________________________

Have you ever had a license to conduct the business?__________________________

Have you ever had any license suspended or revoked?_________________________

If so, please describe circumstances:

Have the applicant or any partners or corporate officers ever been convicted of a criminal offense punishable by imprisonment for any period of time?____________________________

If so, describe in detail:_________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

Current Liquor License #: _______________

YOU MUST ATTACH A PROPORTIONATELY ACCURATE DIAGRAM OF THE PREMISES WHICH DEPICTS WHERE THE ENTERTAINMENT WILL TAKE PLACE. YOU MUST ALSO DEPICT WHETHER THE ENTERTAINMENT WILL BE CONDUCTED INSIDE OR OUTSIDE OF THE BUILDING.

Dated:_____________________

Signed:_______________________________

Print Name:____________________________

Capacity (e.g. owner, manager, partner):_______________________________
TOWN OF NORTHPORT

SPECIAL AMUSEMENT PERMIT

Approval: /___/  Denied: /___/

Date:______________ at Northport, Maine Waldo County

The undersigned being Municipal Officers of the Town of Northport, hereby certify that we have given public notice on this application and held a public hearing thereon as required by the Town’s Special Amusement Ordinance, and hereby approve said application.

________________________
Chairman

________________________
Selectman

________________________
Selectman
1. **Short Title:** This Ordinance shall be known and may be cited and referred to as the “Emergency Management Ordinance of the Town of Northport”. Authorized under Title 37-B M.R.S.A., Section 782.

2. **Definition:** Emergency Management Director (EMD) shall mean the appointed town official responsible for performing the four phases of Emergency Management (preparedness, response, recovery and mitigation) and for liaison with the Waldo County Emergency Management Agency.

3. **Establishment:** The Northport Office of Emergency Management (OEM) and the position of Emergency Management Director for the town of Northport is hereby created. The Selectmen may appoint additional OEM staff members, as needed.

4. **Appointment, Term and Removal:** The Selectmen shall appoint the EMD. This appointment shall be annual and made by June 1st of each year. The Selectmen may remove the EMD for cause.

5. **Oath of the Emergency Management Director:** Once the EMD has been appointed, the EMD shall take an oath of office before assuming any duties, pursuant to Title 30-A M.R.S.A., Section 2526.

6. **Duties of the Emergency Management Director:** The EMD shall:
   A. Prepare and update a Hazard Risk and Vulnerability Assessment.
   B. Prepare and maintain the municipal Emergency Operations Plan.
   C. Organize, activate and operate the municipal Emergency Operations Center (EOC).
   D. Prepare and maintain a list of disaster resources.
   E. Develop procedures for the operation of the municipal EOC.
   F. Coordinate and maintain written disaster Mutual Aid Agreements with the approval of the Selectmen.
   G. Provide Emergency Management training to town officials, planners, and responders.
   H. Develop and implement a Disaster Exercise program.
   I. Attend County Local Emergency Managers meetings.
   J. Provide Disaster Preparedness information to town residents.
   K. Complete and report Damage Assessments to WOEMA.
   L. Complete and submit applications for FEMA disaster funds and grants.

7. **Membership of the Emergency Operations Center:** When directed by any one of the Selectmen or by the EMD, the EOC will be established and manned. At the discretion of the Selectmen or EMD, the following town officials may be included on the EOC staff:
   A. Selectmen
   B. Emergency Management Director
   C. Town Clerk and Treasurer
   D. Code Enforcement Officer
   E. Town Constable
   F. Fire Chief or Deputy
   G. Fire Warden
   H. Road Commissioner
   I. Animal Control Officer

8. **Establishment of the National Incident Management System:** The Town of Northport hereby establishes the National Incident Management System (NIMS) as the municipal standard for incident
management. This system provides a consistent approach for Federal, State, and municipal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity. NIMS will utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters. The NIMS Incident Command System (ICS) will be utilized by all Northport emergency and disaster responders for incident management.

9. **Compensation:** The EMD shall be compensated for duties rendered by an annual stipend as appropriated at town meeting.

10. **Training:** The EMD may take necessary training as provided by the Waldo County Emergency Management Agency (WOEMA), Maine Emergency Management Agency (MEMA), and FEMA.
Town of Northport

Site Plan Review

Enacted May 5, 2008
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Section 1. Purpose

The site plan review provisions set forth in this ordinance are intended to protect the public health and safety, promote the general welfare of the community, and conserve the environment by assuring that nonresidential and multifamily construction is designed and developed in a manner which assures that adequate provisions are made for traffic safety and access; emergency access; water supply; sewage disposal; management of stormwater, wildlife habitat, fisheries, and unique natural areas; protection of historic and archaeological resources; minimizing the adverse impacts on adjacent properties; and fitting the project harmoniously into the fabric of the community.

Section 2. Applicability of Site Plan Review

A person who has right, title, or interest in a parcel of land must obtain site plan approval prior to commencing any of the following activities on the parcel, obtaining a building or plumbing permit for the activities, or undertaking any alteration or improvement of the site including grubbing or grading:

1. The construction or placement of any new building or structure for a nonresidential use, including accessory buildings and structures.
2. The expansion of an existing nonresidential building or structure including accessory buildings that increases the total floor area.
3. The conversion of an existing building, in whole or in part, from a residential use to a nonresidential use.
4. The establishment of a new nonresidential use even if no buildings or structures are proposed, including uses such as gravel pits, cemeteries, golf courses, and other nonstructural nonresidential uses.
5. The conversion of an existing nonresidential use, in whole or part, to another nonresidential use if the new use changes the basic nature of

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the existing use such that it increases the intensity of on-off-site impacts of the use subject to the standards and criteria of the site plan review described in Section 9 of this ordinance.

6. The construction of a residential building containing three (3) or more dwelling units.

7. The modification or expansion of an existing residential structure that increases the number of dwelling units in the structure by three (3) or more in any five (5) year period.

8. The conversion of an existing nonresidential building or structure, in whole or part, into three (3) or more dwelling units within a five (5) year period.

9. The construction or expansion of paved areas or other impervious surfaces, including walkways, access drives, and parking lots involving an area of more than two thousand five hundred (2500) square feet within any three (3) year period.

The following activities shall not require site plan approval. Certain of these activities will, however, require the owner to obtain a building permit, plumbing permit, or other state or local approvals:

1. The construction, alteration, or enlargement of a single or two-family dwelling, including accessory buildings and structures.

2. The placement, alteration, or enlargement of a single manufactured housing, or mobile home dwelling, including accessory buildings and structures on individually owned lots.

3. Agricultural activities, including agricultural buildings and structures.

4. Timber harvesting and forest management activities.

5. The establishment and modification of home occupations that do not result in changes to the site or exterior of the building.

6. Activities involving nonresidential buildings or activities that are specifically excluded from review by the provisions of this section.

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Section 3. Definitions

3.1 Meaning of Words

All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural.

3.2 Definitions

ABUTTING PROPERTY: Any lot which is physically contiguous with the subject lot even if only at a point and any lot which is located directly across a street or right-of-way from the subject lot such that the extension of the side lot lines of the subject lot would touch or enclose the abutting property.

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

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 an approval under this ordinance; a person whose land abuts land for which approval 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 approval.

ARTERIAL: A controlled access road or a street or road with traffic signals at important intersections and/or stop signs on side streets or which is functionally classified by the Maine Department of Transportation as an arterial.

BUILDING: Any permanent structure, having one or more floors and a roof, which is used for the housing or enclosure of persons, animals or property.

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When any portion thereof is separated by a division wall without opening, then each such portion shall be deemed a separate building.

BUILDING FOOTPRINT: The area covered by a building measured from the exterior surface of the exterior walls at grade level exclusive of cantilevered portions of the building. Where the building is elevated above grade level on posts or similar devices, the building footprint is the area the building would cover if it were located at ground level.

CHANGE FROM ONE CATEGORY OF NONRESIDENTIAL USE TO ANOTHER CATEGORY OF NONRESIDENTIAL USE: A change in the type of occupancy of a nonresidential building or structure, or a portion thereof, such that the basic type of use is changed, such as from retail to office or storage to a restaurant, but not including a change in the occupants.

COLLECTOR STREET: A street that collects traffic from local streets and connects with arterials or a street or road functionally classified as a collector by the Maine Department of Transportation.

CURB CUT: The opening along the curb line or street right-of-way line at which point vehicles may enter or leave the street.

ENLARGEMENT OR EXPANSION OF A STRUCTURE: An increase of the building footprint and/or increase in the height of the structure beyond its present highest point. Alterations of existing buildings which are required in order to meet the requirements of the Americans with Disabilities Act (ADA) and/or the State Fire Code are not considered to be enlargements or expansions of a structure and are not required to meet otherwise applicable setback requirements, provided the alterations are the minimum necessary to satisfy the ADA and/or State Fire Code.

ENLARGEMENT OR EXPANSION OF USE: Any intensification of use in time, volume, or function, whether or not resulting from an increase in the footprint, height, floor area, land area or cubic volume occupied by a particular use. Increases which are required in order to meet the requirements of the Americans with Disabilities Act and/or the State Fire Code are not considered to be enlargements or expansions of use.

FISHERIES, SIGNIFICANT FISHERIES: Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife, Atlantic Salmon Authority, or Maine Department of Marine Resources as
having significant value as fisheries and any areas so identified in the municipality’s comprehensive plan.

FLOOR AREA: The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

GROUNDWATER: All of the water found beneath the surface of the ground. For purposes of aquifer protection, this term refers to the subsurface water present in aquifers and recharge areas.

HISTORIC OR ARCHAEOLOGICAL RESOURCES: Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource and any areas identified in the municipality’s comprehensive plan.

IMPERVIOUS SURFACE: The area covered by buildings and associated constructed facilities, areas which have been or will be covered by a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas, which have been or will be compacted through design or use to reduce their permeability. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of stormwater.

LOCAL STREET: A public street or road which is not identified as an arterial or collector. A local street includes a proposed street shown on an approved and recorded subdivision.

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.

NATURAL AREAS AND NATURAL COMMUNITIES, UNIQUE NATURAL AREAS AND NATURAL COMMUNITIES: Areas identified by a governmental agency such as the Maine Department of Conservation Natural Areas Program as having significant value as a natural area and any areas identified in the municipality's comprehensive plan.

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.

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PRINCIPAL USE: A use other than one which is wholly incidental or accessory to another use on the same premises.

RECHARGE AREA: Area composed of permeable, porous material through which precipitation and surface water infiltrate and directly replenish groundwater in aquifers.

SETBACK, FRONT: An open area extending the entire width of a lot from lot sideline to lot sideline and extending in depth at a right angle from the street right-of-way to such depth as specified. Such area shall be unoccupied and unobstructed by any building from the ground upward.

SETBACK, REAR: An open area extending the entire width of a lot from lot sideline to lot sideline and extending at a right angle from the rear property line of such lot to such depth as specified. Such area shall be unoccupied and unobstructed by any building from the ground upward.

SETBACK, SIDE: An open area extending along each sideline of a lot between the front setback and the rear setback on such lot and extending at a right angle from the sidelines of such lot to such depth as specified. Such area shall be unoccupied and unobstructed by any building from the ground upward.

STRUCTURE: Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground, but not including a tent or vehicle.

SUBSTANTIALLY COMMENCED; SUBSTANTIALLY COMPLETED: Construction shall be considered to be substantially commenced when any work beyond the state of excavation, including but not limited to, the pouring of a slab or footings, the installation of piles, the construction of columns, or the placement of a manufactured home on a foundation has begun. Construction shall be considered to be substantially completed when it has been completed to the point where normal functioning, use, or occupancy can occur without concern for the general health, safety, and welfare of the occupant and the general public. At a minimum it shall include the completion of no less than [seventy (70)] percent of the costs of the proposed improvements within a development and shall include permanent stabilization and/or re-vegetation of areas of the site that were disturbed during construction.

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USE: The purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

VEGETATION: All live trees, shrubs, ground cover, and other plants.

WILDLIFE HABITAT, SIGNIFICANT WILDLIFE HABITAT: Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife as having significant value as habitat for animals and any areas identified in the municipality's comprehensive plan.
Section 4. Administration and Enforcement

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

It shall be the duty of the CEO or his/her agent to enforce the provisions of this ordinance. If the CEO or his/her agent shall find that any provision of this ordinance is being violated, he/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. He/she shall order discontinuance of illegal use of buildings, structures, additions, or work being done, or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

The CEO is hereby authorized to institute or cause to be instituted, in the name of the municipality, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this ordinance; provided, however, that this section shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions of this ordinance.

Any person, firm, or corporation being the owner of or having control or use of any building or premises who violated any of the provisions of this ordinance, shall be fined in accordance with Title 30-A §4452. Each day such a violation is permitted to exist after notification shall constitute a separate offense. 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.

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Section 5. INTERPRETATION OF THE ORDINANCE
The Code Enforcement Officer (CEO) shall be responsible for administering the provisions of this ordinance including interpreting the provisions hereof.

Any person who believes that the CEO has made an error in the interpretation or application of the provisions of this ordinance, may appeal such determination to the Board of Appeals as an administrative appeal. If the Board finds that the CEO erred in his/her interpretation of the ordinance, it shall modify or reverse the action accordingly.

Section 6. REVIEW AND APPROVAL AUTHORITY
The Planning Board is authorized to review and act on all site plans for development requiring site plan review as defined above.

In considering site plans under this provision, the Planning Board may act to approve, disapprove, or approve the project with conditions as are authorized by these provisions.

Section 7. REVIEW PROCEDURES
The Planning Board shall use the following procedures in reviewing applications for site plan review.

7.1. Pre-application
Prior to submitting a formal application, the applicant or his/her representative may request a pre-application conference with the Planning Board. A pre-application conference is strongly advised. The pre-application conference shall be informal and informational in nature. There shall be no fee for a pre-application review, and such review shall not cause the plan to be a pending application or proceeding under Title 1 M.R.S.A. §302. No decision on the substance of the plan shall be made at the pre-application conference.

7.1.1. Purpose
The purposes of the pre-application conference are to:

(1) Allow the Planning Board to understand the nature of the proposed use and the issues involved in the proposal,

(2) Allow the applicant to understand the development review process and required submissions,
(3) Identify issues that need to be addressed in future submissions, and
(4) Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.

In addition, the Board may schedule a site inspection in accordance with subsection 7.2(5) if deemed necessary and resolve any requests for waivers and variations from the submission requirements.

7.1.2. Information Required
There are no formal submission requirements for a pre-application conference. However, the applicant should be prepared to discuss the following with the Board:

(1) The proposed site, including its location, size, and general characteristics,
(2) The nature of the proposed use and potential development,
(3) Any issues or questions about existing municipal regulations and their applicability to the project, and
(4) Any requests for waivers from the submission requirements.

7.2. Application Submission and Review Procedures
The applicant must prepare and submit a site plan review application, including the development plan and supporting documentation that meets the submission requirements set forth below. This material must be submitted to the Code Enforcement Officer.

(1) At the first meeting at which the application is considered, the Planning Board shall give a dated receipt to the applicant and shall notify by first-class mail all property owners within five hundred (500) feet of the parcel on which the proposed development is located. Written notice of the pending application shall be mailed to the Selectmen, Town Manager, Fire Chief, Road Commissioner, and other interested parties.

(2) Within thirty (30) days of the receipt of a formal site plan review application, the Planning Board shall review the material and determine whether or not the submission is complete. If the application is determined to be incomplete, the Board shall notify the applicant in writing of this finding, shall specify the additional materials required to make the application complete and shall advise the applicant that the application will

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not be considered by the Board until the additional information is submitted to the Board. These steps, except the notification requirements, shall be repeated until the application is found to be complete.

(3) As soon as the Board determines that the application is complete, the Board shall: notify the applicant in writing of this finding, meet the notification requirements of subsection (4) below, and place the item on the agenda for substantive review within thirty (30) days of this finding.

(4) The Planning Board shall give written notice of the date, time, and place of the meeting at which the application will be considered to the applicant and all persons who received the notice in (1).

(5) The Planning Board may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted and investigate the development proposal. The Board may schedule this visit either before or after the first meeting at which the application is considered. The Board may decide not to hold an on-site inspection when the site is snow covered. If an application is pending during a period when there is snow cover, the deadline by which the Planning Board shall take final action on the application as specified in (6) may be extended, which extension shall not exceed thirty (30) days after the Board is able to conduct an on-site inspection. Written notice of the on-site inspection shall be provided to all parties entitled to notice under subsection (4).

(6) The Planning Board shall take final action on said application within thirty (30) days of determining that the application is complete. The Board shall act to deny, to approve, or to approve the application with conditions. The Board may impose such conditions as are deemed advisable to assure compliance with the standards of approval.

In issuing its decision, the Planning Board shall make written findings of fact establishing that the proposed development does or does not meet the standards of approval and other requirements of the Town. The Board shall notify the applicant, all officials who received notice under (4), and all parties who requested to be notified of the action of the Board, including the findings of fact, and any conditions of approval. This requirement can be met through the distribution of minutes of the meeting containing the findings of fact and decision of the Board.

All time limits provided for in this section may be extended by mutual agreement of the applicant and Planning Board.

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7.3. Final Approval and Filing
Upon completion of the requirements of this Section and an approval vote by the majority of the Planning Board, the application shall be deemed to have final approval and the site plan shall be signed by a majority of the members of the Board and must be filed with the Code Enforcement Officer. Any plan not so filed within thirty (30) days of the date upon which such plan is approved and signed by the Board shall become null and void. In addition, the signed plan must be recorded in the Waldo Registry of Deeds within thirty (30) days of the vote to approve the plan. The Planning Board, by vote, may extend the filing period for good cause.

7.4. Fees

7.4.1. Application Fee
An application for site plan review must be accompanied by an application fee. This fee is intended to cover the cost of the municipality's administrative processing of the application, including notification, advertising, mailings, and similar costs. The fee shall not be refundable. This application fee must be paid to the municipality and evidence of payment of the fee must be included with the application.

7.4.2. Technical Review Fee
In addition to the application fee, the applicant for site plan review must also pay a technical review fee to defray the municipality's legal and technical costs of the application review. This fee must be paid to the municipality and shall be deposited in the Development Review Trust Account, which shall be separate and distinct from all other municipal accounts. The application will be considered incomplete until evidence of payment of this fee is submitted to the Planning Board. The Board may reduce the amount of the technical review fee or eliminate the fee if it determines that the scale or nature of the project will require little or no outside review.

The technical review fee may be used by the Planning Board to pay reasonable costs incurred by the Board, at its discretion, which relate directly to the review of the application pursuant to the review criteria. Such services may include, but need not be limited to, consulting, engineering or other professional fees, attorney fees, recording fees, and appraisal fees. The municipality shall provide the applicant, upon written request, with an accounting of his or her account and shall refund all of the remaining monies, including accrued interest, in the account after the payment by the Town of all costs and services related to the review. Such payment of
remaining monies shall be made no later than sixty (60) days after the approval of the application, denial of the application, or approval with condition of the application. Such refund shall be accompanied by a final accounting of expenditures from the fund. The monies in such fund shall not be used by the Board for any enforcement purposes nor shall the applicant be liable for costs incurred by or costs of services contracted for by the Board which exceed the amount deposited to the trust account.

7.4.3. Establishment of Fees
The Municipal Officers may, from time to time and after consultation with the Board, establish the appropriate application fees and technical review fees following posting of the proposed schedule of fees and public hearing.

Section 8. SUBMISSION REQUIREMENTS

Applications for site plan review must be submitted on application forms provided by the municipality. The complete application form, evidence of payment of the required fees, and the required plans and related information must be submitted to the Code Enforcement Officer. The submission must contain at least the following exhibits and information unless specifically waived in writing. The Planning Board may waive any of the submission requirements based upon a written request of the applicant. Such request must be made at the time of the pre-application conference or at the initial review of the application if no pre-application conference is held. A waiver of any submission requirement may be granted only if the Board makes a written finding that the information is not required to determine compliance with the standards. The Planning Board may waive submission requirements for small businesses under 3000 sq. ft. when deemed appropriate.

All applications for site plan review must contain the following information:

(1) A fully executed and signed copy of the application for site plan review.

(2) Evidence of payment of the application and technical review fees.

(3) Eight (8) copies of written materials plus eight (8) sets of maps or drawings containing the information listed below. The written materials must be contained in a bound report. The maps or drawings must be at a scale sufficient to allow review of the items listed under the approval standards.

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and criteria, but in no case shall be more than one hundred (100) feet to the inch for that portion of the tract of land being proposed for development:

8.1. General Information

(1) record owner's name, address, and phone number and applicant's name, address and phone number if different.

(2) the location of all required building setbacks, yards, and buffers.

(3) names and addresses of all property owners within five hundred (500) feet of any and all property boundaries.

(4) sketch map showing general location of the site within the municipality based upon a reduction of the tax maps.

(5) boundaries of all contiguous property under the total or partial control of the owner or applicant regardless of whether all or part is being developed at this time.

(6) the tax map and lot number of the parcel or parcels on which the project is located.

(7) a copy of the deed to the property, an option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.

(8) the name, registration number, and seal of the person who prepared the plan, if applicable.

(9) evidence of the applicant's technical and financial capability to carry out the project as proposed.

8.2. Existing Conditions

(1) zoning classification(s), including overlay and/or sub-districts, of the property and the location of zoning district boundaries if the property is located in two (2) or more zoning districts or sub-districts or abuts a different district.

(2) the bearings and length of all property lines of the property to be developed and the source of this information. The Planning Board may waive this requirement of a boundary survey when sufficient information is available to establish, on the ground, all property boundaries.
(3) location and size of any existing sewer and water mains, culverts and drains, on-site sewage disposal systems, wells, underground tanks or installations, and power and telephone lines and poles on the property to be developed, on abutting streets, or land that may serve the development, and an assessment of their adequacy and condition to meet the needs of the proposed use. Appropriate elevations must be provided as necessary to determine the direction of flow.

(4) location, names, and present widths of existing public and/or private streets and rights-of-way within or adjacent to the proposed development.

(5) the location, dimensions and ground floor elevation of all existing buildings on the site.

(6) the location and dimensions of existing driveways, parking and loading areas, walkways, and sidewalks on or immediately adjacent to the site.

(7) location of intersecting roads or driveways within two hundred (200) feet of the site.

(8) the location of open drainage courses, wetlands, stonewalls, graveyards, fences, stands of trees, and other important or unique natural areas and site features, including but not limited to, floodplains, deer wintering areas, significant wildlife habitats, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, and historic and/or archaeological resources, together with a description of such features.

(9) the direction of existing surface water drainage across the site.

(10) the location, front view, dimensions, and lighting of existing signs.

(11) location and dimensions of any existing easements and copies of existing covenants or deed restrictions.

(12) the location of the nearest fire hydrant, dry hydrant or other water supply for fire protection.

8.3. Proposed Development Activity

(1) estimated demand for water supply and sewage disposal together with the location and dimensions of all provisions for water supply and wastewater disposal, and evidence of their adequacy for the proposed use, including soils test pit data if on-site sewage disposal is proposed.

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(2) the direction of proposed surface water drainage across the site and from the site, with an assessment of impacts on downstream properties.

(3) provisions for handling all solid wastes, including hazardous and special wastes and the location and proposed screening of any on-site collection or storage facilities.

(4) the location, dimensions, and materials to be used in the construction of proposed driveways, parking and loading areas, and walkways and any changes in traffic flow onto or off-site.

(5) proposed landscaping and buffering.

(6) the location, dimensions, and ground floor elevation of all proposed buildings or building expansion proposed on the site.

(7) location, front view, materials, and dimensions of proposed signs together with the method for securing the sign.

(8) location and type of exterior lighting.

(9) the location of all utilities, including fire protection systems.

(10) a general description of the proposed use or activity.

(11) an estimate of the peak hour and daily traffic to be generated by the project.

(12) stormwater calculations, erosion and sedimentation control measures, and water quality and/or phosphorous export management provisions, if the project requires a stormwater permit from the Maine Department of Environmental Protection or if the Planning Board determines that such information is necessary based upon the scale of the project or the existing conditions in the vicinity of the project.

8.4. Approval Block
Space must be provided on the plan drawing for the signatures of the Planning Board and date together with the following words, "Approved: Town of Northport Planning Board".

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Section 9. APPROVAL STANDARDS AND CRITERIA

The following criteria shall be used by the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

9.1. Utilization of the Site

The plan for the development must reflect the natural capabilities of the site to support development. Buildings, lots, and support facilities must be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. Natural drainage areas must also be preserved to the maximum extent. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

9.2. Adequacy of Road System

Vehicular access to the site must be on roads which have adequate capacity to accommodate the additional traffic generated by the development. For developments which generate one hundred (100) or more peak hour trips based on the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers, intersections on major access routes to the site within one (1) mile of any entrance road which are functioning at a Level of Service of D or better prior to the development must function at a minimum at Level of Service D after development. If any such intersection is functioning at a Level of Service E or lower prior to the development, the project must not reduce the current level of service. This requirement may be waived by the Planning Board if the project is located within a growth area designated in the Town's adopted Comprehensive Plan and the Board determines that the project will not have an unnecessary adverse impact on traffic flow or safety.
A development not meeting this requirement may be approved if the applicant demonstrates that:

(1) A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or

(2) The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will assure the completion of the improvements with a financial guarantee acceptable to the municipality.

9.3. Access into the Site
Vehicular access to and from the development must be safe and convenient.

(1) Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.

(2) Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.

(3) The grade of any proposed drive or street must be not more than ±3% for a minimum of two (2) car lengths, or forty (40) feet, from the intersection.

(4) The intersection of any access/egress drive or proposed street must function: (a) at a Level of Service of D following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or (b) at a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated.

(5) Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if it is safe and does not promote shortcutting through the site.

(6) Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.

Enacted May 5, 2008
(7) Access-ways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.

(8) The following criteria must be used to limit the number of driveways serving a proposed project:

a. No use which generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.

b. No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all access-ways must not exceed sixty (60) feet.

9.4. Access-way Location and Spacing
Access-ways must meet the following standards:

(1) Private entrances/exits must be located at least fifty (50) feet from the closest un-signalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the access-way. This requirement may be reduced if the shape of the site does not allow conformance with this standard.

(2) Private access-ways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

9.5. Internal Vehicular Circulation
The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

(1) Nonresidential projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing for a minimum of 2 vehicles.

(2) Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).

(3) The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.

Enacted May 5, 2008
(4) All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

9.6. Parking Layout and Design

Off-street parking must conform to the following standards:

(1) Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.

(2) All parking spaces, access drives, and impervious surfaces must be located at least five (5) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within five (5) feet of the front property line. Parking lots on adjoining lots may be connected by access-ways not exceeding twenty-four (24) feet in width.

(3) Parking stalls and aisle layout must conform to the following standards.

<table>
<thead>
<tr>
<th>Parking Stall Skew Stall Aisle</th>
</tr>
</thead>
<tbody>
<tr>
<td>90% 9'-0&quot; 18'-0&quot; 24'-0&quot; two way</td>
</tr>
<tr>
<td>60% 8'-6&quot; 10'-6&quot; 18'-0&quot; 16'-0&quot; one way only</td>
</tr>
<tr>
<td>45% 8'-6&quot; 12'-9&quot; 17'-6&quot; 12'-0&quot; one way only</td>
</tr>
<tr>
<td>30% 8'-6&quot; 17'-0&quot; 17'-0&quot; 12'-0&quot; one way only</td>
</tr>
</tbody>
</table>

(4) In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.

(5) Parking areas for nonresidential uses must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Double stack parking may be permitted for resident parking in conjunction with residential uses if both spaces in the stack are assigned to the occupants of the same dwelling unit.

Enacted May 5, 2008
(6) Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

9.7. Pedestrian Circulation
The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect with amenities such as parks or open space on or adjacent to the site.

9.8. Stormwater Management
Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

(1) To the extent possible, the plan must retain stormwater on the site using the natural features of the site.

(2) Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.

(3) The applicant must demonstrate that on- and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to flooding and erosion of shoreland areas, or that he/she will be responsible for whatever improvements are needed to provide the required increase in capacity and/or mitigation.

(4) All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.

Enacted May 5, 2008
(5) The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.

(6) The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.

(7) The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

9.9. Erosion Control
All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and/or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.

Soil erosion and sedimentation of watercourses and water bodies will be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 1991.

9.10. Water Supply
The development must be provided with a system of water supply that provides each use with an adequate supply of water.

If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.
9.11. Sewage Disposal

The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code.

(1) All sanitary sewage from new or expanded uses must be discharged into a public sewage collection and treatment system when such facilities are currently available or can reasonably be made available at the lot line and have adequate capacity to handle the projected waste generation.

(2) If the public collection system is not at the lot line, but can be extended in the public right-of-way, the collection system must be extended by the owner and the new or expanded use connected to the public system. Such extension shall be required if the public system is within one hundred (100) feet of a new use with a design sewage flow of less than five hundred (500) gallons per day or within three hundred (300) feet of a new use with a design sewage flow of five hundred (500) or more gallons per day and the system has adequate capacity to accommodate the additional flow. The Planning Board may waive this requirement if the use is already served by a properly functioning subsurface disposal system that is properly sized for the projected flows, provided that connection to the public system will occur if and when the subsurface system needs to be replaced.

(3) If the public system cannot serve or be extended to serve a new or expanded use, the sewage must be disposed of by an on-site sewage disposal system meeting the requirements of the Subsurface Wastewater Disposal Rules.

(4) When two (2) or more lots or buildings in different ownership share the use of a common subsurface disposal system, the system must be owned and maintained in common by an owners' association. Covenants in the deeds for each lot must require mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system.

9.12. Utilities

The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

Enacted May 5, 2008
9.13. Natural Features
The landscape must be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction. Extensive grading and filling must be avoided as far as possible.

The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

9.15. Water Quality Protection
All aspects of the project must be designed so that:

(1) No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or ground-waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

(2) All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.

(3) If the project is located within the watershed of a 'body of water most at risk from development' as identified by the Maine Department of Environmental Protection (DEP), the project must comply with the standards of the DEP with respect to the export of total suspended solids and/or phosphorous.

9.16. Hazardous, Special and Radioactive Materials
The handling, storage, and use of all materials identified by the standards of a federal or state agency as hazardous, special or radioactive must be done in accordance with the standards of these agencies.

Enacted May 5, 2008
No flammable or explosive liquids, solids or gases shall be stored in bulk above ground unless they are located at least seventy-five (75) feet from any lot line, or forty (40) feet in the case of underground storage. All materials must be stored in a manner and location which is in compliance with appropriate rules and regulations of the Maine Department of Public Safety and other appropriate federal, state, and local regulations.

9.17. Shoreland Relationship
The development must not adversely affect the water quality or shoreline of any adjacent water body. The development plan must provide for access to abutting navigable water bodies for the use of the occupants of the development as appropriate.

9.18. Technical and Financial Capacity
The applicant must demonstrate that he/she has the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan.

9.19. Solid Waste Disposal
The proposed development must provide for adequate disposal of solid wastes. All solid waste must be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

9.20. Historic and Archaeological Resources
If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

9.21. Floodplain Management
If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Town's Floodplain management provisions.

[Note: If you wish to incorporate any of the good neighbor or design standards discussed in Section 11 of the Handbook, you should add them here.]

Enacted May 5, 2008
Section 10. POST APPROVAL ACTIVITIES

10.1. Limitation of Approval
Substantial construction of the improvements covered by any site plan approval must be commenced within twelve (12) months of the date upon which the approval was granted. If construction has not been substantially commenced and substantially completed within the specified period, the approval shall be null and void. The applicant may request an extension of the approval deadline prior to the expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to two (2), six (6) month extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

10.2. Incorporation of Approved Plan
One copy of the approved site plan must be included with the application for the building permit for the project and all construction activities must conform to the approved plan, including any conditions of approval and minor changes approved by the Code Enforcement Officer to address field conditions.

10.3. Recording of the Approved Plan
One copy of the approved site plan must be recorded in the Waldo County Registry of Deeds within thirty (30) days of approval and the book and page number provided to the Code Enforcement Officer. Failure to record the plan within thirty (30) days shall void the approval. The Planning Board may extend this period for cause.

10.4. Improvement Guarantees

10.4.1. Application
(1) Improvement Guarantee - The Planning Board may require the posting of an improvement guarantee in such amount and form as specified in subsection 10.4.2. below as is reasonably necessary to ensure the proper installation of all off-site improvements required as conditions of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.

(2) Upon substantial completion of all required improvements, the developer must notify the Planning Board of the completion or substantial completion of improvements, and must send a copy of such notice to the appropriate
Municipal Officials. The respective Municipal Officials shall inspect all improvements and must file a report indicating either approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.

(3) The Planning Board shall either approve, partially approve, or reject the improvements on the basis of the report of the Municipal Officials.

(4) If the improvements are approved, the guarantee shall be released. Where partial approval is granted, the developer shall be released from liability only for that portion of the improvements approved.

10.4.2. Form of Guarantee
Performance guarantees may be provided by a variety of means including, but not limited to, the following which must be approved as to form and enforceability by the Board of Selectmen.

(1) Security Bond - The applicant may obtain a security bond from a surety bonding company authorized to do business in the state.

(2) Letter of Credit - The applicant may provide an irrevocable letter of credit from a bank or other reputable lending institution.

(3) Escrow Account - The applicant may deposit cash, or other instruments readily convertible into cash at face value, either with the municipality, or in escrow with a bank. Any such account must require Town approval for withdrawal and must stipulate that the Town can withdraw the money upon forty-eight (48) hour advance notice to the applicant to complete the guaranteed improvements.

10.5. Submission of As-Built Plans
Any project involving the construction of more than twenty thousand (20,000) square feet of gross floor area or fifty thousand (50,000) square feet of impervious surface, must provide the Code Enforcement Officer with a set of construction plans showing the building(s) and site improvements as actually constructed on the site. These "as-built" plans must be submitted within thirty (30) days of the issuance of a certificate of occupancy for the project or occupancy of the building.

10.6. Minor Changes to Approved Plans
Minor changes in approved plans necessary to address field conditions may be approved by the Code Enforcement Officer provided that any such change does not affect compliance with the standards or alter the essential nature of Enacted May 5, 2008
the proposal. Any such change must be endorsed in writing on the approved plan by the Code Enforcement Officer.

10.7. Amendments to Approved Plans
Approvals of site plans are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals, and supporting documents, except minor changes that do not affect approval standards, is subject to review and approval.

Section 11. APPEAL OF PLANNING BOARD ACTIONS
Appeal of any actions taken by the Planning Board with respect to this section shall be to the Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80B.

Section 12. AMENDMENTS TO THE ORDINANCE
Amendments of this ordinance may be initiated by the Municipal Officers, the Planning Board, or as specified in the Town Charter Title 20-A M.R.S.A.§2522.

No proposed amendments to this ordinance shall be referred to the Town Meeting until the municipal officers have held a public hearing on the proposal, notice of which shall be posted at least fourteen (14) days prior to such hearing and advertised in a newspaper of general circulation in the municipality at least two (2) times with the date of first publication being at least fourteen (14) days prior to the hearing and the second at least seven (7) days prior to the hearing.

The proposed amendments shall be adopted by a simple majority vote of the Town Meeting.

Section 13. SEVERABILITY
The invalidity of any section or provision of this ordinance shall not be held to invalidate any other section or provision of this ordinance.

Enacted May 5, 2008
Town of Northport

Wind Energy Systems Ordinance

Attested: [Signature]
Date: 5-5-10

Enacted May 4, 2010
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Town of Northport

Northport Wind Energy Systems Ordinance

1. Title

This Ordinance shall be known as the Town of Northport Wind Energy Systems Ordinance.

2. Authority

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

3. Purpose

The purpose of the Ordinance is to provide for the construction and operation of Wind Energy Systems in the Town of Northport, subject to reasonable conditions that will protect the public health, safety, and welfare.

4. Applicability

4.1 This Ordinance applies to any Wind Energy Facility proposed for construction in the Town of Northport after the effective date of this Ordinance. This Ordinance does not apply to Associated Facilities unless the Generating Facilities are located within Northport, in which case this Ordinance applies to both the Generating Facilities and the Associated Facilities.

4.2 A Wind Energy Facility that is the subject of an application determined to be complete by the Northport Planning Board prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided that any physical modifications after the effective date of the Ordinance shall be subject to the permitting requirements of Section 8.2.
5. Conflict and Severability

5.1 If there is a conflict between provisions in this Ordinance, the more stringent shall apply. If there is a conflict between a provision in this Ordinance and that of another Northport ordinance, the provision of this Ordinance shall apply.

5.2 The invalidity of any part of this Ordinance shall not invalidate any other part of this ordinance.

6. Effective Date

This Ordinance becomes effective on May 4, 2010.

7. Classification of Wind Energy Systems

All Wind Energy Systems shall be classified in accordance with Table 1 below.

<table>
<thead>
<tr>
<th>Facility Type</th>
<th>Aggregate Capacity</th>
<th>Turbine Height</th>
<th>Max. # of Turbines</th>
<th>DEP Site Location Permit Required</th>
<th>Local Review and Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A</td>
<td>≤100kW</td>
<td>≤80'</td>
<td>1</td>
<td>No</td>
<td>CEO</td>
</tr>
<tr>
<td>1B</td>
<td>≤100kW</td>
<td>&gt;80'</td>
<td>NA</td>
<td>No</td>
<td>PB</td>
</tr>
<tr>
<td>2</td>
<td>&gt;100kW</td>
<td>NA</td>
<td>NA</td>
<td>No¹</td>
<td>PB</td>
</tr>
<tr>
<td>3</td>
<td>&gt;100kW</td>
<td>NA</td>
<td>NA</td>
<td>Yes²</td>
<td>PB</td>
</tr>
</tbody>
</table>

¹ Per Title 35-A M.R.S.A., Section 3456
² Per Title 38 M.R.S.A., Section 482(2)
8. Administration

8.1 Review and Approval Authority

1. The Code Enforcement Officer is authorized to review all applications for Type 1A Wind Energy Facilities and MET Towers pursuant to section 10.0, and may approve, deny or approve such applications with conditions in accordance with the standards of the Ordinance.

2. The Northport Planning Board is authorized to review all applications for Type 1B, Type 2, and Type 3 Wind Energy Facilities and may approve, deny or approve such applications with conditions in accordance with this Ordinance.

8.2 Permit Required

1. No Wind Energy Facility shall be constructed or located within Northport without a permit issued in accordance with this Ordinance.

2. Any physical modification to an existing Wind Energy Facility that materially alters the location or increases the area of development on the site or that increases the Turbine Height or the level of sound emissions of any Wind Turbine shall require a permit modification under this Ordinance. Like-kind replacements and routine maintenance and repairs shall not require a permit modification.

8.3 Permit Applications

1. Application components. A Wind Energy Facility permit application shall consist of the application form, application fee, and supporting documents, as described below:

   a. Application Forms. The municipality shall provide the application form which shall be signed by: 1) a Person with right, title and interest in the subject property or; 2) a Person having written authorization from a Person with right, title and interest in the subject property. The signature shall be dated and the signatory shall certify that the information in the application is complete and correct and that the proposed facility will be constructed and operated in accordance with the standards of this ordinance and all approval and permit conditions, if any.

   b. Application Fees. Application fees shall be assessed and paid upon submission of the application in accordance with Appendix A of this Ordinance.
Town of Northport

c. Supporting Documents. The application shall include all additional documents necessary to satisfy the applicable submission requirements under section 9 of this Ordinance.

2. Application Submission. The Applicant shall submit its application for a Wind Energy Facility permit to the Code Enforcement Officer who shall note on the application the date on which it was received.

3. Changes to a Pending Application

a. The Applicant shall promptly notify the municipal entity responsible for review and approval of a pending application under section 9.1 of any changes the Applicant proposes to make to information contained in the application.

b. If changes are proposed to a pending application after a public hearing has been held, the Planning Board may consider those changes and continue with the review and approval process without a renewed public hearing if it determines that the changes do not materially alter the application. If the Planning Board determines that the proposed changes do materially alter the application it shall schedule and conduct another public hearing within 30 days of that determination. In making its determination, the Planning Board shall consider whether the proposed changes involve potential adverse effects different than or in addition to those addressed in the initial application.

8.4 Permit Application Procedures

1. Type 1A Wind Energy Facility Application

a. Within 10 days after receiving an application, the Code Enforcement Officer shall notify the Applicant in writing either that the application is complete or, if the application is incomplete, the specific additional material needed to complete the application. The Code Enforcement Officer may waive any submission requirement if the Code Enforcement Officer issues a written finding that, due to special circumstances of the application, adherence to that requirement is not necessary to determine compliance with the standards of this Ordinance.

b. Within 30 days after determining the application to be complete, the Code Enforcement Officer shall issue a written order: 1) denying approval of the proposed Wind Energy Facility, 2) granting approval of the proposed Wind Energy Facility or, 3) granting approval of the proposed Wind Energy Facility with conditions. In making the decision, the Code Enforcement Officer shall make findings on whether the proposed Wind Energy Facility meets the applicable criteria described in sections 11 and 12.
c. With the agreement of the applicant, the Code Enforcement Officer may extend the procedural time frames of this section.

2. Type 1B, Type 2 and Type 3 Wind Energy Facility Applications

a. The Applicant is strongly encouraged to meet with the Code Enforcement Officer before submitting an application. At this pre-application meeting, the Code Enforcement Officer will explain the Ordinance's provisions, application forms, and submission requirements. The Applicant should provide photos of the proposed site and written descriptions of the proposed facility and the proposed site, including its location and lot area.

b. An application shall be eligible for consideration at a regularly-scheduled meeting of the Planning Board only if the applicant submits it at least 14 days prior to the meeting.

c. Within 30 days after receipt of the application by the Code Enforcement Officer, the Planning Board shall notify the Applicant in writing either that the application is complete or, if the application is incomplete, the specific additional material needed to complete the application. The Planning Board may waive any submission requirement if it issues a written finding that, due to special circumstances of the application, adherence to that requirement is not necessary to determine compliance with the standards of this Ordinance.

d. The Planning Board shall hold a public hearing for a Type 3 Wind Energy Facility application within 60 days after determining that the application is complete. The Planning Board may decide to hold a public hearing for a Type 1B or a Type 2 Wind Energy Facility application. If it decides to hold a public hearing for a Type 1B application, the Planning Board shall hold that hearing within 30 days after determining that application is complete. If it decides to hold a public hearing for a Type 2 application, the Planning Board shall hold that hearing within 60 days after determining that the application is complete.

e. Within 60 days after determining that an application for a Type 1B Wind Energy Facility is complete or within 90 days after determining that an application for a Type 2 or Type 3 Wind Energy Facility is complete, the Planning Board shall issue a written order: 1) denying approval of the proposed Wind Energy Facility, 2) granting approval of the proposed Wind Energy Facility or, 3) granting approval of the proposed Wind Energy Facility with conditions. In making its decision, the Planning Board shall make findings on whether the proposed Wind Energy Facility meets the applicable criteria described in sections 11, 12, and 13.

f. With the agreement of the applicant, the Planning Board may extend the procedural time frames of this section.
Table 2

Procedural Time Frames

<table>
<thead>
<tr>
<th>Facility Type</th>
<th>Application Completeness</th>
<th>Public Hearing</th>
<th>Final Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A</td>
<td>≤ 10 days(^3)</td>
<td>NA</td>
<td>&lt; 30 days(^4)</td>
</tr>
<tr>
<td>1B</td>
<td>≤ 30 days</td>
<td>≤ 30 days</td>
<td>≤ 60 days</td>
</tr>
<tr>
<td>2</td>
<td>≤ 30 days</td>
<td>≤ 60 days</td>
<td>≤ 90 days</td>
</tr>
<tr>
<td>3</td>
<td>≤ 30 days</td>
<td>≤ 90 days</td>
<td>≤ 120 days</td>
</tr>
</tbody>
</table>

8.5 Notice of Meetings

Ten days prior to any meeting at which an application for a Type 1B, Type 2, or Type 3 Wind Energy Facility is to be considered, the Planning Board shall send notice by first class mail, to the applicant and all owners of property abutting the property on which the Wind Energy Facility is proposed to be located. The notice shall state the date, time and place of the meeting and the proposed location and the classification of the proposed Wind Energy Facility.

8.6 Public Hearings

The Planning Board shall have notice of the date, time, and place of any public hearing and the proposed location and the classification of the proposed Wind Energy Facility:

1. Published at least once in a newspaper having general circulation within the municipality. The date of the first publication shall be at least 10 days before the hearing.

2. Mailed by first class mail to the Applicant and to owners of property within 500 feet of the property on which the Wind Energy Facility is proposed to be located, at least 10 days before the public hearing. The Planning Board shall maintain a list of property owners to whom notice is mailed in the application file. Failure of any of these property owners to receive a notice shall not invalidate the public nor shall it require the Planning Board to schedule another hearing.

\(^3\) Days after receipt of the application by the Code Enforcement Officer

\(^4\) Days after the application is determined to be complete
8.7 Professional Services

In reviewing the application for compliance with this Ordinance, the Planning Board may retain professional services, including but not limited to those of an attorney or consultant, to verify information presented by the Applicant. The attorney or consultant shall first estimate the reasonable cost of such review and the Applicant shall deposit, with the municipality, the full estimated cost, which the municipality shall place in an escrow account. The municipality shall pay the attorney or consultant from the escrow account and reimburse the Applicant if funds remain after payment.

8.8 Expiration of Permits

Permits shall expire: 1) two years after the date of approval unless a substantial start on construction has occurred and; 2) three years after the date of approval unless construction of the Wind Energy Facility has been completed. If a permit for a Type 2 or Type 3 Wind Energy Facility expires, the Applicant shall implement pertinent provisions of the approved decommissioning plan. Upon the Applicant’s written request, the municipal entity responsible for review and approval of the application under section 8.1 may extend either or both expiration time limits by one year.

8.9 Access

The Code Enforcement Officer shall have access to the site at all times to review the progress of the work and shall have the authority to review all records and documents directly related to the design, construction and operation of the facility.

8.10 Enforcement

1. It shall be unlawful for any Person to violate or fail to comply with or take any action that is contrary to the terms of the Ordinance, or to violate or fail to comply with any permit issued under the Ordinance, or to cause another to violate or fail to comply or take any action which is contrary to the terms of the Ordinance or any permit under the Ordinance.

2. If the Code Enforcement Officer determines that a violation of the Ordinance or the permit has occurred, the Code Enforcement Officer shall provide written notice to any Person alleged to be in violation of this Ordinance or permit. If the alleged violation does not pose an immediate threat to public health or safety, the Code Enforcement Officer and the alleged violator shall engage in good faith negotiations to resolve the alleged violation. Such negotiations shall be conducted within thirty (30) days of the notice of violation and, with the consent of the alleged violator, may be extended.
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3. If, after thirty (30) days from the date of notice of violation or further period as agreed to by the alleged violator, the Code Enforcement Officer determines, in the officer’s reasonable discretion, that the parties have not resolved the alleged violation, the Code Enforcement Officer may institute civil enforcement proceedings or any other remedy at law to ensure compliance with the Ordinance or permit.

8.11 Appeals

Any Person aggrieved by a decision of the Code Enforcement Officer or the Planning Board under this Ordinance may appeal the decision to the Board of Appeals

9. Application Submission Requirements

9.1 General Submission Requirements

1. A completed application form including:

a. The Applicant and Participating Landowner(s’) name(s) and contact information.

b. The address, tax map number, and owner(s) of the proposed facility site and any contiguous parcels owned by Participating Landowners.

c. The tax map number, current use, owner(s) and addresses of owner(s) of parcels that abut the proposed facility site or abut parcels of Participating Landowners that are contiguous with the proposed facility site (Not required for Type 1A applications)

d. An affirmation, signed and dated by the Applicant, that the information provided in the application is correct and that the proposed Wind Energy Facility, if approved and built, shall be constructed and operated in accordance with the standards of this ordinance and all conditions of approval, if any

2. Receipt showing payment of application fee in accordance with Appendix A.

3. A copy of a deed, easement, purchase option or other comparable documentation demonstrating that the Applicant has right, title or interest in the proposed facility site.

4. Location map showing the boundaries of the proposed facility site and all contiguous property under total or partial control of the Applicant or Participating Landowner(s) and any Scenic Resource or Historic Site within 2500 feet of the proposed development.

5. Description of the proposed Wind Energy Facility that includes the number and aggregate generating capacity of all Wind Turbines, the Turbine Height and manufacturer’s specifications for each Wind Turbine (including but not limited to the make, model,
maximum generating capacity, sound emission levels and types of overspeed controls) and a description of Associated Facilities.

6. Site plan showing the proposed location of each Wind Turbine and Associated Facilities and any of the following features located within 500 feet of any Wind Turbine: parcel boundaries, required setbacks, topographic contour lines (maximum 20-foot interval), roads, rights-of-way, overhead utility lines, buildings (identified by use), land cover, wetlands, streams, water bodies and areas proposed to be re-graded or cleared of vegetation.

   a. In addition to the information in 6, above, site plans for Type 1B, Type 2 and Type 3 Wind Energy Facilities shall show the location and average height of tree cover to be retained and the location, variety, planting height and mature height of proposed trees, if any.

7. Written evidence that the Environmental Coordinator of the Maine Department of Inland Fisheries and Wildlife (MDIFW) and that the Maine Natural Areas Program (MNAP) have both been notified of the pending application and the location and Turbine Height of all proposed Wind Turbines.

8. Written evidence that the provider of electrical service to the property has been notified of the intent to connect an electric generator to the electricity grid, if such connection is proposed.

9. Description of emergency and normal shutdown procedures.

10. Photographs of existing conditions at the site.

11. An application for a Type 1A or 1B Wind Energy Facility shall include structural drawings of the Tower foundation and anchoring system: a) prepared by the Wind Turbine or Tower manufacturer, b) prepared in accordance with the manufacturer’s specifications or, c) prepared and stamped by a Maine-licensed professional engineer.

12. An application for a Type 1A or Type 1B Wind Energy Facility shall include:

   a. a written statement, signed by the Applicant, that certifies that the proposed facility is designed to meet the applicable noise control standards under section 13.1.3 and acknowledges the Applicant’s obligation to take remedial action in accordance with section 13.1.6 if the Code Enforcement Officer determines those standards are not being met or;

   b. a written request for review under section 14.1 along with information required under Appendix B, subsection B (Submissions).
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13. An Application for Type 1B, Type 2 or Type 3 Wind Energy Facility shall include the following site line, photographic and, if applicable, screening information, provided that an Applicant for a Type 3 Wind Energy Facility may provide this information as part of a visual assessment if required pursuant to section 13.5:

   a. Sight Line Representations of each Wind Turbine from the nearest Occupied Building and from at least one other representative location within 500 feet of the Wind Turbine, such as a Scenic Resource or another Occupied Building. Each Site Line Representation shall be drawn at a scale sufficiently large to make it legible. If screening is proposed, the proposed screening device, such as trees, shrubs or fencing, shall be depicted on the drawing along with the sight line as altered by the screening.

   b. A current four-inch by six-inch color photograph of the proposed site of the Wind Turbine(s) taken from viewpoints corresponding to each of the Site Line Representations.

   c. One copy of each of the photographs described in b, above, onto which is superimposed an accurately-scaled and sited representation of the Wind Turbine(s).

14. An application for a Type 2 Wind Energy Facility that generates energy primarily for sale or use by a Person other than the generator, shall include, if issued at the time of application, certification from the Department of Environmental Protection pursuant to 35-A M.R.S. § 3456 that the Wind Energy Facility:

   a. Will meet the requirements of the noise control rules adopted by the Board of Environmental Protection pursuant to the Site Location of Development Act, 38 M.R.S. §481, et seq.;

   b. Will be designed and sited to avoid unreasonable adverse Shadow Flicker effects; and

   c. Will be constructed with setbacks adequate to protect public safety.

   If such certification has not been issued at the time of application, the Applicant shall include written evidence that the Applicant has applied for certification.

9.2 Additional Submission Requirements for an Application for a Type 2 and 3 Wind Energy Facility

1. Certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, or other similar certifying organizations.

2. Decommissioning plan in conformance with Appendix C.
3. Written summary of operation and maintenance procedures for the Wind Energy Facility and a maintenance plan for access roads, erosion and sedimentation controls and storm water management facilities.

4. Standard boundary survey of the subject property stamped by a Maine-licensed surveyor. The Planning Board may waive this requirement if it determines that the Applicant has provided information sufficient to identify property boundaries to the extent necessary.

5. Visual impact assessment, if required pursuant to section 14.5.

6. Stormwater management plan stamped by a Maine-licensed professional engineer.

7. Sound level analysis, prepared by a qualified engineer, which addresses the standards of section 14.1.

8. Shadow Flicker analysis based on WindPro or other modeling software approved by the Department of Environmental Protection.

9. Foundation and anchoring system drawings that are stamped by a Maine-licensed professional engineer.

10. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Planning Board to ensure compliance with this Ordinance.

10. Meteorological Towers (MET Towers)

Applications for Meteorological (MET) Towers shall be subject to the submission and review standards for a Type 1A Wind Energy Facility, as applicable, except that no height limitation shall apply. A permit for a MET Tower shall be valid for 2 years and 2 months from the date of issuance. The Codes Enforcement Officer may grant one or more one-year extensions of this permit period. Within 30 days following removal of a MET Tower, the Applicant shall restore the site to its original condition to the extent practicable. The provisions of this section do not apply to permanent MET Towers included as Associated Facilities in approved Wind Energy Facility applications.
11. General Standards

11.1 Safety Setbacks

Wind Turbines shall be set back a horizontal distance equivalent to 150% of the Turbine Height from property boundaries, public and private rights-of-way and overhead utility lines that are not part of the proposed Generating Facility except that the entity responsible for review and approval of the application may allow a reduced setback if the Applicant submits, in writing: 1) a waiver of the property boundary setback signed by the pertinent abutting landowner or; 2) evidence, such as operating protocols, safety programs, or recommendations from the manufacturer or a licensed professional engineer with appropriate expertise and experience with Wind Turbines, that demonstrates that the reduced setback proposed by the Applicant is appropriate.

11.2 Natural Resource Protection

A Wind Energy Facility shall not have an unreasonable adverse effect on rare, threatened, or endangered wildlife, significant wildlife habitat, rare, threatened or endangered plants and rare and exemplary plant communities. In making its determination under this subsection, the municipal entity responsible for review and approval of the permit application under section 9.1 shall consider pertinent application materials and the written comments and/or recommendations, if any, of the Maine Department of Inland Fisheries and Wildlife (MDIFW) Environmental Coordinator and the Maine Natural Areas Program (MNAP).

11.3 Building Permit

All components of the Wind Energy Facility shall conform to relevant and applicable local and state building codes.

11.4 Overspeed Controls and Brakes

Each Wind Turbine shall be equipped with an overspeed control system that: 1) includes both an aerodynamic control such as stall regulation, variable blade pitch, or other similar system, and a mechanical brake that operates in fail safe mode; or 2) has been designed by the manufacturer or a licensed civil engineer and found by the municipal entity responsible for review and approval of the application under 9.1, based on its review of a written description of the design and function of the system, to meet the needs of public safety.
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11.5 Electrical Components and Interconnections

All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state, and national codes.

11.6 Access

All ground-mounted electrical and control equipment and all access doors to a Wind Turbine shall be labeled and secured to prevent unauthorized access. A Wind Tower shall not be climbable up to a minimum of fifteen (15) feet above ground surface.

11.7 Blade Clearance

The minimum distance between the ground and all blades of a Wind Turbine shall be 25 feet as measured at the lowest arc of the blades.

11.8 Signal Interference

The Applicant shall make reasonable efforts to avoid and mitigate to the extent practicable any disruption or loss of radio, telephone, television, or similar signals caused by the Wind Energy Facility.

11.9 Structure Type

With the exception of Meteorological (MET) Towers, Towers shall be monopoles with no guy wires. This requirement may be waived if the Applicant demonstrates to the satisfaction of the municipal entity responsible for review and approval of the permit application under section 9.1, that there is no practicable alternative. Bird flight diverters must be installed on any guy wires that are permitted.

11.10 Erosion Control


11.11 Building-Mounted Wind Turbines

Building-mounted Wind Turbines are not permitted.

11.12 Visual Appearance

1. A Wind Turbine shall be a non-obtrusive color such as white, off-white or gray, or as may otherwise be required by another governmental agency with jurisdiction over the Wind Energy Facility.
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2. A Wind Turbine shall not be lighted artificially, except to the extent consistent with Federal Aviation Administration recommendations or other applicable authority that regulates air safety or as is otherwise required by another governmental agency with jurisdiction over the Wind Energy Facility.

3. A Wind Turbine shall not be used to support signs and shall not display advertising except for reasonable and incidental identification of the turbine manufacturer, facility owner and operator, and for warnings.

11.13 Visibility of Wind Turbine

The following requirements apply, to the extent practicable, to Type 1B and Type 2 Wind Energy Facilities:

1. To the extent that doing so does not inhibit adequate access to the wind resource, each Wind Turbine shall be located to maximize the effectiveness of existing vegetation, structures and topographic features in screening views of the Wind Turbine from Occupied Buildings and Scenic Resources.

2. When existing features do not screen views of a Wind Turbine from Residences and Scenic Resources, screening may be required, where feasible and effective, through the planting of trees and/or shrubs. In order to maximize the screening effect and minimize wind turbulence near the Wind Turbine, plantings should be situated as near as possible to the point from which the Wind Turbine is being viewed. Such plantings should be of native varieties.

12. Special Standards for Type 1A and Type 1B Wind Energy Systems

12.1 Sound Limits Noise emanating from a Type 1A or Type1B Wind Energy Facility shall be controlled in accordance with the provisions of this section or, upon the written request of the applicant, the provisions of section 14.1. If the Applicant chooses review under section 14.1, the provisions of 13.1.1, 13.1.2 and 13.1.6 shall apply, but the provisions of 13.1.3, 13.1.4 and 13.1.5 shall not apply.

1. The sound level limits contained in this section apply only to areas that are defined as Protected Locations and to property boundaries that describe the outer limits of the facility site in combination with any parcel(s) owned by a Participating Land-Owner that are contiguous with the facility site.
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2. The sound level limits contained in this section do not apply to the facility site or any parcel(s) owned by a Participating Land-Owner that are contiguous with the facility site.

3. The sound levels resulting from routine operation of a Wind Energy Facility, as measured in accordance with the procedures described in section 13.1.5 shall not exceed the limits specified for the following locations and times:

a. At a Protected Location with no living and sleeping quarters:

   55 dBA during the Protected Location’s regular hours of operation

b. At a Protected Location with living and sleeping quarters:

   1. Area(s) within 500 feet of living and sleeping quarters:

      45 dBA between 7:00 p.m. and 7:00 a.m.

      55 dBA between 7:00 a.m. and 7:00 p.m.

   2. Area(s) more than 500 feet from living and sleeping quarters:

      55dBA at all times.

c. At property boundaries that describe the outer limits of the facility site combined with any parcel(s) owned by a Participating Land-Owner that are contiguous with the facility site:

   75 dBA at all times.

4. If the Applicant submits the certification and acknowledgement required by Section 10.1.12(1), the municipal entity responsible for review and approval of the application under Section 9.1 shall determine, for purposes of issuing its approval, that the pertinent sound-level limits under section 13.1.1 have been met, subject to the Applicant’s obligation to take remedial action as necessary under section 13.1.4.

5. The Code Enforcement Office may perform measurements of sound levels resulting from routine operation of an installed Type 1A or Type 1B Wind Energy Facility at the officer’s own initiative or in response to a noise-related complaint to determine compliance with the pertinent standards in section 13.1.1. Such measurements shall be performed as follows:
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a. Measurements shall be obtained during representative weather conditions when the sound of the Wind Energy Facility is most clearly noticeable. Preferable weather conditions for sound measurements at distances greater than about 500 feet from the sound source include overcast days when the measurement location is downwind of the Wind Turbine and inversion periods (which most commonly occur at night).

b. Sound levels shall be measured at least four (4) feet above the ground by a meter set on the A-weighted response scale, fast response. The meter shall meet the latest version of American National Standards Institute (ANSI S1.4.) "American Standard Specification for General Purpose Sound Level Meters" and shall have been calibrated at a recognized laboratory within the past year.

c. 5 dBA shall be added to sound levels of any Short Duration Repetitive Sound measured in accordance with paragraphs a and b.

6. The Applicant shall operate the proposed Wind Energy Facility in conformance with the sound level limits of section 13.1 or section 14.1, as applicable. If, based on post-installation measurements taken in accordance with section 13.1.3 or section 14.1, as applicable, the Codes Enforcement Officer determines that the applicable sound-level limits are not being met, the Applicant shall, at the Applicant's expense and in accordance with the Northport Wind Energy Facility Ordinance and in consultation with the Code Enforcement Officer, take remedial action deemed necessary by the Code Enforcement Officer to ensure compliance with those limits. Remedial action that the Code Enforcement Officer may require, includes, but shall not be limited to, one or more of the following:

a. modification or limitation of operations during certain hours or wind conditions;

b. maintenance, repair, modification or replacement of equipment;

c. relocation of the Wind Turbine(s); and,

d. removal of the Wind Turbine(s) provided that the Code Enforcement Officer may require removal of the Wind Turbine(s) only if the Code Enforcement Officer determines that there is no practicable alternative.

12.2 Discontinued Use

1. A Type 1A or Type 1B Wind Energy Facility that is not generating electricity for twelve (12) consecutive months shall be deemed a discontinued use and shall be removed from the property by the Applicant within 120 days of receipt of notice from the Code Enforcement Officer, unless the Applicant provides information that
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the Planning Board deems sufficient to demonstrate that the project has not been discontinued and should not be removed. If the Wind Energy Facility is not removed within this time period, the municipality may remove the turbine at the Applicant’s expense. The Applicant shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads and reestablishment of vegetation.

2. If a surety has been given to the municipality for removal of a Type 1B Wind Energy Facility, the Applicant may apply to the Planning Board for release of the surety when the Wind Energy Facility has been removed to the satisfaction of the Code Enforcement Officer.

Sound levels, measured at the

| Table 3 |
| Sound Level Limits |
| Maximum dBA Measured at Property Boundry |
| 60 dBA |

13.0 Special Standards for Type 2 and Type 3 Wind Energy Systems

13.1 Control of Noise

Noise emanating from a Type 2 Wind Energy Facility, a Type 3 Wind Energy Facility, or, upon written request of the Applicant pursuant to section 13.1, a Type 1A or Type 1B Wind Energy Facility shall be controlled in accordance with the provisions of Appendix B

If there is a conflict between a provision of Appendix B and another provision of this ordinance, the provision of Appendix B shall apply.

13.2 Use of Public Roads

The Applicant shall identify all state and local public roads to be used within [name of municipality] to transport equipment and parts for construction, operation or maintenance of a Type 2 or Type 3 Wind Energy Facility.

The Town Engineer, Road Commissioner or a qualified third-party engineer reasonably acceptable to both the Planning Board and the Applicant and paid for by the Applicant pursuant to Section 8.7 of the Ordinance, shall document road conditions prior to construction. The Town Engineer, Road
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Commissioner or third-party engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.

The Applicant shall demonstrate, to the satisfaction of the Planning Board, that it has financial resources sufficient to comply with subsection 4, below, and the Planning Board may require the Applicant to post a bond or other security in order to ensure such compliance.

Any road damage caused by the Applicant or its contractors shall be promptly repaired at the Applicant’s expense.

13.3 Warnings

A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

13.4 Artificial Habitat

To the extent practicable, the creation of artificial habitat for raptors or raptor prey shall be minimized. In making its determination under this subsection the Planning Board shall consider comments and recommendations, if any, provided by the Maine Department of Inland Fisheries and Wildlife.

13.5 Effect on Scenic Resources

1. Except as otherwise provided in this subsection, if a Type 2 or Type 3 Wind Energy Facility is proposed for location in or is visible from a Scenic Resource, the Applicant shall provide the Planning Board a visual impact assessment that addresses the evaluation criteria in subsection 14.5.3. There is a rebuttable presumption that a visual impact assessment is not required for those portions of a Type 2 or Type 3 Wind Energy Facility that are located more than 3 miles, measured horizontally, from a Scenic Resource. The Planning Board may require a visual impact assessment for portions of the Type 2 or Type 3 Wind Energy Facility located more than 3 miles and up to 8 miles from a Scenic Resource if it finds that a visual impact assessment is needed to determine if there is the potential for significant adverse effects on the Scenic Resource. Information intended to rebut the presumption must be submitted to the Planning Board by any interested Person within 30 days of acceptance of the application as complete. The Planning Board shall determine if the presumption is rebutted based on a preponderance of evidence in the record.

2. The Planning Board shall determine, based on consideration of the evaluation criteria in subsection 14.5.3, whether the Type 2 or 3 Wind Energy Facility significantly compromises views from a Scenic Resource such that the proposed facility has an unreasonable adverse effect on the scenic character or existing uses related to scenic character of that Scenic Resource.

3. In making its determination pursuant to subsection 14.5.2, and in determining whether an Applicant for a Type 2 or 3 Wind Energy Facility located more than 3 miles from a Scenic Resource must provide a visual impact assessment in accordance with subsection 14.5.1, the Planning Board shall consider:
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a. The significance of the potentially affected Scenic Resource;

b. The existing character of the surrounding area;

c. The expectations of the typical viewer;

d. The Type 2 or Type 3 Wind Energy Facility's purpose and the context of the proposed activity;

e. The extent, nature and duration of potentially affected public uses of the Scenic Resource and the potential effect on the public's continued use and enjoyment of the Scenic Resource; and

f. The scope and scale of the potential effect of views of the Wind Energy Facility on the Scenic Resource, including but not limited to issues related to the number and extent of Wind Turbines visible from the Scenic Resource, the distance from the Scenic Resource and the effect of prominent features of the Wind Energy Facility on the landscape.

A finding by the Planning Board that the Type 2 or Type 3 Wind Energy Facility is a highly visible feature in the landscape is not a solely sufficient basis for determination that it has an unreasonable adverse effect on the scenic character and existing uses related to scenic character of a Scenic Resource. In making its determination under subsection 14.5.2, the Planning Board shall consider insignificant the effects of portions of a Type 2 or Type 3 Wind Energy Facility located more than 8 miles, measured horizontally, from a Scenic Resource.

13.6 Shadow Flicker

Type 2 and Type 3 Wind Energy Facilities shall be designed to avoid unreasonable adverse shadow flicker effect at any Occupied Building located on a Non-Participating Landowner’s property.

13.7 Relationship to DEP Certification and Permitting

1. For a Type 2 Wind Energy Facility for which a DEP Certification has been submitted in accordance with section 9.1.14, the Planning Board shall consider, to the extent applicable, pertinent findings in that certification when making its determination under sections 11.1, 13.1, and 13.6. There is a rebuttable presumption that a Wind Energy Facility that has obtained DEP Certification meets the requirements of sections 11.1, 13.1, and 13.6. The Planning Board may, as a condition of approval of a Type 2 Wind Energy Facility that generates energy for sale or use by a person other than the generator, deem DEP’s issuance of a certificate for the development sufficient to meet, in whole or in part, as applicable, the requirements of sections 11.1, 13.1, 13.6.

2. If DEP has issued a Site Location of Development Act permit for a Type 3 Wind Energy Facility pursuant to 38 M.R.S. § 484(3), there is a rebuttable presumption that the development meets the requirements of sections 11.1 11.2, 13.1, 13.6, 13.12 and, as it pertains to Scenic Resources of state or national significance as defined by 35-A M.R.S. §3451(9), section 13.5. The Planning
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Board may, as a condition of approval of a Type 3 Wind Energy Facility, deem DEP’s issuance of a permit for the development sufficient to meet, in whole or in part, as applicable, the requirements of sections 11.1, 11.2, 13.1, 13.6, 13.12 and, as it pertains to Scenic Resources of state or national significance, section 13.5.

13.8 Local Emergency Services

The Applicant shall provide a copy of the project summary and site plan to local emergency service providers, including paid or volunteer fire department(s).

Upon request, the Applicant shall cooperate with emergency service providers to develop and coordinate implementation of an emergency response plan for a Type 2 or Type 3 Wind Energy Facility.

A Wind Turbine shall be equipped with an appropriate fire suppression system to address fires within the Nacelle portion of the turbine or shall otherwise address the issue of fire safety to the satisfaction of the Planning Board.

13.9 Liability Insurance

The Applicant or an Applicant’s designee acceptable to the Planning Board shall maintain a current general liability policy for the Type 2 or Type 3 Wind Energy Facility that covers bodily injury and property damage with limits in an amount commensurate with the scope and scale of the Facility. The Applicant or its designee shall make certificates of insurance available to the Planning Board upon request.

13.10 Design Safety Certification

Each Wind Turbine shall conform to applicable industry standards including those of the American National Standards Institute (ANSI) and at least one of the following: Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organization.

13.11 Public Inquiries and Complaints

The Applicant or its designee shall maintain a phone number and identify a responsible Person for the public to contact with inquiries and complaints throughout the life of the Wind Energy Facility.
14. Definitions

**Applicant** is the legal entity, including successors and assigns, that files an application under this Ordinance.

**Associated Systems** means elements of a Wind Energy System other than its generating facilities that are necessary to the proper operation and maintenance of the Wind Energy Systems, including but not limited to buildings, access roads, generator lead lines and substations.

**DEP Certification** means a certification issued by the Department of Environmental Protection pursuant to Title 35-A M.R.S.A., Section 3456 for a Wind Energy Development.

**Generating Facilities** means Wind Turbines and electrical lines, not including Generator Lead Lines, that are immediately associated with the Wind Turbines.

**Generator Lead Line** means a "generator interconnection transmission facility" as defined by 35-A M.R.S. § 3132 (1-B).

**Historic Area** means an Historic Site administered by the Bureau of Parks and Recreation of the Maine Department of Conservation, with the exception of the Arnold Trail.

**Historic Site** means any site, structure, district or archaeological site which has been officially included on the National Register of Historic Places and/or on the Maine Historic Resource Inventory, or which is established by qualified testimony as being of historic significance.

**Locally-Designated Passive Recreation Area** means any site or area designated by a municipality for passive recreation that is open and maintained for public use and which: a) has fixed boundaries, b) is owned in fee simple by a municipality or is accessible by virtue of public easement, c) is identified and described in a local comprehensive plan and, d) has been identified and designated at least nine months prior to the submission of the Applicant's Wind Energy Facility permit application.

**Meteorological Tower (MET Tower)** means a Tower used for the measurement and collection of wind data that supports various types of equipment, including but not limited to anemometers, data recorders, and solar power panels. MET Towers may also include wildlife related equipment such as ANABAT detectors, bird divers and wildlife entanglement protectors.

**Municipal Reviewing Authority** means the municipal planning board, agency or office, or if none, the municipal officers.

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

**Non-Participating Landowner** means any landowner, other than a Participating Landowner whose land is located within [name of municipality].
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**Occupied Building** means a residence, school, hospital, house of worship, public library or other building that is occupied or in use as a primary residence or is customarily frequented by the public at the time when the permit application is submitted.

**Occupied Building** means a residence, school, hospital, house of worship, public library or other building that is occupied or in use as a primary residence or is customarily frequented by the public at the time when the permit application is submitted.

**Participating Landowner** means one or more Persons that hold title in fee or a leasehold interest with sublease rights to property on which Generating Facilities or Associated Facilities are proposed to be located pursuant to an agreement with the Applicant or an entity that has entered into an appropriate agreement with the Applicant allowing the Applicant to demonstrate the requisite right, title and interest in such property.

**Person** means an individual, corporation, partnership, firm, organization or other legal entity.

**Planned Residence** means a Residence for which all applicable building and land use permits have been issued, provided that the time for beginning construction under such permits has not expired.

**Protected Location** means any location that is:

1) accessible by foot, on a parcel of land owned by a Non-Participating Landowner containing a residence or planned residence, or an approved residential subdivision, house of worship, academic school, college, library, duly licensed hospital or nursing home near the development site at the time an application for a Wind Energy Facility is submitted under this Ordinance;

2) within a State Park, Baxter State Park, a National Park, a nature preserve owned by a land trust, the Maine Audubon Society or the Maine chapter of the Nature Conservancy, the Appalachian Trail, the Moosehorn National Wildlife refuge, a federally designated wilderness area, a state wilderness area designated by statute, a municipal park or a locally-designated passive recreation area, or any location within consolidated public reserve lands designated by rule by the Bureau of Public Lands as a Protected Location, or;

3) a hotel, motel, campsite or duly licensed campground that the municipal authority responsible for review and approval of the pending application under 9.1 has designated a Protected Location after making a determination that the health and welfare of the guests or the economic viability of the establishment will be unreasonably impacted by noise in excess of that allowed under section 13.1.3(b).

**Residence** means a building or structure, including manufactured housing, maintained for permanent or seasonal residential occupancy providing living, cooking and sleeping facilities and having permanent indoor or outdoor sanitary facilities, excluding recreational vehicles, tents and watercraft.
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**Scenic Resource** means either a Scenic Resource of state or national significance, as defined in 35-A M.R.S § 3451(9) or a scenic resource of local significance located within the municipality and identified as such in a comprehensive plan, open space plan or scenic inventory adopted by the municipal legislative body.

**Shadow Flicker** means alternating changes in light intensity caused by the movement of Wind Turbine blades casting shadows on the ground or a stationary object.

**Short Duration Repetitive Sounds** means a sequence of repetitive sounds which occur more than once within an hour, each clearly discernible as an event and causing an increase in the sound level of at least 6 dBA on the fast meter response above the sound level observed immediately before and after the event, each typically less than ten seconds in duration, and which are inherent to the process or operation of the development and are foreseeable.

**Sight Line Representation** means a profile drawing showing prominent features, including but not limited to topography, buildings, and trees, along and in relation to a line of sight extending from an observer’s eye to the lowest point visible on a proposed Tower.

**Significant Wildlife Habitat** means a Significant Wildlife Habitat as defined in 38 M.R.S. § 480-B(10).

**Substantial Start** means that construction shall be considered to be substantially commenced when any work beyond excavation, including but not limited to, the pouring of a slab or footings, the installation of piles, the construction of columns, or the placement of a Tower on a foundation has begun.

**Tower** means the free-standing structure on which a wind measuring or energy conversion system is mounted.

**Turbine Height** means the distance measured from the surface of the Tower foundation to the highest point of any turbine rotor blade measured at the highest arc of the blade.

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

**Wind Energy Facility, Type 1A** means a Wind Energy Facility having a maximum generating capacity of less than 100kW, a maximum of one Wind Turbine and a maximum Turbine Height of 80 feet.

**Wind Energy Facility, Type 1B** means a Wind Energy Facility having a maximum generating capacity of less than 100kW and either more than one Wind Turbine, or one or more Wind Turbines with a Turbine Height greater than 80 feet.
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Wind Energy Facility, Type 2 means a Wind Energy Facility having a maximum generating capacity of 100 kW or greater and which does not require a state permit issued by the Department of Environmental Protection under the Site Location of Development Act, 38 M.R.S. §481, et seq.

Wind Energy Facility, Type 3 means a Wind Energy Facility having a generating capacity of 100 kW or greater and which requires a state permit issued by the Department of Environmental Protection under the Site Location of Development Act, 38 M.R.S. §481, et seq.

Wind Turbine means a system for the conversion of wind energy into electricity which is comprised of a Tower, generator, Nacelle, rotor and transformer.
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APPENDIX A

Application Fees

1. Facility Type 1A requires permit from Code Enforcement Officer.
   Application fee is $30.00.

2. Facility Type 1B requires Planning Board Approval.
   Application fee is $100.00.
   The application fee for an Operational License

3. Facility Type 2 requires Planning Board Approval.

4. Facility Type 3 requires Planning Board Approval.
   The application fee for a Site Permit shall consist of a base application fee of $2500.00, plus
   $100.00 for every wind turbine included in the project.
   The application fee for an Operational License is $1000.00.
   The annual fee for an existing Operational License is $250.00.
APPENDIX B

Control of Noise

Pursuant to section 13.1, noise emanating from a Type 2 Wind Energy Facility, a Type 3 Wind Energy Facility, or, upon written request of the Applicant pursuant to section 13.1, a Type 1A or Type 1B Wind Energy Facility, shall be controlled in accordance with the following provisions:

A. Sound Level Limits

(1) Sound from Routine Operation of Facility.

(a) Except as noted in subsections (b) and (c) below, the hourly sound levels resulting from routine operation of the facility and measured in accordance with the measurement procedures described in subsection F shall not exceed the following limits:

(i) At any property line of the facility site or contiguous property owned by the Applicant or Participating Land Owner(s), whichever is farther from the proposed facility's regulated sound sources:

75 dBA at any time of day.

(ii) At any Protected Location in an area for which the zoning, or, if unzoned, the existing use or use contemplated under a comprehensive plan, is not predominantly commercial, transportation, or industrial;

60 dBA between 7:00 a.m. and 7:00 p.m. (the "daytime hourly limit"), and
50 dBA between 7:00 p.m. and 7:00 a.m. (the "nighttime hourly limit").

(iii) At any Protected Location in an area for which the zoning, or, if unzoned, the existing use or use contemplated under a comprehensive plan, is predominantly commercial, transportation, or industrial:

70 dBA between 7:00 a.m. and 7:00 p.m. (the "daytime hourly limit"), and
60 dBA between 7:00 p.m. and 7:00 a.m. (the 'nighttime hourly limit').
(iv) For the purpose of determining whether the use of an unzoned area is predominantly commercial, transportation, or industrial (e.g. non-residential in nature), the Code Enforcement Officer shall consider the municipality's comprehensive plan, if any. Furthermore, the usage of properties abutting each Protected Location shall be determined, and the limits applied for that Protected Location shall be based upon the usage occurring along the greater portion of the perimeter of that parcel; in the event the portions of the perimeter are equal in usage, the limits applied for that Protected Location shall be those for a Protected Location in an area for which the use is not predominantly commercial, transportation, or industrial.

(v) When a proposed facility is to be located in an area where the daytime pre-development ambient hourly sound level at a Protected Location is equal to or less than 45 dBA and/or the nighttime pre-development ambient hourly sound level at a Protected Location is equal to or less than 35 dBA, the hourly sound levels resulting from routine operation of the facility and measured in accordance with the measurement procedures described in subsection F shall not exceed the following limits at that Protected Location:

55 dBA between 7:00 a.m. and 7:00 p.m.
(the "daytime hourly limit"), and
45 dBA between 7:00 p.m. and 7:00 a.m.
(the "nighttime hourly limit").

For the purpose of determining whether a Protected Location has a daytime or nighttime pre-development ambient hourly sound level equal to or less than 45 dBA or 35 dBA, respectively, the Applicant may make sound level measurements in accordance with the procedures in subsection F or may estimate the sound-level based upon the population density and proximity to local highways. If the resident population within a circle of 3,000 feet radius around a Protected Location is greater than 300 persons, or the hourly sound level from highway traffic at a Protected Location is predicted to be greater than 45 dBA in the daytime or 35 dBA at night, then the Applicant may estimate the daytime or nighttime pre-development ambient hourly sound level to be greater than 45 dBA or 35 dBA, respectively.


(vi) Notwithstanding the above, the Applicant need not measure or estimate the pre-development ambient hourly sound levels at a Protected Location if he demonstrates, by estimate or example, that the hourly sound levels resulting from routine operation of the facility will not exceed 50 dBA in the daytime or 40 dBA at night.
(b) If the Applicant chooses to demonstrate by measurement that the daytime and/or nighttime pre-development ambient sound environment at any Protected Location near the facility site exceeds the daytime and/or nighttime limits in subsection 1(a)(ii) or 1(a)(iii) by at least 5 dBA, then the daytime and/or nighttime limits shall be 5 dBA less than the measured daytime and/or nighttime pre-development ambient hourly sound level at the location of the measurement for the corresponding time period.

(c) For any Protected Location near an existing facility, the hourly sound level limit for routine operation of the existing facility and all future expansions of that facility shall be the applicable hourly sound level limit of 1(a) or 1(b) above, or, at the Applicant's election, the existing hourly sound level from routine operation of the existing facility plus 3 dBA.

(d) For the purposes of determining compliance with the above sound level limits, 5 dBA shall be added to the observed levels of any tonal sounds that result from routine operation of the facility.

(e) When routine operation of a facility produces short duration repetitive sound, the following limits shall apply:

(i) For short duration repetitive sounds, 5 dBA shall be added to the observed levels of the short duration repetitive sounds that result from routine operation of the facility for the purposes of determining compliance with the above sound level limits.

(ii) For short duration repetitive sounds which the municipal entity responsible for review and approval of a pending application under section 9.1 determines, due to their character and/or duration, are particularly annoying or pose a threat to the health and welfare of nearby neighbors, 5 dBA shall be added to the observed levels of the short duration repetitive sounds that result from routine operation of the facility for the purposes of determining compliance with the above sound level limits, and the maximum sound level of the short duration repetitive sounds shall not exceed the following limits:

(a) At any Protected Location in an area for which the zoning, or, if unzoned, the existing use or use contemplated under a comprehensive plan, is not predominantly commercial, transportation, or industrial:

   65 dBA between 7:00 a.m. and 7:00 p.m., and
   55 dBA between 7:00 p.m. and 7:00 a.m.

(b) At any Protected Location in an area for which the zoning, or, if unzoned, the existing use or use contemplated under a comprehensive plan, is predominantly commercial, transportation, or industrial:

   75 dBA between 7:00 a.m. and 7:00 p.m., and
   65 dBA between 7:00 p.m. and 7:00 a.m.
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(c) The methodology described in subsection 1(a)(iv) shall be used to determine whether the use of an unzoned area is predominantly commercial, transportation, or industrial.

(d) If the Applicant chooses to demonstrate by measurement that the pre-development ambient hourly sound level at any Protected Location near the facility site exceeds 60 dBA between 7:00 a.m. and 7:00 p.m., and/or 50 dBA between 7:00 p.m. and 7:00 a.m., then the maximum sound level limit for short duration repetitive sound shall be 5 dBA greater than the measured pre-development ambient hourly sound level at the location of the measurement for the corresponding time period.

(e) For any Protected Location near an existing facility, the maximum sound level limit for short duration repetitive sound resulting from routine operation of the existing facility and all future expansions and modifications of that facility shall be the applicable maximum sound level limit of (e)(ii)(a) or (e)(ii)(b) above, or, at the Applicant's election, the existing maximum sound level of the short duration repetitive sound resulting from routine operation of the existing facility plus 3 dBA.

NOTE: The maximum sound level of the short duration repetitive sound shall be measured using the fast response \(L_{AF_{max}}\). See the definition of maximum sound level.

(2) Sound from Construction of a Facility

(a) The sound from construction activities between 7:00 p.m. and 7:00 a.m. is subject to the following limits:

(i) Sound from nighttime construction activities shall be subject to the nighttime routine operation sound level limits contained in subsections 1(a) and 1(b).

(ii) If construction activities are conducted concurrently with routine operation of the facility, then the combined total of construction and routine operation sound shall be subject to the nighttime routine operation sound level limits contained in subsections 1(a) and 1(b).

(iii) Higher levels of nighttime construction sound are permitted when a duly issued permit authorizing nighttime construction sound in excess of these limits has been granted by the Codes Enforcement Officer.

(b) Sound from construction activities between 7:00 a.m. and 7:00 p.m. shall not exceed the following limits at any Protected Location:
Town of Northport

<table>
<thead>
<tr>
<th>Duration of Activity</th>
<th>Hourly Sound Level Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 hours</td>
<td>87 dBA</td>
</tr>
<tr>
<td>8 hours</td>
<td>90 dBA</td>
</tr>
<tr>
<td>6 hours</td>
<td>92 dBA</td>
</tr>
<tr>
<td>4 hours</td>
<td>95 dBA</td>
</tr>
<tr>
<td>3 hours</td>
<td>97 dBA</td>
</tr>
<tr>
<td>2 hours</td>
<td>100 dBA</td>
</tr>
<tr>
<td>1 hour or less</td>
<td>105 dBA</td>
</tr>
</tbody>
</table>

(c) All equipment used in construction on the facility site shall comply with applicable federal noise regulations and shall include environmental noise control devices in proper working condition, as originally provided with the equipment by its manufacturer.

(3) Sound from Maintenance Activities

(a) Sound from routine, ongoing maintenance activities shall be considered part of the routine operation of the facility and the combined total of the routine maintenance and operation sound shall be subject to the routine operation sound level limits contained in subsection 1.

(b) Sound from occasional, major, scheduled overhaul activities shall be subject to the construction sound level limits contained in subsection 2. If overhaul activities are conducted concurrently with routine operation and/or construction activities, the combined total of the overhaul, routine operation and construction sound shall be subject to the construction sound level limits contained in subsection 2.

B. Submissions

(1) Facilities with Minor Sound Impact.

An Applicant proposing facility with minor sound impact may choose to file, as part of the permit application, a statement attesting to the minor nature of the anticipated sound impact of their facility. An applicant proposing an expansion or modification of an existing facility with minor sound impact may follow the same procedure as described above. For the purpose of this ordinance, a facility or an expansion or modification of an existing facility with minor sound impact means a facility where the Applicant demonstrates, by estimate or example, that the regulated sound from routine operation of the facility will not exceed 5 dBA less than the applicable limits established under Section A. It is the intent of this subsection that an applicant need not conduct sound level measurements to demonstrate that the facility or an expansion or modification of an existing facility will have a minor sound impact.
(2) Other Facilities

Technical information shall be submitted describing the Applicant's plan and intent to make adequate provision for the control of noise. The applicant's plan shall contain information such as the following, when appropriate:

(a) Maps and descriptions of the land uses, local zoning and comprehensive plans for the area potentially affected by sounds from the facility.

(b) A description of major sound sources, including tonal sound sources and sources of short duration repetitive sounds, associated with the construction, operation and maintenance of the proposed facility, including their locations within the proposed facility.

(c) A description of the daytime and nighttime hourly sound levels and, for short duration repetitive sounds, the maximum sound levels expected to be produced by these sound sources at Protected Locations near the proposed facility.

(d) A description of the Protected Locations near the proposed facility.

(e) A description of proposed major sound control measures, including their locations and expected performance.

(f) A comparison of the expected sound levels from the proposed facility with the sound level limits of this regulation.

C. Terms and Conditions

The municipal entity responsible for review and approval of the pending application under 9.1 may, as a term or condition of approval, establish any reasonable requirement to ensure that the Applicant has made adequate provision for the control of noise from the facility and to reduce the impact of noise on Protected Locations. Such conditions may include, but are not limited to, enclosing equipment or operations, imposing limits on hours of operation, or requiring the employment of specific design technologies, site design, modes of operation, or traffic patterns.

The sound level limits prescribed in this ordinance shall not preclude the municipal entity responsible for review and approval of the pending application under 9.1 from requiring an Applicant to demonstrate that sound levels from a facility will not unreasonably disturb wildlife or adversely affect wildlife populations in accordance with 12.2. In addition, the sound level limits shall not preclude the municipal entity responsible for review and approval of the pending application under 9.1, as a term or condition of approval, from requiring that lower sound level limits be met to ensure that the Applicant has made adequate provision for the protection of wildlife.
D. Waiver from Sound Level Limits

Northport recognizes that there are certain facilities or activities associated with facilities for which noise control measures are not reasonably available. Therefore, the municipal entity responsible for review and approval of the pending application under section 8.1 may grant a waiver from any of the sound level limits contained in this ordinance upon (1) a showing by the Applicant that he or she has made a comprehensive assessment of the available technologies for the facility and that the sound level limits cannot practicably be met with any of these available technologies, and (2) a finding by the municipal entity responsible for review and approval of the pending application under section 8.1 that the proposed facility will not have an unreasonable impact on Protected Locations. In addition, a waiver may be granted by the municipal entity responsible for review and approval of the pending application under section 8.1 if (1) a facility is deemed necessary in the interest of national defense or public safety and the Applicant has shown that the sound level limits cannot practicably be met without unduly limiting the facility’s intended function, and (2) a finding is made by the municipal entity responsible for review and approval of the pending application under section 8.1 that the proposed facility will not have an unreasonable impact on Protected Locations. The municipal entity responsible for review and approval of the pending application under section 8.1 shall consider the request for a waiver as part of the review of a completed permit application. In granting a waiver, the municipal entity responsible for review and approval of the pending application under section 8.1 may, as a condition of approval, impose terms and conditions to ensure that no unreasonable sound impacts will occur.

E. Definitions

Terms used herein are defined below for the purpose of this noise regulation.

**AMBIENT SOUND:** At a specified time, the all-encompassing sound associated with a given environment, being usually a composite of sounds from many sources at many directions, near and far, including the specific facility of interest.

**CONSTRUCTION:** Activity and operations associated with the facility or expansion of the facility or its site.

**EMERGENCY:** An unforeseen combination of circumstances which calls for immediate action.

**EMERGENCY MAINTENANCE AND REPAIRS:** Work done in response to an emergency.

**ENERGY SUM OF A SERIES OF LEVELS:** Ten times the logarithm of the arithmetic sum of the antilogarithms of one-tenth of the levels.

**EXISTING FACILITY:** A Wind Energy Facility legally constructed before the effective date of this ordinance or a proposed Wind Energy Facility for which the Application is found complete on or before the effective date of this ordinance. Any facility with an approved permit application which has been remanded to the municipal entity responsible for review and approval of the application under 9.1 by a court of competent jurisdiction for further proceedings relating to
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noise limits or noise levels prior to the effective date of this ordinance shall not be deemed an existing facility and the ordinance shall apply to the existing noise sources at that facility.

EXISTING HOURLY SOUND LEVEL: The hourly sound level resulting from routine operation of an existing facility prior to the first expansion that is subject to this ordinance.

EQUIVALENT SOUND LEVEL: The level of the mean-square A-weighted sound pressure during a stated time period, or equivalently the level of the sound exposure during a stated time period divided by the duration of the period. (NOTE: For convenience, a one hour equivalent sound level should begin approximately on the hour.)

HISTORIC AREAS: Historic sites administered by the Bureau of Parks and Lands of the Maine Department of Conservation, with the exception of the Arnold Trail.

HOURLY SOUND LEVEL: The equivalent sound level for one hour measured or computed in accordance with this ordinance.

LOCALLY-DESIGNATED PASSIVE RECREATION AREA: Any site or area designated by the Town of Northport for passive recreation that is open and maintained for public use and which:

(a) has fixed boundaries,

(b) is owned in fee simple by the Town of Northport or is accessible by virtue of public easement,

(c) is identified and described in Northport's comprehensive plan, and

(d) has been identified and designated at least nine months prior to submission of the Applicant's Wind Energy Facility permit application.

MAXIMUM SOUND LEVEL: Ten times the common logarithm of the square of the ratio of the maximum sound to the reference sound of 20 micropascals. Symbol: LAFmax.


RESIDENCE: A building or structure, including manufactured housing, maintained for permanent or seasonal residential occupancy providing living, cooking and sleeping facilities and having permanent indoor or outdoor sanitary facilities, excluding recreational vehicles, tents and watercraft.

PRE-DEVELOPMENT AMBIENT: The ambient sound at a specified location in the vicinity of a facility site prior to the construction and operation of the proposed facility or expansion.

PROTECTED LOCATION: any location that is:

1) accessible by foot, on a parcel of land owned by a Non-Participating Landowner containing a Residence or planned Residence, or an approved residential subdivision, house of worship, academic school, college, library, duly licensed hospital or nursing home near
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the facility site at the time an application for a Wind Energy Facility permit is submitted under this ordinance; or

2) within a State Park, Baxter State Park, a National Park, a nature preserve owned by a land trust, the Maine Audubon Society or the Maine chapter of the Nature Conservancy, a federally designated wilderness area, a state wilderness area designated by statute, a municipal park or a locally-designated passive recreation area, or any location within consolidated public reserve lands designated by rule by the Bureau of Public Lands as a Protected Location.

At Protected Locations more than 500 feet from living and sleeping quarters within the above noted buildings or areas, the daytime hourly sound level limits shall apply regardless of the time of day.

Houses of worship, academic schools, libraries, State and National Parks without camping areas, Historic Areas, nature preserves, federally-designated wilderness areas without camping areas, state wilderness areas designated by statute without camping areas, and locally-designated passive recreation areas without camping areas are considered protected locations only during their regular hours of operation.

Transient living accommodations are generally not considered Protected Locations; however, in certain special situations where it is determined by the municipal entity responsible for review and approval of the application under 8.1 that the health and welfare of the guests or the economic viability of the establishment will be unreasonably impacted, the municipal entity responsible for review and approval of the application under 8.1 may designate certain hotels, motels, campsites and duly licensed campgrounds as protected locations.

This term does not include buildings and structures located on leased camp lots, owned by the Applicant used for seasonal purposes.

For purposes of this definition, (1) a Residence is considered planned when the owner of the parcel of land on which the Residence is to be located has received all applicable building and land use permits and the time for beginning construction under such permits has not expired, and (2) a residential subdivision is considered approved when the developer has received all applicable land use permits for the subdivision and the time for beginning construction under such permits has not expired.

**ROUTINE OPERATION:** Regular and recurrent operation of regulated sound sources associated with the purpose of the facility and operating on the facility site.

**SHORT DURATION REPETITIVE SOUNDS:** A sequence of repetitive sounds which occur more than once within an hour, each clearly discernible as an event and causing an increase in the sound level of at least 6 dBA on the fast meter response above the sound level observed immediately before and after the event, each typically less than ten seconds in duration, and which are inherent to the process or operation of the facility and are foreseeable.
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**SOUND COMPONENT**: The measurable sound from an audibly identifiable source or group of sources.

**SOUND LEVEL**: Ten times the common logarithm of the square of the ratio of the frequency-weighted and time-exponentially averaged sound pressure to the reference sound of 20 micropascals. For the purpose of this ordinance, sound level measurements are obtained using the A-weighted frequency response and fast dynamic response of the measuring system, unless otherwise noted.

**SOUND PRESSURE**: Root-mean-square of the instantaneous sound pressures in a stated frequency band and during a specified time interval. Unit: pascal (Pa).

**SOUND PRESSURE LEVEL**: Ten times the common logarithm of the square of the ratio of the sound pressure to the reference sound pressure of 20 micropascals.

**TONAL SOUND**: for the purpose of this ordinance, a tonal sound exists if, at a Protected Location, the one-third octave band sound pressure level in the band containing the tonal sound exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by 5 dB for center frequencies at or between 500 Hz and 10,000 Hz, by 8 dB for center frequencies at or between 160 and 400 Hz, and by 15 dB for center frequencies at or between 25 Hz and 125 Hz.

Additional acoustical terms used in work associated with this ordinance shall be used in accordance with the following American National Standards Institute (ANSI) standards:


**F. Measurement Procedures**

(1) **Scope**: These procedures specify measurement criteria and methodology for use, with applications, compliance testing and enforcement. They provide methods for measuring the ambient sound and the sound from routine operation of the facility, and define the information to be reported. The same methods shall be used for measuring the sound of construction and maintenance activities.

(2) **Measurement Criteria**

2.1 **Measurement Personnel**

Measurements shall be supervised by personnel who are well qualified by training and experience in measurement and evaluation of environmental sound, or by personnel trained to
operate under a specific measurement plan approved by the municipal entity responsible for review and approval of the pending application under 8.1.

2.2 Measurement Instrumentation

(a) A sound level meter or alternative sound level measurement system used shall meet all of the Type 1 or 2 performance requirements of American National Standard Specifications for Sound Level Meters, ANSI S1.4-1983.

(b) An integrating sound level meter (or measurement system) shall also meet the Type 1 or 2 performance requirements for integrating/averaging in the International Electrotechnical Commission Standard on Integrating-Averaging Sound Level Meters, IEC Publication 804 (1985).

(c) A filter for determining the existence of tonal sounds shall meet all the requirements of American National Standard Specification for Octave-Band and Fractional Octave-Band Analog and Digital Filters, ANSI S1.11-1986 for Order 3, Type 3-D performance.

(d) An acoustical calibrator shall be used of a type recommended by the manufacturer of the sound level meter and that meets the requirements of American National Standard Specification for Acoustical Calibrators, ANSI S1.40-1984.

(e) A microphone windscreen shall be used of a type recommended by the manufacturer of the sound level meter.

2.3 Calibration

(a) The sound level meter shall have been calibrated by a laboratory within 12 months of the measurement, and the microphone’s response shall be traceable to the National Bureau of Standards.

(b) Field calibrations shall be recorded before and after each measurement period and at shorter intervals if recommended by the manufacturer.

2.4 Measurement Location, Configuration and Environment

(a) Except as noted in subsection (b) below, measurement locations shall be at nearby Protected Locations that are most likely affected by the sound from routine operation of the facility.

(b) For determining compliance with the 75 dBA property line hourly sound level limit described in subsection A(l)(a)(i), measurement locations shall be selected at the property lines of the proposed facility or contiguous property owned by the Applicant, as appropriate.

(c) The microphone shall be positioned at a height of approximately 4 to 5 feet above the ground, and oriented in accordance with the manufacturer's recommendations.
(d) Measurement locations should be selected so that no vertical reflective surface exceeding the microphone height is located within 30 feet. When this is not possible, the measurement location may be closer than 30 feet to the reflective surface, but under no circumstances shall it be closer than 6 feet.

(e) When possible, measurement locations should be at least 50 feet from any regulated sound source on the facility.

(f) Measurement periods shall be avoided when the local wind speed exceeds 12 mph and/or precipitation would affect the measurement results.

2.5 Measurement Plans. Plans for measurement of pre-development ambient sound or post-facility sound may be discussed with the Codes Enforcement Officer.

(3) Measurement of Ambient Sound

3.1 Pre-development Ambient Sound

Measurements of the pre-development ambient sound are required only when the Applicant elects to establish the sound level limit in accordance with subsections A(1)(b) and A(1)(e)(ii)(d) for a facility in an area with high ambient sound levels, such as near highways, airports, or pre-existing facilities; or when the Applicant elects to establish that the daytime and nighttime ambient hourly sound levels at representative Protected Locations exceed 45 dBA and 35 dBA, respectively.

(a) Measurements shall be made at representative Protected Locations for periods of time sufficient to adequately characterize the ambient sound. At a minimum, measurements shall be made on three different weekdays (Monday through Friday) during all hours that the facility will operate. If the proposed facility will operate on Saturdays and/or Sundays, measurements shall also be made during all hours that the facility will operate.

(b) Measurement periods with particularly high ambient sounds, such as during holiday traffic activity, significant insect activity or high coastline waves, should generally be avoided.

(c) At any measurement location the daytime and nighttime ambient hourly sound level shall be computed by arithmetically averaging the daytime and nighttime values of the measured one hour equivalent sound levels. Multiple values, if they exist, for any specific hour on any specific day shall first be averaged before the computation described above.

3.2 Post-Facility Ambient Sound

(a) Measurements of the post-facility ambient one hour equivalent sound levels and, if short duration repetitive sounds are produced by the facility, the maximum sound levels made at nearby Protected Locations and during representative routine operation of the facility that are not greater than the applicable limits of subsection C clearly indicate compliance with those limits.
(b) Compliance with the limits of subsection A(1)(b) may also be demonstrated by showing that the post-facility ambient hourly sound level, measured in accordance with the procedures of subsection 3.1 above during routine operation of the facility, does not exceed the pre-development ambient hourly sound level by more than one decibel, and that the sound from routine operation of the facility is not characterized by either tonal sounds or short duration repetitive sounds.

(c) Compliance with the limits of subsection A(1)(e)(ii)(d) may also be demonstrated by showing that the post facility maximum sound level of any short duration repetitive sound, measured in accordance with the procedures of subsection 3.1 above, during routine operation of the facility, does not exceed the pre-development ambient hourly sound level by more than five decibels.

(d) If any of the conditions in (a), (b) or (c) above are not met, compliance with respect to the applicable limits must be determined by measuring the sound from routine operation of the facility in accordance with the procedures described in subsection 4.

(4) Measurement of the Sound from Routine Operation of Facility.

4.1 General

(a) Measurements of the sound from routine operation of facilities are generally necessary only for specific compliance testing purposes in the event that community complaints result from operation of the facility, for validation of an Applicant's calculated sound levels when requested by the municipal entity responsible for review and approval of the pending application under 9.1, for determination of existing hourly sound levels for an existing facility or for enforcement by the Code Enforcement Officer.

(b) Measurements shall be obtained during representative weather conditions when the facility sound is most clearly noticeable. Preferable weather conditions for sound measurements at distances greater than about 500 feet from the sound source include overcast days when the measurement location is downwind of the facility and inversion periods (which most commonly occur at night).

(c) Measurements of the facility sound shall be made so as to exclude the contribution of sound from facility equipment that is exempt from this regulation.

4.2 Measurement of the Sound Levels Resulting from Routine Operation of the Facility.

(a) When the ambient sound levels are greater than the sound level limits, additional measurements can be used to determine the hourly sound level that results from routine operation of the facility. These additional measurements may include diagnostic measurements such as measurements made close to the facility and extrapolated to the Protected Location, special checkmark measurement techniques that include the separate identification of audible sound sources, or the use of sound level meters with pause capabilities that allow the operator to exclude non-facility sounds.
(b) For the purposes of computing the hourly sound level resulting from routine operation of the facility, sample diagnostic measurements may be made to obtain the one hour equivalent sound levels for each sound component.

(c) Identification of tonal sounds produced by the routine operation of a facility for the purpose of adding the 5 dBA penalty in accordance with subsection A(1)(d) requires aural perception by the measurer, followed by use of one-third octave band spectrum analysis instrumentation. If one or more of the sounds of routine operation of the facility are found to be tonal sounds, the hourly sound level component for tonal sounds shall be computed by adding 5 dBA to the one hour equivalent sound level for those sounds.

(d) Identification of short duration repetitive sounds produced by routine operation of a facility requires careful observations. For the sound to be classified as short duration repetitive sound, the source(s) must be inherent to the process or operation of the facility and not the result of an unforeseeable occurrence. If one or more of the sounds of routine operation of the facility are found to be short duration repetitive sounds, the hourly sound level component for short duration repetitive sounds shall be computed by adding 5 dBA to the one hour equivalent sound level for those sounds. If required, the maximum sound levels of short duration repetitive sounds shall be measured using the fast response [LAfmax]. The duration and the frequency of occurrence of the events shall also be measured. In some cases, the sound exposure levels of the events may be measured. The one hour equivalent sound level of a short duration repetitive sound may be determined from measurements of the maximum sound level during the events, the duration and frequency of occurrence of the events, and their sound exposure levels.

(e) The daytime or nighttime hourly sound level resulting from routine operation of a facility is the energy sum of the hourly sound level components from the facility, including appropriate penalties, (see (c) and (d) above). If the energy sum does not exceed the appropriate daytime or nighttime sound level limit, then the facility is in compliance with that sound level limit at that Protected Location.

(5) Reporting Sound Measurement Data. The sound measurement data report should include the following:

(a) The dates, days of the week and hours of the day when measurements were made.

(b) The wind direction and speed, temperature, humidity and sky condition.

(c) Identification of all measurement equipment by make, model and serial number.

(d) The most recent dates of laboratory calibration of sound level measuring equipment.

(e) The dates, times and results of all field calibrations during the measurements.

(f) The applicable sound level limits, together with the appropriate hourly sound levels and the measurement data from which they were computed, including data relevant to either tonal or short duration repetitive sounds.
(g) A sketch of the site, not necessarily to scale, orienting the facility, the measurement locations, topographic features and relevant distances, and containing sufficient information for another investigator to repeat the measurements under similar conditions.

(h) A description of the sound from the facility and the existing environment by character and location.

APPENDIX C

Decommissioning Plan

Pursuant to section 13.12, the Applicant shall provide a plan for decommissioning a Type 2 or Type 3 Wind Energy Facility. The decommissioning plan shall include, but shall not be limited to the following:

1. A description of the trigger for implementing the decommissioning plan. There is a rebuttable presumption that decommissioning is required if no electricity is generated for a continuous period of twelve (12) months. The Applicant may rebut the presumption by providing evidence, such as a force majeure event that interrupts the generation of electricity, that although the project has not generated electricity for a continuous period of 12 months, the project has not been abandoned and should not be decommissioned.

2. A description of the work required to physically remove all Wind Turbines, associated foundations to a depth of 24 inches, buildings, cabling, electrical components, and any other Associated Facilities to the extent they are not otherwise in or proposed to be placed into productive use. All earth disturbed during decommissioning must be graded and re-seeded, unless the landowner of the affected land requests otherwise in writing.

[Note: At the time of decommissioning, the Applicant may provide evidence of plans for continued beneficial use of any or all of the components of the Wind Energy Facility. Any changes to the approved decommissioning plan shall be subject to review and approval by the Code Enforcement Officer.]

3. An estimate of the total cost of decommissioning less salvage value of the equipment and itemization of the estimated major expenses, including the projected costs of measures taken to minimize or prevent adverse effects on the environment during implementation of the decommissioning plan. The itemization of major costs may include, but is not limited to, the cost of the following activities: turbine removal, turbine foundation removal and permanent
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stabilization, building removal and permanent stabilization, transmission corridor removal and permanent stabilization and road infrastructure removal and permanent stabilization.

4. Demonstration in the form of a performance bond, surety bond, letter of credit, parental guarantee or other form of financial assurance as may be acceptable to the Planning Board that upon the end of the useful life of the Wind Energy Facility the Applicant will have the necessary financial assurance in place for 100% of the total cost of decommissioning, less salvage value. The Applicant may propose securing the necessary financial assurance in phases, as long as the total required financial assurance is in place a minimum of 5 years prior to the expected end of the useful life of the Wind Energy Facility.