2010

Sangerville Town Ordinances

Sangerville (Me.)

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FLOODPLAIN MANAGEMENT ORDINANCE

FOR THE

TOWN OF SANGERVILLE, MAINE

ENACTED: _____________________________
Date

EFFECTIVE: _____________________________
Date

CERTIFIED BY: _____________________________
Name

__________________________________________
Title
Affix Seal

Dated: June 17, 2008

60.3(d)
Printed 8/08/06

PROPOSED ORDINANCE

FLOODPLAIN MANAGEMENT ORDINANCE
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60.3 (d) Rev. 4/05
ARTICLE 1- PURPOSE AND ESTABLISHMENT

Certain areas of the Town of Sangerville, 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 Sangerville, 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 Sangerville, 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 Sangerville 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 the areas of the Town of Sangerville having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard area. 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 Sangerville, Maine.

The areas of special flood hazard, Zones A and AE, are identified by the Federal Emergency Management Agency in a report entitled “Flood Insurance Study - Town of Sangerville, Maine, Piscataquis County,” dated April 2, 1993 with accompanying “Flood Insurance Rate Map” dated April 2, 1993, which are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE 11 - PERMIT REQUIRED

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

ARTICLE III - APPLICATION FOR PERMIT

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

A. The name, address and phone number of the applicant, owner, and contractor;
B. An address and a map indicating the location of the construction site;
C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
D. A statement of the intended use of the structure and/or development;
E. A statement of the cost of the development including all materials and labor;

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

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

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

H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), or to a locally established datum 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 Zone AE, from data contained in the “Flood Insurance Study - Town of Sangerville, 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 VIII.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.

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

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

4. 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 $100.00- plus $1.00 per $1000.00 of evaluation 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 Sangerville, 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 VIII.D., in order to administer Article VI of this Ordinance; and,

3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.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 an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, “as built”, for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, or H. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,

2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.G.I.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% or 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.

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

ARTICLE VI - DEVELOPMENT STANDARDS

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

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

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

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

4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

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

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

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

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

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

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 VIII.D.

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 flood proofed 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 VIII.D., or

a. together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.G.1.

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

1. Zone AE shall:

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

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

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

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

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

   (3) all components of the anchoring system described in Article VI.H.1.c.(1)&(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 VIII.D.; and

b. meet the anchoring requirements of Article VI.H.1.c.

I. Recreational Vehicles - Recreational Vehicles located within:

1. Zone AE shall either:
a. be on the site for fewer than 180 consecutive days,

b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,

c. be permitted in accordance with the elevation and anchoring requirements for “manufactured homes” in Article VI.H.1.

J. **Accessory Structures** - Accessory Structures, as defined in Article XIII, located within 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,
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 crawlspaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

1. Enclosed areas are not “basements” as defined in Article XIII;

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

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

4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

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

1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; 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, and A 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 improvements of wharves, piers, and docks are permitted in Zones AE, and A, in and over water and seaward of the mean high tide if the following requirements are met:

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

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

**ARTICLE VII - CERTIFICATE OF COMPLIANCE**

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

A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer, an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Article VI, paragraphs F, G, or H.

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

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

1. review the Elevation Certificate and the applicant’s written notification; and,
ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

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

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

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

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

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

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

ARTICLE IX - APPEALS AND VARIANCES

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

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

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

B. Variances shall be granted only upon:

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

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

4. a determination that failure to grant the variance would result in “undue hardship,” which in this sub-section means:
   a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
   b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
   c. that the granting of a variance will not alter the essential character of the locality; and,
   d. that the hardship is not the result of action taken by the applicant or a prior owner.

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

D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provide that:
   1. other criteria of Article IX 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 IX, paragraphs A. through D. above; and,
   2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure’s continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

F. Any applicant who meets the criteria of Article IX, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
   1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25 per $100 of insurance coverage;
   2. such construction below the base flood level increases risks to life and property; and,
   3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant’s decision to use land located in a floodplain and that the applicant individually releases the municipality from any
claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

G. Appeals Procedure for Administrative and Variance Appeals

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

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

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

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

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

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

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

ARTICLE X - ENFORCEMENT AND PENALTIES

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

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

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

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

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

3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;
4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,

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

ARTICLE XI - VALIDITY AND SEVERABILITY

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

ARTICLE XII - CONFLICT WITH OTHER ORDINANCES

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

ARTICLE XIII - DEFINITIONS

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

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

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

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

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

Basement - means any area of the building having its floor subgrade (below ground level) on all sides.

Building - see Structure.

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

Code Enforcement Officer - A person certified under Title 30-A MRSA, Section 4451 (including exceptions in subsection 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances.
**Development** - means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

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

a. built, in the case of a building in Zones AE, or A, to have the top of the elevated floor elevated above the ground level by means of piling, columns, post, piers, or “stilts;” and

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

In the case of 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..

**Elevation Certificate** - An official form (FEMA Form 81-31, 01/03, as amended) that:

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

b. is required for purchasing flood insurance.

**Flood or Flooding** - means:

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

1. The overflow of inland or tidal waters.

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

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

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

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

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

**Floodplain or Flood-prone Area** - means any land area susceptible to being inundated by water from any source (see flooding).
Floodplain Management - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

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

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

Floodway - see Regulatory Floodway.

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

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

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

Historic Structure - means any structure that is:

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

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

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

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
   1. By an approved state program as determined by the Secretary of the Interior, or
   2. Directly by the Secretary of the Interior in states without approved programs.

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

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

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

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

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

**Minor Development** - means all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Article VI.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)** - means the national vertical datum, whose standard was established in 1929, which is used by the National Flood insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and also has been called “1929 Mean Sea Level (MSL)”.

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

**100-year flood** - see **Base Flood**.

**Recreational Vehicle** - means a vehicle which is:

a. built on a single chassis;

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

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

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

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

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

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

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

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

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

**Substantial Improvement** - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceed 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, provide that the alteration will not preclude the structure’s continued designation as a historic structure, and a variance is obtained from the community’s Board of Appeals.

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

**Violation** - means the failure of a structure of development to comply with a community’s floodplain management regulations.
ARTICLE XIV - ABROGATION

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

60.3 (d)
Town of Sangerville, Maine

Shoreland Zoning Ordinances

Adopted Date of Ordinance: March 30, 1991
Amended: March 2000
Attested:
GUIDELINES FOR MUNICIPAL SHORELAND ZONING ORDINANCES

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

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

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

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

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

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

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

For more information on the shoreland zoning law, please contact the Department of Environmental Protection’s Shoreland Zoning Unit, 17 State House Station, Augusta, Maine 04333.
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Shoreland Zoning Ordinance for the Municipality of
Sangerville

Section 1. Purposes. The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

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

Section 3. Applicability. This Ordinance applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond, river or saltwater body; within 250 feet, horizontal distance, of the upland edge of a coastal or freshwater wetland; and within 75 feet, horizontal distance, of the normal high-water line of a stream. This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located beyond the normal high-water line of a water body or within a wetland.

Section 4. Effective Date and Repeal of Formerly Adopted Ordinance. This Ordinance, which was adopted by the municipal legislative body on March 30, 1991, shall not be effective unless approved by the Commissioner of the department of Environmental Protection. A certified copy of the Ordinance, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance within forty-five (45) days of his/her receipt of the Ordinance, it shall be automatically approved. Upon approval of this Ordinance, the shoreland zoning ordinance previously adopted on June 26, 1974, is hereby repealed.

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

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

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

Section 7. Conflicts with Other Ordinances. Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

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

Section 9. Districts and Zoning Map

A. **Official Shoreland Zoning Map.** The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map(s) which is (are) made a part of this Ordinance:
   (1) Resource Protection
   (2) Limited Residential
   (3) Limited Commercial
   (4) General Development
   (5) Stream Protection

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

**NOTE:** Because of map scale or other reason, a municipality may have a series of maps depicting its shoreland zone.

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

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

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

Section 11. Land Use Requirements. Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.
Section 12. Non-conformance.

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

B. **General**

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

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

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**NOTE:** See Section 17 for the definitions of non-conforming structures, non-conforming uses and non-conforming lots.

C. **Non-conforming Structures**

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

(a) After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by 30% or more, during the lifetime of the structure.

(b) Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided:

   (i) The structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the planning board or its designee, basing its decision on the criteria specified in subsection 2 Relocation, below;

   (ii) The completed foundation does not extend beyond the exterior dimensions of the structure; and

   (iii) The foundation does not cause the structure to be elevated by more than three (3) additional feet.

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

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

(3) Reconstruction or Replacement. Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

Any non-conforming structure which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit, from the code enforcement officer.

In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Planning Board shall consider in addition to the criteria in paragraph 2 above, the physical condition and type of foundation present, if any.

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

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

D. Non-conforming Uses

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

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

E. Non-conforming Lots

(1) Non-conforming Lots: A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be build upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.

(2) Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and Subsurface Wasterwater Disposal Rules are complied with.

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

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

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and
(a) Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

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

Section 13. Establishment of Districts

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

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated “moderate” or “high” value by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of January 1, 1973.

2. Flood plains along rivers and flood plains along artificially formed great ponds along rivers, defined by the 100 year flood plain as designated on the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

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

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

5. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

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

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

D. General Development District. The General Development District includes the following types of areas:
(1) Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:

(a) Areas devoted to manufacturing, fabricating or other industrial activities;
(b) Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and
(c) Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.

(2) Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

Portions of the General Development District may also include residential development. However, no area shall be designated as a General Development District based solely on residential use.

In areas adjacent to great ponds classified GPA and adjacent to rivers flowing to great ponds classified GPA, the designation of an area as a General Development District shall be based upon uses existing at the time of adoption of this Ordinance. There shall be no newly established General Development Districts or expansions in area of existing General Development Districts adjacent to great ponds classified GPA, and adjacent to rivers which flow to great ponds classified GPA.

NOTE: See definition of “great pond classified GPA” in Section 17.

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

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

Key to Table 1:

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

No - Prohibited

PB - Requires permit issued by the Planning Board
CEO – Requires permit issued by the Code Enforcement Officer

LPI – Requires permit issued by the Local Plumbing Inspector

Abbreviations:

RP – Resource Protection  GD – General Development
LR – Limited Residential
LC – Limited Commercial  SP – Stream Protection
**TABLE 1. LAND USES IN THE SHORELAND ZONE**

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>SP</th>
<th>RP</th>
<th>LR</th>
<th>LC</th>
<th>GD</th>
<th>CFMA</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Non-Intensive recreational uses not requiring structures such as</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>hunting, fishing and hiking</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Motorized vehicular traffic on existing roads and trails</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>3. Forest management activities except for timber harvesting</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>4. Timber harvesting</td>
<td>Yes</td>
<td>CEO</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>5. Clearing of vegetation for approved construction and other allowed</td>
<td>CEO</td>
<td>CEO</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Fire prevention activities</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>7. Wildlife management practices</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>8. Soil and Water conservation practices</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>9. Mineral exploration</td>
<td>No</td>
<td>Yes*</td>
<td>Yes*</td>
<td>Yes*</td>
<td>Yes*</td>
<td>Yes*</td>
</tr>
<tr>
<td>10. Mineral extraction including sand and gravel extraction</td>
<td>No</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
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<tr>
<td>11. Surveying and resource analysis</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>12. Emergency Operations</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>13. Agriculture</td>
<td>Yes</td>
<td>PB</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>14. Aquaculture</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<td>15. Principal structures and uses</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>No</td>
</tr>
<tr>
<td>A. One and two family residential</td>
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<td>B. Multi-unit residential</td>
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<td>No</td>
<td>PB</td>
<td>PB</td>
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<td>No</td>
</tr>
<tr>
<td>C. Commercial</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>D. Industrial</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>PB</td>
</tr>
<tr>
<td>E. Governmental and Institutional</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>F. Small non-residential facilities for educational, scientific, or</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>PB</td>
</tr>
<tr>
<td>nature interpretation purposes</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>16. Structures accessory to allowed uses</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>Yes</td>
</tr>
<tr>
<td>17. Piers, docks, wharfs, bridges and other structures and uses</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>extending over or below the normal high-water line or within a wetland</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>a. Temporary</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>b. Permanent</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>18. Conversions of seasonal residences to year-round residences</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
<td>No</td>
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<td>19. Home occupations</td>
<td>PB</td>
<td>No</td>
<td>PB</td>
<td>CEO</td>
<td>Yes</td>
<td>Yes</td>
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<td>20. Private sewage disposal systems for allowed uses</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
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<td>21. Essential services</td>
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<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
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<td>22. Service drops, as defined, to allowed uses</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>23. Public and private recreational areas involving minimal structural</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
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<tr>
<td>development</td>
<td></td>
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<td>24. Individual private campsites</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
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<tr>
<td>25. Campgrounds</td>
<td>No</td>
<td>No*</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>No</td>
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<tr>
<td>26. Road &amp; driveway construction</td>
<td>PB</td>
<td>No*</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
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<tr>
<td>27. Parking facilities</td>
<td>No</td>
<td>No*</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
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<td>28. Marinas</td>
<td>PB</td>
<td>No</td>
<td>PB</td>
<td>PB</td>
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<td>PB</td>
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<tr>
<td>29. Filling and earth moving of &lt;10 cubic yards</td>
<td>CEO</td>
<td>CEO</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>30. Filling and earth moving of &gt;10 cubic yards</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>31. Signs</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>32. Uses similar to allowed uses</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>33. Uses similar to uses requiring a CEO permit</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
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<tr>
<td>34. Uses similar to uses requiring a PB permit</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
</tbody>
</table>

1. In RP not permitted within 75 feet of the normal high-water line of great ponds, except to remove safety hazards.
2. Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, In total, is disturbed.
3. In RP not permitted in areas so designated because of wildfire value.
4. Provided that a variance from the setback requirement is obtained from the Board of Appeals.
5. Functionally water-dependent uses and uses accessory to such water dependent uses only (See note on previous page)
7. Except when area is zoned for resource protection due to flood plain criteria in which case a permit is required from the PB.
8. Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the PB.
9. Single family residential structures may be allowed by special exception only according to the provisions of Section 16E, Special Exceptions. Two-family residential structures are not permitted.

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

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

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

A. Minimum Lot Standards

<table>
<thead>
<tr>
<th>Minimum Lot Area (sq. ft.)</th>
<th>Minimum Shore Frontage (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td></td>
</tr>
<tr>
<td>(a) Residential per dwelling unit</td>
<td></td>
</tr>
<tr>
<td>(i) Within the Shoreland Zone</td>
<td></td>
</tr>
<tr>
<td>Adjacent to Tidal Areas</td>
<td>30,000</td>
</tr>
<tr>
<td>(ii) Within the Shoreland Zone</td>
<td></td>
</tr>
<tr>
<td>Adjacent to Non-Tidal Areas</td>
<td>40,000</td>
</tr>
<tr>
<td>(b) Governmental, Institutional, Commercial or Industrial per principal structure</td>
<td></td>
</tr>
<tr>
<td>(i) Within the Shoreland Zone</td>
<td></td>
</tr>
<tr>
<td>Adjacent to Tidal Areas Exclusive of Those Areas Zoned for Commercial Fisheries and Maritime Activities</td>
<td>40,000</td>
</tr>
<tr>
<td>(ii) Within the Shoreland Zone</td>
<td></td>
</tr>
<tr>
<td>Adjacent to Tidal Areas Zoned for Commercial Fisheries and Maritime Activities</td>
<td>NONE</td>
</tr>
<tr>
<td>(iii) Within the Shoreland Zone</td>
<td></td>
</tr>
<tr>
<td>Adjacent to Non-tidal Areas</td>
<td>60,000</td>
</tr>
<tr>
<td>(c) Public and Private Recreational Facilities</td>
<td></td>
</tr>
<tr>
<td>(i) Within the Shoreland Zone Adjacent to Tidal and Non-Tidal Areas</td>
<td>40,000</td>
</tr>
</tbody>
</table>

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

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

(4) The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
(5) If more than one residential dwelling unit or more than one principal commercial or industrial structure is constructed on a single parcel, all dimensional requirements shall be met for each additional dwelling unit or principal structure.

B. Principal and Accessory Structures

(1) All new principal and accessory structures shall be set back at least one hundred (100) feet from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified CPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development District the setback from the normal high-water line shall be at least twenty-five (25) feet. The Planning Board may increase the required setback of a proposed structure, as a condition to permit approval, if necessary to accomplish the purposes of this ordinance. Instances where a greater setback may be appropriate include, but not be limited to: areas of steep slope; shallow or erodible soils; or where an adequate vegetative buffer does not exist.

In addition:

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

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

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

(3) The first floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood or record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils.

(4) The total area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the General Development District adjacent to tidal waters and rivers which do not flow to great ponds classified GPA.

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

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

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

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

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

(4) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use, and character of the area.

(5) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.

(6) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

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

(8) Permanent structures projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38M.R.S.A., Section 480-C.

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

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

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

E. Individual-Private Campsites. Individual, private campsites not associated with campgrounds are permitted provided the following conditions are met:
(1) One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.

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

(3) Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle.

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

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

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

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

(1) Auto washing facilities

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

(3) Chemical and bacteriological laboratories

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

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

(6) Dry cleaning establishments

(7) Electronic circuit assembly

(8) Laundromats, unless connected to a sanitary sewer

(9) Metal plating, finishing, or polishing
(10) Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas

(11) Photographic processing

(12) Printing

G. Parking Areas

(1) Parking areas shall meet the shoreline setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities, in Districts other than the General Development may be reduced to no less than fifty (50) feet from the normal high-water line or upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists.

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

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

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

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

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

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

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

This paragraph shall neither apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline due to an operational necessity.

(2) Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body.
(3) New permanent roads are not permitted within the shoreland zone along Significant River Segments except:

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

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

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

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

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

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

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

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

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

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

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

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


(1) Signs and billboards relating to goods and services sold on the premises shall be permitted, provided that such signs shall not exceed two (2) signs per premises. Billboards and signs relating to goods or services not sold or rendered on the premises shall be prohibited.

(2) Name signs shall be permitted, provided such signs shall not exceed two (2) signs per premises.

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

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

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

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

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

J. Storm Water Runoff

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

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

(1) All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (Rules).

(a) The minimum setback for new subsurface sewage systems, shall be no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distances from water bodies for new subsurface sewage disposal systems shall not be reduced by variance.

(b) Replacement systems shall meet the standards for replacement systems as contained in the rules.

(2) Owners of all properties located within the Shoreland Zone (as defined in Section 3) and having or requiring Subsurface Wastewater Disposal Systems shall:

(a) Provided documentation that the existing system was installed after July 1, 1975 or provide a certificate of approval which shows that the system is substantial compliance with the current State of Maine Subsurface Wastewater Disposal Rules, or;

(b) Install a new subsurface wastewater disposal system in accordance with the current State of Maine Subsurface Wastewater Disposal Rules.

Failure to comply with this section shall constitute a violation of the Sangerville Shoreland Zoning Ordinance and will be subject to enforcement action in accordance with Section 16-1.

L. Essential Services

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

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

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

Mineral extraction may be permitted under the following condition:
(1) A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall be describe in detail procedures to be undertaken to fulfill the requirements of paragraph 4 below.

(2) Unless authorized pursuant to the Natural Resources Protection Act, Title 38, M.R.S.A., Section 480-C no part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet of the normal high-water line of a great pond classified GPA, and within seventy-five (75) feet of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within seventy-five (75) feet of any property line, without written permission of the owner of such adjacent property.

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

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

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

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

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

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

N. Agriculture

(1) All spreading or disposal of manure shall be accomplished in conformance with the Maine Guidelines for Manure and Manure Sludge Disposal on Land published by the University of Maine Soil and Water Conservation Commission in July, 1972.

(2) Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond, classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. Within five (5) years of the effective date of this ordinance all manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water. Existing facilities which do
not meet the setback requirement may remain, but must meet the no discharge provision within the above five (5) year period.

(3) Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, or the spreading, disposal or storage of manure within the shoreland zone shall require a Soil and Water Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance. Assistance in preparing a soil and water conservation plan may be available through the local Soil and Water Conservation District office.

(4) There shall be no tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams, and wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.

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

O. Timber Harvesting

(1) In a shoreland area zoned for resource protection abutting a great pond, timber harvesting shall be limited to the following:

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

(1) The ground is frozen;
(2) There is no resultant soil disturbance;
(3) The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;
(4) There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4 ½ feet above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other natural vegetation remains; and
(5) A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.

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

(2) Except in areas as described in Paragraph 1 above, timber harvesting shall conform with the following provisions:
(a) Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 ½ feet above ground level on any lot in any ten year period is permitted. In addition:

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

(ii) At distances greater than one-hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified CPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5,000) square feet they shall be at least one hundred (100) feet apart. Such clearcut openings shall be included in the calculation of total volume removal. For the purposes of these standards volume may be considered to be equivalent to basal area.

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

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

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

(i) Surface waters are frozen; and

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

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

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

P. Clearing of Vegetation for Development

(1) Within a shoreland area zoned for Resource Protection abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards. Elsewhere, in any Resource Protection District the clearing of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

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

(a) There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed ten (10) feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created. Adjacent to a great pond classified GPA, or stream or river flowing to a great pond classified GPA, the width of the foot path shall be limited to six (6) feet.

(b) Selective cutting of trees within the buffer strip is permitted provided that a well distributed stand of trees and other vegetation is maintained. For the purposes of this section a “well-distributed stand of trees and other vegetation” adjacent to a great pond classified GPA, or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 12 or more in any 25-foot by 25-foot square (625) square feet) area as determined by the following rating system.

<table>
<thead>
<tr>
<th>Diameter of Tree at 4 ½ feet Above Ground Level (inches)</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 – 4 in.</td>
<td>1</td>
</tr>
<tr>
<td>&gt; 4 – 12 in.</td>
<td>2</td>
</tr>
<tr>
<td>&gt; 12 in.</td>
<td>4</td>
</tr>
</tbody>
</table>

24
Adjacent to other water bodies, tributary streams, and wetlands, a “well-distributed stand of trees and other vegetation” is defined as maintaining a minimum rating score of 8 per 25-foot square area.

NOTE: As an example, adjacent to a great pond, if a 25-foot plot contains three (3) trees between 2 and 4 inches in diameter, three trees between 4 and 12 inches in diameter, and three trees over 12 inches in diameter, the rating score is:

\[(3 \times 1) + (3 \times 2) + (3 \times 4) = 21\text{ points}\]

Thus, the 25-foot by 25-foot plot contains trees worth 21 points. Trees totaling 9 points \((21 - 12 = 9)\) may be removed from the plot provided that no cleared openings are created.

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

(c) In order to protect water quality and wildlife habitat, adjacent to great ponds classified GPA, and streams and rivers which flow to great ponds classified GPA, existing vegetation under three (3) feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described in paragraphs 2 and 2a. above.

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

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

The provisions contained in paragraph 2 above shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the minimum area necessary.

(3) At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body tributary stream, or the upland edge of a wetland, except to allow for the development of permitted uses, there shall be permitted on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees for four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for development, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceed in the aggregate, 25% of the lot area or ten thousand (10,000) square feet, whichever is greater, including land previously developed. This provision shall not apply to the General Development District.
(4) Cleared openings legally in existence on the effective date of this Ordinance may be maintained, but shall not be enlarged, except as permitted by this Ordinance.

(5) Fields which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

Q. Erosion and Sedimentation Control

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

(a) Mulching and revegetation of disturbed soil.

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

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

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

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

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

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

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

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

(5) Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.
R. Soils. All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

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

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

NOTE: Municipal officials should contact the Maine Historic Preservation Commission for the listing and location of Historic Places in their community.

Section 16. Administration

A. Administering Bodies and Agents

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

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

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

B. Permits Required. After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use.

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

(1) The replacement culvert is not more than 25% longer than the culvert being replaced;
(2) The replacement culvert is not longer than 75 feet; and

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

**C. Permit Application**

(1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14. Fees—$10.00 plus $1.00 per thousand estimated value over $10,000 in project cost.

(2) All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property then that person shall submit a letter of authorization from the owner or lessee.

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

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

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

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

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

(1) Will maintain safe and healthful conditions;

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

(3) Will adequately provide for the disposal of all wastewater;
(4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

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

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

(7) Will avoid problems associated with flood plain development and use; and

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

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

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

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

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

(3) The proposed location of all buildings, sewage disposal systems and other improvements are:

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

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

(4) The total ground-floor area of all principal and accessory structures is limited to a maximum of 1,500 square feet.

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

F. Expiration of Permit. Following the issuance of a permit, if no substantial start is made in construction or in the use of the property within one year of the date of the permit, the permit shall lapse and become void.

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

H. Appeals

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

(a) Administrative Appeals: To hear and decide 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 of this Ordinance.

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

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

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

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

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

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

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

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

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

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

(d) The Board of Appeals may grant a variance to an owner of a 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. For the purposes of this subsection, a disability has the same meaning as a physical or mental handicap under Title 5, Section 5443 and the term “structures necessary for access to or egress from the” dwelling is defined to 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 insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

(f) A copy of all variances granted by the Board of Appeals shall be submitted to the Department of Environmental Protection within fourteen (14) days of the decision.

(3) 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. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

(ii) Such appeal 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 it 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 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.
(iv) The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

(b) Decision by Board of Appeals

(i) A majority of the board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.

(ii) The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.

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

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

(v) All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefor, and the appropriate order, relief or denial thereof.

(4) Appeal to Superior Court. 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.

(5) Reconsideration. The Board of Appeals may reconsider any decision within thirty (30) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

I. Enforcement

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

(2) Code Enforcement Officer

(a) It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, her or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
(b) The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.

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

(3) Legal Actions. When the above does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure of 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 orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection 4452.

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

Section 17. Definitions. Accessory structure or use - a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

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

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

Basal Area – the area of cross-section of a tree stem at 4 ½ feet above ground level and inclusive of bark.

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

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

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

Coastal wetland – all tidal and subtidal lands; all lands below any identifiable debris line left by tidal action; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land which is subject to tidal action during the maximum spring tide level as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

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

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

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

Driveway – a vehicular access-way less than five hundreds (500) feet in length serving two lots or less.

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

Essential services – gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.
Expansion of a structure – an increase in the floor area or volume of a structure, including all extensions such as, but not limited to, attached decks, garages, porches and greenhouses.

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

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

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

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

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

Forested wetland – a freshwater wetland dominated by woody vegetation that is six (6) meters tall or taller.

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

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

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

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

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Functionally water-dependent uses – those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that can not be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters.
Great pond – any inland body of water which in a natural state had a surface area in excess of ten acres, and any inland body or water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

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

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

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

Increase in nonconformity of a structure - any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body or wetland than the closest portion of the existing structure from that water body or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

Individual private campsite – an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fire places, or tent platforms.

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

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

Marina – A business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, boat and tackle shops and marine fuel service facilities.
Market value – The estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

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

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

Minimum lot width – The closest distance between the side lot lines of a lot.

Multi-unit residential – A residential structure containing three (3) or more residential dwelling units.

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

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

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

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

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

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

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

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

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

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

Recent flood plain soils – The following soil series as described and identified by the National Cooperative Soil Survey:

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

Recreational vehicle – A vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Replacement system – A system intended to replace: 1) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2) any existing overboard wastewater discharge.

Residual basal area – The sum of the basal area of trees remaining on a harvested site.

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

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

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

Road – A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

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

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

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

2. in the case of telephone service
   a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
   b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback – The nearest horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area.

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

Shoreland zone – The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond, river, or saltwater body; within 250 feet of the upland edge of a coastal or freshwater wetland; or within seventy-five (75) feet of the normal high-water line of a stream.

Significant River Segments – See Title 38 MRSA Sec. 437.

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

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

Substantial start – Completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.
Subsurface sewage disposal system- A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA Section 414, and surface wastewater disposal system licensed under 38 MRSA Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 MRSA Chapter 13, subchapter 1.

Sustained slope – A Change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

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

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

Upland edge – The boundary between upland and wetland.

Vegetation – All live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 ½ above ground level.

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

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

Water body - Any great pond, river, stream or tidal area.

Water crossing - Any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings.

Wetland - A freshwater or coastal wetland.

Wetlands associated with great ponds and rivers - wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or
below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.
SUBDIVISION REGULATIONS

FOR THE

TOWN OF SANGERVILLE, MAINE

EFFECTIVE JUNE 6, 1990

Amended March 27, 2010
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SECTION 1
INTRODUCTIONS

ARTICLE 1

A. AUTHORITY:

These regulations have been prepared in accordance with the provisions of Title 30A, M.R.S.A., Section 4401, subsection 2.

B. TITLE

These regulations shall be known as “Subdivision Regulations of the Town of Sangerville”.

C. PURPOSE

The purpose of these regulations are to assure the comfort, convenience, safety, health and welfare of the people of the Town of Sangerville, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Sangerville, Maine, the Planning Board shall consider the following criteria and before granting approval shall make findings of fact that the provisions of these regulations have been met and that the proposed subdivision will meet the guidelines of Title 30A M.R.S.A. 4401, Section 3. The subdivision:

1. will not result in undue water or air pollution. In making this determination, the Board shall at least consider elevation of the land above sea level and its relation to the flood plains; the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents;

2. has sufficient water available for the reasonably foreseeable needs of the subdivision;

3. will not cause an unreasonable burden on an existing water supply, if one is utilized;

4. will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that dangerous or unhealthy conditions may result;

5. 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;

6. will provide for adequate solid and sewage waste disposal;
7. will not cause an unreasonable burden on the ability of the municipality to dispose of solid waste and sewage if municipal services are to be utilized;

8. will not have an undue adverse affect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas or any public rights for physical or visual access to the shore line;

9. is in conformance with the duly adopted subdivision regulations or ordinance, comprehensive plan, development plan or land use plan, if any.

10. the subdivider has adequate financial and technical capacity to meet the above stated standards.

11. whenever situated in whole or in part, within 250 feet of any pond, lake, river, or tidal waters, will not adversely affect the quality of the body of water or unreasonably affect the shoreline of that body of water;

12. will not alone or in conjunction with existing activities, adversely affect the quality or quantity of the ground water;

13. all principal structures within the subdivision shall be constructed with their lowest flood, including the basement, at least one foot above the 100 year flood elevation.

D. JURISDICTION

The ordinance shall pertain to all land within the boundaries of the Town of Sangerville.

E. DEFINITIONS

The words and terms of the definitions used in these regulation shall have their dictionary meanings. Certain words and terms have been clarified and are as follows:

Authority:

The power granted to the Town of Sangerville to formulate this ordinance under M.R.S.A. Title 30-A 2151-A and in concert with the Sangerville Comprehensive Plan.

Board:

The Sangerville Planning Board, formed in 1987 as the Municipal reviewing authority for the Town of Sangerville under Maine State Law, Title 30 A M.R.S.A. 1917.

Bog:

As described under the Natural Resource Protection Ordinance as Wetlands that are ten contiguous acres or larger.
Cluster Subdivision:
A subdivision in which the lot sizes may be reduced in order to preserve open spaces and natural landscaping characteristics and are owned in common by the subdivision association or management.

Completed Application:
An application submitted to the Board is complete when all materials required by the Board pursuant to this ordinance have been met when all fees due the Town of Sangerville and the Planning Board have been paid.

Comprehensive Plan:
The master plan for the future of the Town of Sangerville, also an overall plan for land use regulation policy and development.

Contiguous Lots:
Lots which adjoin at any point or lots that are separated by a body of water less than fifteen feet in width.

Development:
An area that has site improvements, including the following: buildings, landscaping, roads, streets, parking areas.

Driveway:
An access for vehicles serving two or less units of housing or areas contemplated for housing.

Dwelling:
A building used for habitation which is separated and distinct from other buildings and contains living areas, kitchen areas, or a section used for cooking, bathing and sanitary facilities.

Final Plan:
The final plan and drawings which are presented to the Board for their approval and are to be used for filing the subdivision with the Registry of Deeds.

Flood-100 Year:
The highest level of water that on average will occur every 100 years and has a 1% chance every calendar year.

Normal High Water Mark:
The line on the shore or bank on wetland water areas that is apparent due to the changing soils and vegetation associated with the area and fitting the criteria as wetland vegetation which includes but is not limited to the following herbage, wild rice, cranberries, red maple, pines, cedars, alders, oaks, upland grasses, marsh grasses, water lilies, pond lilies, cattail, wintergreen, lady slippers. In areas where the determination of the high water line can not be clearly determined due to erosion or other causes to mask clearly the water line, it may be estimated in the determination of the plant life.
Industrial Park:
An area zoned for development of industry and that is managed as an area with provisions for common services for all units of the development.

Land Subdivision:
A subdivision as defined by Title 30 A.

Monument:
A marker to determine the lot boundaries, made from granite, iron pin or wood.

Net Residential Acreage:
The total acreage available for the subdivision as shown on the proposed subdivision plan, less the area for roads and streets.

Net Residential Density:
The average number of dwelling units per net residential acre.

Person:
Means any natural person or persons, an association, organization, partnership, trust corporation, or any other legal entity.

Planned Housing Development:
Any development where housing is to be included as part of the whole of the subdivision.

Preliminary Plan:
The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Board for its review.

Recording Plan:
A copy of the final plan that is to be recorded at the Piscataquis Registry of Deeds and information that is relevant to the transfer of interest of the property or parts thereof, such as water lines, sewer lines, culverts and building lines.

Re-Subdivision:
The division of an existing subdivision or any change or changes in the plan for an approved subdivision which affects the lot lines.

Solar Energy Systems:
A design or an assembly consisting of a solar energy collector, energy storage and components thereof for the distribution of energy gathered from the sun.

Street:
Public or Private ways such as roads, avenues, streets, highways and all other rights-of-way.
Subdivision:
The division of a tract or parcel of land into three or more lots within any five-year period, which begins after September 22nd, 1971, whether accomplished by sale, lease, development, buildings or otherwise, provided that a subdivision accomplished by a devise, condemnation, order by a court, gift to a relative by blood or marriage or adoption, unless the intent or transfer of any interest in land to the owner of the abutting thereon, shall not be considered to create a lot or lots for the purpose of these regulations.

Subdivision Major:
Any subdivision containing more than four lots or dwelling units, or any subdivision containing a proposed road.

Subdivision Minor:
Any subdivision containing four lots or dwelling units or less, and in which no road is proposed to be constructed.

Three To One Rule:
For each one foot of lot frontage, there may not be more than three distance in depth.

Tract:
All contiguous land in the same ownership, whether or not the tract is separated at any point by an intermittent or a non-navigable stream, or private road established by the abutting landowner.

SECTION 11
GENERAL PROVISIONS

ARTICLE 2.

A. ADMINISTRATIVE REGULATIONS

1. The Planning Board of the Town of Sangerville, hereinafter called the Board, shall administer this ordinance.

2. Whenever any subdivision is proposed or before any contract for the sale of or offer to sell such subdivision or any part thereof shall have been negotiated and before any permit for the erection of a structure shall be granted, the subdividing owner or his agent shall apply in writing to the Board for approval of such subdivision.

3. No transfer of ownership shall be made of any land in a proposed subdivision until a Final Plan of such subdivision has been approved by the Board nor until a duly approved copy of such Final Plan has been filed with the Town Clerk.
4. Where strict conformity to the Subdivision Regulations would cause undue hardship or injustice to the owner of land and a subdivision plan is substantially in conformity with the requirements of this ordinance the Board may consider waiver of some aspects of this ordinance provided that the spirit of the regulations and the public convenience, health, and welfare will not be adversely affected. A vote on any waiver of the requirements of these regulations shall be taken, stating the specific reason(s) for the same.

5. No utility installations, no grading or construction of roads, no grading of land or lots, and no construction of buildings shall be done on any part of the land or lots within a subdivision until a Final Plan of such subdivision shall be duly prepared, submitted, reviewed, approved and endorsed as provided in these regulations, nor until an attested copy of a Final Plan so approved and endorsed has been duly recorded in the Piscataquis County Registry of Deeds.

6. Whenever the Planning Board finds it necessary to hire professional consulting services to assist in its review of an application for a Minor Subdivision Final Plan or a Major Subdivision Preliminary Plan, the applicant shall pay a reasonable fee necessary for such services. The Board shall provide the applicant with notice of its intent to require such a fee, the purpose of the fee and its approximate amount. The applicant will be given an opportunity to be heard on the purpose and amount of the fee before the Planning Board. After either being heard or waiving the right, the applicant shall pay the fee or appeal payment of the fee to the Board of Appeals. Irrespective of any other provision of these ordinances or the Sangerville Land Use Ordinance, the Planning Board shall not accept the application as complete if the applicant fails to pay the fee or appeal the fee determination. If the applicant appeals payment of the fee to the Board of Appeals, that Board shall decide whether the fee is reasonable for the purpose found necessary by the Planning Board. The fee shall be placed in an interest bearing account in the Town’s name. The money, including accrued interest, remaining in the account and which has not been spent or appropriated shall be returned to the applicant within 30 days after the Planning Board issues its final decision.

B. PENALTIES:

Any person who conveys or agrees to convey any land by reference to a plot which has not been approved as required by this ordinance and recorded by the proper register of Deeds, shall be punished by a fine of not less than $100. and not more than $2,500 for each lot conveyed or agreed to convey, for each day on each lot, except that nothing herein contained shall be deemed to bar any legal or equitable action to restrain or enjoin any act in violation of these regulations.
ARTICLE 3

A. PRELIMINARY PLAN

1. A tentative request for approval of a subdivision shall be accompanied by a Preliminary Plan which shall show existing streets and boundary lines and shall be at a scale of not more than 100 feet to the inch (100’”) except that a supplementary map showing the relationship of the parcel of land to be subdivided to other properties and roads may be at a scale of not more than 500 feet to the inch (500’”). If, in the opinion of the Board, a topographic map is necessary for determining the most suitable layout of the tract to be subdivided such a topographic map may be required by the Board, with appropriate cost paid by the developer.

2. An application for approval of a Preliminary Plan shall be considered at a regular meeting of the Board within 30 days of receipt of such application. The Board shall after such consideration and within 30 days of receipt of an application and Preliminary Plan, issue a written statement informing the subdivider or his agent of approval, disapproval or conditional approval and of any changes required and the character and extent of required public improvement.

3. Within not more than 12 months after issuance of such preliminary approval the subdivider or his agent shall submit a Final Plan and street profiles.

4. Application for approval for the Final Plan shall be submitted in writing to the Planning Board at least seven days prior to the meeting at which it is to be considered.

B. FINAL PLAN

1. A request for final approval of a subdivision shall be accompanied by a Final Plan of such subdivision legibly and clearly drawn in ink at a scale of one hundred feet to the inch (100’”) on a stable base material suitable for reproduction and four dark line copies. Size of sheets shall not measure more than two feet by three feet (2’x3’). A Final Plan shall show:

   a) Identification:
   
   The name of the subdivision, location and boundaries of the land to be subdivided, scale, north arrow, date, name and address of the record owner, subdivider, designer and Book______ and Page______.
b) Lines:
Street lines, lot lines and reservations for public purposes including public utilities, drainage and other easements. Bearings on all lot lines and monuments on all corners or angle points of lots. All lines shall be blazed.

c) Dimensions:
All dimensions in feet and decimals of feet.

d) Lots:
Lines and dimensions, with numbers and lot letters in accordance with the prevailing policy on existing tax maps.

e) Monuments:
Reference monuments on all street corners and angles and street lines wherever, in the opinion of the Board such monuments are necessary to properly determine the location on the ground.

f) Parks and Open Spaces:
Designation of the location, size planting and landscaping of such parks, esplanades and open spaces as are required by the Board.

g) Certification:
The seal of a licensed engineer or certificate by a land surveyor attesting that such Final Plan is substantially correct.

h) Topographic Map:
Based on datum plane established by United States Geodetic Survey at contour interval required by the Planning Board, if required by the Planning Board.

i) Streets:
Names, cross-sections at 100-foot stations or as required by the Planning Board and profile at center line and side lines, all elevations based on datum plane established by U.S.G.S.

Street widths of right-of-way and pavement, radii of all curves, walks, curbs, gutters, culverts, etc.

j) Drainage, Existing and Proposed:
1. Kind
2. Location
3. Profile, cross-sections and invert elevations.
k) Sanitation, Existing and Proposed:
   1. Location, size, profile, cross-sections, elevations and inverts of sanitary sewers, or
   2. Description, plan, location and dimensions of other means of sewage disposal, with evidence of soil suitability, including percolation tests and classification of soil types suitable for on-site sewage disposal.

l) Water Supply and Other Utilities:
   On and adjacent to the tract showing location, proposed connections, types and size of water and gas lines, locations of fire hydrants, electric and telephone poles and conduits and street light standards.

m) Location of Special Features:
   Natural and man-made, affecting the subdivision or giving it character, such as bodies of water, streams and water courses, swamps and marshes, wooded areas, specimen preservable trees, houses, barns, shacks and other significant features.

n) Sites:
   Sites, if any, to be reserved or dedicated for parks, playgrounds or other public uses.

o) Sites:
   Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other non-public uses exclusive of single-family dwellings.

p) Proposed Public Improvements:
   Highways or other major public improvements planned by public authorities for future construction on or near the site.

q) Site Data:
   Including number of residential lots, typical lot size and acres in parks, etc.

r) The Final Plan shall have specific section for a heading for Planning Board approval and signature. It shall be labeled FINAL PLAN, SANGERVILLE PLANNING BOARD, APPROVAL DATE and space for five signatures.

2. A Final Plan shall be accompanied by certification either by a duly authorized engineer or by the Building Inspector of the Town of Sangerville or both, as required by the Board, that the design of the sewer and water facilities and streets and utilities in the proposed subdivision conform to the requirements of this ordinance. The cost of the inspection shall be borne by the developer or subdivider.
3. The subdivider shall file with the Board at the time of submission of the Final Plan.
   1) a bond in an amount sufficient to cover the cost of the construction of streets, approved as to form and surety by the Sangerville Town Attorney, and conditioned upon the completion of such streets within two years of the date of such bond.
   2) or, cash placed in escrow for the above as the Planning Board shall require.

The Board may at its discretion waive the above requirements to post bond or cash in escrow and grant conditional approval providing that no lots shall be sold until specified streets together with the necessary sanitary improvements are satisfactorily constructed within three years of the date of such conditional approval. A release of conditions shall be executed and delivered to the subdivider following satisfactory completion of the specified streets and other required improvements.

4. The Final Plan shall be accompanied by the following required documents:

   a) Warranty Deed:
      Conveying to the Town all streets, right-of-way, and any sites for public use in fee simple, free from all encumbrance.

   b) Protective Covenants:
      In form for recording.

   c) A statement from the Appropriate Water Department:
      Outlining the basis on which the Department will supply water and approving the size and location of mains, valves, and hydrants proposed.

   d) A Statement from the Guilford and Sangerville Sewer Board:
      Spelling out conditions for provision of sanitary or storm sewers required of the subdivider and the acceptability of the subdivider’s sewer plans.

   e) Written Approval of the Fire Chief:
      Of the number, size and location of the hydrants proposed.

   f) Fees:
      The basic fee of $200.00 up to three lots, then $50.00 per lot up to a total of 50 acres. All land area over 50 acres will be charged at $10.00 per acre.

   g) Other Data:
      The approval of a Final Plan shall be attested on the original and one copy by signature of a majority of members of the Board. Additional copies as requested by the Board at the developer's expense.
5. The Board shall consider a Final Plan at a regular meeting within thirty days of the submission of such Final Plan.

6. The Board may before final approval or disapproval of a Final Plan hold a public hearing on such a plan.

7. The approval of a Final Plan shall be attested on the original and one copy by signature of a majority of members of the Board. Additional copies as requested by the Board at the developers expense.

8. Failure of the Board to issue approval or conditional approval within forty five days constitutes disapproval.

9. One copy of the Final Plan shall be retained by the Board. The original shall be recorded in the Piscataquis County Registry of Deeds by the developers and a copy of the recorded plan shall be returned to the Town at the developers expense. Any subdivision plan that is not recorded in the Piscataquis County Registry of Deeds within 60 days of signing of the Final Plan shall be null and void.

SECTION IV
GENERAL REQUIREMENTS AND DESIGN STANDARDS FOR SUBDIVISION PLAN

ARTICLE 4

A. GENERAL REQUIREMENTS

1. Subdivision Plan shall conform to Comprehensive Plan and Zoning Ordinance:
   Any proposed subdivision shall conform to the substance and intent of the Town’s Comprehensive Plan and to the Town’s Zoning Ordinance.

2. Retention of Proposed Public Sites:
   When a proposed public building, site, park, playground, or other land for public use is located in whole or part in the subdivision, the Planning Board may require that, as a pre-requisition to plan approval, such sites shall be preserved by the subdivider for acquisition by the appropriate public agency.

3. (Removed)

4. Preservation of Natural Features:
   The Planning Board may require that a proposed subdivision plan preserve such natural features as trees, streams, water courses and scenic views. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible.
5. Land Not Suitable for Housing:
   Land susceptible to flooding and land not suitable for housing or street development and
   land which may by hazardous to life, health or property shall not be accepted as part of a
   subdivision for residential purposes, but may be used with the approval of the Board for
   parks, playgrounds or other open-space uses.

6. Easements for Natural Drainage Ways:
   Where a subdivision is traversed by a natural water course, drainage way, channel or
   stream there shall be provided a storm-water easement or drainage right-of-way
   conforming substantially with the lines of such water course and such further width or
   construction, or both, as will assure that no flooding occurs and all storm-water can be
   disposed of properly. Parallel streets or parkways may be required in connection
   therewith.

7. Additional Requirements
   Street trees, esplanades (level open space-roadway) and open green spaces may be
   required at the discretion of the Planning Board, where such improvements are required,
   they shall be incorporated in the Final Plan and executed by the subdivider as
   construction of the Subdivision progresses.

B. STORM DRAINAGE CONSTRUCTION

1. Requirements, The Sangerville Planning Board will not approve any Subdivision Plan
   unless the proposed road and drainage system have been approved I/A/W the herein
   specifications. Any approval of the Final Plan including the enclosed regulations and
   specifications shall not constitute nor be evidence that the municipality will accept any
   road or easement.

2. Developers shall submit to the Board detailed construction drawings, as a part of the
   Final Plan, showing the proposed roads in both a plain view as well as cross sections of
   all proposed roads and any existing roads within 250 feet of any and all intersections.
   The plan submitted shall also include but is not limited to the following information.

   a) Date

   b) Scale of map as well as magnetic North.

   c) Roadway and right of way limits, including the edge of surface, edge of shoulder,
      curbing and all sidewalks.

   d) Center line gradients.
e) Cross section and all existing proposed drainage systems and structures as well as their proximity to brooks and streams as well as run-off areas that connect to brooks and streams and natural watercourses. This must include an in depth ascertainment as to the possibility of pollution to the water from the proposed roads.

f) Horizontal and vertical curve data as well as turning radii and center line gradients.

g) All overhead as well as underground utilities must be shown as well as their locations and shall include telephone, electric, sewer and water.

h) When it is the responsibility of the developer to work on Town of Sangerville roads, all plans for improvements must be submitted to the Selectmen, Planning Board Road Commissioner and the Code Enforcement Officer. The expenses connected to the road improvements are the responsibility of the developer and contractual work performed on Sangerville roads shall be designated by the Sangerville Board of Selectmen.

i) When the Final Plan is submitted to the Planning Board, the developer shall have stated in the following language on the plan recorded at the Piscataquis Registry of Deeds the following, “All roads located within the subdivision are to remain private roads and shall be maintained by the lot owners or the developer and shall not be accepted by the Town of Sangerville”.

j) Upon a request of a developer to have the Town accept a road as a municipal road, the Board shall immediately forward all plans and requests to the Selectmen and Road Commissioner for their review.

C. STORM WATER RUN-OFF DESIGN STANDARDS.

1. Purpose:
To insure that adequate storm drainage and water run-off from the subdivisions shall not impair nor cause damage to both existing roads as well as all proposed roads within the subdivision. There must be provisions within the subdivision to prevent pollution to any streams, brooks or wetland areas and to insure that aquatic life shall not be harmed.

2. Adequate provisions shall be made for the proper disposal of all storm water generated within the subdivision and any drained ground water throughout a management system of swales, culverts, underdrains as well as storm drains. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains.
3. Where a subdivision is traversed by a brook, stream or any water course or surface water drainway, or where the Board feels that the surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights of ways with swales, culverts, underdrains or catch basins or other means of channeling the water within the subdivision as well as other properties. The stormwater drainage system shall be designed by a registered professional engineer.

4. Drainage easements for existing water courses or proposed drainage ways shall be provided at a minimum of 30 feet wide conforming substantially with the lines of natural drainage.

5. All components of the storm water management system shall be designed to limit peak discharge to pre-developmental levels for every storm between 2 year and 25 year, 24 hour duration frequencies, based upon the rainfall data for Bangor, Maine. When the subdivision discharges directly to a major water body, peak discharge may be increased from pre-development levels, provided downstream drainage structures are suitable.

6. The minimum allowable pipe size for any storm drain shall be 12 inches. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus 2 feet. All pipes shall be bedded in a fine granular material containing no stones larger than 3 inches, lumps of clay or other organic material, reaching a minimum of 6 inches below the bottom of the pipe extending to 6 inches above the top of the pipe.

7. The storm water management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned development not yet built and shall include a surplus design capacity of 25% for any potential increase in upstream runoff.

8. 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 the development. The developer shall be responsible for financing any and all improvements to existing drainage systems required to handle the increase in storm flows.

9. Catch basins shall be installed as necessary and shall be installed along all curb lines and other places deemed necessary by an engineer.

10. All outlets shall be stabilized against soil erosion by stone, riprap or other tile system to reduce storm water velocity. Whenever the storm drainage system is not within the right of way of a public road, perpetual easements shall be provided to the Town of Sangerville or the Water Board allowing maintenance and improvements to the system.

11. Where the soils are of the type that require a subsurface drainage system, the drains shall be installed and maintained separately from the storm drainage system.
D. STORM MANAGEMENT DRAINAGE CONSTRUCTION STANDARDS:

1. Materials:

a) Asbestos Cement Pipe:
Asbestos cement pipe shall meet the requirements of ASTM Designation C-428 (AASHTO M 189). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.5 on the crushing strength. Joints shall be of the rubber gasket type meeting ASTM Designation D-1869-63, or an approved preformed plastic sleeve type.

b) 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 a type of bituminous coating. Pipe gauge shall be as required to meet soil and traffic loads with a deflection of not more than 5%.

c) Reinforced Concrete Pipe:
Reinforced concrete pipe shall meet the requirements of ASTM Designation C-76 (AASHTO M 170). Pipe class 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 the rubber gasket type meeting ASTM Designation C443-70, or of an approved preformed plastic joining material. Perforated concrete pipe shall conform to the requirements of AASHTO M 175 for all appropriate diameters.

d) ABS Pipe:
ABS composite pipes 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 111.

e) Corrugated Metal Pipe:
Corrugated metal pipe shall conform to AASHTO M 252.

f) Manholes:
Manholes shall be of pre-cast concrete, truncated cone section construction meeting the requirements of ASTM Designation C 478 or pre-cast concrete manhole block construction, meeting the requirements of ASTM Designation C 139, radial type. Bases may be cast in place utilizing 3000 PSI 28 day strength concrete or may be of pre-cast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed and with tops, shall conform to the requirements of AASHTO M 103 for carbon steel casings. AASHTO M 105, Class 30 for gray iron casting or AASHTO M 183 (ASTM A 283, Grade “B” or better) for structural steel.
g) Catch Basins:

Catch basins shall be of pre-cast truncated cone section construction meeting the requirements of ASTM Designation C 478 or per-cast concrete manhole block construction meeting the requirement of ASTM Designation C 139, Radial Type. Casting shall be set in a full mortar bed with tops shall conform to the requirements of AASHTO M 103 for carbon steel casings, AASHTO M 105, Class 30 for Gray Iron castings or AASHTO M 183 (ASTM A 283 Grade “B” or better) for structural steel.

2. Drain Alignment:

Drain inlet alignment shall bestraight in both the Horizontal and Vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Planning Board, after a consultation with an engineer.

3. Manholes:

Manholes shall be provided at all changes in vertical and horizontal alignment and at all junction. On straight runs, manholes shall be placed at a maximum of 400’ intervals.

4. Completion:

Upon completion, each catch basin or manhole shall be cleaned of debris and matter and shall be kept clean until final inspection.

E. ROAD DESIGN STANDARDS:

1. The standards set forth shall be met by all roads within the subdivision and shall include, Drainage Systems, Roads, Culverts, Road Shoulders, Curbing and other appurtenances.

2. All roads shall be designed as to discourage through traffic on minor streets within a subdivision designated for residential use.

3. Any subdivision that is located near an area that is zoned for commercial/industrial use in conformity with the Sangerville Comprehensive Plan, the road right-of-way and width of road shall be increased on each side by ½ the amount necessary to bring into conformity that road for the standards set forth for commercial or industrial roads.

4. Any subdivision that is expected to generate an average daily traffic count of 200 trips per day shall have a minimum of 2 road connections with existing Town of Sangerville roads.

5. The following design criteria and standards apply to road classifications.
## Road Design Standards

<table>
<thead>
<tr>
<th>ROAD TYPE</th>
<th>MINOR</th>
<th>MAJOR</th>
<th>PRIVATE MINOR</th>
<th>PRIVATE MAJOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>AVERAGE DAILY TRAFFIC</td>
<td>0-250</td>
<td>250+</td>
<td>0-100</td>
<td>100+</td>
</tr>
<tr>
<td>RIGHT OF WAY WIDTH</td>
<td>50’</td>
<td>60’</td>
<td>50’</td>
<td>50’</td>
</tr>
<tr>
<td>PAVEMENT WIDTH</td>
<td>20’</td>
<td>22’</td>
<td>___</td>
<td>20’</td>
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<tr>
<td>SHOULDER WIDTH</td>
<td>2’</td>
<td>4’</td>
<td>2’</td>
<td>2’</td>
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<tr>
<td>AGGREGATE SUB-BASE REQUIRED (compacted)</td>
<td>18”</td>
<td>24”</td>
<td>16”</td>
<td>16”</td>
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<tr>
<td>HOT BITUMINOUS PAVEMENT</td>
<td>2” BASE</td>
<td>2” BASE</td>
<td>N/A</td>
<td>2” BASE</td>
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<tr>
<td></td>
<td>1” SURFACE</td>
<td>1” SURFACE</td>
<td>N/A</td>
<td>1” SURFACE</td>
</tr>
<tr>
<td>ROADWAY CROWN</td>
<td>¼ PER FT.</td>
<td>¼ PER FT.</td>
<td>½ PER FT.</td>
<td>¼ PER FT.</td>
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<tr>
<td>MAXIMUM GRADE</td>
<td>8%</td>
<td>6%</td>
<td>8%</td>
<td>6%</td>
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<tr>
<td>MINIMUM ANGLE AT INTERSECTION</td>
<td>75°</td>
<td>90°</td>
<td>75°</td>
<td>90°</td>
</tr>
<tr>
<td>MINIMUM CENTER LINE RADIUS AT CURVES</td>
<td>150’</td>
<td>220’</td>
<td>150’</td>
<td>200’</td>
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<tr>
<td>MINIMUM TANGENT LENGTH BETWEEN CURVES</td>
<td>100’</td>
<td>100’</td>
<td>50’</td>
<td>100’</td>
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### Trip Generation Rates

The following chart shall be used to determine the anticipated daily traffic (ADT) levels of the proposed residential development.
### HOUSING TYPE

<table>
<thead>
<tr>
<th>Housing Type</th>
<th>Average Weekday Trip Generation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Detached</td>
<td>10 Trips per Dwelling Unit</td>
</tr>
<tr>
<td>Duplex (Twin) Multiplex</td>
<td>8 Trips per Dwelling Unit</td>
</tr>
<tr>
<td>Apartments</td>
<td>8 Trips per Dwelling Unit</td>
</tr>
<tr>
<td>Mobile Home</td>
<td>8 Trips per Dwelling Unit</td>
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<tr>
<td>Retirement Village</td>
<td>3 ½ Trips per Dwelling Unit</td>
</tr>
</tbody>
</table>

### DESIGN CRITERIA & STANDARDS

#### ROAD CLASSIFICATION

<table>
<thead>
<tr>
<th>Description</th>
<th>Aterial</th>
<th>Collector</th>
<th>Minor</th>
<th>Private Right of Way</th>
<th>Ind. Comm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Right-of-way Width</td>
<td>80’</td>
<td>50’</td>
<td>50’</td>
<td>50’</td>
<td>60’</td>
</tr>
<tr>
<td>Minimum Pavement Width</td>
<td>44’</td>
<td>24’</td>
<td>20’</td>
<td>18’</td>
<td>30’</td>
</tr>
<tr>
<td>Sidewalk Width</td>
<td>8’</td>
<td>5’</td>
<td>5’</td>
<td>N/A</td>
<td>8’</td>
</tr>
<tr>
<td>Minimum Grade</td>
<td>5%</td>
<td>.5%</td>
<td>.5%</td>
<td>N/A</td>
<td>.5%</td>
</tr>
<tr>
<td>Maximum Grade *</td>
<td>5%</td>
<td>6%</td>
<td>8%</td>
<td>10%</td>
<td>5%</td>
</tr>
<tr>
<td>Minimum Center line Radius</td>
<td>500’</td>
<td>230’</td>
<td>150’</td>
<td>N/A</td>
<td>400’</td>
</tr>
<tr>
<td>Minimum Tangent Between Curves Of Reverse Alignment</td>
<td>200’</td>
<td>100’</td>
<td>50’</td>
<td>N/A</td>
<td>200’</td>
</tr>
<tr>
<td>Roadway Crown</td>
<td>¼ ft</td>
<td>¼ ft</td>
<td>¼ ft</td>
<td>N/A</td>
<td>¼ ft</td>
</tr>
<tr>
<td>Minimum Angle Road Intersection</td>
<td>90°</td>
<td>90°</td>
<td>75°</td>
<td>N/A</td>
<td>___</td>
</tr>
<tr>
<td>Max Grade within 75’ of Intersection</td>
<td>2%</td>
<td>2%</td>
<td>2%</td>
<td>N/A</td>
<td>2%</td>
</tr>
<tr>
<td>Minimum R.O.W. Radii at Intersection</td>
<td>20’</td>
<td>10’</td>
<td>10’</td>
<td>10’</td>
<td>20’</td>
</tr>
<tr>
<td>Minimum Curb Radii at Intersections</td>
<td>30’</td>
<td>20’</td>
<td>15’</td>
<td>N/A</td>
<td>30***</td>
</tr>
<tr>
<td>Minimum Width of Shoulders (both sides)</td>
<td>5’</td>
<td>3’</td>
<td>3’</td>
<td>3’</td>
<td>9’</td>
</tr>
</tbody>
</table>

* Maximum Grade may be exceeded for 100’ or less.

** Road intersection angles shall be as close to 90 as possible, but less than the above listed angle.

*** Should be based on turning radii of expected commercial traffic, but in no case less than 30 feet.

6. Center Line:
The Center line of the roadway shall be the center line of the right-of-way.
7. Dead End Roads:
All dead end roads shall be constructed to provide a cul-de-sac turn around with the following requirements for radii. Property line 65’, outer edge of pavement 50’, inner edge of pavement 30’. Where cul-de-sac is located in a wooded natural area, there shall be left a stand of trees within the center of the cul-de-sac. In addition the Planning Board may require a reservation of a 20’ easement in line with the road to provide for the continuation of pedestrian traffic and utilities to the next street. The Planning Board may also require the reservation of a 50’ easement in line with the street in order to provide a continuation of the road where a future expansion of a subdivision is possible.

8. Site Distances, Intersections and Grades:
The grades of all roads shall generally conform to the grade of the terrain, in order to minimize cut and fill while maintaining the standards set forth in Art. 10.4,E.

9. All changes in grade shall be connected in vertical curves to provide the following minimum stopping sight distances based on the road design speed.

<table>
<thead>
<tr>
<th>Design Speed (MPH)</th>
<th>20</th>
<th>25</th>
<th>30</th>
<th>30</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stopping Sight Distance (ft)</td>
<td>125</td>
<td>150</td>
<td>200</td>
<td>250</td>
</tr>
</tbody>
</table>

Stopping distance shall be calculated with a height of eye at 3.5 feet and the height of object at 0.5 feet.

10. Where a new road intersection or driveway curb-cut are proposed, sight distances, as measured along the road into which traffic will be turning, shall be based upon the posted speed limit and shall conform to the table in this section. Sight distances shall be measured from the drivers seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10’ behind the curb-line or the edge of the shoulder, with the height of the eye 3 ½ feet, to the top of an object 4 ½ feet above the pavement.

<table>
<thead>
<tr>
<th>Posted Speed Limits (MPH)</th>
<th>20</th>
<th>25</th>
<th>30</th>
<th>30</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sight Distance (ft)</td>
<td>125</td>
<td>150</td>
<td>200</td>
<td>250</td>
</tr>
</tbody>
</table>

Where necessary, corner lots shall be cleared of all growth and all sight obstructions, including ground excavation, to achieve the required visibility.

11. Cross road intersections shall be avoided whenever possible, the exception to this is shown in the Sangerville Comprehensive Plan.
12. Sidewalks:
Sidewalks shall be installed in subdivisions within the towns designated Urban Compact Area, per Sangerville’s Comprehensive Plan and shall meet the following minimum requirements.

a) Bituminous Sidewalks:
1. The crushed aggregate base course shall be no less than 8” thick.
2. The Hot Bituminous pavement surface shall be no less than 2” after compaction.

b) Portland Cement Concrete Sidewalks:
1. The sand base shall be no less than 6” thick.
2. The Portland Cement Concrete shall be reinforced with 6” square, number 10 wire mesh and shall be no less than 4” thick.

c) Granite Curbing:
Granite curbing shall be installed on a thoroughly compacted gravel base of 6” minimum thickness.
Bituminous curbing shall be installed on the base course of the pavement. The specified pavement width above shall be measured between the curbs.

F. ROAD CONSTRUCTION STANDARDS:

1. Preparation:

a) Before any clearing has started on the road right-of-way, the center lines of the new road shall be staked at 50’ intervals.

b) Before grading has begun, the entire right-of-way shall be cleared of all stumps, roots, brush, bushes and any other unacceptable material. All large boulders and ledge shall be removed from the right-of-way.

c) All organic material shall be removed from a depth of 2’ below the sub-grade of the road. On soils that have been identified as not suitable for a roadway, the subsoil shall be removed from the road site to a depth of 2’ below the sub-grade and replaced with material meeting the specification for gravel aggregate sub-base below.

d) Except in a ledge cut, side slopes shall be not steeper than a slope of 3’ horizontal to 1’ vertical and shall be graded, loamed, limed, fertilized and seeded according to the specification.
e) All underground utilities shall be installed prior to any paving to avoid cuts in the pavement. All sewer lines, water service connections and other underground utilities shall be installed to the edge of the right-of-way prior to any paving.

G. BASES AND PAVEMENT:

1. Bases:
   a) The aggregate sub-base course shall be sand or gravel of hard durable particles, free from any vegetative matter, lumps of clay and other non conforming substances. The graduation of the part that passes a 3 square mesh sieve shall meet the following requirements.

<table>
<thead>
<tr>
<th>SIEVE DESIGNATION</th>
<th>PERCENTAGE OF WEIGHT PASSING SIEVES</th>
</tr>
</thead>
<tbody>
<tr>
<td>¼ 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 base course shall be sanded or graveled or hard durable particles, free from vegetative matter, lumps of clay and other unacceptable materials. The graduation of the part that passes a 3” square mesh sieve shall meet the following requirements.

<table>
<thead>
<tr>
<th>SIEVE DESIGNATION</th>
<th>PERCENT BY WEIGHT PASSING SIEVES</th>
</tr>
</thead>
<tbody>
<tr>
<td>½ INCH</td>
<td>45-70%</td>
</tr>
<tr>
<td>¼ 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>

Aggregate for the base shall contain no particles of rock exceeding 2” in any dimension.

2. Pavement
   a) Pavement Joints:
      When pavement joins an existing pavement, the existing pavement shall be cut smooth along the line and form a neat even vertical joint.

   b) A minimum base layer of pavement shall meet the Maine Department of Transportation specifications for plant mix Grade B with an aggregate size no greater than 1”.
c) Minimum standards for the surface layer shall meet the Maine Department of Transportation specifications for plant mix Grade C with an aggregate size no greater than 3/4”.

SECTION V
UTILITIES

ARTICLE 5

A. UTILITIES

1. Easements:
   Easements for utilities across lots, centered on road or side lot lines, either within or beyond the subdivision, as may be necessary, shall be provided where necessary and shall be at least twelve feet (12’) wide.

2. Water Systems:
   a) Where possible, water service with fire hydrants shall be obtained from the appropriate public water department.

   b) The minimum water main shall be recommended by the water district and the developer shall be responsible for the cost of installation and supervision by the district to accepted standards.

3. Sanitary Sewerage System
   a) Connection with Public sewerage systems:
      Where the public sanitary line is located within 1500 feet of a proposed subdivision at its nearest point, the subdivider shall connect with such sanitary sewer line with a main not less than 8 inches in diameter.

   b) Standards
      1. Any lot within a subdivision shall follow all applicable requirements of the State of Maine, Subsurface Wastewater Disposal Rules. Each such lot shall have a soils test which meets the current requirements under the code.

      2. And structure to be erected shall follow all applicable rules under the State of Maine, Internal Plumbing Rules.
4. Electric Power and Telephone System
Whenever practical, the subdivider shall be encouraged to install underground conduits and other necessary subsurface structures to provide underground power and phone service throughout the subdivision in order to eliminate unsightly utility poles. Such underground structures shall be constructed according to the requirements of the utility company involved.

SECTION VI
LOTS

ARTICLE 6

A. LOTS

1. Subdividers should review and plan lots under the requirements specified in the Sangerville Lot Size Ordinance.

2. Depth and width of properties reserved or laid out for all purposes shall be adequate to provide for the off-street service and parking facilities for vehicles required by the type of use and development contemplated.

3. Subdividers should consider enlargement of corner lots.

4. All lots in proposed subdivisions shall be provided reasonable access to a public way.

5. Side lot lines shall be substantially at right angles or radial to street lines.

6. Large Lots or Parcels
   If a tract of land is subdivided into larger parcels than ordinary building lots, such parcels shall be so arranged as to allow the opening of future streets and logical future re-subdivisions

B. PUBLIC SITES AND OPEN SPACES

Where deemed essential by the Planning Board, upon consideration of the type of development proposed in the subdivision, and especially in large scale neighborhood unit developments, the Planning Board may require the dedication or reservation of such areas or sites of a character, extent and location suitable to the needs of the development for limited commercial use and of the Town for schools, parks, playgrounds and other neighborhood purposes. Article 4:7 LARGE SCALE DEVELOPMENT
The standards and requirements of these regulations may be modified by the Planning Board in the case of a plan and program for a complete community, or neighborhood unit, or other major development which, in the judgment of the Planning Board provides adequate public spaces and improvements for circulation, recreation, light, air and service needs of the tract when fully developed and populated and which also provide such covenants or other legal provisions as will assure conformity and achievement of the plan. The developer shall be responsible for any consulting services to review such development as per Article 2, Section A.6.

SECTION V11
RELEASE OF BOND

ARTICLE 7

A. RELEASE OF BOND

Before voting to release the subdivider’s check or performance bond, the Board of Selectmen shall determine to its satisfaction, in part by a written certification of the Planning Board Chairman and the Building Inspector, that there have been submitted to them by the subdivider or his agents written statements signed by:

1. A registered professional engineer, paid for by the subdivider, stating that all permanent bounds and monuments on street lines and on lot lines have been accurately installed in the locations designated on the Final Plan.

2. The Trustees of the appropriate Water Board state that the water mains and hydrants have been installed in a properly operating condition and are in accordance with the Final Plan diagram and all applicable standards and requirements.

3. The Building Inspector or Town Engineer states that

   a) The streets and storm drainage have been constructed and completed in conformance with the Final Plan diagram and requirements.

   b) The sanitary sewer and other means of sewage disposal have been constructed and are in place in conformance with the Final Plan diagrams and all applicable standards and requirements.
ARTICLE 8

A. PLANNING BOARD TO ADMINISTER SUBDIVISION REQUIREMENTS

The Planning Board of the Town of Sangerville hereinafter called the Board, shall administer these regulations.

B. PLAN APPROVAL AND RECORDING REQUIRED

After these regulations shall have been adopted, any subdivision that fails to meet the requirements herein shall be disapproved by the Planning Board. The Register of Deeds shall not record any plan of a proposed subdivision until it has been approved by the Planning Board and the approval noted on the Plan. The recording of a Plan without the approval required by this subsection is void.

C. MODIFICATIONS OR ADDITIONAL IMPROVEMENTS

Where the subdivider can show to the Planning Board’s satisfaction that strict adherence to these regulations would cause unnecessary hardship and where, because of topography or other conditions peculiar to the site, in the opinion of the Planning Board, a departure may be made without destroying the intent of these provisions, the Board may authorize a modification.

Likewise, because of peculiar conditions or circumstances relative to a particular subdivision the Board may require the installation of other improvements.

Any modification thus authorized or additional improvements thus required shall be stated in writing in the minutes of the Planning Board with the reasoning on which the modification or addition was justified set forth.
SECTION 1X
LEGAL PROVISIONS

ARTICLE 9

A. EFFECTIVE DATE

These regulations shall become effective upon their official adoption by the Planning Board and shall apply thereafter to all subdivisions within the Town of Sangerville, as defined in these regulations, except that they shall not apply to subdivisions for which plans are on file in the office of the Selectmen and which have been approved by the Board of Selectmen and Planning Board under the ordinance in force at the time of such approval, for a period of 12 months from such date to the adoption of these regulation. At the expiration of 12 months from such date of adoption, all plans on file shall become null and void as to all portions of said plans not executed; no lots have been sold, and no streets have been constructed; and new plans conforming to these regulations must be filed as provided herein.

B. REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances inconsistent with or contrary to the provisions of these regulations are hereby repealed to the extent necessary to give these regulations full force and effectiveness.

C. SEVERABILITY

Should any section or part of a section of these regulations be declared by the courts to be unconstitutional or invalid such declaration shall not affect the validity of the remainder of these regulations.