Town of Waterboro, Maine, Selected Ordinances

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FLOODPLAIN MANAGEMENT ORDINANCE
FOR THE
TOWN OF WATERBORO, MAINE

ENACTED:

Date

CERTIFIED BY:
Name
Title

Affix Seal

60.3 (d)
Printed 6/10/99
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60.3 (d) Rev. 4/99
ARTICLE I - PURPOSE AND ESTABLISHMENT

Certain areas of the Town of Waterboro, 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 Waterboro, 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 Waterboro, 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 Waterboro 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 and 4401-4407.

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

The areas of special flood hazard, Zones A and A1-30, are identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study - Town of Waterboro, Maine, York County," dated August 1, 1984 with accompanying "Flood Insurance Rate Map" dated February 1, 1985 and "Flood Boundary and Floodway Map" dated February 1, 1985, which are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

Before any construction or other development (as defined in Article 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 Waterboro, 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 Zones A1-30, from data contained in the "Flood Insurance Study - Town of Waterboro, Maine," as described in Article I; or,

   b. in Zone A, 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 new or substantially improved structures;

J. Either an Elevation Certificate (FEMA Form 81-31, 03/97, as amended) completed by a Professional Land Surveyor, registered professional engineer or architect; or, for non-residential structures to be floodproofed, a Floodproofing Certificate (FEMA Form
81-65, 05/93, as amended) completed by a registered professional engineer or architect. These Certificates verify that the elevations shown on the application are accurate;

K. Certifications as required in Article VI by a registered professional engineer or architect that:

1. 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. engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.;

3. bridges will meet the standards of Article VI.M.;

4. 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 $ 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 of the Code Enforcement Officer 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, or will be met;
B. Utilize, in the review of all Flood Hazard Development Permit applications, the base flood data contained in the "Flood Insurance Study - Town of Waterboro, Maine," as described in Article I. In special flood hazard areas where base flood elevation data are not provided, the Code Enforcement Officer shall obtain, review, and reasonably utilize any base flood elevation and floodway data from federal, state, or other sources, including information obtained pursuant to Article III.H.1.b.; Article VI.K.; and Article VIII.D., in order to administer Article VI of this Ordinance;

C. Make interpretations of the location of the 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. 1334;

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. Issue one of the following Flood Hazard Development Permits based on the type of development:

1. Issue a two-part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with a second Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect based on the Part I permit construction, "as built," for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, 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. Issue a Flood Hazard Development Permit for floodproofing of non-residential structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.G.1.a.,b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,

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

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. Zones A1-30 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. Zones A1-30 shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
   
   a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
   
   b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
   
   c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.

2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article 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. Zones A1-30 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. Zones A1-30 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 A1-30, 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 Zones A1-30, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in riverine areas, for which a regulatory floodway is designated on the community's "Flood Boundary and Floodway 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 A1-30 and A riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
   a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
   b. is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," Flood Insurance Study - Guidelines and Specifications for Study Contractors, (FEMA 37/ January 1995, as amended).
3. In Zones A1-30 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 A1-30 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 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 storing of articles and equipment used for maintenance of the building.

M. **Bridges** - New construction or substantial improvement of any bridge in Zones A1-30 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 A1-30 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 improvement of wharves, piers, and docks are permitted in Zones A1-30 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 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,
   2. upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

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 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 Waterboro may, upon written application of an aggrieved party, hear and decide appeals from determinations of the Code Enforcement Officer in the
administration 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.

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

1. other criteria of Article 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. 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.

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 - any person or board responsible for performing the inspection, licensing, and enforcement duties required by a particular statute or ordinance.

Development - means any change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities.

Elevated Building - means a non-basement building

a. built, in the case of a building in Zones A1-30 or A, to have the top of the elevated floor elevated above the ground level by means of pilings, 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 A1-30 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.

Elevation Certificate - An official form (FEMA Form 81-31, 03/97, 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.1. 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.

**Floodproofing** - 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 VI 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 trailers, 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 that 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Article VI.1., 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 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 slideouts;

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

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

Regulatory Floodway -

a. 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 Boundary and Floodway 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, whether or not that alteration affects the external dimensions of the building.

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

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

Substantial Improvement - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

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

Land Subdivision Regulations
of the
Planning Board

Amended to January 17, 2012
ARTICLE I AUTHORITY

Under statutory power and authority granted to Planning Boards in accordance with 30 M.R.S.A., Chapter 454, Section 4956, the Waterboro Planning Board, hereinafter called the Board, in an official meeting convened on August 9, 1972, adopted Land Subdivision Regulations of the Planning Board of the Town of Waterboro, Maine.

ARTICLE II ENFORCEMENT

No person, firm, corporation or other legal entity may sell, lease, or convey for consideration, offer or agree to sell, lease or convey for consideration any land in a subdivision which has not been approved by the Planning Board or other reviewing authority of Waterboro and recorded by the Register of Deeds of York County in Alfred. No subdivision plan or plat shall be recorded by the said Register which is not been approved as required. Approval for the purpose of recording shall appear in writing on the plat or plan. No public utility, water district, sanitary district or any utility company of any kind shall install service to any lot in a subdivision for which a plan has not been approved.

Any person, firm, corporation or other legal entity who sells, leases, or conveys for consideration, offers or agrees to sell, lease or convey for consideration any land in a subdivision which has not been approved as required by this regulation shall be punished by a fine of not more than $1,000. for each such sale, lease or conveyance for consideration, offering or agreement. The Attorney General, the Town or the Board of Selectmen may institute proceedings to enjoin the violation of this regulation.

ARTICLE III PURPOSE AND GUIDELINES

To exert a beneficial influence upon the use of land areas, water and other natural resources of Waterboro in such a manner as to safeguard the health, comfort and privacy of its residents, and to encourage a healthy and orderly development of homes, commercial and industrial establishments and agricultural enterprises for which community services, when required, can be most economically installed and efficiently utilized, thereby presenting the image of a town which has a forward-looking government responsive to expansion, but only consistent with the above ideals and realistic and reasonable concern for the environment.

To this end, when reviewing and approving subdivisions in the Town of Waterboro, Maine, the Board will consider the following criteria and, before granting approval, will determine that the proposed subdivision:

2
A. Will not result in undue water or air pollution. In making this determination it will at least consider: The 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 upon effluents; and the applicable State and local health and water resource regulations.

B. Has sufficient water available for the reasonably foreseeable needs of the subdivision.

C. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized.

D. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

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

F. Will provide for adequate solid and sewerage waste disposal.

G. Will not cause an unreasonable burden on the ability of the Town to dispose of solid waste and sewage, if municipal services are to be used.

H. Will not have an undue adverse effect upon the scenic or natural beauty of the area, aesthetics, historical sites or rare and irreplaceable natural areas.

I. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any.

J. The subdivider has adequate financial and technical capacity to meet the Town, County and State regulations and standards.

K. Whenever situated, in whole or in part, within 250 ft. of any pond, lake or river, it will not adversely affect the water quality or undeniably affect the shoreline of such body of water.

L. Will not result in an unreasonable burden upon school facilities.

M. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
ARTICLE IV  DEFINITIONS

A. **Abutter:** One whose property is contiguous to the perimeter of the tract developed or proposed for development.

B. **Comprehensive Plan:** Any part or element of the overall plan for the development of the Town as defined in Title 30 M.R.S.A., Chapter 239, Section 4961.

C. **Construction Drawings:** Drawings showing the location, profile, grades, size and type of drains, sewers, water mains, underground fire alarm ducts, underground power ducts and underground telephone ducts or cables, pavement, street cross sections, miscellaneous structures, etc.

D. **Easement:** The recorded authorization of a property owner for the use, by another, for a specified purpose, of any designated part of his property.

E. **Final Subdivision Plan:** The final drawings on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, may be filed for record with the Town Clerk and the County Register of Deeds.

F. **Groundwater:** The water beneath the surface of the ground: the source of water in springs and wells.

G. **Legislative Body:** Town Meeting.

H. **Municipality:** Town of Waterboro, Maine.

I. **Official Map:** The map adopted by the Town showing the location of public property, ways used in common by more than 2 owners of abutting property, and approved subdivision; and any amendments thereto adopted by the Town, or additions thereto resulting from the approval of subdivision plans by the Planning Board and the subsequent filing for record of such approved plans.

J. **Official Submittal Date:** The date of submission of a Reapplication Plan or Sketch Plan, a Preliminary Subdivision Plan or a Final Subdivision Plan shall be the date of the meeting at which it is submitted. Upon receipt of a plan or any application, the municipal reviewing authority shall issue to the applicant a dated receipt. Within thirty (30) days from the receipt of an application, the municipal reviewing authority shall notify the applicant in writing either that the application is a complete application or, if the application is not complete, the specific additional material needed to make a complete application. After the municipal reviewing authority has determined that a complete application has been filed, it shall notify the applicant and begin its full evaluation of the proposed subdivision.
K. **Person:** Any firm, individual, association, organization, partnership, trust, company or corporation.

L. **Planning Board:** The Planning Board of the Town of Waterboro, Maine, created under Title 30, M.R.S.A., Chapter 239, Section 4952; or Chapter 201-A, Section 1917.

M. **Preliminary Sub-division Plan:** The preliminary formal drawings of the subdivision to be submitted to the Planning Board for its review and consideration.

N. **Re-subdivision:** The subdivision of any lot in a previously approved subdivision, the relocation of any approved boundaries, streets, or drainage ditches, of the use of originally specified community land for other purposes.

O. **Sketch Plan:** An informal plat of the proposed subdivision indicating approximate lot boundaries, street location, community wells and sewage disposal areas (if any) and entrances to existing roads.

P. **Street:** Includes such ways as alleys, avenues, boulevards, highways, roads, streets and any other pedestrian or vehicular right-of-ways.

Q. **Subdivision:** A Subdivision is the division of a tract or parcel of land into three (3) or more lots within any five (5) year period, which period begins after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term “subdivision” also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5 year period. (For complete subdivision definitions see section 4401 in the Planning & Land Use Laws).

R. **Tract or Parcel:** A tract or parcel of land is defined as all contiguous land in the same ownership, provided that lands 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.
ARTICLE V  PREAPPLICATION

5.1 Procedure

In order that the Planning Board may be fully informed about the site and in a knowledgeable position to prescribe the contour interval to be used on the topographical map and grading plans for the subdivision, the subdivision shall:

5.1.1 An applicant shall schedule an appointment with the Secretary of the Planning Board or its authorized representative to submit a sketch plan. Sketch Plan applications shall be submitted at least 14 days prior to the applicants' meeting the Board will not take action on the plan at that meeting. The applicant will have to then schedule another appointment.

5.1.2 At the time of the pre-application inspection the subdivider shall submit for informal discussion a Sketch Plan and other data, relative to the proposed subdivision, which may be of assistance to the Board in making its determination. The Board may require proof of ownership or of an option to purchase, or, authorization from the owner to develop the parcel. The Sketch Plan shall be drawn to a scale of not over 200 ft. to the inch showing the proposed layout of the lots, streets, drainage ditches, reserved land for community or public use, ledge outcropping, historical preserves, trees of unusual size or interest, etc., including acreage range of lots, anticipated price range of structures with land complete with well and sewage (if any). The Sketch Plan shall be accompanied by a fee of $250 per lot or a minimum of $1,000.

At the Sketch plan stage it will be determined and mutually agreed upon between the applicant and the board whether the overall plan for the entire lot is a conventional subdivision or a cluster development. All cluster development designs are subject to the performance standards set forth in Section 8 of the Waterboro Zoning Ordinance.

5.1.3 Arrange for a joint inspection of the site with the Board's authorized representative.

ARTICLE VII  PRELIMINARY PLAN

6.1 Procedure

NOTE: The Planning Board will not accept a Preliminary Plan for review until the Pre-application procedure has been completed.

6.1.1 Within a time frame set by the Board, the subdivider shall submit his Preliminary Plan for consideration and recommendations. Failure to do so shall require resubmission of the Sketch Plan. The Preliminary Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Board and agreed to by the developer, at the time of the discussion of the Sketch Plan.
6.1.2 The subdivider or his/her duly authorized representative shall at least 14 days prior to his/her scheduled meeting before the Board, submit a complete Preliminary Plan Application. The subdivider or duly authorized representative shall attend his/her scheduled meeting of the Board to discuss the Preliminary Plan. If the Preliminary Plan Application is not submitted 14 days prior to the applicant's meeting the Board will not take action on the plan at that meeting. The applicant will have to schedule another appointment.

6.1.3 The recorded time of the submission of the Plan shall be as defined in Article IV, "Definitions".

6.1.4 Within sixty (60) days after formal submission of a completed Preliminary Plan Application, the Board shall take action to give preliminary approval, with or without modification required, or the grounds for disapproval shall be stated in the minutes of the Board and conveyed to the applicant in writing. Prior to approval of the Preliminary Plan, the Board may hold a Public Hearing.

6.1.5 When granting preliminary approval to a Preliminary Plan, the Board shall state the conditions of such approval, if any, with respect to:

1. The specific changes which it will require in the Final Plan;

2. The character and extent of the required improvements for which waivers may have been requested and which, in its opinion, may be waived without jeopardy to the intent and purposes of this regulation;

3. The amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the Final Plan. The decision of the Board plus any conditions imposed shall be noted on three (3) copies of the Preliminary Plan, one retained by the Board, one sent to the Selectmen and one returned to the subdivider.

6.1.6 Approval of a Preliminary Plan shall not constitute approval of the Final Plan, but rather, it shall be deemed an expression of approval of the design submitted on the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Board and for recording upon fulfillment of the requirements of these regulations and the conditions of the preliminary approval, if any.

6.1.7 Within seven (7) days after submitting the Preliminary Plan, the developer shall notify, by certified proof of mailing, all property owners within two hundred (200) feet of the perimeter of the proposed development that they have seven (7) days from the mailing date in which to register, by mail, with the Waterboro Planning Board, their adverse reaction and comment relative to the proposed subdivision. The developer shall, at the same time, send a copy of the notice and list of those notified to the Board.
6.1.8 When professional services are required to evaluate a proposal, design or assessment, the expense of these reviews shall be borne by the subdivider. The cost shall be paid to the Planning Board's consultant prior to Final Plan approval. Amended (6/23/88)

6.2 PRELIMINARY PLAN

6.2.1 The Preliminary Plan shall be submitted in four (4) copies of one or more maps or drawings which may be printed or reproduced on size 24 inch by 36 inch paper with all dimensions shown in feet or decimals of a foot, drawn to a scale of 1 inch equals not more than sixty (60) feet, and showing or accompanied by the following information:

1. The proposed subdivision name or identifying title, the name of the town and state, the date, the graphic scale, and the true North arrow displayed in a conspicuous place.

2. Name and address of the record owner, subdivider, soil scientist, designer and/or engineer and land surveyor.

3. Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, watercourses and other essential existing physical features.

4. The names of all subdivisions immediately adjacent and the names of owners of record of other adjacent parcels, not subdivided, including those subdivisions and parcels directly across abutting streets, streams and right-of-ways.

5. The provisions of the Zoning Ordinance applicable to the area to be subdivided and any Zoning district boundaries affecting the proposed subdivision.

6. The location and size of any proposed or existing sewers, water mains, culverts or drains, and existing swampy areas, brooks, perpetual springs of significant size and natural drainage ditches.

7. Locations, names and present widths of existing and proposed streets, highways, easements, building lines, alleys, parks and other public open spaces.

8. The width and location of any streets or other public ways or places shown upon the Official Map and the Comprehensive Plan, if any, within the area to be subdivided, and the width, location, grades, and street profiles of all streets or other public ways proposed by the subdivider.
9. Contour lines at such intervals as the Board may require. (May be required on a separate transparency)

10. A Log of On-Site Soil Investigations by a Registered Soil Scientist, made in accordance with the requirements of the State Plumbing Code, for two (2) test pits per lot separated by a minimum of 50 feet, the location of which to be clearly delineated on both the Preliminary and Final Plans; also the sewage disposal system recommended for each lot.

11. Deed description of and plan of perimeter survey of tract to be developed, made and certified by a Registered Land Surveyor and tied to established permanent reference points: reference to lot number or numbers as shown on the Town Tax Maps, also book and page in and on which the deed for the tract is recorded.

12. Connection with existing public or private community water supply.

13. Connection with existing public or private community sanitary sewerage system.


15. Preliminary designs of any bridges and size of which are proposed, showing their location.

16. Proposed lot lines with approximate dimensions, lot numbers or names, approximate lot acreage and suggested location of buildings.

17. Location of temporary bound markers conspicuous enough to enable the Board to readily locate and envision, while in the field, the basic layout.

18. All parcels of land proposed to be dedicated to public or community use and with a statement of the conditions of such dedication.

19. Proposed use of any part of the original tract which is not to be included in the subdivision.

20. The location of all natural features or site elements to be preserved.

21. A soil erosion and sediment control plan containing the endorsement of the York County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission.
22. A statement relative to the schedule of construction.

23. A statement relative to the amenities or services and future responsibilities therefore.

24. Provisions for centralized mail delivery. Applicant must contact the State of Maine E911 coordinator and provide to the board evidence that newly created lots will receive a new E911 address from the state.

25. A location map showing the geographical location of the subdivision in the Town.

26. A report prepared by a geologist registered in the State of Maine and qualified, by training and experience, to evaluate the impact which the proposed development, alone or in conjunction with existing activities, will have on the quality of groundwater. The report shall include an analysis of the groundwater impact predicted for the construction which is proposed; of the water supplies serving the development; and of any other aspects of the proposed development which may, either alone or in conjunction with existing activities; adversely affect the quality or quantity of groundwater in the area.

A hydrogeologic impact study prepared by a State of Maine Certified Geologist or a Registered Professional Engineer with experience in hydrogeology shall be provided for all subdivisions utilizing on-site septic disposal systems. This study shall contain, at a minimum, the following components:

A. 1. A high intensity soil survey in accordance with the current standards set by the Maine Association of Professional Soil Scientists. The map shall include documentation of the different drainage classifications. (Amended 3/11/89)

2. Groundwater levels and flow rates through the site and the aquifer, if one is determined to exist, should be determined

   a. monitoring wells should be installed, using an acknowledged procedure, to insure proper date collection.

   b. the number of monitoring wells could vary, depending upon size and geology, but a minimum of three, laid out in a plan triangle would be needed to provide the necessary data to triangulate the levels and flows.
c. ground water levels shall be surveyed to a common datum on site.

d. groundwater flow rates should be calculated by using groundwater
gradients and soil permeability.

e. monitoring wells should remain in place and in a useable condition for
continued use into the future. The developer should provide means to
insure the protection of these wells. Amended (3/11/89)

3. An analysis of surface drainage conditions and their relationship to off
site conditions.

4. Data on existing groundwater quality for the site should be provided.
Collection of this data can either be provided by monitoring wells within
the proposed subdivision or by existing wells on abutting properties,
provided that the data collected from those wells would represent the
groundwater on the site to be used for drinking water. Amended (3/11/89)

5. A calculation of average nitrate nitrogen levels on-site after
development and calculation of nitrate nitrogen levels at the down gradient
property line(s). These calculations should be done under normal rainfall
and draught conditions.

6. The sites recommended for the individual subsurface waste water
disposal systems and the drinking water wells in the subdivision should
be placed on the subdivision plan. Amended (3/11/89)

B. No development shall increase nitrate nitrogen concentrations at the
property line of the development in excess of (5mg/l).

On site drinking water wells shall be located in areas where it has been
determined that the nitrate nitrogen concentrations are at or below
(5mg/l). Added (3/11/89)

C. If groundwater contains contaminants in excess of the primary drinking
water standards, and the subdivision is to be served by on-site groundwater
supplies, the applicant shall demonstrate how water quality will be
improved or treated and the developer shall make a note on the plan and
deed that the situation exists. Amended (3/11/89)
D. Subsurface waste water disposal systems and drinking water wells shall be constructed in the locations shown on the map submitted with the assessment. If construction standards for drinking water wells and subsurface waste water disposal systems are recommended in the assessment those standards shall be included as a note on the final plan, and as restrictions in the deeds for the effected lots. Amended (3/11/89)

E. The developer shall bear all of the cost for the Planning Board’s consultant to review the hydrogeologic impact study. The Planning Board’s consultant fee shall be paid within thirty (30) days of its transmission to the developer.

This amendment is intended to be retroactive, and shall apply to all hydrogeologic impact studies submitted after March 12, 1988. Amended (6/23/88)

6.2.2 Land covered by proposed subdivision shall be so marked in the field that the Planning Board may readily observe locations of proposed roads and lot corners while making its on-site inspection.

ARTICLE VII

FINAL PLAN

7.1 PROCEDURE

7.1.1 The subdivider shall, within ninety (90) days after the approval of the Preliminary Plan, file with the Planning Board an application for approval of the Final Subdivision Plan in the form described herein. (See Appendix IV) If the Final Plan is not submitted to the Board within this time the Board may, without prejudice, refuse to act upon it for an additional ninety days. The subdivider shall at least 14 days prior to his/her scheduled meeting before the Board submit a completed Final Plan. If the Final Plan application is not submitted in 14 days prior to the applicants meeting the Board shall not take action on the plan at that meeting. The applicant will have to schedule another appointment. All Final Plans submitted for approval shall be accompanied by a fee of $.75 per lineal foot of road, plus $.50 per lineal foot of pipe, payable to the Town of Waterboro, Maine.

7.1.2 The time of submission of the Plan shall be as defined in Article III, "Definitions".

7.1.3 The subdivider shall give evidence that the proposed method of water supply meets the requirements of the State of Maine Department of Health and Human Services, Health Engineering, if applicable, the Department of Environmental Protection.

7.1.4 A Public Hearing on the Plan may be held by the Planning Board, if requested or if the Board deems it desirable. Such a hearing will get the normal posting and advertisement.
7.1.5 The subdivider shall comply with the performance and maintenance guarantee requirements set forth in Sections 12.04 – 12.07 of the Zoning Ordinance. (Amended 1/17/2012)

7.1.6 The Planning Board shall, within sixty (60) days of the submission of the Final Plan, or within thirty (30) days after a public hearing, except as stated in 7.1.1, approve, modify and approve or disapprove it. The reasons for any modification required or the grounds for disapproval shall be stated upon the records of the Planning Board and transmitted to the developer in writing.

7.2 SUBMISSIONS

7.2.1 The Final Plan shall be drawn on one 24" x 36" Mylar for recording and shall be submitted along with seven (7) regular copies of it. Space shall be provided thereon for endorsement by all appropriate agencies. It shall show:

1. All of the information presented on the Preliminary Plan and location Map and any amendments thereto suggested, required or agreed to by the Board.

2. The name, registration number and seal of the land surveyor, architect, engineer or planning consultant and soil scientist involved in its conception.

3. Street names and lines, pedestrian ways, lots, easements and areas to be reserved for or dedicated to public or community use.

4. Sufficient data acceptable to the Planning Board to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. Where practical, these should be tied to reference points previously established.

5. The length of all straight lines, the deflection angles of all curves, tangent distances and tangent bearings for each street.

6. By proper designation, all public and/or community open space for which offers of cessionaire made by the subdivider and those spaces to which title is reserved by him.

7. Lots and blocks within the subdivision numbered in accordance with local practice.
8. Permanent reference monuments shown thus: "X". They shall be constructed in accordance with specifications prescribed herein and their location noted and referenced upon the Final Plan.

9. The subdivider shall receive written approval from the E911 coordinator of any proposed road names prior to final plan approval and show the road names on the final plan. The applicant shall mark on the plan, lines or dots in the center of the streets at every fifty (50) foot interval so as to aid in the assignment of numbers to structures subsequently constructed and all other requirements set forth in conformance with the E911 ordinance adopted June 3, 1995.

10. Wherever any residence or other structure is developed, it shall be the duty of the lot owner to procure the assigned number from the E911 coordinator. This shall be done at the time of issuance of the building permit.

7.3 FINAL APPROVAL AND FILING

7.3.1 Upon completion of the requirements in Articles VI and VII, above, a notation to that effect upon the plan and the affixing of the signatures of a majority of the Board members the Final Plan shall be deemed to have final approval. One of the seven submitted prints shall be transmitted to the Board of Selectmen for the Town records and the others retained by the Planning Board. The original inked drawing shall be returned to the subdivider who shall, within sixty (60) days and not having been notified by the Selectmen of any objections, file it in the Registry of Deeds at Alfred.

Failure to file within the specified sixty (60) days from the date of approval shall void the approval unless the subdivider can demonstrate, to the satisfaction of the Board, that the delay was due to causes beyond his control, in which case the Board may grant extension or extensions of time not to exceed, in total, one-hundred-twenty (120) days.

7.3.2 At the time the Planning Board grants Final Plan approval, may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to endure the orderly development of the Plan. The applicant may file a section of the approved Plan with the Selectmen and the Register of Deeds if said section constitutes at least 10 percent of the total number of lots contained in the approved Plan. In these circumstances, Plan approval of the remaining sections of the Plan shall remain in effect for a period of time mutually agreed to by the Selectmen, the Planning Board and the Subdivider.
7.3.3 Final approval of a subdivision will be withheld until all consultant fees have been paid in full as stated in Article VI, Section 26. E and Article VI, Section 6.1.9.

7.4 PLAN REVISIONS AFTER APPROVAL

7.4.1 No changes, erasures, modifications, or revisions shall be made in any Final Plan after Planning Board approval has been endorsed upon the Plan. If a subdivider wishes to alter the approved plan he shall submit a revised plan consisting of the entire subdivision, or, if the plan consists of more than one sheet, that entire sheet on which the alterations is proposed. If any lots have been sold or are under sales contract, written evidence shall be submitted that interested parties have consented to the proposed changes. In either case, the new submission shall show it is a "Revision of the Plan Approved on (date)" and shall provide space for the usual Planning Board approval. The procedure for Final Plan approval, excluding the fee, will then be followed. If a subdivider records a revised Final Plan or any part thereof not so approved, the Board shall declare it null and void and shall institute proceedings to have it stricken from the records at the Registry. Further, if any construction viewed by the Board as deliberate and defeating in the objectives of the original approval is initiated, the Board will institute proceedings to halt all construction and require a complete resubmission including application fee.

7.5 MUNICIPAL ACCEPTANCE OF STREETS AND OTHER LAND AREAS

7.5.1 The approval by the Planning Board of the subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, park, playground, recreation area or other open space area shown on such plan and the Final Plan shall bear a statement to this effect.

7.5.2 Referring to the above mentioned land areas, excluding streets, the Planning Board or the Selectmen may require the filing of a written agreement between the subdivider and the Selectmen covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

ARTICLE VIII GENERAL REQUIREMENTS

In reviewing applications for the subdivision of land, the Board shall consider the following general requirements. In all instances the burden of proof of satisfactory performance shall be upon the Subdivider.

8.1 PROVISION FOR PROPOSED PUBLIC SITES AND OPEN SPACES

8.1.1 Depending upon the size and location of the subdivision, the Board may require the developer to provide up to ten (10) percent or not less than 10,000 sq. ft. of his total area for recreation. Such area shall be in one parcel and reasonably accessible from all lots within the subdivision.
8.1.2 Land reserved for park and/or recreational purposes shall be of a character, configuration and location suitable for the particular use intended. Any area to be used or active recreation purposes such as a playground or athletic field should be acceptably level and dry, have not outcropping of ledge or boulders, have a total frontage on one or more streets of at least 200 ft., and have no major dimension of less than 200 ft. Areas reserved for passive recreational uses shall have such access as the Board may deem suitable. The area, configuration and orientation of the site may be determined by the Board based upon its natural and scenic aspects and topographical characteristics.

8.1.3 If the proposed subdivision abuts any kind of a water body for 200 feet or more the Board may require that a reasonable area with shore frontage be reserved as Open Space.

8.1.4 The Board may require that the developer provide space for future municipal use, in accordance with a Comprehensive Plan or Policy statement, on a reimbursable basis with five (5) year option after which the space may be sold for other development.

8.2 NON BUILDABLE LAND

8.2.1 The Board shall not approve for building sites such portions of any proposed subdivision that:

1. Are commonly recognized as "wet lands", which must be filled or drained, or land created by diverting recognized brooks, streams or rivers.

2. Is obtained by filling or draining any portion of any body of water.

8.2.2 Wherever located, in whole or in part, within one hundred (100) feet of the normal high water line of any brook, stream, river, pond or lake, no dwellings, no part of any sewage disposal system, and no roads except for crossings and property access shall be installed or constructed within one hundred (100) feet of said normal high water line.

8.3 LOTS

8.3.1 Minimum lot sizes shall conform to whatever Municipal, County, State or Federal ordinance or statute is applicable, the most restrictive taking precedence.

8.4 DRAINAGE EASEMENTS

8.4.1 Where a subdivision is traversed by a natural water course, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction, or 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. Such easement or right-of-way shall be not less than thirty (30) feet in width.
8.5 UTILITIES

8.5.1 The size, type and location of such public utilities as street lights, electric, telephone and gas lines, fire hydrants etc. shall be approved by the Board and installed in accordance with applicable codes and specifications.

8.6 REQUIRED IMPROVEMENTS AND INSPECTION

8.6.1 The following, where applicable, shall be required improvements: monuments, street signs, streets, sidewalks, water supply lines, sewage lines, storm drainage culverts, except where the Board may waive or provisions of these regulations.

8.6.2 At least ten (10) days prior to the start of construction of required improvements the subdivider shall notify the Selectmen in writing of the time when he proposes to commence construction of such improvements so that the Selectmen can cause inspection to be made to ensure that all municipal specifications and requirements will be met during the construction of required improvements, and to ensure the satisfactory completion of improvements required by the Planning Board or other Municipal Officers.

8.6.3 If the municipally authorized inspector shall find, upon inspection of the improvements performed before expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, or that conditions imposed by the Planning Board have not been met, he shall so report to the Selectmen, Building Inspector and Planning Board. The Selectmen shall then notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the bond. No plan by the subdivider shall be approved by the Planning Board as long as the subdivider is in default on a previously approved Plan.

8.6.4 If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Authorized Inspector that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, he may, upon approval of the Planning Board, authorize modifications provided they are within the spirit and intent of the Board's approval and do not extend to the waiver or substantial alteration of the function of any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.

8.6.5 The applicant subdivider shall be required to maintain all streets, culverts and drainage ditches and provide for snow removal and sanding on streets until acceptance of said improvements by the legislative body.
8.7 FIRE PROTECTION

The Board shall require one of the following forms of fire protection for all developments and the applicant shall provide written verification from the fire chief that their proposal meets his approval.

For every five houses or units the developer shall provide one of the following means of fire protection:

- Sprinkler system installed in each residential unit;
- Provide a 10,000 gallon cistern;
- Hook up to town water system and provide a hydrant every 800-1,000 feet;
- Construct a fire pond that will sustain a minimum of 20,000 gallons of water and a hydrant that meets the standards of the Waterboro Fire Department.

8.8 GREEN BELTS

8.8.0 For the purpose of these Regulations, a "greenbelt" is defined as a strip of land vegetated with grass or other plant life maintained as open green space. Removal of dead trees, mowing of grass and pruning of other vegetation, to the extent appropriate for routine maintenance, are the only cutting permitted within a greenbelt area. The only construction permitted within a greenbelt is that necessarily related to the exercise or use of a utility easement and/or that necessarily related to a driveway. If another means of access to the property other than through the greenbelt is available, construction related to utility easements shall be the only permissible construction within the greenbelt boundaries. (Amended 7/18/89)

8.8.1 If the proposed subdivision abuts Routes 5 or 202 or 4, and all state-aid roads, a strip of land not less than twenty-five (25) feet and not more than one hundred (100) feet in width adjacent to said highway and running along said highway may be required to be set aside as a green belt, and the developer shall submit provisions for maintaining this area. (A conservation easement may be conveyed to the Town of Waterboro over said strip.) Said green belt shall be shown on the Preliminary and Final Plans.

8.8.2 If the proposed subdivision abuts a Town road, a strip of land not less than twenty-five (25) feet or greater than fifty (50) feet in width and adjacent to said road and running along said road may be required to be set aside as a green belt, and the developer shall submit provisions for maintaining this area. (A conservation easement may be conveyed to the Town of Waterboro over said strip.) Said green belt shall be shown on Preliminary and Final Plans.
8.9 ACCESS STREETS

8.9.1 Where a proposed subdivision abuts or contains an existing or proposed arterial street, the Board may require marginal access streets (street parallel to arterial street providing access to adjacent lots), reverse frontage (that is frontage on a street other than the existing or proposed arterial street) with 8.8.2 along the rear property line or such other treatments as may be necessary for adequate protection of the residential properties and to afford separation of through and local traffic.

ARTICLE IX DESIGN STANDARDS

9.1 MONUMENTS

9.1.1 Permanent monuments shall be set at all corners and angle points of the subdivision boundaries and at corners of each lot; also at all street intersections and points of curvature.

9.1.2 Monuments shall be stone, metal or concrete located in the ground at final grade level, and indicated on the Final Plan. After they are set, if stone or concrete drilled holes, 1/2 inch deep shall locate the point or points described above.

9.2 STREET SIGNS

9.2.1 Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate nor bear phonetic resemblance to the names of existing streets within the municipality and shall be subject to the approval of the Board.

9.2.2 Street name signs shall be furnished and installed by the subdivider. The type, size and location shall be to the approval of the Board.

9.3 STREETS

9.3.1 Layout and Construction

9.3.1.1 Proposed streets shall conform, as far as practical, to such Comprehensive Plan or policy statement as may have been adopted, in whole or in part, prior to the submission of a Preliminary Plan.

9.3.1.2 In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a fifty (50) foot wide easement in the line of the street or in any practical direction to provide for continuation of utilities or access of pedestrian traffic to the next street.
Construction of streets, sidewalks, bridges, culverts and surface drainage systems shall conform to applicable standards and specifications.

Grades of all streets shall conform, in general to the terrain, and shall not be less than one/half (1/2) of one (1) percent nor more than ten (10) percent in residential areas, but, in no case, more than three (3) percent within fifty (50) feet of any intersection.

Intersections of streets shall be at angles as close to ninety (90) degrees as possible and in no case shall two streets intersect at an angle smaller than sixty (60) degrees. To this end where one street approaches another between 60-90 degrees, the former street should be curved approaching the intersection.

A dead-end street, or cul-de-sac, shall not exceed six hundred (600) feet in length and shall have a turnaround at the closed end in which the radius of the traveled way shall not be less than seventy-five (75) feet.

All streets shall be provided with adequate drainage facilities, having year-round effectiveness, that will provide for the removal of storm water thereby preventing flooding of the pavement and surrounding property, and these facilities shall be so constructed as to prevent erosion of the drainage-ways.

The reserved right-of-way for all residential streets shall be not less than fifty (50) feet in width, and the paved surface shall be not less than twenty-four (24) feet; the centerlines of the right-of-way and the paved surface shall coincide.

Side slopes of filled road beds shall not be steeper than one (1) vertical foot in every three (3) horizontal feet (1 to 3 or 33 and 1/3 percent). They shall be smoothly graded, loamed and seeded by the subdivider with "Soil Conservation Mix" and a viable and effective growth produced which will prevent erosion.

CUTTING AND PLANTING

Cutting and Removal of Natural Vegetation

Trees, natural undergrowth, topsoil and gravel or other soil deposits in their natural state at the time of the reapplication Inspection by the Board shall be considered a part of the subdivision and, except for the removal or rearrangement required for building construction, landscaping, parking lots, recreations areas and streets or for the removal of diseased and hazardous trees, shall not be removed except in accordance with specific agreement with the Planning Board.

Cutting Restrictions: On slopes of up to ten (10) percent, no restriction; on slopes greater than 10 percent and not exceeding twenty-five (25) percent, and over, measures at a height of twenty-four (24) inches above ground level at the base, is prohibited; and on slopes exceeding 25 percent, no cutting will be permitted. The
Planning Board or its representative may grant such relief from this restriction as it deems reasonable or necessary. This restriction shall be covenanted in each deed and shall be perpetual, (applicable to subdivisions with slopes of over 10%).

9.4.1.3 It shall be the responsibility of the subdivider, in all landscaped areas created by filling or redistribution of available soil, to ensure that the earth is properly compacted, fertilized, seeded and a viable and effective growth produced thereon which will prevent erosion or slippage, or both, for a period of two (2) years after the sale of the property. No side slopes of any areas so obtained shall exceed forty (40) percent (1 foot vertically to 2.5 feet horizontally).

9.5 Storm Water Management Design Standards

9.5.1 Adequate provision shall be made for disposal of all storm water generated within the subdivision, and any drained ground water through a management system of swales, culverts, underdrains, and storm drains. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains.

A. Where a subdivision is traversed by a stream, river, or surface water drainage way, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. This stormwater management system shall be designed by a Registered Professional Engineer.

B. Drainage easements for existing water-courses or proposed drainage ways shall be provided at least thirty feet wide, conforming substantially with the lines of existing natural drainage.

C. All components of the storm water management system shall be designed to limit peak discharge to predevelopment levels for every storm between the 2-year and the 25-year, 24-hour duration, Type III storm frequencies, based on rainfall data for Portland, Maine. When the subdivision discharges directly to major water body as defined in the Town of Waterboro Zoning Ordinance, peak discharge may be increased from predevelopment levels provided downstream drainage structures are suitably sized, second modeling by TR-55 or TR-20 shows hydrologic impacts to be minimal, and water quality impacts are minimal. Existing water quality of a waterbody should be investigated to analyze the nitrate and phosphorus content. The plan should then analyze the project to see if nutrient loading will occur. If after review and based on flow rates or potentially poor water quality, detention ponds may be required.
D. The minimum pipe size for any storm drainage pipe shall be four inches. Pipe shall be bedded on 3/4 inch stone, containing stones no larger than two inches. If the fill material is approved by the town, pipe may be bedded in that material and can be covered with a geotextile liner. No clay, loam, silt, mulch, stumpage, brush or other such materials should be used for backfill. Clay or loam cap maybe used by the designing engineer if surface percolation is not desired. Perforated pipes shall be bedded six inches below the invert of the outer diameter of the pipe to a minimum of six inches over the high point of the pipe. Solid pipe shall be bedded six inches under the pipe to the spring line of the pipe. No geotextile is required for solid pipe.

E. The Planning Board may require nutrient removal structures where maintaining water quality in downstream waters is deemed important.

F. Planning Board under advisement of a registered professional engineer or other qualified professional (York County Soil and Water Conservation District) shall have the authority to waive detention requirements where benefits to the public are minimal. This shall be determined on a case-by-case basis only.

9.5.2 The Planning Board may require nutrient removal structures where maintaining water quality in downstream waters is deemed important. The storm water management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of 25% for potential increases in upstream runoff.

9.5.3 Downstream drainage requirements shall be studied to determine the effect of the proposed subdivision. The storm drainage shall not overload existing or future planned storm drainage. Planning Board under advisement of R.P.E. or other qualified professional District/SES shall have the authority to waive detention requirements where benefits.

9.5.4 Catch basins shall be installed where necessary or required, and should be located at the curb line or the invert of a ditch as required.

9.5.5 Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials to reduce storm water velocity. Wherever type storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the Town allowing maintenance and improvement of the system.

9.5.6 The subsurface drainage system maybe incorporated with the storm water drainage system if the system is designed to incorporate both systems.
9.5.7 Maintenance responsibility for detention and nutrient removal structures must be established.

9.6 STORM DRAINAGE CONSTRUCTION STANDARDS

9.6.1 Materials.

A. Reinforced Concrete Pipe. Reinforced Concrete Pipe shall meet the requirements of ASTM Designation C-76 (AASHTO M 189). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.2 on the .01 inch crack strength with a Class B bedding. Joints shall be of the rubber gasket type meeting ASTM Designation C 443-70, or of an approved preformed plastic jointing material such as "Ramnek". Perforated Concrete Pipe shall conform to the requirements of AASHTO M 175 for the appropriate diameters.

B. 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 of an approved preformed plastic sleeve type.

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

D. ABS Pipe. ABS (Acrylonitrile-butadiene-styrene) composite pipe and fittings shall conform to the requirements of AASHTO M264 and AASHTO M 265. Perforated pipe shall conform to the requirements of AASHTO M 36, Type III.

E. Corrugated Plastic Pipe. Corrugated Plastic Pipe shall conform to the requirements of AASHTO M-252

F. Manholes. Manholes shall be of precast concrete truncated cone section construction meeting the requirements of ASTM Designation C 478 or precast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Castings shall be square cast iron sized for the particular inlet condition with the gratings perpendicular to the curb line. Bases may be cast in place 3,000 psi 28 day strength concrete or may be of precast concrete, placed on a compacted
foundation of uniform density. Metal frames and traps shall be set in a full mortar bed and with tops shall conform to requirements of AASHTO M 103 for carbon steel castings, AASHTO M 105, Class 30 for gray iron castings or AASHTO M 183 (ASTM A 283, Grade B or better) for structural steel.

9.6.2 Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board, after consultation with the Municipal Engineer.

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

9.6.4 Upon completion each catch basin or manhole shall be cleaned of all accumulation of silt, debris or foreign matter and shall be kept clean until final acceptance.

9.7 CERTIFICATION OF CONSTRUCTION

9.7.1 Certification of Construction. "As built" plans shall be submitted to the Road Review Committee. Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed street to the legislative body, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Municipal Officers at the expense of the applicant, certifying that the proposed street meets the design and construction requirements of these regulations and the Street Design and Construction Standards Ordinance for the Town of Waterboro.

ARTICLE X RELEASE OF GUARANTY CHECK OR BOND

Before a subdivider may be released from any obligation required by his guarantee of performance the Board of Selectmen shall require certification from all other concerned Town Boards, Committees and Inspectors to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards, State and local codes and ordinances and all consultant fees payable pursuant to Article VI Section 6.1.9 and Article VI Section 6.2.1 paragraph 26 (E) have been fully paid.

ARTICLE XI VARIANCES AND WAIVERS

11.1 Where the Planning Board finds that extraordinary hardship will result from strict compliance with these Regulations due to unusual conditions existing in any particular proposed subdivision, it may give justifiable relief by granting variances to Regulations provided, however, such actions will not have the effect of defeating the intent of these Regulations or any Official Map, Comprehensive Plan or Zoning Ordinance which may exist.
11.2 Where the Board determines that, due to certain conditions existent in a proposed subdivision, the provision of certain required improvements is not requisite in the public interest, or is inappropriate because of inadequacy or lack of prerequisite facilities in the proximity of the proposed subdivision, it may waive such requirements, subject to appropriate conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

ARTICLE XII APPEALS

12.1 An appeal from a decision of the Planning Board may be taken to a General Board of Appeals, if such has been established by the Municipality in accordance with Title 30, M.S.R.A., Chapter 213, Section 2411, or taken to the Superior Court.

ARTICLE XIII FEES

All persons developing or utilizing land, water, or structures in a manner which requires Planning Board review under these regulations shall pay fees for the review process to the Town of Waterboro according to the appropriate fee schedule. These fees shall be used to defray the costs of the Planning Board review process.

The fee schedule which is defined under individual articles within these Land Subdivision Regulations is as follows:

$250 per lot within the subdivision with a minimum application fee of $1,000.

At final plan an additional charge of $.75 per lineal foot of road and $.50 per lineal foot of pipe.

All fees received for subdivision review under these regulations shall be used by the Planning Board and Planning Department towards operational funds.

ARTICLE XIV SEPARABILITY AND EFFECTIVE DATE

13.1 The invalidity of any provision of these Regulations shall not invalidate any other part.

13.2 These Regulations shall take effect immediately upon adoption by the Planning Board.
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ARTICLE 1  INTRODUCTION

Section 1.01 Statutory Authority  -This ordinance in enacted pursuant to the authority granted in MRSA Tit. 30 Sections 4961-4964 and the Home Rule powers granted in Article VIII-A of the Maine Constitution implemented by legislation contained in MRSA Tit. 30 Chapter 201A-particularly Section 1917. Therefore, the citizens of Waterboro do enact and ordain as follows:

Section 1.02 Purpose  -The purpose of this ordinance is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of the Town of Waterboro.

Section 1.03 Intent- It is the intent of this ordinance to regulate and restrict the use of all lands, waters, and structures; regulate and restrict lot coverage, population distribution and density, and the size and locations of all structures so as to: lessen congestion on and promote the safety and efficiency of streets and highways; secure safety from fire, flooding, and other dangers; provide adequate light, air, water supply, sanitation, drainage, and access to roads and waterbodies; avoid undue population concentrations; facilitate the adequate provision at reasonable costs of public facilities and utilities; stabilize and protect existing public and private property and the value inherent therein; insure the appropriate use of land and the conservation of natural resources; preserve and promote the historic character and beauty of the town. It is further intended to provide for the administration and enforcement of this ordinance and to provide penalties for its violation.

Section 1.04 Underlying Assumptions and Premises -Existing natural phenomena within the Town of Waterboro, the geographic size of Waterboro, the present and foreseeable population of Waterboro, and the actions of governmental agencies outside of Waterboro give rise to a series of conditions, assumptions, and premises upon which this ordinance is predicated. They include: existing major roads and highways, which are largely funded and maintained by county and state highway departments, will remain unchanged—major extensions, resurfacing, or widening are not anticipated in the short run (5-10 years); public water supply, which does not now exist, is, because of the prohibitive cost involved, also unlikely in the short run; public sewage collection and storm water drainage systems, which also do not now exist, are, because of the prohibitive cost involved, unlikely even in the long run (20-30 years); public school construction, expansion, and location is not controlled exclusively by the Town of Waterboro but by the State Department of Education and School Administration District 57 which presently includes Waterboro and 5 adjacent municipalities--no major organizational changes in SAD 57 or capital construction projects are anticipated in the short run; higher density residential and mixed use districts must have proximity to essential public facilities and both public and private services (schools, roads, police and fire protection, utilities, shops); districts which permit only lower density development either lack this necessary proximity or have other physical limitations involving soils, slope, drainage, suitability for subsurface waste water disposal etc.
ARTICLE 2 GENERAL PROVISIONS

Section 2.01 Jurisdiction - The jurisdiction of this ordinance shall include all lands and water within the corporate limits of the Town of Waterboro as shown on the official zoning map (see Section 3.02 of this ordinance) which is on file in the Town Clerk's office.

Section 2.02 Actions Requiring Compliance - The use of land, water, or structures and the location, erection, movement, reconstruction, extension, enlargement, conversion, or structural alteration of structures or parts thereof shall hereafter be in conformance with the provisions of this ordinance.

Section 2.03 Building, Occupancy and Change of Use Permits Required (AMENDED 6-4-94) - A building permit, designed to insure compliance with state law, this ordinance, other local land use ordinances or regulations, and conditions (if any) attached to an approved project, must be obtained from the Code Enforcement Officer prior to constructing, locating, erecting, moving, reconstructing, extending, enlarging, converting, or structurally altering any permanent or temporary structure or use. A building permit shall be granted or denied by the Code Enforcement Officer as promptly as possible but within seven (7) days of receipt of a completed application. A building permit shall expire one (1) year from the date of its issue unless substantial work (actual construction) has commenced. Work commenced must be completed within two (2) years. A building permit shall not be valid for a longer period of time but may be reissued for an additional two (2) years if the nature of the project has been more or less continuous. (UPDATED 3-7-06 by board of selectmen vote)

Plans and permits: Inground swimming pools or appurtenances thereto shall not be constructed, installed, enlarged or altered until plans have been submitted and a permit has been obtained from the Code Enforcement Officer. The approval of all local, county and state authorities having jurisdiction over swimming pools shall be obtained before applying to the Code Enforcement Officer for a permit. Certified copies of these approvals shall be filed as part of the supporting data for the application for the permit. All construction of pools to conform with current edition of building code. (AMENDED 3-12-88, 4/27/02)

An occupancy permit must be obtained from the Code Enforcement Officer prior to actually using or occupying a land area or a permanent or temporary structure upon which work contemplated in a building permit has been completed. An occupancy permit shall be granted or denied as promptly as possible after a physical inspection of the structure and project site by the Code Enforcement Officer but within three (3) days of receipt of a completed application.

The Code Enforcement Officer shall be notified of any change in use of building or premises, and a permit shall be secured for such change.(AMENDED 6-24-94)
Section 2.04 Uses and Activities Which Do Not Require a Building or Occupancy Permit -
A building and/or occupancy permit is not required in any of the following circumstances provided that the improvement does not give rise to a violation of state law, this ordinance, other local land use ordinances or regulations, and conditions (if any) attached to an approved project:

- where construction of a permitted accessory structure occupying less than one hundred (100) sq. ft. of ground or floor space and costing less than one thousand dollars ($1,000) for improvement, or alteration of any existing permitted structure involving less than one hundred (100) sq. ft. of ground or floor space and costing less than one thousand dollars ($1,000) is contemplated; where repairs not involving a change in use or an increase in the area of any permitted structure (including accessory structures) are contemplated except when in the Shoreland Zone; (AMENDED 3/11/00, 4/27/02)

- where a change from one permitted use to another permitted use or from a nonconforming use to a permitted use is contemplated and the costs involved are less than one thousand dollars ($1,000);

- where erection of a sign not requiring a permit (see Section 6.02) is contemplated; and

- fences and/or walls.

Section 2.05 Duties of Code Enforcement Officer -The Code Enforcement Officer shall receive and process all applications for building and occupancy permits. When and if necessary, the Code Enforcement Officer shall refer the applicant to the Zoning Board of Appeals, the Planning Board or the Selectmen of the Town of Waterboro for such review, approval, and action by these bodies as state statute and this ordinance require. Applications for required permits shall be deemed complete only after required reviews, approvals and actions by the above bodies are completed.

When the provisions of state law, this ordinance, other local land use ordinances and regulations, and conditions (if any) attached to an approved project are met the Code Enforcement Officer shall issue the required permits within the time deadlines specified (see Section 2.03)-when such provisions are not met he shall deny issuance of the required permits. A denial of either a building or occupancy permit must include a statement of reasons for the denial. A building or occupancy permit issued in conflict with the provisions of state law, this ordinance, other local land use ordinance or regulations, or conditions (if any) attached to an approved project is null and void.

Decisions of the Code Enforcement Officer with respect to the granting or denial of a building or occupancy permit may be appealed to the Zoning Board of Appeals of the Town of Waterboro within thirty (30) days of the decision by the applicant or by an aggrieved party. The Board of Appeals may affirm the decision of the Code Enforcement Officer, remand the decision with instructions to reconsider the issue, or modify the decision for reasons which must be set forth.(see Section 10.01). (AMENDED 3-8-86, 4-26-03)
The Code Enforcement Officer may on his own and shall upon complaint investigate to insure that state law, this ordinance, other local land use ordinances or regulations, or conditions (if any) attached to an approved project are not being violated. Upon finding a violation of any statute, ordinance, regulation, or condition outlined above, the Code Enforcement Officer shall notify the violator of such fact and simultaneously issue a code enforcement order to the violator requiring immediate compliance with the particular provisions of law involved. The failure to comply with a code enforcement order will subject the violator to penalties, further orders, and possible legal action as outlined in Sections 12.02 and 12.03.

The Code Enforcement Officer may seek entrance to any property or structure within the Town of Waterboro to inspect and carry out the provisions of this ordinance. His testimony and records shall be available to the Town's counsel to facilitate law enforcement and prosecute individuals who violate a code enforcement order.

Section 2.06 Site Restrictions - All lots shall abut upon an existing or proposed road which meets all municipal and other applicable governmental regulations and standards or, if landlocked, shall have a legally recorded access right-of-way, of no less than fifty (50) feet in width, to a public or private road. All lots, with the exception of landlocked lots, shall have a minimum road and/or water frontage of one hundred (100) feet in the Village zone, one hundred (100) feet in the Village/Residential zone except on cul-de-sacs where fifty (50) feet will be required, one hundred fifty (150) feet in the Residential and the Agriculture/Residential and General Purpose zones and two hundred (200) feet in the Forest-Agriculture and Conservation zones. Situations involving or utilizing cul-de-sacs, curvilinear streets, cluster design or planned unit design permitted by the Subdivision Regulations or this Ordinance (see Sections 8.02 and 8.03) when the Planning Board determines that these frontage requirements are not practical it may approve frontage reductions of up to fifty (50) percent. (AMENDED 3/11/89, 3/11/00 and 4/26/03)

With the exception of multi-unit housing, clustered or planned unit developments an individual lot shall have only one principal structure and accompanying accessory structures upon it.

Section 2.07 Use Restrictions - In each zoning district the only uses permitted are those specified as primary uses or conditional uses and those natural and usual accessory uses and structures which enable or facilitate necessary repair, storage, parking, gardening, recreational activity, the non-commercial keeping of animals, and similar undertakings incidental to a primary or conditional use. In addition, all conditional uses in any zoning district and their accessory uses and structures are subject to Planning Board review and approval (See Article 4).

Temporary uses may be permitted in any zoning district for brief periods of time not to exceed thirty (30) days with the approval of the Planning Board. The approval of a temporary use may be appropriately conditioned to avoid harm to adjacent property owners and the public. A temporary use may not be extended for more that two (2) additional thirty (30) day periods and then only if the applicant for such use can show need and that undue hardship will result if the temporary use is not extended.
Section 2.08 Size Reductions or Increases - Except as provided by the express provision of this Ordinance or by the Town’s Subdivision Regulations dealing with unique design or development types (see for example Sections 2.06, 8.02, 8.03), the provisions of this ordinance dealing with lot size, setback, frontage and side yard requirements; height limitations; parking and loading areas, sign and billboard size may not be changed. They are designed to achieve the purposes of this ordinance (see Section 1.02) and reflect differing location and physical characteristics affecting the land or water areas involved (see Section 1.04). However, minor modifications in size requirements in the form of a variance (usually not exceeding a fifteen (15) percent increase or decrease in the stated requirements, MRSA tit. 30 Section § 4353 (4), for issuing a variance are met. (AMENDED 3/11/00)

Lots created before the enactment of the Waterboro Zoning Ordinance that are substandard are required to have a Standard Boundary survey performed or present evidence to show the true boundary lines, (i.e. a plot plan prepared by a certified surveyor), before a building permit can be issued. (AMENDED 3-12-88 & 3-11-89)

In addition, any single lot of record on the date of enactment of this ordinance in any zoning district created by this ordinance may if the existing requirements of state law are met, be used to construct, renovate, or reconstruct a primary use and structure in spite of the fact that otherwise applicable dimensional requirements of this ordinance can not be met except where the realignment of lots is possible (see Section 9.01). Applications for building permits in cases where all applicable setback requirements cannot be met shall be reviewed by the Planning Board and may be appropriately conditioned to avoid harm to adjacent property owners and public, in accordance with the standards set forth in Section 4.02 of this ordinance. (AMENDED 9-25-90, 11-12-96 & 3-11-00) Departures from the usual dimensional requirements of this ordinance shall be kept to a minimum. Applications for building permits in cases where all applicable setback requirements can be met may be submitted directly to the Code Enforcement Officer and shall not require prior Planning Board review. (AMENDED 11-12-96)

Section 2.09 Applications - To facilitate the expeditious carrying out of any and all of the responsibilities outlined in this ordinance, the Code Enforcement Officer, the Planning Board, and the Zoning Board of Appeals are respectively authorized to prepare and publish such application forms and procedures as they think necessary. Application forms should elicit as much or all of the information which the officer or board will require from the applicant. Forms should be clearly labeled, simple in format and as concise as possible. If an application form is not completely filled out or if the circumstances of a particular case require it, the officer or board may request such additional information as is necessary to allow full review and evaluation of the pending issue. Applications for Code Enforcement Officer or board action shall not be deemed complete until all information which has been validly requested has been furnished. All completed application forms and supporting materials are public records which shall be kept on file in the Code Enforcement Office and which may be inspected by any member of the public at reasonable times. (AMENDED 3/11/00)
Applications for Code Enforcement Officer or board action may not be made by any party other than the owner of record or the lessee of the land which will be directly affected by the requested action or by an option or contract to purchase such land.

**Section 2.10 Site Plan Review** - Site Plan Review and Approval by the Planning Board shall be required before issuance of a building permit or certificate of occupancy for any non-residential building or structure, expansion of a non-residential building or structure, mobile home park or multi-family residences with more than two dwelling units as provided in the Town of Waterboro Site Plan Review Ordinance Adopted June 28, 1988. (Amended 4/26/03)

Site Plan Review and Approval shall not be required:

1. To change a use permitted by the zoning ordinance to another permitted use, in an existing structure, provided;
   a. The change does not increase the requirements for off-street parking, as provided by the Zoning Ordinance for the Town of Waterboro; and
   b. The floor area devoted to the proposed use is equal to or no more than that devoted to the existing use; and
   c. No structural changes are proposed for the existing building; and
   d. No changes are proposed for the site on which the existing building is located.

2. For single family dwellings and accessory facilities.

3. For multi-family dwellings of no more than two dwelling units and their accessory facilities.

4. Any development reviewed by Planning Board as a residential subdivision. (Amended 4/27/02)
ARTICLE 3 ZONING DISTRICTS

Section 3.01 General - For the purpose of this ordinance the Town of Waterboro is divided into the following zoning districts; a Village district (V); a Village/Residential district (VR); an Agriculture-Residential district (AR); a Forest-Agriculture district (FA); a Conservation district (C), and a General Purpose (GP) district. In addition to these districts, the Town of Waterboro also has two (2) overlay districts; the Shoreland Overlay Districts divided into five (5) sub-districts: Resource protection, Limited Residential, Limited Commercial, Stream Protection and General Development District as described in section 7.01; and the Well-Head Protection Districts divided into three (3) sub-districts: District #1, District #2 and District #3 described in section 7.06. (Amended 6-3-95, 3-11-00, 6-24,00, 4-27-02, 4/26/03)

Section 3.02 Zoning Map - The boundaries of these zones are established by the enactment or later amendment of this Ordinance and are as shown on the Official Zoning Map of the Town of Waterboro, dated February 7, 1977; the Town of Waterboro Wellhead Protection Zone Map; and on the 1970 Town Tax Maps. The Official Zoning Maps are integral parts of this certified copy of the zoning ordinance (maps and text) shall be available to the public at all times in the Town Clerk’s Office. The February 7, 1977, and as further amended from time to time, zoning map was drafted so that the zoning district boundaries followed property lines as depicted on the 1970 tax maps. It should be interpreted accordingly. (Amended 3-11-89, 3-11-00, 4-26-03)

Section 3.03 Summary of Dimensional Regulations Contained in Article 3

<table>
<thead>
<tr>
<th>ZONING DISTRICT</th>
<th>MINIMUM LOT SIZE</th>
<th>MINIMUM ROAD &amp; SHORELAND FRONTAGE</th>
<th>MINIMUM FRONT YARD SETBACK</th>
<th>MINIMUM SIDE &amp; REAR* SETBACK</th>
<th>MINIMUM SHORELAND SETBACK</th>
<th>MAXIMUM BUILDING HEIGHT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Village</td>
<td>20,000</td>
<td>100’</td>
<td>25’</td>
<td>20’</td>
<td>100’</td>
<td>35’</td>
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<tr>
<td></td>
<td>40,000</td>
<td>100’ except on 50’ a cul-de-sac</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Village &amp; Residential</td>
<td>20,000</td>
<td>150’</td>
<td>50’</td>
<td>35’</td>
<td>100’</td>
<td>35’</td>
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<tr>
<td>Residential</td>
<td>40,000</td>
<td>150’</td>
<td>50’</td>
<td>35’</td>
<td>100’</td>
<td>35’</td>
</tr>
<tr>
<td>Agriculture &amp; Residential</td>
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<td>35’</td>
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<tr>
<td>Forest &amp; Agriculture</td>
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<td>50’</td>
<td>100’</td>
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<tr>
<td>Conservation</td>
<td>10 acres</td>
<td>200’</td>
<td>100’</td>
<td>50’</td>
<td>100’</td>
<td>35’</td>
</tr>
<tr>
<td>General Purpose</td>
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<td>50’</td>
<td>35’</td>
<td>100’</td>
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<td></td>
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<td>150’</td>
<td>50’</td>
<td>35’</td>
<td>100’</td>
<td>35’</td>
</tr>
</tbody>
</table>

*NOTE: In any case where structures are in existence at the time of the enactment of this ordinance, additions may be made to within ten (10) feet of the side or rear lot line but in no case should the buildings on one lot be closer than twenty (20) feet to a building on an abutting lot.

AMENDED 3/11/00, 4/27/02
**Lots divided by district boundaries:** When a lot is divided by a land use district boundary, other than the boundary to an overlay zone, the following rules shall apply:

A. On lots two acres or less in area, the lot shall be used as if the entire lot were in the district which comprises the larger portion.

B. On lots larger than two acres, the applicable district regulations shall be followed in the portion of the lot located in that district. (Amended 4/26/03)

"Wheelchair ramps are exempt from the side, rear, and front yard setbacks, but not from the shoreland setback, providing they meet the performance standards in Article 7 and Article 4 as determined by the Planning Board" (AMENDED 3-9-91)

One (1) standard size entry deck (4’ x 4’) and steps are exempt from the sideline setback in all districts with the exception of the Village Residential Zone if approved. (AMENDED 3/11/00)

Accessory structures which may be constructed without first obtaining a building permit (see sections 2.03 and 2.04) are not required to meet setback requirements. No more than two sheds which do not meet setback requirements may be constructed on any lot. Above ground swimming pools and tents used for temporary habitation are not required to meet setback requirements.

When the Zoning Ordinance was first enacted in March 1977, the following highways were considered State-Aid:

Route 202 (4), Route 5, Townhouse Road, Old Alfred Road, West Road, Goodwins Mills Rd, Federal Street, Chadbourne Ridge Road (From Route 5 to Intersection of Brick House Road)

**Applicability of front yard setback requirements to private rights-of-way:**

**Easements:** If a private right-of-way is an easement, all existing and future structures on the land subject to that easement must be located a sufficient distance from the sideline of the right-of-way to comply with the front yard setback requirements imposed by this Article.

**Deeded Rights of way:** If a private right-of-way is created by deeded ownership of land, all existing and future structures on the parcel of land of which the right-of-way was originally part must be located a sufficient distance from the sideline of the right-of-way to comply with the front yard setback requirements imposed by this Article.

**Exemption:** Land adjacent to the private right-of-way is exempt from the front yard setback requirements imposed by this Article, provided all of the following requirements are satisfied:

a) The adjacent land is not owned by the owner or the creator of the right-of-way; and
b) At least one lot boundary abuts another public or private right-of-way and front yard setback requirements are satisfied on that lot boundary; and

c) All applicable side and rear setbacks are satisfied for all non-front yard boundaries.
Section 3.04  Village District (V)

The **village district** includes land which at present is the most highly developed in the town. The range of development activities is broad and includes commercial, industrial, and residential land uses as well as supporting municipal services. This heterogeneous mix is not unattractive, however, probably due to the relatively low (for urbanized areas) density of development. This ordinance makes no effort to change the existing character of village life, mixed uses continue--indeed they are preserved and fostered. No areas in the town have greater proximity to schools and essential services or are better served by utilities and all-weather roads. At the same time the soil, slope, and topographic characteristics of land in this district are excellent enabling sub-surface waste water disposal systems to operate efficiently and simultaneously providing adequate fresh water supplies. In these circumstances care is taken to prevent over-development within the **village district**.

The minimum lot size in the **village district** is 20,000 sq. ft. or 40,000 sq. ft. depending on the land use. No principal or accessory structure may be placed within twenty (20) feet of any side or rear lot line. Such structures must be set back twenty-five (25) feet from the front lot line of a 20,000 sq. ft. lot, fifty (50) feet from the front lot line of a 40,000 sq. ft. lot and one hundred (100) feet from the normal high water mark of any lake, river, or stream, except that docks, and similar facilities may be placed on the shore subject to the provisions in Article 7. No principal or accessory structure may exceed thirty-five (35) feet in height. See Section 2.06 for minimum lot width and frontage requirements.

**Subsection 3.04.01  Primary Uses and Structures**

A. Permitted Lot Size 20,000 sq. ft.

1. All types of retail shops and service stores (repair shops, barbers, beauticians, cleaners, etc.) with less than one thousand (1000) sq. ft. of store area, except shops or stores requiring a daily water consumption in excess of one thousand (1000) gallons.
2. Restaurants, lounges, cafes with less than one thousand (1000) sq. ft. of customer service area, except those requiring a daily water consumption in excess of one thousand (1000) gallons.
3. Bank, insurance, real estate, stock brokerage, general business offices with less than one thousand (1000) sq. ft. of customer service area.
4. Newspaper, radio, or television offices, studios, facilities.
5. Signs not requiring a permit and signs requiring a permit (see Article 6).

B. Required Lot Size 40,000 sq. ft.

1. Single through multi-family residences at no greater density than one family unit for each 40,000 sq. ft. in the total parcel being developed.
2. Home occupations and professional home offices in accordance with the performance standards of section 7.04. (Amended 4/27/02)
3. Police and fire protection facilities.
4. Outdoor recreation facilities including ball fields, parks, picnic areas, tennis courts, but not golf courses or driving ranges.
5. Churches, public and private schools, and other public buildings or facilities.
6. Professional offices outside of the home (doctor, dentist, lawyer, engineer, accountant, etc.)
7. All types of retail and service stores (repair shops, barbers, beauticians, cleaners, etc.)
   with more than one thousand (1000) sq. ft. of store area or that require more than one
   thousand (1000) gallons of water daily, including all drive-in facilities.
8. All types of wholesale, warehouse and bulk storage facilities.
9. Clubs, lodges, meeting halls.
10. Funeral homes.
11. Hospitals, nursing homes, sanitariums, etc.
12. Hotels, motels, inns providing overnight year-round, or seasonal accommodations, bar
    and food service.
13. Gas stations, machinery and vehicle sales, service, washing, repair facilities.
14. Restaurants, lounges, cafes with more than one thousand (1000) sq. ft. of customer service
    area or that require more than one thousand (1000) gallons of water daily.
15. Indoor recreation facilities including bowling alleys, skating rinks, swimming pools, etc.
16. Bank, insurance, real estate, stock brokerage, general business offices with more than one
    thousand (1000) sq. ft. of customer service and office area.
17. Trapping and fishing.
18. Antique Shops (amended 6/24/00)
19. Contractor Business (Amended 4/26/03)

**Subsection 3.04.02 Conditional Uses and Structures**

**A. Required Lot Size 40,000 sq. ft.**

1. Clustered single through multi-family residences at no greater density than one family
   unit for each 40,000 sq. ft in the total parcel being developed.
2. Day Care Facility and Home Day Care providers. All facilities shall be required to
   construct a fence that the Planning Board deems suitable (see Article 4 Sections 4.01,
   4.02, 4.03) to enclose the outdoor activity area of the facility. The fence shall be a
   minimum of 4’ in height. (Amended 4/27/02)
3. Planned unit developments (hereafter referred to as PUD’s) limited to residential, resort,
   recreational, and commercial activities or combinations of the above including bar and
   food service. Residential PUD’s may not exceed one family unit for each 40,000 sq. ft.
   in the total parcel being developed.
4. Communications towers and high voltage transmission poles, lines, unmanned
   substations, etc. (Amended 4/27/02)
5. Cemeteries.
6. Processing facilities related to orchard and agricultural products, including poultry but
   excluding livestock.
7. Storage and selling of local farm, orchard, or forest products.
8. Horticultural activities including nurseries, greenhouses and commercial sale of such
   products.
9. Wood products processing facilities (sawmills, lumberyards, etc.)
10. Fabricating, manufacturing, light industrial activities and facilities with less than five
    thousand (5000) sq. ft. of work area.
11. Bulk fuel oil, cement mixing, general construction tanks, trucks, equipment, and facilities
    in accordance with all local, state and federal regulations on parcels not less than five (5)
    acres in size. (Amended 4/27/02)
12. Wheelchair ramps: Such ramps are exempt from the side, rear and front yard setbacks,
    but not from the shoreland setback. The Planning Board must determine that they meet
    the performance standards in Articles 4 and 7. (Amended 3/9/91, Ratified 4/27/02)
13. Mobile classrooms in conformance with Section 4.05. (Amended 3/11/00)
Temporary uses and accessory uses and structures are permitted within the limits outlined in Section 2.07. (Amended 3/11/89, Ratified 4/27/02)

Section 3.05 Residential District (R)

The residential district includes land which is generally well suited for and capable of sustaining higher densities of development than presently exist because of its proximity to schools and other municipal services. It is also well served by public utilities and all-weather roads. The soils, slope and topographic characteristics of land in this district are almost uniformly good enabling subsurface waste water disposal systems to operate efficiently and simultaneously providing adequate fresh water supplies. The process of transition from relatively unintensive farm and forest uses to more intensive residential and commercial land use activities is clearly in evidence. Much of the recent subdividing activity within the town has taken place on land which is in the residential district—this trend will almost certainly continue.

The minimum lot size in the residential district is 40,000 sq. ft. No principal or accessory structure may be placed within thirty-five (35) feet of any side or rear lot line. Such structures must be set back fifty (50) feet from the front lot line and one hundred (100) feet from the normal high water mark of any lake, river, or stream, except that docks, and similar facilities may be placed on the shore subject to the provisions in Article 7. No principal or accessory structure may exceed thirty-five (35) feet in height. See Section 2.06 for minimum lot width and frontage requirements.

Subsection 3.05.01 Primary Uses and Structures

1. Single through multi-family residences at no greater density than one family unit for each 40,000 sq. ft. in the total parcel being developed.
2. Mobile home parks as permitted under Article 7 Section 7.02 of this Zoning ordinance. (Amended 9/25/90, Ratified 4/27/02)
4. Outdoor recreation facilities including ball fields, parks, picnic areas, beach areas, tennis courts, golf courses, driving ranges, etc.
5. Home occupations and professional home offices in accordance with the performance standards of section 7.04. (Amended 4/27/02)
6. Professional offices outside of the home (doctor, dentist, lawyer, engineer, accountant, etc.)
7. Police and fire protection facilities.
8. Churches, public and private schools, and other public buildings or facilities.
9. Signs not requiring a permit and signs requiring a permit (see Article 6).
10. Trapping and fishing.
11. Antique Shops (amended 6/24/00)

Temporary uses, and accessory uses and structures are permitted within the limits outlined in Section 2.07. (Amended 3/11/89 Ratified 4/27/02)
Subsection 3.05.02 Conditional Uses and Structures

1. Clustered single through multi-family residences at no greater density than one family unit for each 40,000 sq. ft. in the total parcel being developed.

2. Day Care Facility and Home Day Care providers. All facilities shall be required to construct a fence that the Planning Board deems suitable (see Article 4 Sections 4.01, 4.02, 4.03) to enclose the outdoor activity area of the facility. The fence shall be a minimum of 4’ in height. (Amended 4/27/02)

3. PUD’s limited to residential. Residential PUD’s may not exceed one family unit for each 40,000 sq. ft. in the total parcel being developed. (Amended 4/27/02)

4. Communications towers and high voltage transmission poles, lines, unmanned substations, etc. (Amended 4/27/02)

5. Cemeteries.

6. Storage and selling of local farm, orchard, or forest products on parcels with direct access to a state aid highway.

7. Horticultural activities, including nurseries, greenhouses, and commercial sale of such products on parcels with direct access to a state aid highway.

8. Bed and Breakfast providing overnight, year round or seasonal accommodations.

9. Wheelchair ramps: Such ramps are exempt from the side, rear and front yard setbacks, but not from the shoreland setback. The Planning Board must determine that they meet the performance standard in Articles 4 and 7. (Amended 3/9/91, 4/27/02)

10. Mobile classrooms in conformance with Section 4.05. (Amended 3/11/00)

Temporary uses and accessory uses and structures are permitted within the limits outlined in section 2.07. (Amended 3/11/89, 4/27/02)

Section 3.06 Agriculture and Residential District (AR)

Much of the land in this district is being used and in the foreseeable future will continue to be used as forest and farm land even though it is generally suitable for higher densities of development than presently exist. Land in this district has reasonable proximity to schools and other municipal services and is reasonably well served by utilities and all-weather roads. Though there is some variableness, the soils, slope and topographic characteristics of land in this district are above average and are usually capable of sustaining subsurface waste water disposal systems and simultaneously providing adequate fresh water supplies. However, the process of transition from relatively unintensive uses, primarily agricultural, to more intensive residential and commercial land use activities is in its early stages.

The minimum lot size in the agriculture and residential district is 80,000 sq. ft. No principal or accessory structure may be placed within thirty-five (35) feet of any side or rear lot line. Such structures must be set back seventy-five (75) feet from the front lot line and one hundred (100) feet from the normal high water mark of any lake, river, or stream, except that docks, and similar facilities may be placed on the shore subject to the provisions in Article 7. Other than agricultural structures, no principal or accessory structure may exceed thirty-five (35) feet in height. See Section 2.06 minimum lot width and frontage requirements.
Subsection 3.06.01 Primary Uses and Structures

1. Single through four family residences at no greater density than one family unit for each 80,000 sq. ft. in the total parcel being developed.
2. Single family camps.
3. Farming, grazing, poultry and livestock raising including farm residences.
4. Forestry.
5. Orchards.
6. Wildlife preserves including maintenance of nesting and breeding areas.
7. Fishing, trapping and hunting including maintenance of hatchery facilities.
8. Outdoor recreation facilities including park or picnic areas, snowmobile trails, beach areas, tennis courts, golf courses, driving ranges, etc.
9. Soil and water conservation facilities.
10. Harvesting of wild crops, grasses, etc.
11. Horticultural activities including nurseries, greenhouses, and commercial sale of such products.
12. Storage and selling of local farm, orchard or forest products.
13. Commercial stables.
14. Commercial breeding, raising and care of dogs, cats, mink, rabbits and other domesticated or fur bearing animals.
15. Police and fire protection facilities.
16. Churches, public and private schools and other public buildings or facilities.
17. Veterinary offices and facilities.
18. Antique shops.
19. Professional office outside of the home (doctor, dentist, lawyer, engineer, accountant, etc.)
20. Clubs, lodges, meeting halls.
21. Funeral homes.
22. Signs not requiring a permit (see Sections 6.01 and 6.02).
23. Home Occupations in accordance with the performance standards of section 7.04. (amended 6/24/00, 4/27/02)
24. Professional Home Offices (amended 6/24/00)
25. Contractor Business (Amended 4/26/03)

Temporary uses and accessory uses and structures are permitted within the limits outlined in section 2.07. (Amended 3/11/89, 4/27/02)

Subsection 3.06.02 Conditional Uses and Structures

1. Clustered and single through four family residences at no greater density than one family unit for each 80,000 sq. ft. in the total parcel being developed.
2. Day Care Facility and Home Day Care providers. All facilities shall be required to construct a fence that the Planning Board deems suitable (see Article 4 Sections 4.01, 4.02, 4.03) to enclose the outdoor activity area of the facility. The fence shall be a minimum of 4’ in height. (Amended 4/27/02)
3. Commercial campgrounds including day and overnight facilities.
4. Communications towers, high voltage transmission poles, lines, unmanned substations, etc. (Amended 4/27/02)
5. Extraction of rock, sand and gravel, but not within five hundred (500) feet of any residence, camp or waterbody and provided a suitable restoration plan is prepared.
6. Cemeteries.
7. Marinas including sale of boat, bait and tackle supplies.
8. Processing facilities related to orchard and agricultural products, including poultry and livestock.
9. Wood products processing facilities (sawmills, lumberyards, etc.)
10. Junkyards, dumps, and solid waste disposal areas but not within five hundred (500) feet of any residence, camp, or waterbody, and only if appropriately screened.
11. PUD’s limited to industrial and/or commercial activities on parcels not within five hundred (500) feet of a waterbody and with direct access to a state or federal aid highway. PUD’s providing resort and recreational facilities including overnight, year-round, or seasonal accommodations, bar and food service. Notwithstanding the provisions in section 3.06 principal or accessory structures in all such developments shall not be built within one hundred and twenty five (125) feet of any side or rear lot line and must be set back one hundred and fifty (150) feet from the front lot line.
12. Expansions of Mobile Home parks in existence or under Planning Board review as of September 25, 1990 as permitted under Section 7.02 of this Ordinance. (Amended 9/25/90, Ratified 4/27/02)
13. Nursing homes, etc. on parcels with direct access to a state aid highway. (Amended 4/27/02)
14. Signs requiring a permit.
15. Bed and Breakfasts providing overnight, year-round, or seasonal accommodations. (Amended 4/27/02)
16. Machinery and vehicle sales, service, repair facilities with a total building area not to exceed five thousand (5,000) sq. ft. with direct access to a state aid highway. (Amended 4/27/02)
17. Restaurants, lounges, cafes on parcels with direct access to a state aid highway.
18. Fabricating, manufacturing, light industrial activities and facilities with less than five thousand (5000) sq. ft. of building area on parcels with direct access to a state aid highway. (Amended 4/27/02)
19. Daycare Facility and Home Day Care providers. All day care facilities will be required to construct a fence that the Planning Board deems suitable (see Articles 4.01, 4.02 and 4.03) to enclose the outdoor activity area of the facility. The fence shall be a minimum of 4’ in height. (Amended 4/27/02)
20. Wheelchair ramps: Such ramps are exempt from the side, rear and front yard setbacks, but not from the shoreland setback. The Planning Board must determine that they meet the performance standard in Articles 4 and 7. (Amended 3/9/91 and ratified 4/27/02)
22. Mobile classrooms in conformance with Section 4.05. (Amended 3/11/00)
23. Medical Marijuana Grow-Only Facility. (Amended 2/22/11 by Selectmen vote)

Temporary uses and accessory uses and structures are permitted within the limits outlined in section 2.07. (Amended 3/11/89, Ratified 4/27/02)
Section 3.07 Forest and Agriculture District (FA)

The forest and agriculture district includes land which is not presently well suited for high density development because of lack of proximity to schools and other municipal services and the inadequacy of utilities and roads within and connecting these lands to other more developed portions of the town. Much of the land in this district has historically and is today being used for agriculture and timber production purposes. Existing holdings are large, many in excess of one hundred (100) acres. There is little evidence of transition to more intensive land use activities. The soils, slope and topographic characteristics of land in this district are mixed. Some areas will not readily support subsurface waste water disposal systems. Other areas, if the aforementioned impediments to development were removed, could sustain higher density development than this ordinance now permits.

The minimum lot size in the forest and agriculture district is five (5) acres. No principal or accessory structure may be placed within fifty (50) feet of any side or rear lot line. Such structures must be set back one-hundred (100) feet from the front lot line and one hundred (100) feet from the normal high water mark of any lake, river, or stream, except that docks, or similar facilities may be placed on the shore subject to the provisions in Article 7. Other than agricultural structures, no principal or accessory structure may exceed thirty-five (35) feet in height. See Section 2.06 for minimum lot width and frontage requirements.

Subsection 3.07.01 Primary Uses and Structures

1. Single family residences.
2. Single family camps.
3. Farming, grazing, poultry and livestock raising including farm residences.
4. Forestry.
5. Orchards. Wildlife preserves including maintenance of nesting and breeding areas.
6. Fishing, trapping and hunting including maintenance of hatchery facilities.
7. Outdoor recreation facilities including park or picnic areas, snowmobile trails, beach areas, tennis courts, golf courses, driving ranges, etc.
8. Soil and water conservation facilities.
9. Harvesting of wild crops, grasses, etc.
10. Horticultural activities including nurseries, greenhouses & commercial sale of such products.
11. Storage and selling of local farm, orchard or forest products.
13. Churches.
14. Commercial breeding, raising and care of dogs, cats, mink, rabbits and other domesticated or fur bearing animals.
15. Signs not requiring a permit (see Sections 6.01 and 6.02)
16. Home occupations and professional home offices in accordance with the performance standards of section 7.05. (Amended 4/27/02)

Temporary uses and accessory structures are permitted within the limits outlined in section 2.07. (Amended 3/11/89 and Ratified 4/27/02)
Subsection 3.07.02 Conditional Uses and Structures

1. Clustered single family residences.
2. Duplex residences and clustered duplex residences at no greater density than one dwelling unit for each 5 acres being developed. (Amended 3/11/89, Ratified 4/27/02)
3. Day Care Facility and Home Day Care providers. All facilities shall be required to construct a fence that the Planning Board deems suitable (see Article 4 Sections 4.01, 4.02, 4.03) to enclose the outdoor activity area of the facility. The fence shall be a minimum of 4’ in height. (Amended 4/27/02)
4. Commercial campgrounds including day and overnight facilities.
5. Communications towers, high voltage transmission poles, lines, unmanned substations, etc. (Amended 4/27/02)
6. Extraction of rock, sand, and gravel, but not within five hundred (500) feet of any residence, camp or waterbody and provided a suitable restoration plan is prepared.
7. Cemeteries.
8. Police and fire protection facilities.
9. Marinas including sale of boat, bait and tackle supplies.
10. Processing facilities related to orchard and agricultural products, including poultry and livestock.
11. Wood products processing facilities (sawmills, lumberyards, etc.)
12. Veterinary offices and facilities.
13. Wheelchair ramps: Such ramps are exempt from the side, rear and front yard setbacks, but not from the shoreland setback. The Planning Board must determine that they meet the performance standard in Articles 4 and 7. (Amended 3/9/91 and ratified 4/27/02)

Temporary uses and accessory uses and structures are permitted within the limits outlined in section 2.07. (Amended 3/11/89, Ratified 4/27/02)
Section 3.08  Conservation District (C)

The conservation district includes land which is least suited for and least able to sustain high density development because of its topography, elevation and soil types, or marshy character, its lack of proximity to schools and other municipal services, the present inadequacy of utilities and roads within and connecting these lands to other more developed portions of the town, and its relatively natural unspoiled character, often in proximity to lake and other water bodies or steep rocky slopes.

The minimum lot size in the conservation district is ten (10) acres. No principal or accessory structure may be placed within fifty (50) feet of any side or rear lot line. Such structures must be set back one hundred (100) feet from the front lot line and one hundred (100) feet from the normal high water mark of any lake, river, or stream except that docks, or similar facilities may be placed on the shore subject to the provisions in Article 7. Other than agricultural structures, no principal or accessory structure may exceed thirty-five (35) feet in height. See Section 2.06 for minimum lot width and frontage requirements.

Subsection 3.08.01  Primary Uses and Structures

1. Single family residences.
2. Single family camps.
3. Farming, grazing, poultry and livestock raising including farm residences.
4. Forestry.
5. Orchards.
6. Wildlife preserves including maintenance of breeding and nesting areas.
7. Fishing, trapping and hunting including maintenance of hatchery facilities.
8. Outdoor recreation facilities including park or picnic areas, snowmobile trails, beach areas, tennis courts, golf courses driving ranges, etc.
9. Soil and water conservation facilities.
10. Signs not requiring a permit (see sections 6.01 and 6.02).
11. Harvesting of wild crops, grasses, etc.
12. Storage of local farm, orchard, or forest products.

Temporary uses and accessory uses and structures are permitted within the limits outlined in section 2.07. (Amended 3/11/89 Ratified 4/27/02)

Subsection 3.08.02  Conditional Uses and Structures

1. Clustered single family residences.
2. Duplex residences and clustered duplex residences at no greater density than one dwelling unit for each 5 acres in the total parcel being developed. (Amended 3/11/89, Ratified 4/27/02)
3. Day Care Facility and Home Day Care providers. All facilities shall be required to construct a fence that the Planning Board deems suitable (see Article 4 Sections 4.01, 4.02, 4.03) to enclose the outdoor activity area of the facility. The fence shall be a minimum of 4’ in height. (Amended 4/27/02)
4. Horticultural activities including nurseries, greenhouses and commercial sale of such products.
5. Home occupations and professional home offices in accordance with the performance standards of section 7.05. (Amended 4/27/02)
6. Commercial campgrounds including day and overnight facilities.
7. Selling of local farm, orchard or forest products.
8. Communications towers, high voltage transmission poles, lines, unmanned substations, etc. (Amended 4/27/02)
10. Police and fire protection facilities.
11. Commercial stables.
12. Wheelchair ramps: Such ramps are exempt from the side, rear and front yard setbacks, but not from the shoreland setback. The Planning Board must determine that they meet the performance standard in Articles 4 and 7. (Amended 3/9/91 and ratified 4/27/02)

Temporary uses and accessory uses and structures are permitted within the limits outlined in section 2.07. (Amended 3/11/89, Ratified 4/27/02)

Section 3.09 Village/Residential District (VR) (Amended 3/11/00)

The village residential district includes those lots existing within the Town of Waterboro on the date of passage of this section which are subject to dues and fees of the Lake Arrowhead Community and connected to the Lake Arrowhead Public Water System, as more particularly described in Chapter 37 of the 1995 Maine Private and Special Laws.

The minimum lot size in the village residential district is 20,000 square feet with the minimum lot width and frontage requirements of 100’ except on cul-de-sacs where 50’ will be required. No principal or accessory structure may be placed within twenty (20) feet of any side or rear lot line. Such structures must be set back forty (40) feet from any front yard and one hundred (100) feet from the normal high water mark of any lake, river or stream, except that docks or similar facilities may be placed on the shore subject to the provisions in Article 7. No principal or accessory structure may exceed thirty five (35) feet in height. See section 2.06 for minimum lot width and frontage requirements.

Section 3.09.01 Primary Uses and Structures (Amended 3/11/00 & 6/24/2000)

1. Single-family residences
2. Single-family camps
3. Signs not requiring a permit (see Sections 6.01 and 6.02)
4. Home Occupations in accordance with the performance standards of section 7.05. (Amended 4/27/02)
5. Manufactured Homes
6. Yard & Garage Sales
Section 3.10 General Purpose Zone (GP)

The General Purpose (GP) District includes land which at present is generally suited for the development of broad uses including residential, commercial, and industrial. This area is widely served by a public water system and would support commercial development. This area has access to a state road.

The minimum lot size in the General Purpose District (GP) is 40,000 sq. ft. depending on the lot being serviced by the public water system. If the lot is not serviced by public water the minimum lot size is 80,000 sq. ft. Any lots under 80,000 sq. ft. will be required to be serviced by public water supply. No principal or accessory structure may be placed within thirty-five (35) feet of any side or rear lot line. Such structures must be set back fifty (50) feet from the front lot line. No principal or accessory structure may exceed thirty-five (35) feet in height. See Section 2.06 for minimum lot width and frontage requirements. Abutting properties purchased that do not fall within the General Purpose (GP) District will retain their original zoning requirements. (Amended 4/26/03)

Subsection 3.10.01 Primary Uses and Structures -

1. All types of retail shops and service stores (repair shops, barbers, beauticians, cleaners, etc.) one hundred thousand (100,000) square feet or less of store area.
2. Restaurants, lounges, cafes.
3. Bank, insurance, real estate, stock brokerage, general business offices.
4. Newspaper, radio, or television offices, studios, facilities.
5. Signs not requiring a permit and signs requiring a permit (see Article 6).
6. Single through multi-family residences at no greater density than one family unit for each 40,000 sq. ft. in the total parcel being developed.
7. Home occupations and professional home offices in accordance with the performance standards of section 7.04. (Amended 4/27/02)
8. Police and fire protection facilities.
9. Outdoor recreation facilities including ball fields, parks, picnic areas, tennis courts, golf courses and driving ranges.
10. Churches, public and private schools, and other public buildings or facilities.
11. Professional offices outside of the home (doctor, dentist, lawyer, engineer, accountant, etc.).
12. All types of wholesale, warehouse and bulk storage facilities with (one hundred thousand ) 100,000 square feet of area or less.
13. Fabricating, manufacturing, light industrial activities and facilities with (one hundred thousand) 100,000 square feet of area or less.
15. Funeral homes.
16. Hospitals, nursing homes, sanitariums, etc.
17. Single-family camps.
18. Farming, grazing, poultry and livestock raising including farm residences.
19. Forestry.
20. Orchards.
21. Wildlife preserves including maintenance of nesting and breeding areas.
22. Fishing, trapping and hunting including maintenance of hatchery facilities.
Subsection 3.10.02 Conditional Uses and Structures

1. All types of retail shops and service stores (repair shops, barbers, beauticians, cleaners, etc.) with store area of more than one hundred thousand (100,000) square feet.

2. Clustered single through multi-family residences at no greater density than one family unit for each 40,000 sq. ft. in the total parcel being developed where public water supply is available. If public water is not available the maximum density shall be 80,000 square feet per family unit.

3. Day Care Facility and Home Day Care providers. All facilities shall be required to construct a fence that the Planning Board deems suitable (see Article 4 Sections 4.01, 4.02, 4.03) to enclose the outdoor activity area of the facility. The fence shall be a minimum of 4’ in height. (Amended 4/27/02)

4. Mobile home parks at no greater density than one family unit for each 40,000 sq. ft. in the total parcel being developed.

5. Planned unit developments (hereafter referred to as PUD's) limited to residential, resort, recreational, or combinations of the above including bar and food service. Residential PUD's may not exceed one family unit for each 40,000 sq. ft. in the total parcel being developed.

6. Communications poles, towers, lines, unmanned substations, etc.

7. Storage and selling of local farm, orchard, or forest products.

8. Horticultural activities including nurseries, greenhouses and commercial sale of such products.

9. Wood products processing facilities (sawmills, lumberyards, etc.).

10. Fabricating, manufacturing, light industrial activities and facilities with more than (one hundred thousand) 100,000 square feet of area.

11. All types of wholesale, warehouse and bulk storage facilities with more than (one hundred thousand) 100,000 square feet of area.

12. Bulk fuel oil, gasoline storage, cement mixing, general construction tanks, trucks, equipment, and facilities on parcels not less than five (5) acres in size.

13. Commercial campgrounds including day and overnight facilities.

14. Marinas including sale of boat, bait, and tackle supplies.

15. PUD's limited to industrial and/or commercial activities on parcels not within five hundred (500) feet of a waterbody and with direct access to a state or federal aid highway. PUD's providing resort and recreational facilities including overnight, year-round, or seasonal accommodations, bar and food service. Notwithstanding the provisions in subsection 3.06.01 principal or accessory structures in all such developments shall not be built within one hundred and twenty-five (125) feet of any side or rear lot line and must be set back one hundred and fifty (150) feet from the front lot line. PUD’s in this zone must provide a form of public water.
16. Machinery and vehicle sales, service, repair facilities with a total building area not to exceed five thousand (5,000) sq. ft. with direct access to a state aid highway. (Added 9/4/2007)
17. Mobile classrooms in conformance with Section 4.05. (Amended 3/11/00)
18. Medical Marijuana Grow-Only Facility. (Amended 2/22/11 by Selectmen vote)

Temporary uses; and accessory uses and structures are permitted within the limits outlined in section 2.07.
ARTICLE 4 CONDITIONAL USES

Section 4.01 General Requirements - In all of the zoning districts created in Article 3, permitted uses are divided into primary uses, which may be undertaken forthwith and require only the issuance of a building and/or occupancy permit, and conditional uses which require Planning Board approval before they may be commenced (see Sections 3.04-3.08). Conditional use approval may not be unreasonably withheld by the Planning Board and requirements or findings in excess of those set forth in this ordinance may not be imposed, except in those extraordinary circumstances covered by Section 4.03. The Planning Board, subject only to the provisions in Section 2.07 dealing with uses similar in character to permitted uses may not, however, allow a conditional use not expressly authorized by this ordinance – neither may the Selectmen or the Zoning Board of Appeals. Conditional uses which are not authorized and not similar in character to those which are permitted may be undertaken only if this ordinance is amended as provided by law (see Section 13.04).

This application for conditional use approval must, at a minimum, contain all of the information required for the issuance of a building permit, a statement, and whatever supporting information may be necessary, to indicate that all of the conditions for approval imposed by this ordinance have been met, and such other information as the Planning Board may require to assist it in its decision making process. A conditional use shall be approved or disapproved by the Planning Board within thirty-one (31) days of receipt of a completed application. All decisions shall be promptly communicated to the applicant and the Code Enforcement Officer. An approval shall expire six (6) months from the date of its issue unless a building permit has been issued and substantial work (actual construction) has commenced. (see Section 2.03).

If the Planning Board feels it is necessary to either gather additional information, resolve conflicting information, or to inform the public, it may hold a hearing, pursuant to the provisions of Sections 13.07, before deciding an application to commence a conditional use. The Applicant is required to notify abutters of the property of the conditional use application no less than 10 days prior to the scheduled Planning Board meeting. This notice shall inform the abutters of the application for conditional use, the date and time of the meeting and that the abutters shall submit their concerns in writing to the planning board prior to the meeting date. The applicant shall provide the planning board proof of notice to abutters. This evidence can be by certified proof of mailing as provided by a post office listing the names of the abutters, the mailing addresses utilized for the notice, a copy of the notice sent and the date upon which the notice was mailed. (Amended 4/26/03)

Planning Board approval or disapproval of an application to commence a conditional use must include a statement of reasons for the approval or disapproval. Decisions of the Planning Board, with respect to the approval or disapproval of a conditional use application, may be appealed to the Zoning Board of Appeals of the Town of Waterboro within thirty (30) days of the decision by the applicant or by an aggrieved party. (AMENDED 3-8-86, 4-26-03)

The commencement of a conditional use without Planning Board approval is a violation of this ordinance as is the subsequent violation of or failure to meet any general, specific, or special requirements upon which approval of the conditional use was predicated (see Section 12.02).
Section 4.02 Specific Requirements –

In addition to findings that the general specific requirements for conditional use approval set out in the section permitting a particular conditional use in a particular district (see Sections 3.04 to 3.09) have been met, and that, where applicable, specifically articles 5, 6, 7 and 8, have also been met, the Planning Board must additionally find before a conditional use is approved that the proposed use in the specific location contemplated will be in harmony with the Town’s Comprehensive Plan and existing subdivision regulations; provides safe and adequate access to the road system of the town; provides safe and adequate means for water supply, waste water disposal, and solid waste disposal; is capable of being reasonably served by schools, public utilities, public safety agencies, and other public agencies and service; provides an adequate and permanent natural buffer or artificial screen between itself and adjacent properties which are being used in alternative ways permitted by this ordinance; will not result in damage to waterbodies, marsh or other natural areas, scenic or historic areas; will be built on soil types which are suitable to the nature of the undertaking; has taken all reasonable steps to fit itself harmoniously into the existing environment which includes the natural environment and existing (if any) development; will not result in the unnecessary removal of natural vegetation, the permanent scaring of the land, or soil erosion; will not result in unreasonable noise levels, harmful air emissions, or offensive odors; is in possession of or in the process of obtaining (and ultimately does obtain) all required state permits and approvals. (Amended 3/11/00)

Section 4.03 Special Requirements (Conditions) - If, in the contest of reviewing a particular conditional use application it becomes apparent to the Planning Board that the public's health, safety, or general welfare will be threatened, even though all of the required findings are made and all general and specific conditions for approval imposed by this ordinance and supporting regulations are met, the board is authorized to frame and impose additional special requirements (conditions) for approval. In such cases, the board in its decision must fully set forth the unforeseen circumstances, the need for and the underlying rationale of the attached special requirements (conditions). Use of the extraordinary power conferred by this section shall be kept to a minimum.

Section 4.04 Special Requirements for Extraction Operation Approval - An applicant for an extraction operation conditional use permit must obtain and submit a restoration/reclamation plan, erosion/sediment control plan, and Hydrogeological Study for review and approval by the Planning Board before conditional use approval of a new extraction operation can be granted. Extraction operations in existence and actual operation on March 11, 1989 cannot be expanded to encompass more than five (5) acres in area unless Planning Board approval of a suitable restoration/reclamation plan, erosion/sediment control plan and Hydrogeological Study is first obtained.

In preparing the plans for the extraction operation approval, the applicant shall use United States Geological Survey (USGS) datum in establishing existing topography and final topography. Description of the USGS datum, bench marks height as specified by the USGS shall be displayed on the plans.

The conditional use application along with four (4) copies of the set of plans, which include (1) restoration/reclamation plan, (2) erosion/sediment control plan, and (3) Hydrogeological Study shall be submitted to the Planning Office at least 14 working days prior to the applicant's initial appointment.
Owners of abutting property shall be notified by the applicant via certified mail of the date, time and purpose of the appointment a minimum of seven (7) days prior to the appointment for the applicant's extraction operation conditional use permit. Return receipts documenting that notice shall be furnished to the Planning Board.

Applicants who are not required to obtain approval from the State of Maine Department of Environmental Protection under the site location development law must obtain approval of their restoration/reclamation plan, and erosion/sediment control plan, and Hydrogeological study from the York County Soil Conservation Commission and document that approval to the Planning Board. The Planning Board shall not grant approval of an extraction operation unless the applicant documents prior approval by either the Department of Environmental Protection or the York County Soil Conservation Commission.

In addition, the Planning Board reserves the right to:

1) Hold a Public Hearing, pursuant to the provisions of Section 13.07, to either gather additional information, resolve conflicting information or to inform the public before deciding an application to commence an extraction operation.

2) Hire outside professionals to evaluate a proposal or design's compliance with this Ordinance, with the expense of the review borne by the applicant. The estimated cost of the consultant's fees shall be paid by the applicant to the Planning Board at the time the conditional use application for extraction operation is viewed. The remaining balance due, if any, shall be paid prior to the issuance of a conditional use permit for an extraction operation. (AMENDED 3-10-90)

**Section 4.05 Mobile Classroom Regulations**

Mobile classrooms will not be allowed in the municipality which does not provide the following within the classroom:

- A restroom facility;
- Drinking water;
- A temperature controlled environment

All classrooms must be equipped with:

- An emergency fire warning system;
- Fire extinguishers;
- Communication system

That operates in conjunction with the main building.

Mobile classrooms become a conditional use permit within any zone where a school is permitted. (AMENDED 3-11-00)
ARTICLE 5 TRAFFIC, PARKING, ROAD ACCESS

Section 5.01 Traffic Visibility and Screening - No fence or other structure, trees, shrubbery, material, vehicles or any other construction shall be placed or maintained even temporarily in any manner which impairs the visibility of the driver of any vehicle which in traveling on any roadway in the town, public or private, approaches within fifty (50) feet of the initial point of intersection with another public or private roadway.

With the exceptions noted in the preceding paragraph, all outside parking and loading areas serving more than twenty (20) vehicles shall be screened from view by suitable landscaping materials--evergreen shrubs or trees, fencing, walls, berms, or any combination thereof. Such screening shall be at least four (4) feet high.

All parking and loading areas including areas used for maneuvering and interior circulation, shall be set back at least twenty-five (25) feet from the roadway on which they front; and will maintain at least a ten (10) foot greenbelt on the side and rear property lines with the planning board having the authority to require the standard setback of the zone under extenuating circumstances. (Amended 4/27/02)

Section 5.02 Loading Area Requirements - On every lot on which commercial, industrial or institutional activities are permitted and hereafter commenced, extended or enlarged a loading area with access to a public or private roadway shall be provided to avoid the loading, unloading or maneuvering of vehicles within the right-of-way of any public or private roadway. A loading area must be of sufficient size and shape to permit vehicle turn around to preclude the need for any vehicle to back out on to any roadway. All loading areas must have sufficient overhead clearance to accommodate tractor-trailer size vehicles.

The minimum loading area requirement for commercial activities is one five hundred (500) sq. ft. space for each two thousand five hundred (2500) sq. ft. or part thereof of commercial floor area. The minimum loading area requirement for industrial or institutional activities is one five hundred (500) sq. ft. space for each five thousand (5000) sq. ft. or part thereof of industrial or institutional floor area.

Activities which contemplate the loading, unloading, storage, or repair of buses, trucks, cars, or other vehicles must provide sufficient outside loading and storage space to accommodate the maximum number of vehicles which the facility is capable of handling at any one time.

Section 5.03 Parking Area Requirements - In all districts and in connection with every permanent or temporary use of land or structures commenced, extended or enlarged after the effective date of his ordinance, an adequate parking area with access to a public or private roadway in accordance with the provisions of this ordinance shall be provided on the same lot as the principal use or structure which gives rise to the need for parking space. In no case shall any part of the road right-of-way be used in providing such parking area. The parking of vehicles on or along roadways is permitted subject to restrictions deriving from applicable municipal and State regulations.
Except in the case of single and two-family dwellings, a single parking space, exclusive of the space needed within a parking area for driveway, turnaround and traffic circulation purposes shall be at least two hundred (200) sq. ft. A parking area must be of sufficient size and shape to permit vehicle turn around to preclude the need for any vehicle to back out on to any roadway. All parking areas must be graded and surfaced so as to be properly drained and dust free. Parking areas serving more than ten (10) vehicles must have the individual spaces and aisles marked.

Parking spaces shall be provided according to the following schedule:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Single family residences</td>
<td>2 spaces</td>
</tr>
<tr>
<td>2</td>
<td>Two family residences</td>
<td>4 spaces</td>
</tr>
<tr>
<td>3</td>
<td>Multi-family residences in excess of two-family units</td>
<td>11/2 spaces per unit (minimum 5 spaces)</td>
</tr>
<tr>
<td>4</td>
<td>Hotels, motels, guest houses, dormitories, boarding houses</td>
<td>1 space for each per each guest room plus 1 space for every 3 employees</td>
</tr>
<tr>
<td>5</td>
<td>Theater, churches, halls, funeral homes</td>
<td>1 space for every 4 seating spaces</td>
</tr>
<tr>
<td>6</td>
<td>Hospitals, rest &amp; nursing homes, sanitarium</td>
<td>1 space for each 3 beds plus 1 space for every 3 employees</td>
</tr>
<tr>
<td>7</td>
<td>Medical, dental, veterinary or other health care offices or clinics</td>
<td>4 spaces for each professional person plus 1 space for every 3 employees</td>
</tr>
</tbody>
</table>
8. Restaurants, bars, lounges, diners, cafes
   1 space for every 3 seats plus 1 space for every 3 employees

9. Pre-school, Nursery and primary schools
   1 space for every 20 students plus 1 space for every 3 employees

10. Secondary and post-secondary schools
    1 space for every 4 students plus 1 space for every 3 employees

11. Retail shops and service store, (cleaners, barbers, repair shops)
    1 space for every 200 sq. ft. of store area plus 1 space for every 3 employees

12. Wholesale, warehouse, manufacture, or processing facilities
    5 spaces for visitors plus 1 space for every 3 employees

13. Financial institutions, business, government, or professional offices
    1 space for every 200 sq. ft. of non-storage floor area plus 1 space for every 3 employees
14. Fraternal organizations, clubs and lodges
   1 space for every 100 sq. ft. of non-storage floor area

15. Garages and filling stations
   1 space for every 100 sq. ft. of non-storage work areas plus 1 space for every 3 employees

16. Fair grounds, amusement parks, ballparks, or recreational facilities
   1 space for every 4 seats or 1 space for every 500 sq. ft. of playing area or non-storage area open to the public, whichever requires the greater number of parking spaces

17. Drive-in facilities
   10 spaces for each teller, serving window or counter plus 1 space for every 3 employees

18. Marinas
   1 space for each boat dock or mooring space plus 1 space for every 3 employees
19. Agriculture or forestry activities (including farmstands) 3 spaces plus 1 space for each piece of vehicular equipment used in the operation and 1 space for every 3 employees

Uses, activities, or facilities which arguably fit within more than one of the above categories will be considered in that category requiring the larger number of parking spaces. Uses, activities or facilities which combine several of the above undertakings must provide the total of the number of spaces which each undertaking on its own would require. Uses, activities, or facilities not specifically listed shall be placed in that category above which the Planning Board determines is most similar in character to the proposed undertaking.

**Section 5.04 Roadway Access** - No driveway shall be within fifty feet of any intersection of public or private roads. A loading or parking area shall not have more than two (2) access driveways to an abutting roadway. Property owners with driveways serving drive-in commercial enterprises or serving loading or parking areas designed for more than fifty (50) vehicles shall provide appropriate entrance and exit signs, stop signs at all points of egress from the loading or parking area, and may, if the Planning Board determines that the volume of traffic requires it, be required to provide a driveway divider, an adequate frontage road, an approach lane, or a turning lane to insure safe traffic flow on, onto, and off of abutting public or private roadways.
ARTICLE 6 SIGNS

Section 6.01 General Requirements - All signs which are located, erected, moved, reconstructed, extended, enlarged or structurally altered after the effective date of this ordinance must be in compliance with the provisions of this ordinance though some signs are exempted from otherwise applicable permit requirements and accompanying regulations. (see Section 6.02). Signs placed in or on the windows of residences, stores, or other buildings are not regulated by this ordinance except that such signs may not be animated, and they may not utilize flashing lighting.

No sign, (whether regulated or unregulated by this ordinance) may resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. No sign may be positioned so as to prevent or block the free ingress to or egress from any door, window, or fire escape or in a manner which confuses, impedes, or impairs traffic movement or visibility. No sign, except publicly owned signs, may be placed upon, extend into, or over the right-of-way of any public or private road.

The owner of the land upon which a sign is located is responsible for its safe construction, installation, and maintenance. Unsafe damaged or deteriorated signs, signs in danger of falling, or signs not in compliance with the provisions of this ordinance are in violation of this ordinance. The Code Enforcement Officer shall order compliance with this ordinance which may include the repair, or removal of such signs. If compliance with his order is not achieved within the time period specified in the order, the Town in addition to the remedies provided in Sections 12.02 and 12.03 may repair or remove the violating sign and assess the costs to the landowner.

Signs lawfully existing on the effective date of this ordinance may be continued though not in conformance with the provisions of this ordinance. However, such signs are nonconforming structures and as such subject to the provisions of Article 9.

For purposes of this ordinance signs having two (2) back-to-back display faces shall count as only one (1) sign and only one (1) face shall be used in determining its size.

Section 6.02 Signs Not Requiring a Permit - Signs which do not require a permit may not exceed twenty (20) sq. ft. in size nor, including their supporting structure, may they exceed fifteen (15) feet in height. They are permitted in all of the zoning districts created by this ordinance. There may not be more than a total of two (2) of any such signs on any one lot or parcel of land. Except for official traffic control signs, they must directly relate to activities or beliefs of, or information about the land itself or the owner or lessee of the land upon which the signs are situated. Again excepting official traffic control signs, they must comply with the general requirements for all signs contained in Section 6.01. Signs not requiring a permit include:

1. Signs containing the house number, house name, street address, or name of the occupants of a house;

2. Real estate signs advertising the sale or lease of the property;
3. Business signs indicating the profession, home occupation, or commercial activity of the land owner or lessee;

4. Bulletin board or informational signs of public, charitable, or religious institutions;

5. Memorial signs or tablets, including historical markers;

6. Official traffic control signs;

7. Temporary signs indicating a sale, activity, or event being undertaken by the land owner or lessee;

8. Political signs;

9. On-site informational signs giving persons coming to the property necessary and useful information as to the location of parking areas, restrooms, pick-up and delivery areas, etc, and

10. Warning signs or signs prohibiting trespass or other activities. Such signs may also exceed the above limit to two (2) per lot or parcel of land.

All of the above signs may be lighted indirectly or internally but only by non-flashing white light. They may not be placed on the roof of any building nor may they be painted or affixed directly onto a wall or the side of any structure. They may not be painted or affixed directly onto rocks or other natural objects except that they may be attached or fastened to such objects in manner that will not injure them.

Section 6.03 Signs Requiring a Permit - All signs except those specifically exempted by the provisions of Sections 6.01 and 6.02 require a permit including those signs enumerated in Section 6.02 which are either larger in size than or exceed the number permitted by that section. A sign permit for purposes of this ordinance shall be deemed a type or subcategory of building permit--as such it will be issued by the Code Enforcement Officer subject to and in accordance with all of the provisions outlined in Sections 2.03 and 2.05. In addition the following regulations apply to signs requiring a permit:

1. All of the general requirements for signs contained in Section 6.01.

2. No sign requiring a permit may be located in either the (FA) or (C) district.

3. In all other districts a sign requiring a permit is either a primary or conditional use as specified (see Sections 3.04, 3.05, and 3.06).

4. No sign may exceed three hundred (300) Sq. ft. in size nor may a sign including its supporting structure exceed twenty-five (25) feet in height.
5. Animated signs and signs involving neon, white, colored, or flashing lighting must be positioned in a manner which avoids confusion with, intrusion upon, or harm to persons or activities situated on adjacent land.

6. An individual lot or parcel of land may not under the combined provisions of Sections 6.02 and 6.03 contain more than 4 signs, with the exception as to number noted in 6.02 (10), or a total of three hundred forty (340) sq. ft. of sign space.

7. Notwithstanding any other provisions of this ordinance, in (V) (R) and (AR) districts signs which exceed one hundred (100) sq. ft. in size and which are located along or so as to be viewed from any public or private roadway must be at least five hundred (500) feet apart as measured along the roadway.

8. No sign requiring a permit may be positioned along or so as to be viewed from any waterway.

9. All signs requiring a permit pursuant to provisions of this ordinance must evidence compliance with all state sign and billboard control statutes or regulations and must have received any required state permits.
ARTICLE 7 PERFORMANCE STANDARDS

Section 7.01 Development on Shorelands

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

Applicability

This 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 100 feet, horizontal distance of the normal high-water line of a stream. This also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending beyond the normal high-water line of a water body or within a wetland.

Amendments

Any amendments made to this Section, Section 7.01 Development on Shorelands, 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 during the forty-five (45) day period shall be governed by that amendment, if such amendment is approved by the Commissioner.

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.

Minimum Shoreland Frontage

New lots adjacent to great ponds, rivers, and streams shall have a minimum shore frontage of 200 feet, exclusive of areas located within the Village District, as identified on the Waterboro Zoning Map.
Districts and Official Shoreland Zoning Map

The areas to which this section of the ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map which is made part of the ordinance:

1. Resource Protection
2. Limited Residential
3. Limited Commercial
4. Stream Protection
5. General development (Amended 5-13-04)

1. 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, 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, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils. This district shall also include 100 year flood plains adjacent to tidal waters as shown on FEMA's 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.

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.
C. Limited Commercial District

The limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection 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. Stream Protection District

The Stream Protection District includes all land areas within one hundred (100) 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 is 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.

E. 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; and
   b. Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities.

2. Areas otherwise discernable 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 the residential use.

(Amended 5-13-04)

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. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.
Key to Land Use Table:

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       LC - Limited Commercial
LR - Limited Residential       SP - Stream Protection
GD – General Development
### TABLE 1. LAND USES IN THE SHORELAND ZONE DISTRICTS

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>SP</th>
<th>RP</th>
<th>LR</th>
<th>LC</th>
<th>GD</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Non-intrusive recreational uses not requiring structures such as</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>hunting, fishing and hiking</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>2. Motorized vehicular traffic on existing roads</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>
</tr>
<tr>
<td>4. Timber Harvesting</td>
<td>YES</td>
<td>CEO</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>5. Clearing of vegetation for approved construction and other allowed uses</td>
<td>CEO</td>
<td>CEO</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>6. Fire Protection activities</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>7. Wildlife management activities</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<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>
</tr>
<tr>
<td>9. Mineral exploration</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>10. Mineral extraction including sand and gravel</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>11. Surveying and resource analysis</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<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>
</tr>
<tr>
<td>13. Agriculture</td>
<td>YES</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>
</tr>
<tr>
<td>15. Principal structures and uses:</td>
<td>PB</td>
<td>NO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>A. One and two family residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. Multi-unit residential</td>
<td>NO</td>
<td>NO</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>C. Commercial</td>
<td>NO</td>
<td>NO</td>
<td>NO</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>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>
</tr>
<tr>
<td>F. Small non-residential for educational, scientific or nature purposes</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>16. Structures accessory to allowed uses</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
<td>YES</td>
</tr>
<tr>
<td>17. Piers, docks, wharfs, bridges and other structures and uses extending</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>over or below the normal high water line or within a wetland</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Temporary</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>B. Permanent</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>NO</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
</tr>
<tr>
<td>19. Home Occupations</td>
<td>PB</td>
<td>NO</td>
<td>PB</td>
<td>CEO</td>
<td>YES</td>
</tr>
<tr>
<td>20. Private sewage disposal systems for allowed uses</td>
<td>LPI</td>
<td>NO</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
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<tr>
<td>21. Essential services</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>22. Service drops, as defined, to allowed uses</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<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>
</tr>
<tr>
<td>development</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24. Individual private campsites</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>NO</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>26. Parking facilities</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>27. Marinas</td>
<td>PB</td>
<td>NO</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>28. Filling and earthmoving of &lt;10 cubic yards</td>
<td>CEO</td>
<td>CEO</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>29. Filling and earthmoving of &gt;10 cubic yards</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>30. Signs</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>31. Use similar to allowed uses</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>32. Uses similar to uses requiring a CEO permit</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 PB permit</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
</tbody>
</table>

**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 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.
2. Principal and Accessory Structures

A. All new principal and accessory structures shall be set back at least one hundred (100) feet from the normal high-water line of all water bodies, including great ponds classified GPA, rivers that flow to great ponds classified GPA, tributary streams or the upland edge of a wetland.

In addition:

1. 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.

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

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 of 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 there of, located within the Shoreland zone, including land area previously developed.

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.

B. Non-conforming Structures

1. **Expansions:** A non-conforming structure, primary or accessory, may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure.

Further Limitations:

a) After January 1, 1989 if any portion of a structure is less than the required setback from the high-water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded 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; that 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, basing its decision on the criteria specified in Subsection 2, Relocation, below; that the complete foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the structure to be elevated by more than three (3) additional feet.

c) No structure which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.

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 demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules, or that a new system can be installed in compliance with the 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 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, archaeoological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

3. Piers, Docks, Wharfs, Bridges And Other Structures And Uses Extending Over Or Beyond The Normal High-Water Line Of A Water Body Or Within A Wetland.

A. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
B. The location shall not interfere with existing developed or natural beach areas.
C. The facility shall be located so as to minimize adverse effects on fisheries.
D. Pier, dock, and boat mooring facilities must not be constructed in a manner or location which causes erosion or poses a threat to beach, bathing, or fish spawning areas. (Amended 07/22/2014)
E. No new structure shall be built on, over or abutting a 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.
F. 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.

NOTE: 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 38 M.R.S.A., Section 480-C.
4. 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 or river flowing to 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.

5. Commercial And Industrial Uses

The following new commercial and industrial uses are prohibited within the Shoreland zone adjacent to the great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

- a. Auto washing facilities
- b. Auto or other vehicle service and/or repair operations, including body shops
- c. Chemical and bacteriological laboratories
- d. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms.
- e. Commercial painting, wood preserving, and furniture stripping
- f. Dry cleaning establishments
- g. Electronic circuit assembly
- h. Laundromats, unless connected to a sanitary sewer
- i. Metal plating, finishing, or polishing
- j. 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
- k. Photographic processing
- l. Printing
6. Storm Water Runoff

A. 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.

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

7. Essential Services

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

B. 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.

8. 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 conditions:

A. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of paragraph D below.

B. 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 of any ground area disturbed by such extraction on land sloping toward the water shall be closer to the high water mark than the following:
Average slope of land between Exposed Mineral Soil and Normal High Water Mark (percent) | Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (Feet along surface of the Ground)
---|---
0-30 | 100
40 | 105
50 | 125
60 | 145
70 | 165

Extraction operations shall not be permitted within one hundred fifty (150) feet of any property line, without written permission of the owner of such adjacent property. If written permission of the abutter is obtained, a buffer strip of no less than 25 feet may be allowed. These buffer requirements may be waived with the abutters permission if the abutting property is in use as an extraction operation.

C. 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 one hundred (100) feet and screened from the river by existing vegetation and must conform to the slope table in paragraph 2.

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

1. 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.

NOTE: The State of Maine Solid Waste Laws, Title 38, Maine Revised Statutes Annotated, Section 1310 and Chapter 404 of the Department of Environmental Protection's regulations may contain other applicable provisions regarding disposal of such materials.

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

3. 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.

E. In keeping with the purposes of this Section, 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.
9. Agriculture

A. 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.

B. 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 one hundred (100) 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.

C. 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.

NOTE: Assistance in preparing a soil and water conservation plan may be available through the local Soil and Water Conservation District office.

D. There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within fifty 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.

E. 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.

10. Timber Harvesting

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

B. Except in areas as described in Paragraph 1 above, timber harvesting shall conform with the following provisions:
1. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:

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

   ii. At distances greater than one-hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clear-cut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5,000) square feet they shall be at least one hundred (100) feet apart. Such clear-cut 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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 only to a face sloping toward the water body or wetland, provided,
however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet from the normal high-water line of a water body or upland edge of a wetland.

11. Clearing Of Vegetation For Development

A. 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.

B. 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:

1. 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.

2. 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 25-foot by 25-foot square (625 square feet) area.

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.

3. 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.

4. Pruning of tree branches, on the bottom 1/3 of the tree permitted.

5. 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.

C. At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of 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 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 no 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.

D. 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.

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

12. Erosion And Sedimentation Control

A. 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:

1. Mulching and revegetation of disturbed soil.
2. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
3. Permanent stabilization structures such as retaining walls or rip rap.

B. 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.

C. 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.

D. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of rip rap, 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:

1. 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.
2. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
3. 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.

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

13. 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.

14. Roads and Driveways

New roads, driveways, parking areas, and campsites within commercial campgrounds in designated shoreland areas shall set back a minimum of 100 feet from the normal high water line of great ponds, and 75 feet from river, stream, tributary streams, and the upland edge of freshwater wetlands unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement to no less than 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.

This section shall not apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located near to the shoreline due to an operational necessity. (AMENDED 6-3-95)
Section 7.02 Mobilehome Park Development:

A. Authority and Purpose

(1) Notwithstanding other provisions of this Ordinance, the Planning Board in reviewing and approving proposed mobile home park developments in the Residential Zone, shall apply the provisions of this section, as well as the requirements of the Waterboro Land Subdivision Regulations and Waterboro Mobile Home Park & Trailer Park Ordinance. Where the provisions of this Section conflict with specific provisions of the Town of Waterboro Land Subdivision Regulations and/or the Town of Waterboro Mobile Home Park & Trailer Park Ordinance, the provisions of this section shall prevail. (Amended 4/26/03)

(2) The purpose of this section shall be to accommodate the creation and expansion of mobile home park development in a manner that will encourage and provide for the:

   a) Preservation of open space;
   b) Creation of recreation areas;
   c) Preservation of environmentally sensitive areas;
   d) Preservation of natural features;
   e) Promotion of a more efficient use of the land through the use of smaller networks of utilities and streets; and
   f) Creation of Affordable housing units.

B. Performance Standards

All proposed mobile home park developments shall meet the following general requirements:

(1) Affordability -The developer of the proposed mobile home park shall submit evidence, and the Planning Board shall determine, that the sales and/or rents of at least 50% of the manufactured housing units or lots within the proposed mobile home park can be afforded by households at or below 80% of the Town's median household income (per figures published by the National Planning Data Corporation). In making a determination on the affordability of the units, the Planning Board shall find that "shelter expenses" do not exceed 30% of the 80% median household income figure. Shelter expenses shall include the following: mortgage and/or rental costs, taxes, homeowners/tenant insurance and utilities. Future sales and rents will be maintained at the rate approved by the Planning Board for at least 5 years after project completion and release of the performance guarantee, unless Planning Board approval of a modified rate is obtained.

(2) Location

   a) Permitted Zones A mobile home park is permitted only in the following zoning districts: 1) Residential

   b) Prohibited Overlay Zones No part of a mobile home park development shall be located in the Shoreland Area Overlay Zone.

   c) No more than 20% of a mobile home park shall consist of very poorly drained soils.
(3) **Ownership** - The applicant must demonstrate to the Planning Board that he/she has sufficient right, title and interest in the site of the mobile home park to control and complete its development as approved.

(4) **Permitted Uses** The use of land in a mobile home park development shall be for a single family residential uses only. Each manufactured housing unit shall be used exclusively for single family residential use only.

(5) **Density** The overall area of a mobile home park shall be no less than the combined area of the individual lots as permitted pursuant to 7.02 B(6)a. of this ordinance plus:

a) The area located within the full width of the right-of-way of any proposed public or private street;

b) The area required for buffer strips pursuant to 7.02 C(6);

c) The area required for open space and storage pursuant to 7.02 B (7) which combined areas shall be no less than 10% of the combined areas of the individual lots;

Any mobile home park site which is divided by an existing road, water body, or similar physical condition which interrupts the continuity of the site, must independently meet the density requirements of this section for each of the portions so divided.

(6) **Lot Size, Width and Setbacks** - The dimensional requirements for individual lots within a mobile home park shall be as follows:

a.) Lots served by individual subsurface sewage disposal system:

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<thead>
<tr>
<th>Requirement</th>
<th>Requirement</th>
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<tr>
<td>Minimum lot area</td>
<td>20,000 sq. ft.</td>
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<tr>
<td>Minimum lot width</td>
<td>100 ft.</td>
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<tr>
<td>Minimum setback (front, side, &amp; rear)</td>
<td>Current Zoning</td>
</tr>
</tbody>
</table>

b) Lots served by central subsurface wastewater disposal system:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Requirement</th>
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<tbody>
<tr>
<td>Minimum lot area</td>
<td>12,000 sq. ft. with overall density of 20,000 sq. ft.</td>
</tr>
<tr>
<td>Minimum lot width</td>
<td>75 ft.</td>
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<tr>
<td>Minimum setbacks</td>
<td>20 ft.</td>
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</tbody>
</table>

c) All structures in a mobile home park located adjacent to a public road shall be set back from the public road at least a distance equal to the setback requirements for other residential developments in the zone.

d) All buildings on the lot, including accessory buildings and structures, shall not cover more than 50% of the lot area.
(7) **Open Space**

a) An area of no less than 10% of the total area devoted to individual lots shall be set aside for open space. Such space shall be suitable for use as storage and recreation for park residents. Parking space, driveways, streets and buffer areas shall not be used to meet the 10% open space requirement.

b) At least 50% of the required open space shall consist of land that is suitable for active recreation and storage.

c) The developer shall submit, as part of his/her application, a copy of that portion of the proposed park rules and a plan which specify how the open space is to be used and maintained and what conditions are to apply to its use. The plan shall specify the areas to be dedicated to open space, recreation and storage.

(8) **Alternative Site Design Approach**

The Planning Board, upon finding that the proposed mobile home park plan meets the minimum requirements of Section 7.02 B (5), (6), and (7) of this ordinance, may permit submission of an alternative mobile home park lot layout and design which utilizes a more creative and environmentally sensitive site design approach. Such alternative mobile home park design shall meet the following standards:

a) such alternative layout shall create more usable private yard areas and open space areas,

b) such alternative layout shall avoid uniform setbacks,

c) the minimum front yard setback, as outlined in Section 7.02B (6), shall be maintained,

d) spacing between manufactured housing units shall be at least 20 feet, and

e) the park design shall meet all of the Design Standards listed below.

C. **Design Standards**

Except as stipulated below, mobile home parks shall meet all the requirements for a residential subdivision, and shall conform to all applicable State laws and local ordinances or regulations. Where the provisions of this section conflict with specific provisions of the Town of Waterboro Subdivision Regulations, the provisions of this section shall prevail.

(1) **Manufactured Housing Unit Design**

All manufactured housing units shall be designed to have a permanent foundation, "pitched, shingled roof", with overhang and exterior siding that is residential in appearance as herein defined.

(2) **Road Design, Circulation and Traffic Impacts**
All streets, roads, access drives and parking areas shall be designed to conform to reasonable safety standards. The road network shall provide for vehicular and pedestrian safety, emergency access, delivery and collection services and snow storage.

Street within a park shall be designed by a professional engineer, registered in the State of Maine.

a) Streets which the applicant proposed to be dedicated as public ways shall be designed and constructed in accordance with the standards for streets in the Town of Waterboro Street Design and Construction Standards Ordinance.

b) Streets which the applicant proposed to remain private ways shall meet the following geometric standards:

   (i) Minimum right-of-way width: 23 feet.
   (ii) Minimum width of traveled way: 20 feet.

c) Any mobile home park expected to generate average daily traffic of 200 trips per day (40 units) or more, shall have at least two street connections with existing public streets. Any street within a park with an average daily traffic of 200 trips per day or more, shall have at least two street connections leading to existing public streets, other streets within the park, or other streets shown on an approved subdivision plan.

d) No individual lot within a park shall have direct vehicular access onto an existing public street.

e) The intersection of any street within a park and the existing public street shall meet the following standards:

   (i) Angle of intersection - The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees.

   (ii) Maximum Grade within 75 feet of Intersection - The maximum permissible grade within 75 feet of intersection shall be 2%.

   (iii) Minimum Sight Distance - A minimum sight distance of 10 feet for every mile per hour of posted speed limit on the existing road shall be provided. Sight distance shall be measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye 3 1/2 feet above the pavement and the height of the object 4 1/4 feet.

   (iv) Distance from other intersections - The centerline of any street within a park intersection and existing public street shall be no less than 125 feet from the centerline of any other street intersecting with that public street.

f) The application shall contain an estimate of the average daily traffic projected to be generated by the park. Estimates of traffic generation shall be based on the Trip Generation Manual, 1987 edition, published by the Institute of Transportation Engineers.
If the park is projected to generate more than 400 trips per day (80 units), the application shall also include a traffic impact analysis, by a registered professional engineer with experience in transportation engineering.

(3) Utilities

Utilities may be located anywhere within the mobile home park development except that transformer boxes, meters, pumping stations, and other components of the utility system which may be located above ground shall not be located as not to be unsightly or hazardous to the public and shall be landscaped and buffered.

(4) Utilization of Parcel

The plan for the development shall reflect the natural capabilities of the site to support development. Buildings and support facilities shall be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas such as wetlands, steep slopes, floodplains and unique natural features shall be included as part of the open space area. Natural drainage areas shall be preserved to the maximum extent.

(5) Relationship of Residences to Open Spaces

The dwelling units and other improvements shall be located so that each unit has direct access to the open space and/or recreational facilities. The open space shall be located to enhance the living environment of each unit in the development.

(6) Landscaped Buffer

A strip of land not less than twenty-five (25) feet and not more than fifty (50) feet in width adjacent to any right-of-way and running along said right-of-way may be required to be set aside as a green belt, and the developer shall submit provisions for maintaining this area. (A conservation easement may be conveyed to the Town of Waterboro over said strip.) Said green belt shall be shown on the Preliminary and Final Plans.

For the purposes of this section, the definition of a greenbelt shall be identical to that defined in the Town of Waterboro Land Subdivision Regulations under section 8.8.

(7) Storage

At least 300 cubic feet of enclosed tenant storage facilities shall be conveniently provided on or near each mobile home lot for the storage of materials and equipment.

(8) Pedestrian Circulation

The development plan shall provide for a system of pedestrian circulation within the development. The system shall connect with existing sidewalks, if any are adjacent to the property. The pedestrian access may be located either in the street right-of-way or outside the right-of-way in common open space. The system shall be designed to link residential units with recreation facilities, school bus stops
and existing sidewalks in the neighborhoods. Pedestrian ways may take the form of sidewalks or walking paths.

(9) **Parking**

Two (2) off-street parking spaces shall be provided for each dwelling unit.

(10) **Landscape and Buffer Plan**

The development plan shall provide for adequate landscaping within the interior of the site and within the buffer areas of the project. The Planning Board shall require a landscape plan which includes a plant listing of size and location. The approved landscaping plan shall be considered an integral part of the Planning Board approval of the mobile home park development and the obligation to maintain the landscaping, including the replacement of any dead plant materials within one growing season, shall continue after approval.

(11) **Vehicular Access to Units**

All vehicular access to buildings and sites shall be from a street within the development and not from an existing public road.

(12) **Unified Ownership**

No development or subdivision which is approved under this section as a mobile home park may be converted to another use without the approval of the Planning Board and meeting the appropriate lot size, lot width, setback and other requirements of the new use. The plan to be recorded at the Registry of Deeds and filed with the municipality shall include the following restrictions as well as any other notes or conditions of approval.

(a) The land within the park shall remain in a unified ownership and the individual ownership of lots or portions of lots shall not be transferred.

(b) No dwelling unit other than a manufactured housing unit shall be located within the park.

D. **Approval Standard**

(1) **Approval Criteria**

Prior to approving the mobile home park, the Planning Board shall find that:

(i) The plan is acceptable pursuant to this Section of the Zoning Ordinance and to the Town's Subdivision Regulations and is in accordance with state statute governing subdivision review, except for those standards which are in conflict with Maine's Mobile Home Park Law;

(ii) The plan protects environmentally sensitive areas;
(iii) The plan makes optimal utilization of site features by placing the buildings and lots in those areas of the site most suitable for development and protects natural drainage features and scenic resources;

(iv) The plan provides for the permanent preservation and maintenance of open space areas; and

(v) The plan creates a relationship between the developed portions of the site and the open spaces which benefits all units in the project.

(2) Approval Procedure

The Planning Board shall follow the approval procedures set forth in the Town of Waterboro Subdivision Regulations and any additional procedures required by this ordinance.

(3) Supplemental Submission Requirements

In addition to the materials required to be submitted under the Town's Subdivision Regulations, the following additional information shall be submitted to the Planning Board:

To be submitted with preliminary plan application:

(a) A detailed soil erosion and sedimentation plan.

(b) A site inventory plan identifying the major development opportunities, constraints and natural features of the site. This plan shall identify natural drainage features, environmentally sensitive areas, prime development areas, scenic vistas, soils, woodlands, general vegetation and other significant manmade and natural features of the site.

(c) A detailed site plan showing the mobile home park lots and the footprint and location of all buildings and structures, recreation facilities and service facilities.

(d) A detailed landscaping plan showing the location, size and type of all landscaping proposed to be installed and areas to be left in their natural state.

(e) The open space(s) shall be shown on the development plan and with appropriate notation on the face thereof to indicate that the open space shall be permanently maintained as open space and that there shall be no division of open space.

(f) In the case where an "alternative site design approach" is proposed, the applicant shall submit both conventional park design which meets the conventional mobile home park zoning standards of Section 7.02 B, and a plan showing the alternative approach desired.

(g) Evidence that Section 7.02 B (1) affordability has been met.

To be submitted with final plan application:
(h) Legal documents relating to the ownership, use, management and maintenance of all mobile home park facilities, including open space, recreation facilities, utilities, roads and parking areas and structures. Legal documents shall also restrict sites from being sold to individuals unless the use of the property as a mobile home park is discontinued or abandoned and an alternative use is approved pursuant to ordinances and laws then in effect.

(i) A copy of the proposed park rules and regulations.

E. Filing of Approved Plan

The approved plan for mobile home park development, including any legal documents relating to the ownership and management of common facilities, shall be filed by the applicant in the York County Registry of Deeds within 90 days of Planning Board approval, unless the filing period is extended by the Planning Board upon written request for extension made before the expiration of the 90 days. If the plan is not so recorded, Planning Board approval shall expire, without prejudice to the resubmission of the plan.

F. Development According to Approved Plan

All development activities, including site work, clearing, construction of buildings and utilities and landscaping shall be in accordance with the approved plan.

G. Amendment

No variation from or modification of the approved plan (including the addition of any structures not approved as part of the park plan) shall be allowed unless first reviewed by the Planning Board under this section and approved as an amendment to the originally approved plan.

H. Effective Date

The effective date of this amendment shall be September 25, 1990.

Section 7.03 Campground Developments (AMENDED 9/25/90)

Every campground providing temporary space for recreational vehicles must (unless the provisions of a particular zoning district impose more stringent requirements) have access to public roads over roadways (public or private) which are no less than fifty (50) feet wide. Campgrounds must also maintain an internal all weather road system with all roads being 50 feet in width, well drained, and lighted at an intensity of not less than two (2) foot candles. Internal roads should not dead-end, but if this is unavoidable, a turnaround area at least one hundred (100) feet in diameter must be provided.

Campgrounds must provide a safe water supply for each recreational vehicle and camping space at a rate of no less than fifty (50) gallons per day for each recreational vehicle and campground space. Campgrounds must provide an internal sewage collection system to which all suitable equipped recreational vehicles and any other toilet, washing or shower facilities in the park or campground shall be connected. A waste water treatment and sewage disposal system approved by the State of Maine Department of Environmental Protection and Department of Human Services must also be provided.
All waste water collection and disposal, must meet state and town plumbing codes and be installed and maintained by the campground operator.

Campgrounds are required to provide a suitable system for the storage, periodic collection, and ultimate disposal of solid waste and garbage. Containers must be covered, rodent proof, and mounted on or in racks or holders to prevent ripping. Such facilities must be within one hundred and fifty (150) feet of each recreational vehicle or camping space.

Campgrounds are required to provide each recreational vehicle space with electricity of one hundred and ten (110) volts per recreational vehicle. All installations shall meet state and town electrical codes, be capable of functioning in all weather and be maintained by the campground operator. Unless such electrical system is installed underground, sufficient overhead wire clearance, no less than fourteen (14) feet from the ground, shall be maintained.

Campgrounds which reserve areas for recreational vehicles or tent campers must provide at least five thousand (5000) sq. ft. for each vehicle or camping space. In addition, a permanent all weather structure, meeting all setbacks, suitably divided to provide urinal facilities for men and women and hot and cold water for shower, lavatory, and washing machine (including drying) facilities, must also be provided for at a ratio of one (1) of each of the above facilities for every four (4) vehicle or camping spaces. Several structures providing the described facilities may need to be located at convenient points within the campground, however, no individual structure shall have less than one (1) of each of the above facilities and pieces of equipment.
Section 7.04 Home Occupations (AMENDED 9-25-90 & 3-8-97)

In addition to the limitations contained in the definition a home occupation, “home occupations” shall be subject to The following performance standards;

A. The home occupation shall be carried on primarily by a member or members of the family residing in the dwelling unit and shall not alter the residential character of the property from its principal use as a residence.

B. The Home Occupation or professional activity shall be carried on wholly within the principal and/or accessory structure. No equipment or materials used in a home occupation may be stored or stacked out of doors.

C. No mechanical, electrical, or other equipment which produces a nuisance, noise, vibrations, smoke, dust odors, magnetic interference or electrical disturbance to the exterior of the building inconsistent with a residential neighborhood may be used.

D. In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of each employee and the vehicles of the maximum number of users the home occupation may attract during peak operating hours. The traffic generated by such home occupation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood.

E. One sign, no larger than nine (9) square feet including supporting structure, (excluding post) may be erected on the premises. No illumination of signs after 9:00 p.m.

Section 7.05 Wheelchair Ramp Which Does Not Meet Town Setback Requirements

1. Built according to BOCA and Life Safety Building Codes.

2. It shall not be wider than 6 feet at any point.

3. It shall be constructed of wood or some other material which may be removed when the need for the ramp no longer exists.

4. The applicant shall present to the Planning Board written evidence that someone who has resided in the house has become handicapped and needs the ramp.

5. The applicant shall present to the Planning Board written evidence that it cannot be constructed within configuration of the property and location of the structure being accessed.

6. The applicant shall present to the Planning Board a written statement as to when the ramp will be removed. If no date can be given, then the statement shall include a statement of events which shall lead to removal. In no case can the property be transferred to a new owner until the ramp has been removed.
Section 7.06  Well-Head Protection District WHPD (AMENDED 6-5-93, AMENDED by Selectmen vote 8-23-11)

Subsection 7.06.01  General - The purpose of this district is to establish a protection district for wells intended to serve potable water on a town or regional scale. The creation of the Wellhead District is intended to protect the quality and quantity of the present and future water resources of the communal potable water systems, by regulating activities and land use practices within the well recharge area. This protection is vital to preserving the health, safety, and general welfare of the households serviced by potable water systems and the other residents of the Town.

The Wellhead Protection district shall be an overlay zoning district and therefore compliance with all the requirements of the underlying zoning district(s) which the Wellhead Protection district covers shall be maintained.

The Wellhead Protection districts shall consist of all land delineated within that zone on the Town of Waterboro Wellhead Protection Zone Map, as amended.

Subsection 7.06.02  Permitted Uses and Structures - Any permitted uses and structures allowed within the underlying zoning district(s) (which the individual Wellhead Protection district overlays), subject to the provisions of Section 7.06.

Subsection 7.06.03  Establishment of Zones
The Wellhead Protection District consists of two (2) zones that are shown on the official Town of Waterboro Zoning Map or official Wellhead Protection District Map. The two zones are defined as:

A. Zone 1: Immediate Recharge Area
   Zone 1 includes the area immediately recharging the water supply, as shown on the official Town of Waterboro Zoning Map or official Wellhead Protection District Map.

B. Zone 2: Primary Recharge Area
   Zone 2 includes the primary recharge area shown on the official Town of Waterboro Zoning Map or official Wellhead Protection District Map.
C. **Land Use Table**

Any proposed land use listed below is subject to the requirements of this section and applicable performance standards. This section excludes residential activities except in instances that meet applicable performance standard thresholds or where specific reference is made to residential activity.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Zone 1</th>
<th>Zone 2</th>
<th>Applicable Performance Standards</th>
</tr>
</thead>
</table>
| Agricultural chemical spreading or spraying | N      | PB     | Chemical Storage  
Chemical Use  
Chemical Spreading/Spraying |
| Agricultural use of residuals         | N      | PB     | Chemical Spreading/Spraying                                           |
| Agriculture                           | N      | PB     | Chemical Storage  
Chemical Use  
Chemical Spreading/Spraying |
| Animal husbandry                       | N      | PB     | Chemical Storage  
Wastewater and Solid Waste            |
| Auto parts/supply                     | N      | PB     | Chemical Storage                                                      |
| Auto repair/body shop                  | N      | PB     | Chemical Use  
Chemical Storage |
| Beauty parlor                          | N      | PB     | Chemical Use  
Wastewater and Solid Waste            |
| Boat builders, refinisher, maintenance| N      | PB     | Chemical Storage  
Chemical Use |
| Bulk Fuel Oil Storage >275 gallons     | N      | PB     | Chemical Storage                                                      |
| Car wash                              | N      | PB     | Chemical Use  
Wastewater and Solid Waste            |
| Commercial vehicular storage or parking: maintenance and refueling of vehicles and equipment | N      | PB     | Vehicular Use and Storage |
| Concrete, asphalt, tar, coal company  | N      | PB     | Chemical Storage  
Chemical Use |
| Dry cleaner                           | N      | PB     | Chemical Storage  
Chemical Use |
| Essential operations of the Water District | Y    | Y      |                                                                      |
| Furniture stripper                    | N      | PB     | Chemical Storage  
Chemical use |
| Golf course                           | N      | PB     | Chemical Storage  
Chemical Use  
Chemical Spreading/Spraying          |
<table>
<thead>
<tr>
<th>Land Use</th>
<th>Zone 1</th>
<th>Zone 2</th>
<th>Applicable Performance Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Graveyard/cemetery</td>
<td>N</td>
<td>PB</td>
<td>Chemical Spreading/Spraying</td>
</tr>
<tr>
<td>Herbicide/Pesticide/Fertilizer</td>
<td>N</td>
<td>PB</td>
<td>Chemical Storage, Chemical Use, Chemical Spreading/Spraying</td>
</tr>
<tr>
<td>application^2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Herbicide/Pesticide/Fertilizer</td>
<td>N</td>
<td>PB</td>
<td>Chemical Storage</td>
</tr>
<tr>
<td>dealer</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hoop houses and greenhouses</td>
<td>N</td>
<td>PB</td>
<td>Chemical Use, Chemical Spreading/Spraying</td>
</tr>
<tr>
<td>Junk or salvage yard</td>
<td>N</td>
<td>PB</td>
<td>Wastewater and Solid Waste, Chemical Storage</td>
</tr>
<tr>
<td>Laundromat</td>
<td>N</td>
<td>PB</td>
<td>Chemical Use, Wastewater and Solid Waste</td>
</tr>
<tr>
<td>Machine shop</td>
<td>N</td>
<td>PB</td>
<td>Chemical Storage, Chemical Use</td>
</tr>
<tr>
<td>Medical, dental, veterinarian</td>
<td>N</td>
<td>PB</td>
<td>Wastewater and Solid Waste</td>
</tr>
<tr>
<td>office</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mining (Sand &amp; Gravel, Rock)</td>
<td>N</td>
<td>PB</td>
<td>Mining</td>
</tr>
<tr>
<td>Mortuary/funeral parlor</td>
<td>N</td>
<td>PB</td>
<td>Chemical Storage, Chemical Use</td>
</tr>
<tr>
<td>Multi-unit/family housing</td>
<td>N</td>
<td>PB</td>
<td>Wastewater and Solid Waste</td>
</tr>
<tr>
<td>Municipal wastewater treatment plant</td>
<td>N</td>
<td>PB</td>
<td>Wastewater and Solid Waste</td>
</tr>
<tr>
<td>Nursery or garden shop</td>
<td>N</td>
<td>PB</td>
<td>Chemical Use, Chemical Spreading/Spraying</td>
</tr>
<tr>
<td>Oil pipeline</td>
<td>N</td>
<td>PB</td>
<td>Chemical Use, Chemical Spreading/Spraying</td>
</tr>
<tr>
<td>Painters, finishers</td>
<td>N</td>
<td>N</td>
<td>Chemical Use</td>
</tr>
<tr>
<td>Parking lot</td>
<td>N</td>
<td>PB</td>
<td>Stormwater, Road maintenance</td>
</tr>
<tr>
<td>Photo processor</td>
<td>N</td>
<td>PB</td>
<td>Chemical storage, Chemical use</td>
</tr>
<tr>
<td>Printer</td>
<td>N</td>
<td>PB</td>
<td>Chemical storage, Chemical use</td>
</tr>
<tr>
<td>Railroad yard or line</td>
<td>N</td>
<td>PB</td>
<td>Chemical storage, Chemical use</td>
</tr>
<tr>
<td>Recycling or processing center</td>
<td>N</td>
<td>PB</td>
<td>Chemical storage, Chemical use, Wastewater and Solid Waste, Storm water</td>
</tr>
<tr>
<td>Land Use</td>
<td>Zone 1</td>
<td>Zone 2</td>
<td>Applicable Performance Standards</td>
</tr>
<tr>
<td>---------------------------------------</td>
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<td>-------------------------------------------------------</td>
</tr>
<tr>
<td>Fill</td>
<td></td>
<td></td>
<td>Fill</td>
</tr>
<tr>
<td>Research laboratory</td>
<td>N</td>
<td>PB</td>
<td>Chemical storage</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Chemical use</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Wastewater and Solid Waste</td>
</tr>
<tr>
<td>Rust proofer</td>
<td>N</td>
<td>PB</td>
<td>Chemical storage</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Chemical use</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Wastewater and solid waste</td>
</tr>
<tr>
<td>Salt pile or sand and salt pile</td>
<td>N</td>
<td>PB</td>
<td>Chemical storage</td>
</tr>
<tr>
<td>(uncovered)</td>
<td></td>
<td></td>
<td>Wastewater and solid waste</td>
</tr>
<tr>
<td>Septic system</td>
<td>N</td>
<td>N</td>
<td>Wastewater and solid waste</td>
</tr>
<tr>
<td>New &gt; 1,000 gpd</td>
<td>N</td>
<td>CEO²</td>
<td></td>
</tr>
<tr>
<td>New &lt; 1,000 gpd</td>
<td></td>
<td>CEO³</td>
<td></td>
</tr>
<tr>
<td>Replacement &lt; 1,000 gpd</td>
<td></td>
<td>CEO²</td>
<td></td>
</tr>
<tr>
<td>Sewer lines</td>
<td>PB</td>
<td>PB</td>
<td>Waste water</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Solid waste</td>
</tr>
<tr>
<td>Small engine repair shop</td>
<td>N</td>
<td>PB</td>
<td>Chemical use</td>
</tr>
<tr>
<td>Storm water impoundment or run-off</td>
<td>N</td>
<td>PB</td>
<td>Storm water</td>
</tr>
<tr>
<td>area</td>
<td></td>
<td></td>
<td>Road maintenance</td>
</tr>
<tr>
<td>Utility Transmission Lines</td>
<td>PB</td>
<td>PB</td>
<td>Chemical Spreading/Spraying</td>
</tr>
<tr>
<td>Wastewater treatment plant, discharge</td>
<td>N</td>
<td>PB</td>
<td>Wastewater and solid waste</td>
</tr>
</tbody>
</table>

**Notes**

1 – Short-term overnight parking may be allowed in connection with other activities receiving a CEO or PB permit. For example, short-term overnight parking of construction vehicles on new permitted construction projects.

2 – Unless a greater public health concern warrants pesticide application. For example, Browntail Moth control.

3 – With notification made to the appropriate public water supplier(s): the Waterboro Water District and/or the Lake Arrowhead Association Department of Public Works.
Land use key
Y= permitted
N= not permitted
PB= permitted subject to Planning Board Review and use of Best Management Practices that pertain to the application
CEO= permitted subject to CEO Review and use of Best Management Practices that pertain to the application

Subsection 7.06.04 Conditional Uses - Any conditional uses allowed within the underlying zoning district(s) (which the individual Wellhead Protection district overlays), and not specifically prohibited in subsection 7.06.03, shall be conditional uses in this district and subject to Planning Board review pursuant to Article 4 of this Ordinance.

Subsection 7.06.05 Conflict - If the provisions of this Article conflict with other requirements in this zoning ordinance, or with requirements found in other ordinances of the Town of Waterboro, the stricter requirements shall govern.

Subsection 7.06.06 Lot Specifications

A. Minimum Lot Size

<table>
<thead>
<tr>
<th>Zone</th>
<th>Land Area per Dwelling Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>160,000 sq. ft.</td>
</tr>
<tr>
<td>2</td>
<td>80,000 sq. ft.</td>
</tr>
</tbody>
</table>

Areas served by public water have a minimum lot size of 40,000 square feet per dwelling unit.

B. Maximum Lot Coverage

For portions of lots within the Wellhead Protection District, the maximum lot area that can be covered by impervious surfaces including parking areas, shall be as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum lot Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>30%</td>
</tr>
<tr>
<td>2</td>
<td>50%</td>
</tr>
</tbody>
</table>

Notwithstanding other provisions of the ordinance, lot coverage that exists as of the date of adoption of this ordinance that equal or exceed the applicable percentage limitation may be continued and may be expanded with Planning Board approval. Expansions of lot coverage shall be limited to no more than ten percent (10%) of the portion of the lot located in the Wellhead Protection District. However, the Planning Board shall not authorize expansion of impervious surfaces of existing uses if the total coverage of all lot areas located in the Wellhead Protection District is greater than fifty percent (50%) in Zone 1 or greater than sixty-five percent (65%) in Zone 2.
Subsection 7.06.07.  Application Requirements
The Planning Board may modify or waive any of the following submission requirements if it determines that, because of the size or nature of the project or circumstances of the site such requirement(s) would not be applicable or would be an unnecessary burden upon the applicant and would not affect or conflict with the purposes of this ordinance.

A.  All Applications
All applications shall follow submission criteria set forth in Section I. D. of the Site Plan Review Ordinance.

B.  Independent Review and Advice

1.  Professional Services

   The Planning Board or CEO may require an attorney or consultant to review one or more aspects of an application for compliance or non-compliance with this ordinance and to advise. The attorney or consultant shall first estimate the cost of such review and the applicant shall deposit, with the Town the full estimated cost, which the Town shall place in an escrow account. The Town shall pay the attorney or consultant from the escrow account and reimburse the applicant if funds remain after payment. The Town shall bill the applicant if the actual cost exceeds the estimated cost. A certificate of occupancy will not be issued until all costs associated with the project have been paid by the applicant.

2.  Additional Studies

The Planning Board or CEO may require the applicant to undertake any study they deem reasonable and necessary to determine whether a proposed activity meets the requirements of this ordinance. The costs of such studies shall be borne by the applicant.

C.  Additional Application Requirements for Planning Board Review for Certain Activities within the Wellhead Protection District
More than one of the categories listed below may apply to a particular use. Applicants should request assistance from the Town Planner should there be questions as to which categories apply.

1.  Non-agricultural chemical use, storage and handling, (including petroleum products)
   a.  Type and volume of chemical compounds handled and/or stored.
   b.  Site plan showing all storage, handling and use areas for raw materials and wastes.
   c.  For outside areas, details to contain spills including:
       i.  drainage and contour information to prevent the flow of runoff from entering the storage area and which keep leaks or spills from flowing off site;
       ii.  provisions to collect chemicals should they enter the drainage system;
       iii.  provisions to segregate underground systems to insure that there are no cross connections;
       iv.  provisions to prevent accidental containment breach by collisions;
       v.  statement of emergency measures which can be implemented for surface drainage systems;
d. For inside areas, details to contain spill including the:
   i. design of dikes around rooms;
   ii. the location of floor drains and floor drains outlets;
   iii. the location of separators, holding tanks and/or drain outlets;
   iv. the specific location and design of underground storage structures;
   v. the location and design of piping systems for wash are discharged and that wastes are discharged to appropriate sewers or treatment systems.

e. A spill prevention and control and countermeasure (SPCC) plan detailing:
   i. materials and equipment to be available;
   ii. a training plan and schedule;
   iii. a list of contacts (EPA/DEP/local fire officials) with phone numbers;
   iv. an inspection schedule.

f. A report by an industrial engineer or other competent professional detailing:
   i. steps which have been taken to reduce the use of hazardous material;
   ii. actions which have been taken to control the amount of wastes generated;
   iii. any reports to provide information on the design theory or methodology for the above features.

2. Agricultural chemical use, storage and handling
   a. Type and volume of chemical compounds handled and/or stored.
   b. Intended use.
   d. An on-site soils evaluation to assess nutrient holding capacity and leachability of the soils.
   e. Plans for control of surface water run-off and erosion in areas where chemicals will be applied.
   f. Detailed report on type of chemical applied and rate of application.
   g. Site plan showing all storage, handling and use areas for raw materials and wastes.
   h. For outside storage, details to contain spills including:
      i. drainage and contour information to prevent the flow of runoff from entering;
      ii. the storage area and which keep leaks or spills from flowing off site;
      iii. provisions to collect chemicals should they enter the drainage system;
      iv. provisions to segregate underground systems to insure that there are no cross connections;
      v. provisions to prevent accidental containment breach by collisions;
      vi. statement of emergency measures which can be implemented for surface drainage systems.
   i. For inside storage, details to contain spill including the:
      i. design of dikes around rooms;
      ii. the location of floor drains and floor drains outlets;
      iii. the location of separators, holding tanks and/or drain outlets;
      iv. the specific location and design of underground storage structures;
      v. the location and design of piping systems for wash are discharged and that wastes are discharged to appropriate sewers or treatment systems.
   j. A spill prevention and control and countermeasure (SPCC) plan detailing:
      i. materials and equipment to be available;
      ii. a training plan and schedule;
iii. a list of contacts (EPA/DEP/local fire officials) with phone numbers;
iv. an inspection schedule.
k. A report by an industrial engineer or other competent professional detailing:
   i. steps which have been taken to reduce the use of hazardous material;
   ii. actions which have been taken to control the amount of wastes generated;
   iii. any reports to provide information on the design theory or methodology for the
        above features.

3. Vehicular use and storage
   a. A site plan, drawn to scale, showing locations and designs of secondary containment for
      fuel and storage and refueling pads.

4. Mining (Sand, Gravel and Rock)
   a. A location map and site plan, drawn to scale, showing property boundaries, stockpile
      areas, existing reclaimed and unreclaimed lands, proposed maximum acreage of all
      affected lands, erosion and sedimentation control all applicable private drinking water
      supplies or public drinking water sources and all existing or proposed solid waste
      disposal areas.
   b. A detailed report by a Maine Certified Geologist with experience in hydrogeology
      attesting to the depth of the seasonal water table, and plan showing benchmarked
      elevations for depth of excavation.

5. Subsurface injection
   a. Subsurface Wastewater Disposal
      i. Soil evaluator’s report and septic system design.
      ii. For sites/uses producing >800 gallons of sewage, a hydrogeologic analysis of nitrate
         concentrations at the property line.
   b. Sewage Disposal
      i. Evaluation of public/private sewer system capacity and integrity of sewer lines
         serving the development by a Registered Engineer or the sewer system
         superintendent.
   c. Subsurface Injection
      i. Provisions and designs for all floor drains, grease traps, and holding tanks.

6. Stormwater Management
   a. Narrative describing site layout, and on-site and off-site watershed hydrology, including
      all new and existing buildings and facilities, which may be affected by the site runoff.
      Provide total amount of impervious area created by the project.
   b. Drainage plans showing all topographic features, such as buildings and other facilities,
      drainageways, cover types, roads, drainage easements and subcatchment boundaries for
      pre-construction and post-construction conditions must be shown on the plan. Show all
      hydrologic flow lines and hydrologic soil groups boundaries on a plan and identify each
      subcatchment, reach and pond consistent with the runoff model. For post construction
      conditions, show all new stormwater management structures and changed to the
      hydrologic condition.
   c. Stormwater runoff calculations for measured designed to meet the standards listed in
      Section 5(G).
d. Designs, construction details and technical specifications for each stormwater management measure that will be constructed, installed or managed on the site.

7. Utility Corridors
   a. Type and volume of chemical compounds applied, handled or stored.
   b. Site plan showing all areas of use areas for chemical compounds.
   c. A spill prevention and control and countermeasure (SPCC) plan detailing:
      i. materials and equipment to be available;
      ii. a training plan and schedule;
      iii. a list of contacts (EPA/DEP/local fire officials) with phone numbers;
      v. an inspection schedule.
   d. A report by an industrial engineer or other competent professional detailing:
      i. steps which have been taken to reduce the use of hazardous material;
      ii. actions which have been taken to control the amount of wastes generated;
      iii. any reports to provide information on the design theory or methodology for the above features.

Subsection 7.06.08. Performance Standards

A. General Provisions
   All development located within the Wellhead Protection District shall comply with the Performance Standards established in this section to protect the quality and quantity of the public water supply.

B. Performance Standards for Chemical Use
   1. The use of chemicals or residuals shall not cause or contribute to the cumulative, calculated or actual levels of any contaminants in the groundwater at the Water District’s property line to exceed 50% of the allowable Primary Public Drinking Water Standards as defined by the Federal Safe Drinking Water act, as amended.

   2. Only fertilizers containing predominantly slow release nitrogen and manure are allowed. Fertilizers shall be applied at an agronomic rate based on annual soil test results. Permit applications must be on an annual basis. Permit applications shall include application materials and rates.

   3. Only land application of pesticides with low leachability by Maine licensed applicators is allowed. Provisions shall be made for control of surface run-off and erosion in areas where pesticides are being applied. Permit applications shall be submitted on an annual basis and shall include copies of the pesticide labels and materials safety data sheets and the proposed rate of application. In addition to a comprehensive Integrated Pesticide Management Plan certified by a groundwater hydrologist as having no unreasonable adverse effects on groundwater. Annual reports detailing the type and amount of substance reports as well as date and specific location of application shall be submitted to the CEO annually.
C. **Performance Standards for Chemical Storage**
   1. New installation of underground storage tanks are prohibited within the Wellhead Protection District.
   2. All chemicals must be stored under cover and on an impervious surface, without floor drains.
   3. Secondary containment of liquid chemicals equaling 110% of the stored product must be provided.
   4. Tanks for liquid chemical storage must be equipped with automatic shut-off valves and high level alarms.
   5. Any above-ground piping must be designed to prevent line breakage due to collision.
   6. All containers and piping must be constructed of corrosion resistant materials.
   7. All containers must be clearly labeled with the chemical name and date of purchase.
   8. A Spill Prevention, Control and Countermeasures Plan (SPCC) must be submitted to the CEO, Fire Department and the Water District.

D. **Performance Standards Chemical Spreading/Spraying**
   1. Pesticide and herbicide application should be the option of last resort. Any activity requiring the use of herbicides or pesticides must develop an Integrated Pest Management Plan that details the conditions under which agricultural chemicals are to be used. All pesticides shall be applied in accordance with label directions and the regulations of the Maine Board of Pesticides Control.
   2. Herbicides and pesticides must be applied only by certified applicators, who must be informed regarding the delineated area of wellhead protection.
   3. A Nutrient Management Plan must be provided for all agricultural activities within the WHPD.
   4. All agricultural fertilizers shall be applied in accordance with label directions, and must be applied in accordance with an approved Nutrient Management Plan.
   5. Fertilizer applications are to be tailored to the specific needs of the crop, as determined by soil suitability analyses. Use of slow-release fertilizers is preferred.
   6. Irrigation schedules shall be coordinated with pesticide and nutrient application to minimize the possibility of leaching. Pesticides and nutrients shall not be applied to frozen ground, or applied immediately before storm events.
   7. Notice of intent to apply agricultural chemicals shall be given to the CEO and public water supplier prior to application.
   8. Only Class “A” composted residuals may be used within WHPD. These residuals must have an approved Program License from the Maine Department of Environmental Protection, and must be used in strict accordance with all license provisions. Any non-
composted residual or a residual not meeting the Class “A” pathogen reduction standard should not be spread within the WHPD.

9. Manures must be composted to Class "A" standards. Manure may be used within the WHPD, and must be applied in accordance with the nutrient management plan.

10. Residuals and manures shall not be applied over very shallow soils (less than 1 foot) or exposed bedrock.

11. Residuals and manure shall not be applied on frozen ground, or immediately before storm events.

E. Performance Standards for Non-Residential Vehicular Use and Storage

1. When draining oils or fluids from vehicles, precautionary measures such as portable drip pans, must be taken to ensure that no spills occur.

2. All fuel oil, waste oil, lubricants, antifreeze, or other potential contaminants must have permanently installed secondary containment equal to 110% of the liquid volume stored, be covered by a permanent roof and be on a surface with no floor drains.

3. No vehicle washing may occur.

4. Refueling vehicles must be equipped with a shovel, an impermeable container with a volume of no less than 35 gallons and a tight fitting lid, and at least two absorbent pads or pillows. An absorbent pad or portable drip catch must be in place beneath the fill tube at all times during the refueling operation.

5. Refueling must occur on a concrete pad or other impermeable surface.

F. Performance Standards for Vehicular Parking and/or Storage

Any vehicle (both on- and off-road) with externally mounted fuel tanks in excess of 45-gallons must be on an impervious surface with no floor drains.

G. Performance Standards for Mining (Sand, Gravel and Rock)

1. Separation must be maintained between any excavation and any public drinking water source as follows: (1) For systems serving a population of 500 persons or less, the minimum separation must be 300 feet; (2) For systems serving a population of 501 persons up to 1,000 persons, the separation must be 500 feet; (3) For systems serving a population of more than 1,000 persons, the separation must be 1,000 feet; and (4) For any system that holds a valid filtration waiver in accordance with the federal Safe Drinking Water Act, the separation must be 1,000 feet.

2. Excavation may not extend below 5 feet above the seasonal high water table without the submission of detailed findings of the depth of the water table.

3. No equipment debris, junk, or other material is permitted on an extraction site. Any temporary shelters or buildings erected for such operations and equipment used in connection therewith must be removed within 30 days following completion of active extraction operations.
4. Within 6 months of the completion of extraction operations at any extraction site or any one or more locations within any extraction site, ground levels and grades must be established in accordance with the approved plans.

5. All debris, stumps, boulders, and similar materials must be removed or disposed of in an approved location or buried and covered with a minimum of two feet of soil.

6. The extent and type of fill must be appropriate to the use intended. The applicant must specify the type and amount of fill to be used.

7. At least 4 inches of topsoil or loam must be retained or obtained to cover all disturbed areas, which must be reseeded and property restored to a stable condition adequate to meet the provisions of the "Erosion and Sediment Control, Best Management Practices," published by the Maine Department of Environmental Protection.

8. Disused gravel pits within the Wellhead Protection District shall be reclaimed according to plans submitted to the Municipality.

9. Gravel mining activities in Wellhead Protection District must have emergency spill response plans.

10. Storage of fuels is prohibited within WHPD.

11. Rock crushers are prohibited within WHPD.

12. There shall be no overnight storage of vehicles within the WHPD unless parked over a secondary containment area.

H. Performance Standards for Wastewater and Solid Waste
1. Municipal wastewater disposal facilities, chemical waste disposal sites of any kind, spreading of biosolids and incinerator ash except Class "A" residuals as described in Section 7.06.08 of this Ordinance, solid waste landfills, log storage yards and lumber yards, and other direct discharges shall be prohibited in WHPD.

2. All new and replacement subsurface wastewater disposal systems shall submit evidence of site suitability prepared by a Maine licensed site evaluator in full compliance with the requirements of the State of Maine Subsurface Waste Water Disposal Rules and for systems producing > 800 gallons of sewage, a hydrogeologic analysis of nitrate/nitrite impact study, with nitrate/nitrite concentrations limited to 5mg/L at the property line.

3. Sewer pipes shall be gasketed when buried within Zone 1 of the WHPD.

I. Performance Standards for Stormwater Management
1. Stormwater management system must include treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from
smaller storms, provide for effective treatment of pollutants in stormwater and mitigate potential temperature impacts. This shall be achieved by using one or more of the methods listed in this section to control runoff from no less than 95% of the impervious area and no less than 80% of the developed area associated with a project that is impervious or landscaped. The Planning Board may, on a case-by-case basis, consider alternate treatment measures to those described in this section. An alternate treatment measure must provide at least as much pollutant removal as the measures described in this section and, unless otherwise approved by the Planning Board, as much channel protection and temperature control.

a. *Wetpond with detention above the permanent pool.* A stormwater management system using detention to control runoff must detain, above a wetpond’s permanent pool, a runoff volume equal to 1.0 inch times the subcatchment’s impervious area plus 0.4 inch times the subcatchment’s landscaped area. The detained runoff must be discharged solely through an underdrained vegetated gravel filter having a single outlet having a diameter no greater than eight inches. A wetpond must have a storage volume below the permanent pool elevation at least equal to 1.5 inches times the subcatchment’s impervious area plus 0.6 inch times the subcatchment’s non-impervious developed area, a mean depth of at least three feet, and a length to width ratio of 2:1 or greater.

b. *Filter.* A detention structure using filters to control runoff must detain a runoff volume equal to 1.0 inch times the subcatchment’s impervious area plus 0.4 inch times the subcatchment’s developed area that is landscaped and discharge it solely through an underlined vegetated soil filter having a single outlet with a diameter no greater than eight inches, or through a proprietary filter system approved by the Planning Board.

c. *Infiltration.* A stormwater management system using infiltration to control runoff must retain a runoff volume equal to 1.0 inch times the subcatchment’s impervious area plus 0.4 inch times the subcatchment’s developed area that is landscaped and infiltrate this volume into the ground. Pre-treatment of stormwater must occur prior to discharge to the infiltration area. The infiltration area must minimize discharge of soluble pollutants to groundwater, and must be maintained to assure that its capacity for infiltration and pollutant removal is unimpaired.

d. *Buffers.* A stormwater management system using buffers to control runoff must meet the design criteria listed in the Maine Department of Environmental Protection Stormwater Rules, 06-96 CMR 500, as amended.

J. **Performance Standards for Road Maintenance**

1. Cover all sand, salt or sand/salt piles with a roofed structure capable of preventing both contact with water and leaching of salt into groundwater. Tarps are not an acceptable means to cover a sand, salt or sand/salt pile.
2. Prohibit snow dumps and/or snow storage in all wellhead protection areas.

K. **Performance Standards for Fill**
   1. Use only inert material (loam, sand, gravel, clay, rocks, bricks or concrete).
   2. Use only clean fill (no non-natural odors, no staining, and not originating at a known spill site).
   3. Implement erosion and sedimentation control measures.

**Subsection 7.06.09. Control of Existing Threats**

A. **Inspection**
   The CEO shall follow the guidelines outlined in Article 2 of this ordinance.

B. **Monitoring**
   Whenever the CEO finds that a use existing as of the date of adoption of this amendment (June 11, 2011), is located within a Wellhead Protection District designated by this ordinance and poses an actual or potential threat to the safety or quality of a public groundwater supply, the CEO shall inform the appropriate Water District official. The CEO may request the municipal officers to authorize legal measures in conjunction with the appropriate Water District to require the installation of monitoring wells and testing. In cases where testing indicates that the use is found to cause or contribute to reduction of eighty percent (80%) or more of the State Primary Drinking Water Standards at the Water District property line, the property owner shall reimburse the town or Water District for all expenses incurred for installations, testing and monitoring.

C. **Enforcement**
   If any contamination is found or reported within the Wellhead Protection District, the CEO shall notify the Water District or Public Works Director along with any and all appropriate State or Federal agency. The CEO will enforce this section in accordance with Article 2 section 2.05 of this ordinance.
Section 7.07  Adult Businesses (AMENDED 6-5-93)

1) Planning Board may impose reasonable time, place, and manner restrictions on the operation of so-called "Adult Businesses".

2) Planning Board review under this Ordinance shall be limited to the impacts and effects of the proposed use as determined by applying the conditional use standards. The Planning Board shall not deny approval for the proposed use on the basis of the content of the materials sold, rented, exhibited or displayed and shall not restrict or limit the content of such materials. Notwithstanding anything to the contrary in the Waterboro Zoning Ordinance. Planning Board decisions under this Ordinance shall not be appealed to the Waterboro Board of Appeals. Any appeals under this Ordinance may be taken directly to the Superior Court pursuant to M.R. Civ. P. 80B.

3) No materials or devices displaying or exhibiting specified sexual activities shall be visible from the exterior of the building in which the Adult Business is located.

4) No Adult Business shall be located in any location where the customer entrance to the adult business would be closer than 1,000 feet, measured in a straight line without regard to intervening structures or objects, to the nearest point on the boundary of any property which is:
   i. occupied by a residence, school, park, playground, church or public building,
   ii. located in a residential zone, or
   iii. occupied by another adult business.

7.08 Special Requirements for Apartment Conversions

Apartment Conversions shall be subject to all requirements of Article 4. Expansion of the structure for conversion purposes shall be allowed only if the following criteria are met: 1) the existing square footage of the house, accessory structure, and expansion will not cover in excess of 50% of the entire lot, and 2) the minimum lot size requirement is met. In reviewing the Apartment Conversion, the Applicant must meet the following density requirements of each zoning district:

Density Requirements:

<table>
<thead>
<tr>
<th></th>
<th>1 Unit</th>
<th>2 Units</th>
<th>3 Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Village</td>
<td>40,000 sq. ft.</td>
<td>60,000 sq. ft.</td>
<td>80,000 sq. ft.</td>
</tr>
<tr>
<td>Residential</td>
<td>40,000 sq. ft.</td>
<td>60,000 sq. ft.</td>
<td>80,000 sq. ft.</td>
</tr>
<tr>
<td>Agricultural &amp; Residential</td>
<td>80,000 sq. ft.</td>
<td>120,000 sq. ft.</td>
<td>160,000 sq. ft.</td>
</tr>
<tr>
<td>Forest &amp; Agricultural</td>
<td>5 Acres</td>
<td>7.5 Acres</td>
<td>10 Acres</td>
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</table>
7.09 Special Requirements for Office/Office Complex

In addition to the conditional use requirements of Article 4, the following performance standards shall be used by the Planning Board in reviewing Office/Office Complexes.

**Setbacks:**

All applicable setbacks as outlined in each zoning district must be met.

**Building Height:**

No structure shall be built, or expanded to exceed the 35 ft. height restriction.

**Density Requirements:**

For the purpose of Office/Office Complex the following densities shall be defined as the "base lot" in each described zoning district:

- Village: 20,000 sq. ft.
- Residential: 40,000 sq. ft.
- Agriculture/Residential: 80,000 sq. ft.

For the purposes of an Office/Office Complex, one or more professional offices will be allowed on a base lot provided that all performance standards outlined in this section are met to the Planning Board's satisfaction.

**Hydrogeological Study:**

An applicant must provide proof through a Hydrogeological Study that the proposed Office/Office Complex meet the nitrate nitrogen concentration standards of no more than 5 mg/l of nitrate nitrogen at the property line of the proposed Office/Office Complex.

If a proposed project cannot meet these standards the applicant is provided two remedies:

- a. Reduce the project scope to meet the nitrate nitrogen concentration standards; or
- b. Increase the area of the base lot in 10,000 square foot increments until all hydrogeological impacts are within Town of Waterboro guidelines and approved by the Planning Board.

If sufficient proof is provided by the applicant that the project will not produce more than 5mg/l of nitrate nitrogen, the Planning Board may waive the hydrogeological study.

The Planning Board reserves the right to hire outside professionals to evaluate a proposal or design's compliance with this Ordinance, with the expense of the review borne by the applicant. The estimated cost of the consultant's fees shall be paid by the applicant to the Planning Board at the time the conditional use application is viewed. The remaining balance due, if any, shall be paid prior to the issuance of a conditional use permit for the office complex.
**Maximum Lot Coverage:**

The Applicant's proposed project shall not cover the lot by more than 50%. For the purpose of this section lot coverage shall be defined as the combination of all improvements contained on the lot including:

   a. Building (principal & accessory) footprint;
   b. Parking lot area; and
   c. Septic System area.

Should the applicants project exceed the 50% lot coverage limit, then the area requirements shall be increased by 10,000 sq. ft. intervals until the criteria is met or the project shall be reduced in scope and size.

**Parking:**

The proposed project shall conform to all the requirements outlined in Article 5 of this ordinance. The Parking area shall provide sufficient maneuvering area to permit vehicles to turn around precluding the need to back out onto any roadway.

**Landscape Buffer:**

The Planning Board may condition the project by allowing for a landscape buffer strip 15 feet in width along the roadway.

The landscaped buffer strip shall be used and maintained only as a suitable planting area for lawns with trees, shrubs or other landscape materials. The septic system and well construction within this area shall be allowed if placed and constructed in conformance with all state regulations.

No building or structure shall be constructed or placed on or under any portion of the buffer strip with the exception of a sign.
ARTICLE 8 MODIFICATIONS FOR SPECIAL STRUCTURES, PLANNED UNIT DEVELOPMENT, AND CLUSTER DEVELOPMENT

Section 8.01 Height Modifications for Special Structures - As stated in Section 2.08 modifications (departures) from the provisions of this ordinance are not generally contemplated or encouraged but nonetheless permitted in circumstances which involve nonconformance (see Article 9), planned unit development (see Section 8.02), cluster development (see Section 8.03), otherwise unusable substandard lots (see Sections 2.08 and 9.05), and where the requirements for the issuance of a variance are met (see Sections 2.08 and 10.04).

In addition, height modifications which should usually not exceed a fifty (50) percent increase from the otherwise applicable height limitations imposed by this ordinance may be allowed by the Planning Board in the construction of either permitted or accessory structures which are by their nature unique or special structures. Requests pursuant to this section of the ordinance to exceed the height limitations in a particular district need not meet the more difficult requirements for the issuances of a variance but must demonstrate that the proposed height is necessary, reasonable, and will not result in harm to adjacent property owners or the public. Whenever possible, the approval of a request to exceed the height limitations in a particular district should be compensated for by increasing the setback requirements from all lot lines by that distance which maintains the original height to setback relationship. As a general rule, the powers conferred by this section should not be used frequently.

Unique or special structures which are covered by this section include but not limited to:

- architectural projections; spires, belfries, cupolas, domes, flues, chimneys, flagpole, etc.
- public and private utility facilities; water tanks and towers, gas or oil storage tanks, telephone and electric transmission lines and towers, radio or television relay towers, antennas, or aerials, civil defense, police or fire warning systems, etc.
- agriculture structures; barns, silos, windmills, well drilling facilities, etc.
- miscellaneous structures and facilities; rest, picnic or playground facilities, monuments, pollution control equipment, observation towers, experimental or scientific equipment, etc.
- essential public or semi-public buildings; municipal buildings, schools, hospitals, churches, etc.

Nothing in this section shall be interpreted as allowing a special structures to be located in any district other than one where it is a permitted primary, conditional or accessory structure.
Section 8.02 Planned Unit Development

Subsection 8.02.01 General - Planned unit developments involving residential, commercial, or industrial activities or combinations of the above activities are permitted by this ordinance. All PUD's are conditional uses—such they are subject to all of the requirements and approval procedures of Article 4 except that the time provisions of section 4.01 are extended to sixty (60) days. The type and location of a PUD is established by Sections 3.04-3.08 of this ordinance. A PUD may not be undertaken on any parcel of land smaller than ten (10) acres in size which parcel must be owned or under the control of a single developer. A PUD may not increase the overall density of development permitted in the particular district in which it is located and at a minimum it must comply with the substantive provisions of Articles 5, 6, and 7. However, all layout, dimensional, and area requirements imposed by this ordinance or the town’s regulations may be altered without restriction except height limitations. The latter may be increased only in accordance with the provisions of section 8.01 of this ordinance.

Subsection 8.02.02 Purpose and Intent of PUD's - PUD's are intended:

- to promote flexibility in design and to allow the combination and coordination of land uses, architectural styles, and building types in a harmonious and integrated fashion;

- to preserve to the greatest extent possible the existing landscape features and natural amenity of an area;

- to promote the efficient use of land, a reduction in the size of road and utility systems and thus of development costs;

- to provide for more usable land suitable located recreation facilities and other public and common facilities than would otherwise be provided under conventional development procedures;

- to promote experimentation and diversity in development processes

Subsection 8.02.03 Control of Common Space, Open Area, and Common Facilities - Common space, common facilities and open areas whether owned by the public through dedication and acceptance or retained in private ownership (or both) are essential and major elements of a PUD which are related to effect the long-term value of the individual units in the development. The Planning Board in reviewing a PUD may not accept proposed dedications of common space or open area but shall refer such proposals for public ownership along with its recommendations to the Selectmen. Though formal acceptance of land proposed to be dedicated may be deferred until all project approvals have been obtained, the Selectmen within thirty-one (31) days of such a referral must indicate by a binding vote their intent to accept land proposed to be dedicated or their refusal to accept such land.
Common space and open areas and any common facilities located on such which are retained in private ownership must be held in a manner that legally binds the developer or an owner's association to continuously and permanently have responsibility for operating, maintaining, conserving, improving, and generally caring for these common spaces, open areas, and facilities. A legally enforceable technique for financing these responsibilities must also be created and imposed on the developer and/or subsequent owners or lessees of property within a PUD. The rights and duties of all parties (including the Town of Waterboro) to enforce any and all agreements touching upon these matters shall be established by covenants which if a PUD is approved shall be recorded prior to the sale of lease of any property within a PUD.

A separate covenant enforceable by both the Town of Waterboro and subsequent owners or lessees of property within a PUD, which permanently precludes the subsequent development of any and all land which is denoted in a proposed PUD as common space or open area, shall also be recorded prior to the sale or lease of any property within a PUD except that common facilities designed to be located on such lands and contemplated in the original PUD proposal shall be permitted.

Subsection 8.02.04 Review and Approval - The Planning Board in the context of reviewing PUD proposals and in the interests of efficiency shall simultaneously conduct the subdivision review required by state tit. 30 s4956, and locally adopted subdivision regulations. A PUD authorized by this ordinance and capable of being bound by any substantive subdivision regulations intended to be applied to conventional development activities.

The Planning Board shall approve a proposed PUD if it finds that all of the requirements for a conditional use approval (see Article 4, particularly Section 4.02), are met, if all of the substantive requirements set forth in this section are met, if the outlined purposes for which PUD's are created are substantially met, and if the provisions for dealing with common space, common facilities, and open areas are completely adequate, protecting both present and future interests of the town and subsequent owners or lessees of property within a PUD.

The Planning Board is specifically encouraged to utilize the bonding provisions authorized in Section 12.04 of this ordinance to ensure compliance with plans, specifications, and conditions upon which a PUD approval was sought and obtained.

Section 8.03 Cluster Development - The clustering of residential housing units is permitted by this ordinance. Clustered housing developments are a conditional use in all zoning districts (see Sections 3.04-3.08) -- as such they are subject to all of the requirements and approval procedures of Article 4 except that the time provisions of Section 4.01 are extended to sixty (60) days. The clustering of housing units may be undertaken on any size parcel of land which is owned or under the control of a single developer. The overall density of housing permitted in a particular district and at a minimum cluster developments must comply with the substantive provisions of Article 5, 6, and 7 and the height limitations imposed in each district. However, all layout, dimensional, and area requirements imposed by this ordinance or the town's subdivision regulations may be altered without restriction.

Cluster developments though usually more limited in scale and scope than PUD's (see Subsection 8.02.02). All of the provisions for the control of common space, open space, and common facilities in PUD's outlined in Subsection 8.02.03 shall apply to common space, open
areas, and common facilities created by clustering development. For purposes of this section, wherever the phrase PUD appears in Subsection 8.02.03 the phrase "cluster development" shall be used instead. Finally, the review and approval procedures and standards designed for PUD's and set forth in Subsection 8.02.04 shall also apply to cluster developments. For purposes of this section, wherever the phrase PUD appears in Subsection 8.02.04 the phrase "cluster development" shall be used instead.
ARTICLE 9 NONCONFORMANCE

Section 9.01 Existing Nonconformance Uses and Structures - This ordinance reflects the best judgment of the Town of Waterboro with respect to land use and is designed to both guide and bind all development activities, uses of land, and the construction, enlargement or renovation of all structures. However, those uses and structures, including accessory uses and structures, which do not conform to the provisions of this ordinance but which are in actual existence at the time of enactment of this ordinance, may be continued. But because nonconformance is inconsistent with the intent and objective, the creation or expansion of nonconforming activities is not encouraged.

A nonconforming use or activity which extends to only a portion of land in common ownership shall not be extended to the whole parcel if the redesign or realignment of lots is possible and will enable the activity to be undertaken in a conforming manner consistent with the provisions of this ordinance.

An existing nonconforming use or structure may not be physically moved to an alternative location where it will still be nonconforming—relocations must be undertaken in a manner that conforms to the provisions of this ordinance. An existing nonconforming use or structure at a particular site may not give way to an alternative activity which will also be nonconforming—changes in the use of land or structures must be in conformance with the provisions of this ordinance (see Section 2.04).

Section 9.02 Existing Uses and Structures Which Conform With This Ordinance - Uses of land or structures, which on the date of enactment of this ordinance are in compliance with the provisions of this ordinance, may not subsequently be converted to uses which are not permitted by the provisions of this ordinance subject only to the provisions in Section 2.07 dealing with uses similar in character to permitted uses. Nor may uses of land or structures, which on the date of enactment of this ordinance conform with the provisions of this ordinance, be subsequently expanded in a manner which gives rise to nonconformance unless such nonconformity is minor and meets all of the requirements for the issuance of a variance (see Section 2.08 and Article 10).

Section 9.03 Replacement and Maintenance - A nonconforming use or structure which is damaged by fire, explosion, flood, or other calamity may be rebuilt or repaired provided the restoration is completed within two (2) years and does not entail an expansion of the nonconforming use or structure.

Nothing in this ordinance precludes the normal upkeep and maintenance of nonconforming uses and structures; repairs renovations, or modernization’s which do not involve expansion of the nonconforming use or structure; and such other changes in a nonconforming use or structure as federal, state, or local building and safety codes may require.
Section 9.04 Abolishment and Transfer - A nonconforming use of land or structure permitted pursuant to the provisions of Section 9.01 may not be resumed if such use is abandoned or discontinues in actual factor a period of twelve (12) months. In either circumstance the renewed use of such land or structure must be in conformance with the provisions of this ordinance. When and if a nonconforming use of land or structures is converted by the landowner or lessee to a permitted or conforming use of the land or structures, the former nonconforming activities may not thereafter be resumed.

The owner of property which is nonconforming by virtue of the enactment and provisions of this ordinance may nonetheless sell, lease, or otherwise grant the property including the nonconforming use rights created in Section 9.01 to any person subject only to the conveying laws of the State of Maine and, of course, the limitations on nonconformance imposed by this ordinance.

Section 9.05 Existing Nonconforming Lots and Pending Applications for Building Permits
Nonconforming single lots of record on the date of enactment of this ordinance may be utilized as provided in Section 2.08. Two or more contiguous lots of record in common ownership at the time or since adoption or amendment of this ordinance shall be combined and treated as a single lot or parcel of land. If the dimensional or area requirements of the district in which the combined parcel is situated are not met, development shall be in conformance with the provisions of this ordinance. (Amended 4/26/03)

Nonconforming use rights can not arise by the mere filing of a notice of intent to build, an application for required building permits, or an application for required state permits and approvals. Such rights arise only when actual construction has begun. Such construction must be legal at the time it is commenced and must be in possession of and in compliance with all validly issued permits, both state and local.

Section 9.06 Nuisance - State law provides, MRSA tit. 30 s4962 (1) (F) that "Any property or use existing in violation of any zoning ordinance is a nuisance." Nonconforming uses and activities which violate the provisions of this ordinance particularly Article 9, may pose unique problems and threaten both public and private interests. Accordingly, the Town of Waterboro in addition to the enforcement mechanisms available to it pursuant to Sections 12.02 and 12.03 of this ordinance may utilize any statutory provisions facilitating the abatement of nuisances or in the alternative the town may acquire such nuisances for purposes of demolition by either purchase or condemnation.
ARTICLE 10  ZONING BOARD OF APPEALS

Section 10.01 Establishment - Pursuant to the provisions of MRSA tit. 30 Section 2411 and 4963 (1) a Zoning Board of Appeals is established for the Town of Waterboro to receive, hear, and decide appeals from interpretations of this ordinance and decisions of the officer (see Sections 2.05 and 13.02), the Planning Board and/or the Selectmen (see Sections 11.04 and 13.02), and all requests for variances (see Section 2.08) within the limitations established by MRSA tit. 30 Section 4963 (3).

Section 10.02 Membership and Organization - The board shall consist of seven (7) members appointed by the Selectmen of the Town of Waterboro to serve staggered five (5) year terms. Neither a Selectmen nor his spouse may be a member of the board. A member of the Board may be dismissed for cause by the Selectmen before the expiration of his term. Unexpired terms occasioned by resignation, death, moving from the town or other causes may be filled by the Selectmen. (AMENDED 5-10-88)

The Board shall elect annually a chairman and a secretary from its membership. Any questions of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged. (see MRSA tit. s2411 (1) (2) .).

Section 10.03 Procedure - The chairman shall call meetings of the Board to deal with Board business and pending appeals or requests for variances as necessary. The chairman shall also call meetings of the board when requested to do so by a majority of the Selectmen. A quorum of the Board necessary to conduct an official board meeting shall consist of at least three (3) members. Official action may be taken by a majority of those members present and voting on any issue but no motion receiving fewer than two (2) votes shall be deemed passed. The chairman shall preside at all meetings of the Board and be the official spokesman of the Board. The Code Enforcement Officer shall be present at all meetings and hearings of the Board to provide such information and technical assistance as the Board may require.

The secretary shall maintain a permanent record of all Board meetings and all correspondence of the Board. The secretary shall be responsible for maintaining those records which are required as part of the proceedings which are brought before the Board. All records to be maintained or prepared by the secretary are deemed public, shall be filed in the Municipal Clerk's Office and may be inspected at reasonable times.

The Board may provide by rule, which shall be recorded by the secretary for any matter relating to the conduct of any hearing, provided that any rule may be waived by the chairman upon good cause shown.

The Board may receive any oral and/or documentary evidence pertaining to a matter before it but shall provide as a matter of policy for the exclusion of irrelevant, immaterial or unduly repetitious evidence. Every party shall have the right to present his case or defense by oral and/or documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of facts.
The Appellant or their Agent shall be present at his or her hearings pertaining to their Administrative Appeal or Variance Request. Failing to be present can be a reason for denial of Administrative Appeal or Variance Request. (AMENDED 3-12-88)

The transcript of testimony, if any, and exhibits, together with all papers and requests filed in any appeal or variance proceeding, shall constitute the record. 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 therefore. The absence, abstention, or vote of each Board member shall be appended to the record of all appeal proceedings and variance requests. (See MRSA tit. 30 Section 3411 (3)

Section 10.04 Duties – The Board shall receive, hear, and decide all requests for variances (see Section 2.03). A variance shall be granted or denied within sixty (60) days of receipt of a completed request. A variance may be granted by the Board only where strict application of this ordinance, or local subdivision regulations to the applicant’s property would cause undue hardship as defined by state law, 30A MRSA §4504 (3):

10.04.1 Variances for Undue Hardship. Except as provided in section 10.04.2, a variance shall be granted by the Board only where strict application of this ordinance, or local subdivision regulations to the applicant’s property would cause undue hardship as defined by state law, 30-A MRSA s4353.4:

1. The land in question cannot yield a reasonable return unless a variance is granted; and
2. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and
3. The granting of a variance will not alter the essential character of the locality; and
4. The hardship is not the result of action taken by the applicant or prior owner.

10.04.2 Variances from Dimensional Requirements. The Board may grant a variance from the dimensional requirements imposed by this ordinance when strict application of the ordinance to the applicant and the applicant’s property would cause a practical difficulty and when the following conditions exist:

1. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood; and
2. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties; and
3. The practical difficulty is not the result of action taken by the applicant or a prior owner; and
4. No other feasible alternative to a variance is available to the applicant; and
5. The granting of a variance will not unreasonably adversely affect the natural environment; and
6. The property is not located in whole or in part within the shoreland area as described in Title 38 MRSA s435.

As used in this subsection 10.04.2, “dimensional standards”: means and is limited to ordinance provisions relating to lot area, lot coverage, frontage and setback requirements.
As used in this subsection 10.04.2, “practical difficulty” means that the strict application of the ordinance to the property precludes the ability of the applicant to pursue a use permitted in the zoning district in which the property is located and results in significant economic injury to the applicant.

10.04.3 Additional Variance Standards.

1. Before a variance may be issued, the Board must determine, in addition to its finding of undue hardship or practical difficulty, that the granting of a variance would not negatively impact the best interest of the community. (AMENDED 3-10-90).

2. Undue hardship shall not be construed to include: self-imposed hardships; an inability to realize as great an economic gain as would be possible if the variance were granted; or a hardship that is not unique to the applicant’s land.

3. A variance, if granted, should necessitate only a slight departure from the stated requirements of an ordinance, usually not exceeding a fifteen (15) percent increase or decrease from the stated requirements.

4. A variance, if granted, must not subvert the intent of the Town’s Comprehensive Plan, this ordinance or local subdivision regulations as manifested in the language of the Plan or the particular provisions from which the variance is sought.

5. A Variance, if granted, must not have a harmful effect on the use of nearby land and structures insofar as that land is being used in conformity with state and local land use ordinances and regulations. The Board in granting a variance may attach appropriate conditions which will avoid harm to adjacent property owners and the public.

Section 10.05 Hearing and Parties - All Board meetings at which appeals or requests for variances are heard, considered and decided are public hearing (see Section 13.07). Notice of a public hearing, shall be given at least seven (7) days prior to the hearing date by general advertisement to the public. At least ten (10) days prior to the date set for the Zoning Board of Appeals hearing on an appeal or a variance application the Zoning Board of Appeals shall cause written notice, by certified mail, of that hearing to (a) all property owners of record whose land abuts the property and the property directly across private way, State, or County Roads for which the variance is requested; (b) the person making the appeal; (c) the Planning Board; (d) the Code Enforcement Officer and (e) any other parties of record to the proceedings. The owners of property shall be considered to be those shown on the tax lists of the Town. Failure of any abutting property owner to receive notice shall not necessitate another hearing or invalidate the action of the Board. The mailed and published notices shall include the following information: (1) The name of the applicant; (2) A brief description of the property involved; (3) A brief statement of the nature and extent of the variance requested; (5) The time and place of the Board’s hearing on the variance. (AMENDED 3-12-88)

All of the general meeting and voting rules outlined in Sections 10.02 and 10.03 shall apply to Board meetings (public hearings) conducted pursuant to this section of the ordinance.

Section 10.06 Findings - The denial of an appeal or of a variance request must include the reasons therefore--the failure to meet the requirements of this ordinance or state statutory requirements (see MRSA tit. 30 Section 4963 (3) or such other reasons as the Board may set forth in its statement of findings and conclusions (see Section 10.03). The sustaining of an appeal or the granting of a variance must also include a statement of findings and conclusions.
which must specifically indicate all of the requirements of this ordinance as well as state statutory requirements have been met. When conditions are attached to the grant of a variance the need for and the underlying rationale of the attached conditions must be set forth. The denial or the sustaining of an appeal, the denial or the granting of a variance by the Board shall be deemed a final action or order thus enabling judicial review pursuant to the provisions of Sections 10.08 or 13.08 to be sought.

Section 10.07 Decisions - A copy of Board decisions on all appeals and variance requests shall be mailed or hand delivered to the appellant, the applicant, the Planning Board, the Code Enforcement officer, and the Selectmen within seven (7) days. A copy which will provide notice to the public, shall also be placed on file and available for inspection in the Municipal Clerk's office.

A variance which has been granted shall expire six (6) months from the granting date unless substantial work (actual construction) in reliance upon it has commenced. Work commenced must normally be completed within two (2) years. A variance shall not be valid for a longer period of time but may be reissued for an additional two (2) year period if the nature of the project requires additional time and if work on the project has been more or less continuous.

Section 10.08 Judicial Review
Section 10.08 Judicial Review – A request and hearing for reconsideration may be made to the Zoning Board of Appeals within thirty (30) days from any final order, relief, or denial by an aggrieved party in accordance with 30A MRSA §2691 and 4353 and Maine Civil Procedure, Rule 80B.

An appeal may be taken, within forty five (45) days after a Zoning Board of Appeals decision is rendered by an aggrieved party to Superior Court from any final order, relief or denial in accordance with 30-A MRSA §4353 and with Maine Rules of Civil Procedure, Rule 80B. The hearing before the Superior Court shall be a trial do novo without a jury. (Amended 4/27/02)
ARTICLE 11 PLANNING BOARD

Section 11.01 General - In addition to the duties conferred to the Planning Board by the Town of Waterboro acting pursuant to MRSA tit. 30 ss4961-4963 or the Home Rule Powers (see Section 1.01), the provisions of this ordinance impose responsibilities on the Board which are essential to the effective implementation and carrying out of the intent and purpose of the ordinance. These include:

- reviewing and deciding with the Selectmen whether to permit or not allow uses presently not permitted by this ordinance but which are similar in character to uses which are permitted, see Section 207;
- reviewing and deciding whether to permit or not allow a temporary use and if allowed the extent, scope, and conditions (if any) of the temporary use, see Section 2.07;
- reviewing applications for building permits from owners of substandard sized lots to determine what (if any) conditions need to be attached to protect adjacent property owners and public interest, see Section 2.08;
- reviewing and ultimately approving or disapproving applications to commence a conditional use, see Article 4.
- reviewing parking space requirements and parking and loading area design plans, particularly the design of road and driveway intersections in drive-in commercial enterprises and large vehicle loading and parking areas to determine if special safety features are necessary, see Sections 5.03 and 5.04;
- reviewing and ultimately approving or disapproving proposed departures from the height requirements of this ordinance necessitated by the unique or special characteristics of the structure, see Section 8.01;
- reviewing and ultimately approving or disapproving applications to undertake a planned unit development or cluster development, see Sections 8.02 and 8.03;
- reviewing and forwarding a recommendation to the Selectmen as to whether common space and open area which a developer contemplates dedicating to the town as part of a PUD or cluster development proposal should be accepted, see Subsection 8.02.03 and Section 8.03;
- conducting a joint PUD or cluster development and subdivision review, see Subsection 8.02.04 and Section 8.03;
- participation in hearings held pursuant to requests for a variance, see Section 10.05;
- making recommendations with respect to the issuance of enforcement orders by the Selectmen, see Section 12.03;
• reviewing and ultimately deciding whether particular developers will be required to post performance bonds to insure compliance with the provisions of this ordinance and the plans, specifications, or conditions upon which required approvals and permits were sought and obtained, see Section 12.04;

• commenting and offering recommendations at the hearing which would be required if repeal of this ordinance was sought, see Section 13.05;

• conducting hearings in additions to those which are specifically required to facilitate carrying out any of the above responsibilities, see Sections 11.02 and 13.07;

• reviewing and ultimately approving or disapproving applications for site plan review, see the Town of Waterboro Site Plan Review Ordinance. (Amended 4/27/02)

Finally the Planning Board shall be required no less frequently than every three (3) years to review this ordinance in light of new data and changing conditions within and outside of the town and to propose those amendments or refinements pursuant to the provisions of section 13.04 which will enable this ordinance to continue to be an effective device for carrying out the Town's Comprehensive Plan and the stated intent and purpose of the ordinance (see Sec. 1.02 & 1.03).

Section 11.02 Hearings - The Planning Board may hold a hearing, in addition to those specifically required by provisions of this ordinance, to facilitate carrying out any of its responsibilities as outlined in Section 11.01. In the calling and conduct of such hearings the Board shall follow the procedures set forth in Section 13.07. The Board also adopt rules which will assure fair and orderly procedures at such hearings.

Section 11.03 Findings and Decisions - All decisions of the Planning Board must be predicated on testimony received by the Board at hearings, planning data which it has gathered and which is available to the public, other facts, data, or information which are a matter of public record and information obtained from the applicant. When taking any final action the Board must issue a statement of its findings and conclusions which sets forth the reasons for and the rationale underlying the particular Board action. Board actions which are generally favorable to an applicant must specifically indicate how and in what way the applicant failed to comply with the requirements of state statute or this ordinance. When conditions are attached to any Board approval the factors establishing the need for and justifying the condition as framed must be indicated. A copy of all final board actions (decisions) shall be mailed or hand delivered to the party who requested the Board actions, the Code Enforcement Officer, and the Selectmen within seven (7) days. A copy which will provide notice to the public shall also be placed on file and be available for inspection in the Municipal Clerk's office.

Section 11.04 Review - Before judicial review may be sought pursuant to the provisions of Section 13.08, any decision, final action or failure to act of the Planning Board, including decisions which are to be made jointly by the Planning Board and the Selectmen (see Section 2.05), must be appealed within thirty (30) days to the Zoning Board of Appeals of the Town of
Waterboro by the applicant or an aggrieved party. The Zoning Board of Appeals may affirm the Planning Board, remand the issue with instructions which it had taken, or the Zoning Board of Appeals may modify Planning Board actions for reasons which must be set forth. (Amended 4/26/03)
**ARTICLE 12 FEES, VIOLATIONS, ENFORCEMENT**

**Section 12.01 Permit and Review Fees** - All persons developing or requiring the issuance of a permit and/or the review and approval of either the Planning Board, the Zoning Board of Appeals, or the Selectmen, shall pay a fee for such permit and/or review process to the Town Treasurer according to the following schedule. These fees shall be used to defray the costs of administering and enforcing the provisions of this ordinance and must accompany the application for the permit or approval being requested. In cases where more than one permit or approval is sought or required, fees are cumulative.

<table>
<thead>
<tr>
<th>Permit Type</th>
<th>Fee Description</th>
<th>Section/Amendment Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Permit</td>
<td>Fee shall not be less than $25.00 in any case except there shall be no fee if estimated cost does not exceed $1,000.00 (see Section 2.03) otherwise $4.00 per $1,000.00 estimated cost for residential building. New commercial buildings including multi family residential (3 or more units) including additions, but not alterations $6.00 per $1,000.00 per estimated cost. (AMENDED 3-12-88, 4/27/02)</td>
<td></td>
</tr>
<tr>
<td>Occupancy Permit</td>
<td>$10.00 (see Section 2.03)</td>
<td></td>
</tr>
<tr>
<td>Change of Use Permit</td>
<td>$10.00 (see Section 2.03)</td>
<td></td>
</tr>
<tr>
<td>Sign Permit</td>
<td>$25.00 (see Section 6.03)</td>
<td></td>
</tr>
<tr>
<td>Conditional use review</td>
<td>$100.00 (see Article 4) (Amended 4/27/02)</td>
<td></td>
</tr>
<tr>
<td>Special structures</td>
<td>$50.00 (see Section 8.01) height modification request</td>
<td></td>
</tr>
<tr>
<td>Cluster development</td>
<td>$100.00 plus $25.00 for each review residential, commercial or industrial unit in the development. (see Section 8.03)</td>
<td></td>
</tr>
<tr>
<td>Planned unit</td>
<td>$100.00 plus $25.00 for each development review residential, commercial, or industrial unit in the development. (see Section 8.02)</td>
<td></td>
</tr>
<tr>
<td>Variance Request</td>
<td>$330.00 (see Section 2.08)</td>
<td></td>
</tr>
</tbody>
</table>
Temporary use review $50.00 (see Section 2.07)
Permit to convert $50.00 (Title 30 3223 Paragraph 3) from seasonal use to year round use
Review on Non-conforming lots $25.00 (see Section 2.08)
Administrative Appeal $330.00 (AMENDED 3/9/91)
Site Plan Review $300.00 (Amended 4/27/02)
For additional site plan fees refer to the Site Plan Review Ordinance
Re-Inspection fee $25.00 (Amended 9/30/03)

Request to undertake uses not presently permitted by this ordinance but similar to those which are permitted $50.00 (see Section 2.07) Fees received under this Article will be used by Code Enforcement Officer, Site Review Committee (if established) and the Planning Board towards operational funds. (AMENDED 3-11-89) All fees received from a Variance request of Administrative Appeal shall be used by the Zoning Board of Appeals towards operational costs. (AMENDED 3-9-91)

Privately sponsored request to amend this ordinance $100.00 (see Sections 2.07 and 13.04)

Section 12.02 Violations, Fines - Persons who have not adhered to the provisions of state law, this ordinance, other local land use ordinances or regulations, or the plans, specifications, or conditions upon which required permits and approvals were sought and obtained are in violation of this ordinance. Violations shall be noted initially by the Code Enforcement Officer's issuance of a code enforcement order (see Section 2.05). Such orders are to be complied with immediately. Violators are subject to fines which shall not exceed $50.00 for each day of violation.

A violation which consists of the commencement of development activity or the use of land, water, or structures without applying for or before obtaining all of the permits and approvals which this ordinance requires will also subject the violator to the payment of fees double in amount to those established in Section 12.01 violators who have not applied for required permits and approvals must do so.

Section 12.03 Selectmen Orders, Enforcement - The Selectmen acting upon the recommendation of the Code Enforcement Officer, Planning Board, or the Zoning Board of Appeals may protect the public interest and the reasonable expectations of private landowners by ordering violators to cease and/or to remove any violating activity, use or structure and, if necessary, they may order the restoration of conditions in existence prior to the violation.
If fees or double fees are not paid or if a Code Enforcement Order, or an order of the Selectmen is not complied with, the town may bring whatever legal, equitable, or injunctive action is necessary to compel the payment of established fees and to seek the imposition of appropriate fines as well as compliance with its orders. The costs of such proceedings shall also be imposed on the violator.

Section 12.04 Performance Bond Guarantee: Value, Requirements and Conditions

a) A subdivider or applicant for site plan or other review requiring Planning Board approval shall file with the Waterboro Planning Board at the time of approval of the final plan, a draft performance bond guarantee in the amount of one hundred and twenty-five percent (125%) of the estimated value of the required subdivision improvements. No work shall be undertaken, and no building permits shall be issued, until the final performance guarantee is provided to the Town.

b) The performance guarantee shall be tendered in the form of a faithful performance bond, a letter of credit or a certified check running to the Town to Waterboro and issued by a bank or surety company acceptable to the Town of Waterboro.

c) The conditions and amount of such a performance bond guarantee shall be determined by the Waterboro Planning Board, with the recommendation of the Town Planner, Road Commissioner and consulting engineer as needed.

d) The amount shall be at least equal to 125% of the total cost of furnishing, installing, connecting and completing all of the street grading, storm drainage, site improvements and public water infrastructure (as required). Additionally, if a cistern(s) is installed a mutually-agreed upon maintenance bond or other acceptable financial guarantee will be mandated as a condition of final approval.

e) Performance bonds or such security, as agreed upon guarantees shall be in effect for the duration of the secured project and until such time as the subject improvements have been proven complete and effective, as determined and accepted by the Planning Board.

f) The maximum time period for the performance bond or security guarantee will be for a period of three (3) years beginning on the date of final approval by the Board. The Planning Board may approve a performance guarantee of a shorter duration upon evidence provided by the applicant that the shorter guarantee is appropriate.

g) After such a surety bond or certified check has been placed on file with the Planning Board, it shall be turned over by the Board to the Town Treasurer, who shall deposit the same in a separate and subdivision specific segregated account in the Town name.

h) A subdivider who filed a performance bond with the Town shall give and grant the right to the Town to use the bond/surety. The proceeds of the performance guarantee shall be used to finish the improvements indicated on the approved plan if the subdivider fails to complete those improvements within the specified time frame.

i) A performance bond guarantee may be reduced upon review and approval by the Planning Board, subject to the following:

1) Such a bond reduction may be allowed by the Planning Board, provided that substantial improvements have been completed and inspected.
2) The reduction in performance bonding shall be requested in writing by the applicant. Such a request shall be accompanied by a listing of subdivision/infrastructure improvements still to be completed and quoted estimates of the cost(s) for their completion.

3) The Town consulting engineer shall provide an opinion of the remaining list-work and estimated costs to determine the remaining bond amount of the reduction. (Amended 1/17/2012)

**Section 12.05 Release of obligation required by performance bond guarantee.**

a) Before a subdivider may be released from any obligation required by his performance bonding the release of a performance guarantee, the subdivider shall request, in writing, that the Planning Board release the performance bond. This request shall include evidence that all the required improvements have been completed. The evidence shall include “as built” plans of the project.

b) The Planning Board shall request certification from the peer review engineer that all required or proposed improvements have been satisfactorily completed and the “as built” plans are submitted. (Added 1/17/2012)

**Section 12.06 Extension of performance bonding guarantee period.**

a) The Planning Board may grant an extension of time up to 12 months to the guaranteed performance guarantee bond period when the subdivider can demonstrate to the satisfaction of the Planning Board good cause for such extension. Any cost extension shall require a new cost analysis for remaining site improvements and may require that the amount of the guarantee be increased if the Planning Board determines that the cost of the improvements has increased beyond the amount of the existing guarantee. (Added 1/17/2012)

**Section 12.07 Record Management and Bond-Performance Guarantee Facilitation.**

a) The Town shall maintain a record management system relating to subdivisions and site plan review projects that have performance bonds guarantees. A logging system of project/owners names, location, start and expiry dates of performance/surety bonds and amounts of bonds shall be maintained. Quarterly reports on the status of pending bonds shall be sent to the Town Administrator, Planning Board, Code Enforcement Officer, Board of Selectmen, and Town Treasurer. In the case of cistern maintenance bonding guarantees, the Fire Chief shall receive appropriate bonding copies of all communications concerning the maintenance guarantee. (Added 1/17/2012)
ARTICLE 13 LEGAL STATUS

Section 13.01 Abrogation and Greater Restrictions - It is not the intent of this ordinance to abrogate, repeal, annul, impair or interfere with any existing easements, covenants, deed restrictions or agreements; or with state statutes, rules, regulations, or permits; or with other local ordinances or regulations. However, in all of the above situations where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

Section 13.02 Interpretation - Interpretations of words, phrases, or specific provisions of this ordinance leading to the granting or denial of a necessary permit, the approval or disapproval of any proposal, or any other action or refusal to act by the Code Enforcement Officer, the Planning Board, or the Selectmen of the town may be appealed to the Zoning Board of Appeals within thirty (30) days of the decision by an applicant or aggrieved party, or by any of the elected or appointed municipal officials or employees listed above. The Zoning Board of Appeals interpretation of any word, phrase, or provision of this ordinance called in question shall be final subject only to judicial review. (Amended 4/26/03)

In judicial proceedings arising out of this ordinance and its application by the Town of Waterboro, it is the intent of the Town that the provisions of this ordinance be regarded as minimum requirements and that they be liberally construed in favor of the town so that the purposes and intentions (see Sections 1.02 and 1.03) of the ordinance may be achieved.

All persons interpreting words, phrases, or provisions of this ordinance shall be bound by the definitions set out in Article 14, by the normal and usual meanings of words and phrases in everyday speech and by the meaning to be drawn from the context in which a particular word, phrase, or provision is set. All interpretations must be in harmony with and seek to achieve the overall purpose and intent of the ordinance.

Section 13.03 Severability - If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 13.04 Amendment –
(a) Pursuant to the same authorities by which this ordinance is enacted (see section 1.01) the regulations, restrictions, and boundaries established by this ordinance may be changed, supplemented, or repealed. A proposal for such action except repeal of the entire ordinance, (see section 13.05) shall be referred to as a proposed amendment. A proposed amendment under this subsection may be offered by any person who owns land in Waterboro, any resident of the town, the Code Enforcement Officer, the Planning Board, and the Selectmen.

All proposed amendments shall be presented initially to the Selectmen who shall forward them to the Planning Board which shall within thirty (30) days review the proposal and forward a recommendation and the Planning Board’s reasoning respecting the proposed amendment to the Selectmen. All proposed amendments shall be forwarded to the Town’s Counsel who shall within thirty (30) days review the proposed amendment putting it in proper form and indicating the legal effect of the proposed amendment. If the Town’s Counsel indicates that the proposed amendment is legally impermissible the Selectmen shall notify the author of the proposed
amendment of that fact and no further action respecting that proposed amendment need be taken. In all other cases the Selectmen shall within forty-five (45) days of initial receipt of a proposed amendment schedule a public hearing thereon giving at least seven (7) days general notice by publication to the date, time and place of such hearing and the complete text of the proposed amendment.

The Selectmen and all of the above individuals shall be deemed parties to the zoning amendment proceeding as well as any member of the public present at the public hearing who is recognized and participates by offering testimony with respect to the proposed amendment.

At hearings held on a proposed amendment to this Ordinance, all persons present must be given a full opportunity to be heard. The authors of the proposed amendment should explain and present the rationale of their proposal at the outset. The review, recommendation, and comments of the Planning Board, the Town's Counsel, and the Selectmen should then be presented. A question and answer period, if necessary, should follow. The comments of aggrieved persons should then be received.

After a public hearing the Board of Selectmen shall vote on the proposed amendment. The decision to make any amendment to the Zoning Ordinance, including conditional or contract rezoning, shall be wholly within the discretion of the Selectmen who may, at their option, decline, amend or adopt said proposal. Any amendment approved hereunder shall become effective as set forth in the Town Charter.

(b) Pursuant to 30-A M.R.S.A. § 4352(8), conditional or contract zoning is hereby authorized for development where, for reasons such as the unusual nature or unique location of the development proposed, the Board of Selectmen finds it necessary or appropriate to impose, by agreement with the property owner or otherwise, certain conditions or restrictions not generally applicable to other properties similarly zoned; it should not be used to circumvents enforcement decisions of the Code Enforcement Officer or decisions of the Zoning Board of Appeals. All contract or conditional zoning under this section shall establish rezoned areas which are compatible with the existing and permitted uses within the original zones. Nothing in this section shall authorize a rezoning, or an agreement to change or retain a zone, which is inconsistent with the Town's Comprehensive Plan. A conditional or contract rezoning may be requested by the owner of the property for which the rezoning is sought or by someone who has a legal interest in the property.

All conditions and restrictions imposed shall relate only to the physical development and/or operation of the property and may include, by way of example:

a). Limitations on the number and types of uses permitted;

b). Restrictions on the scale and density of the development;

c). Specifications for the design and layout of the buildings, structures, and other improvements;

d). Schedules for commencement and completion of construction, including anticipated schedules (i.e. beginning and completion dates) for all construction phases;
e). Performance guarantees securing completion and/or maintenance of public and private improvements, and guarantees against defects;

f). Preservation and enhancement of open spaces and buffers, and protection of natural areas and historic sites, including establishment of park land and conservation easements;

g). Contributions toward the provisions of municipal services required by the development;

h). Construction or enhancement of certain public capital improvements impacted by the development;

i). Provisions for enforcement and remedies for breach of any condition or restriction; and,

j). Provisions regulating the assignability of said contract, including fees relating to the same.

A person wishing to propose contract zoning under this Section may, prior to filing an application, submit a conceptual sketch plan to the Planning Board together with a sketch plan review fee in such amount as the Board of Selectmen may from time to time establish by order. Such sketch plan review will not be binding on the applicant or the Planning Board, but is intended to permit informal evaluation of the proposed rezoning before formal application. The sketch plan review fee is non-refundable.

Any proposal to amend the official zoning map of the Town through the establishment of a conditional or contract rezoning shall be accompanied by a non-refundable fee in such amount(s) and for such purpose(s) as the Board of Selectmen may from time to time establish by order, which shall be paid at the time the request is filed with the Planning Board. Where an application seeks a contract rezoning, the applicant shall include draft contract language with its application. Such contract shall include, at a minimum, the proposed conditions of the rezoning, enforcement provisions and a map of the area for which the rezoning is requested.

To help recover costs incurred by the Town in the review, administration, site inspection, and public notice associated with the conditional or contract rezoning application, the following fees and deposit in such amount(s) and for such purpose(s) as the Board of Selectmen may from time to time establish by order shall be paid by the applicant to the Town at the time of filing the application for conditional or contract rezoning:

(a) Publishing and public notice fee;
(b) Review fee; and
(c) Independent consulting and peer review escrow account.
(d) Reimbursement of fees for professional services incurred by the Town for advice and negotiations relating to said conditional or contract rezoning.
The Planning Board shall conduct a public hearing prior to any property being rezoned under this Section. Notice of this hearing shall be posted in the Town Clerk’s office at least thirteen (13) days prior to each public hearing and shall be published in a newspaper of general circulation within the Town at least two (2) times, the date of the first publication to be at least seven (7) days prior to the hearing.

Notice shall also be sent to the owner or owners of the property to be rezoned and to the owners of all property abutting the property to be rezoned at their last-known addresses as established by the Town’s assessment records. Notice must also be sent to a public drinking water supplier if the area to be rezoned is within its source water protection area. This notice shall contain a copy of the proposed conditions and restrictions, with a map indicating the property to be rezoned.

At the end of the public hearing, the Planning Board shall vote whether to recommend the conditional or contract rezoning application to the Board of Selectmen. The vote of the Planning Board shall be forwarded to the Board of Selectmen for consideration with the application for conditional or contract rezoning.

No conditional or contract rezoning shall exempt the applicant from subsequent Site Plan review and/or Subdivision review by the Planning Board of the proposed development.

(Amended 4-21-2007)

Section 13.05 Repeal - The repeal of any article, section, subsection, or provision of this ordinance may be accomplished pursuant to the amendment procedures set out in Section 13.04.

The repeal of the entire ordinance (which shall hereafter be referred to simply as repeal) whether sought by the Selectmen or by citizens utilizing the provisions of MRSA tit. 30 s2061 (4), may be accomplished only after a public hearing on the question of repeal and an affirmative vote to repeal this ordinance in accordance with the procedures outlined in Section 13.06. The hearing shall be scheduled by the Selectmen no more than thirty (30) days before the vote on the question of repeal is taken. Notice of such hearing setting forth the date, time, place, and purpose of the hearing shall be mailed by the Selectmen to all residents of the town and to all property owners of record. At such hearing those favoring repeal of this ordinance should explain the rationale of their proposal at the outset. The comments and recommendations of the Code Enforcement Officer, Planning Board, Conservation Commission, and Selectmen of the question of repeal should then be heard. The legal consequences of repeal should be explained by the Town's Counsel. A question and answer period, if necessary, should follow. Finally, the comments of any member of the public on the question of repeal should be heard.

After a public hearing on the question of repeal, a vote on the proposal to repeal this ordinance shall be taken within thirty (30) days either at the regular annual meeting, at a special town meeting held for the purpose of voting on a proposal to repeal this ordinance, or by preparing a separate article to be placed on the municipal ballot as provided by MRSA tit. 30 s2061 (4). See Section 13.06 for the effective date of a vote to repeal.
Section 13.06 Effective Date - This ordinance shall be in full force and have legal effect in the Town of Waterboro as of March 13, 1977. Amendments shall be in full force and have legal effect in the Town as of the day following the date of their enactment. This ordinance and amendments thereto shall be deemed enacted at the time a majority of those present and voting cast affirmative votes at an annual or special town meeting, or when a majority of the valid ballots of the ordinance or amendment and in accordance with the rules of the meeting or election procedures being utilized (see MRSA tit. 30 ss2051-2067.)

This ordinance and amendments thereto may be repealed by similar voting procedures as those outlined for enactment, except of course, that those voting in the affirmative shall be voting in favor of repeal. however, the effective date of a successful vote to repeal this ordinance shall be sixty (60) days after the date on which the repeal vote was taken to allow the municipal officers sufficient time to take whatever steps are necessary to protect the public interest in light of the repeal of this ordinance.

Section 13.07 Hearings - In addition to the hearing requirements outlined in Sections 10.05, 13.04, and 13.05 the Code Enforcement Officer, Planning Board, or Selectmen may at any time conduct public hearings to receive testimony and gather information which will facilitate the discharge of any duty or responsibility imposed by this ordinance. Notice of any such hearings must set forth the date, time, place, and purpose of the hearing date to both the general public by publication and those who have a special interest in the particular issue being heard. The latter shall receive notice by mail and include those persons whose acts or failures to act give rise to the hearing, the municipal officials or employees listed above, and any person whose property is likely to be affected by issues raised at such a hearing and decisions subsequently made with respect to those issues.

At hearings held pursuant to this section, a dated record should be kept of those present, the issues raised, the substance of testimony given, and actions (if any) taken. A summary of the facts, reasoning and rationale which underlies any action taken should also be set forth.

All hearings held pursuant to this section, as well as subsequent meetings of the respective officials or bodies listed above which are held to resolve issues raised at a hearing, shall be open to all members of the public.

Section 13.08 Judicial Review - In addition to the judicial review from Zoning Board of Appeals decisions provided in section 10.08 any person aggrieved by any provision of this ordinance interpretation of this ordinance, act or failure to act of the Code Enforcement Officer, Planning Board, or Selectmen undertaken in the course of administering pursuant to the Maine Rules of Civil Procedure (MRSA) tit. 14 as amended). Such an action must be brought within thirty (30) days after the enactment of this ordinance, the enactment of amendments to this ordinance, or any final interpretation of provisions of this ordinance, order, action, or refusal to act of elected or appointed municipal officials or employees.

However, no action may be brought under this provision until appeal procedures before the Zoning Board of Appeals provided by this ordinance have been exhausted by the aggrieved person (see Article 10).
ARTICLE 14 DEFINITIONS

Section 14.01 General - In reading and interpreting this ordinance the following definition rules apply:

- words used or defined in one tense or form shall include other tenses and derivative forms;
- words in the singular number shall include the plural number, and words in the plural number shall include the singular;
- the masculine gender shall include the feminine and the feminine gender shall include the masculine;
- the words "shall" and "must" are mandatory;
- the words "may" and "should" are permissive;
- the word "person" includes individuals, firms, corporations, associations, and other similar entities;
- the words "town" or "municipality" mean the Town of Waterboro;
- the term "municipal officers" covers elected, appointed, and employed personnel acting as provided by law within the Town of Waterboro.

Section 14.02 Words and Terms Defined

ACCESSORY USE OR STRUCTURE: A use or structure necessary, customary, incidental, and subordinate to a permitted use or structure and located on the same lot or parcel as the permitted use or structure, often associated with repair, storage, parking, gardening, recreational activities, keeping of pets, etc.

ADULT BUSINESS:

i. Any business, a substantial or significant portion of which consists of selling, renting, leasing, exhibiting, displaying or otherwise dealing in materials or devices of any kind which appeal to prurient interests and which depict or describe specified sexual activities.

ii. Any business utilizing a "viewing booth" to display by audio or visual reproduction, projection or other means, any materials which depict or describe specified sexual activities.

iii. Any business which provides massage for consideration:

iv. Any business which presents as entertainment, or for the purpose of attracting customers, nude or semi-nude dancing or entertainment, meaning that the entertainers or other persons
employed in the business expose any thereof in such a fashion that any of those parts of the body
are not covered by a fully opaque cloth or textile.

As used in this definition of Adult Business, these terms have the following meaning:

**SPECIFIED SEXUAL ACTIVITIES:**

(1) Human genitals in the state of sexual stimulation or arousal;
(2) Acts of human masturbation, sexual intercourse or sodomy;
(3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

**SUBSTANTIAL OR SIGNIFICANT PORTION:**

Twenty-five percent (25%) or more of the floor area of the unit of occupancy in which the
business is located is used to display, shelve or store such materials or devices. As applied to a
business which exhibits or displays films, videos or similar visual reproductions for viewing by
patrons on the premises, "substantial or significant portion" means that, in any single day, 50%
or more of the total display or exhibition time is devoted to such materials.(AMENDED 6-5-93)

**AGGRIEVED PERSON:** A party to a proceeding or a person whose interests are damaged or
adversely affected by a decision, an action, or the failure to act of another person or a
governmental body.

**AGRICULTURAL USES:** Included the widest range of crop, grass, and grain production; poultry
and egg raising; cattle, hog, sheep, horse, and goat production; agriculture; viticulture; and the
utilization of land for pasturage purposes. The term shall also include greenhouses, orchards,
nurseries, and versions thereof, but shall not include home gardens. (Amended 8-23-11 by
Selectmen vote)

**ALTERATION:** Any change, addition, demolition, extension, or renovation of a structure. In the
case of land it involves the clearing, filling, grading, replanting, and/or recontouring of the
natural landscape.

**AMENDMENT:** The addition of new material to, or the correction or change of an enactment of
the governing body of the town, which new material, correction, or change must be enacted by
the governing body in the manner prescribed for the passage of the original enactment.

**APARTMENT CONVERSIONS:** The conversion of an existing dwelling and/or accessory
building to the dwelling into a total of no more than three units per lot for lots existing prior to
the adoption of this subsection (6/4/94), provided the density requirements of 4.05 is met. For
the purposes of the section, the conversion of a structure shall mean the division of the existing
structure into individual dwelling units.

**APPEAL:** In the context of this ordinance, it is a procedure whereby an aggrieved person may
have the benefit of having the actions of the Code Enforcement Officer, Planning Board, or
Selectmen reviewed to determine their validity under the law by the Zoning Board of Appeals. Actions of the latter body may then be reviewed by the Supreme Court.
AQUACULTURE: The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species. (AMENDED 6-4-94)

AQUIFER
A permeable geologic formation, either rock or sediment, that when saturated with groundwater is capable of transporting water through the formation. (Amended 8-23-11 by Selectmen vote)

BEST MANAGEMENT PRACTICE
Procedures designed to minimize the impact of certain activities or land uses on groundwater quality and quantity, and shall include best management practices relating to groundwater quality as developed by the State of Maine Departments of Agriculture, Environmental Protection, Forestry, Transportation and Development pursuant to 38 M.R.S.A. Section 410-J. (Amended 8-23-11 by Selectmen vote)

BOAT HOUSE: A non-residential, non-commercial structure designed for the purpose of protecting or storing boats and boating equipment. A type of accessory structure.

BUILDING: Any structure having a roof, partial roof, or canopy supported by poles, columns, or walls used or intended to be used for the shelter or enclosure of persons, animals, or things regardless of the material of which it is constructed.

BUILDING PERMIT: A certificate to be secured from the Code Enforcement Officer of the town by every person who, after the date of enactment of this ordinance, undertakes to erect or alter any building or structure or to change the present use of his land or of any building or structure on it, indicating that the person so acting, is in compliance with the provisions of all applicable state and local.

BULK OIL, GASOLINE STORAGE, CEMENT MIXING, & GENERAL CONSTRUCTION FACILITIES:
Bulk Fuel Oil, Gasoline Storage, Cement Mixing General Construction Tanks, Trucks, Equipment and Facilities. Notwithstanding any provision of this ordinance to the contrary, all of the above uses must be on parcels not less than five (5) acres in size. (AMENDED 6-5-93)

CAMP: A structure equipped and used for seasonal and/or recreational living quarters and being complete with adequate sanitary facilities conforming to the State Plumbing Code.

CAMPGROUND: A public or private enterprise which for a fee provides overnight camping facilities in cottages or shelters or space for tents or recreational vehicles. It also provides restroom, washroom and shower facilities; and usually provides recreational areas and activities; camping supplies; outdoor campfire and cooking facilities; etc.

CHANGE IN USE: A switch to a different kind, type, or class of activity in the use of land or structures (for example, a retail store changing to a wholesale outlet--agricultural land put to use for residential structures) as opposed to a mere change in the size or intensity of given use or a change within a given type or class of activity (for example, a small store becoming a large store--a dairy farm which is now used for general farming or crop production).
CHEMICAL BULK STORAGE
Storage of a chemical or chemicals in a container or containers larger than those intended for normal homeowner or retailer purposes. Proper, non-commercial, homeowner use of chemicals is not included. The allowed amounts of any storage shall be as established by the Superfund Amendments and Re-authorization Act (SARA), and any applicable regulations established by the U.S. Environmental Protection Agency. (Amended 8-23-11 by Selectmen vote)

CLEAR CUTTING: The felling of all trees in a continuous area at one time.

CLEARING: The removal of naturally occurring objects, materials, trees or other vegetation for purposes of development.

CLUSTER DEVELOPMENT: In the context of this ordinance--a development controlled by a single developer on any size parcel of land which contemplates an imaginative more compact grouping of residential housing units. Cluster developments are usually undertaken in a manner that treats the developed area as an entirety to promote flexibility in design, architectural diversity, the efficient use of land including the creation of common open space, a reduction in the size of road and utility systems, and the retention of the natural characteristics of the land. Cluster development may not be used, however, to increase the overall density of development

CODE ENFORCEMENT ORDER: An order issued by the Code Enforcement Officer giving notice of a violation of provisions of this ordinance and directing the violator to cease such action. Failure to comply may lead to an enforcement action.

CODE ENFORCEMENT OFFICER: A person acting on the direction of the Selectmen and pursuant to the provisions of this ordinance charged with issuing building and occupancy permits and enforcing the provisions of this ordinance by the issuance of code enforcement orders to any person violating the ordinance.

COMMERCIAL ANIMAL HUSBANDRY: The keeping of more than 5 animal units (1 animal unit equals 1,000 pounds of live animal weight). (AMENDED 3-11-89)

COMMERCIAL BREEDING: Breeding, raising, and care of dogs, cats, mink, rabbits, and other domesticated or fur bearing animals for Commercial purposes. (AMENDED 6-5-93)

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 or residential buildings and/or dwelling units. (Amended 5-13-04)

COMMON SPACE: An area within a planned unit development or cluster development intended for the use and enjoyment of subsequent owners of property within the development. It is created by the grouping of structures in one portion of the total area to be retained in its natural state or developed for wood lot, gardening, or outdoor recreational uses.

CONDITIONAL USE: A permitted use, but one which by its nature in a particular zoning district requires case by case determination to assure compliance with the provisions of this ordinance and avoidance of harm to public or private interests.
**Conforming Use or Structure:** A use or structure which is in existence at the time a zoning ordinance is enacted or which is built or undertaken after enactment, which complies in all respects with the provisions of the enacted zoning ordinance.

**Construction/Demolition:** Construction or demolition of facilities, buildings, etc. associated with the land uses or activities. (Amended 8-23-11 by Selectmen vote)

**Contractor Business:** A business engaged in the provision of services off premises, but which has an office and equipment / materials stored on the premises. (Amended 4/26/03)

**Conventional Development:** A term used to connote traditional patterns of design, building style and subdividing activity as distinguished from planned unit developments or cluster developments.

**Cul-de-Sac:** A type of non-through street; one that does not connect with other segments of a public and/or private road network but ends in a turn-around.

**Day Care Facility:** A house or other place in which a person maintains or otherwise carries out a regular program, for consideration, for any part of a day providing care and protection for 3 or more children under 13 years of age. Day Care Facility does not include any facility operated as a nursery school, a home day care provider, a summer camp established solely for recreational and educational purposes, or a formal public or private school. (Amended 4/27/02)

**Density of Development:** A way of expressing the relationship between people, their support facilities (houses, places of employment, municipal services) and land area. Density is often a function of land use choices—more intensive residential, commercial, or industrial land uses increase populations and the density of development in a given area. Less intensive agricultural, forestry, or open space uses tend to have the opposite effect.

**Developed Area:** “Disturbed area” (see definition below) excluding areas that are returned to a condition with the same drainage patterns and vegetative cover type that existed prior to the disturbance. An area is not considered developed if planting to restore the previous cover type and restoration of any altered drainage patterns occur within one calendar year of the disturbance. (Amended 8-23-11 by Selectmen vote)

**Developer:** Any person, including a governmental body undertaking to use or develop any land or water area.

**Development:** The carrying out of any building or mineral extractive activity or the making of any material change in the use or appearance of any structure or land and the subdividing of land, including: The reconstruction, alteration of the size, or any other material change in the external appearance of a structure or land; a change in the intensity of use of land such as an increase in the number of dwellings units, offices, or businesses in a structure or on land; alteration of a shore, bank, or the bottom of any waterbody; commencement of drilling, mining, or excavation of materials; demolition of a structure; clearing of land in the context of site preparation; deposit of refuse, or fill material on a parcel of land.
DISTURBED AREA: All land areas that are stripped, graded, grubbed, filled or excavated at any time during the site preparation or removing vegetation for, or construction of, a project. Disturbed area does not include routine maintenance, but does include re-development and new impervious area. (Amended 8-23-11 by Selectmen vote)

DRINKING WATER STANDARDS, PRIMARY AND SECONDARY: Standards for drinking water as stated in the State of Maine Rules Relating to Drinking Water, Maine Department of Health and Human Services. (Amended 8-23-11 by Selectmen vote)

DRIVE-IN FACILITIES: A store, eating establishment, or business institution which by design and physical arrangement primarily serves its patrons in parked automobiles, but not including automobile service stations.

DWELLING: A structure or part thereof equipped and used for permanent (as opposed to temporary or transient) living quarters for one or more families.

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. (AMENDED 6-4-94)

ESSENTIAL SERVICES: The construction, alteration or maintenance of 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 associated with the furnishing of such services. (AMENDED 6-4-94)

ESTIMATED COST: As it applies to building permits, the reasonable value of all services, labor or materials, use of scaffolding or other appliances and devices entering into and necessary to the prosecution and completion of the work ready for occupancy; provided that the cost of excavation or grading, and of painting, decorating of other work that is merely for embellishment or not necessary for the safe and lawful use of the building or structure is not deemed a part of such estimated cost.

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. (AMENDED 6-4-94)

EXPANSION OF MANUFACTURED HOUSING PARKS: All Manufactured Housing Parks in existence or under Planning Board Review as of September 25, 1991 as permitted under Article 7 Section 7.02 of this Zoning Ordinance. (AMENDED 6-5-93)

FABRICATED, MANUFACTURED, LIGHT INDUSTRIAL: Activities and Facilities with less than five thousand (5,000) sq. ft. of work area. (AMENDED 6-5-93)
**FAMILY**: One or more persons occupying a dwelling and living as a single housekeeping unit. Such unit shall not exceed five persons not related by blood, adoption, or marriage.

**FARMING**: Farming, grazing, poultry and livestock raising including farm residences. Harvesting of wild crops, grasses, etc. (AMENDED 6-5-93)

**FLEA MARKET**: A shop or open market customarily involving table or space rented to vendors selling antiques, used and new household goods, curios, and the like. For the purpose of this ordinance, any Yard/Garage Sales conducted for more than 3 days during a weeks time period shall be defined as a Flea Market. "Flea Markets" as distinguished from Yard & Garage Sales, must require a Conditional Use Permit in all districts. (AMENDED 6-5-93)

**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. (AMENDED 6-4-94)

**FLOOR DRAIN**: An opening in the floor that leads to the ground Work sinks which lead to such drains are included in this definition. (Amended 8-23-11 by Selectmen vote)

**FOREST MANAGEMENT**: Timber cruising and other forest evaluation activities, management planning activities, insect and disease control, pruning and other stand improvement, regeneration of forest stands, and other similar associated activities, but not the construction of roads or timber harvesting. (AMENDED 3-11-89)

**FRESHWATER WETLAND**: Freshwater swamps, marshes, bogs and similar areas 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.

**FRONTAGE**: That portion of a lot or parcel of land abutting a public or private right-of-way or a waterbody.

**FRONT YARD SETBACK**: The minimum horizontal distance from the edge of a public or private right-of-way to the nearest part of a structure. (AMENDED 6-4-94)

**FUEL OIL DISTRIBUTOR, FUEL OIL STORAGE**: The storage of fuel for distribution or sale. Storage of fuel oil not for domestic use, i.e., not in tanks directly connected to burners. (Amended 8-23-11 by Selectmen vote)

**GAS STATION, SERVICE STATION**: Any place of business at which gasoline, other motor fuels, motor oil or vehicle maintenance services are sold to the public for use in a motor vehicle, regardless of any other business on the premises. (Amended 8-23-11 by Selectmen vote)
GENERAL BUSINESS OFFICES: Business Offices such as but not limited to Banks, Insurance Brokers, Real Estate, Stock Brokerage i.e. with less than one thousand (1,000) sq. ft. of customer service and office area. (AMENDED 6-5-93)


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

GREENBELT: For the purpose of these regulations, a “greenbelt” is defined as a strip of land vegetated with grass or other plant life maintained as open green space. Removal of dead trees, mowing of grass and pruning of other vegetation, to the extent appropriate for routine maintenance, are the only cutting permitted within a greenbelt area. The only construction permitted within a greenbelt is that necessarily related to the exercise or use of a utility easement and/or that necessarily related to a driveway. If another means of access to the property other than through the greenbelt is available, construction related to utility easements shall be the only permissible construction within the greenbelt boundaries. (Amended 4/27/02)

GROUNDWATER: The water contained within the interconnected pores, cracks or fractures located below the water table of a confined or unconfined aquifer. (Amended 8-23-11 by Selectmen vote)

HAMMERHEAD TURN: A gravel area built entirely outside of the right of way a minimum of 75’ sq. for the purpose of vehicular maneuvering.

The area of the right of way adjacent to the hammerhead turn must consist of a 75’ x 50’ gravel area. The right of way must extend 75’ beyond the hammerhead turn with a graveled area of 75’ x 35’. The right of way with a hammerhead turn shall be built in compliance with the sketch to be provided by the Code Enforcement Office. (AMENDED 3/11/00)

Hazardous Material: Any gaseous, liquid or solid materials or substances designated as hazardous by the Environmental Protection Agency and/or the Maine Department of Environmental Protection. (Amended 8-23-11 by Selectmen vote)

HAZARDOUS WASTE: Any substance (a) identified under chapter 850, Identification of Hazardous Wastes, of the rules of the State of Maine, Department of Environmental Protection, effective date July 1, 1980, including revisions or amendments thereto, (b), radioactive waste material including any solid, liquid, or gas residue, including but not limited to spent fuel assemblies prior to processing, remaining after the primary usefulness of the radioactive material has been exhausted and containing nuclides that spontaneously disintegrate or exhibit ionizing radiations; or (c) any substance listed in the Town of Waterboro Hazardous Waste Ordinance. (Amended 8-23-11 by Selectmen vote)
HOME AGRICULTURAL USES: Agricultural uses, as defined by this ordinance, carried on by the permanent residents of a dwelling unit for their own personal household use and not for resale. (AMENDED 3-11-89)

HOME DAY CARE PROVIDER: A person who receives some type of payment to provide child care in his or her own home on a regular basis, for 3 to 12 children under 13 years old, who are not the provider’s own children. (Amended 4/27/02)

HOME OCCUPATION: A use that is clearly incidental and subordinate to the residential use of the property. A home occupation must conform to the standards set forth in Article 7.04 of this ordinance. (AMENDED 3-8-97)

HORTICULTURE ACTIVITIES: Activities including but not limited to Nurseries, Greenhouses, and Commercial Sale of such products. (AMENDED 6-5-93)

IMPERVIOUS AREA: The total area of a parcel that consist of buildings and associated constructed facilities or areas that will be covered with a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce permeability. (Amended 8-23-11 by Selectmen vote)

INDOOR RECREATION: Recreational Facilities including Bowling Alleys, Skating Rinks, Swimming Pools, etc. (AMENDED 6-5-93)

INDUSTRIAL – The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals. (Amended 5-13-04)

INSTITUTIONAL FACILITIES: Includes but not limited to Hospitals, Nursing Homes, and Sanitariums, etc. (AMENDED 6-5-93)

INTEGRATED PEST MANAGEMENT PLAN (IPM): Integrated Pest Management (IPM) is the coordinated use of physical, biological and cultural controls and least-toxic pest control products and techniques to prevent unacceptable levels of pest damage by the most economical means with the least possible hazard to people, property and the environment. Integrated Pest Management involves the monitoring of pest populations, establishment of injury levels, modification of habitats (to eliminate sources of food, water, harborage and entry), utilization of least-toxic controls, and keeping of records and evaluation of performance on an ongoing basis. (Amended by 8-23-11 by Selectmen vote)

INTENSIVE OPEN SPACE USES: Uses of open space which have the potential, because of their duration, frequency, or nature, to significantly impact the environment, particularly the groundwater quality and quantity. Examples of intensive open space uses include: automobile or all-terrain vehicle race tracks or ranges. (Amended 8-23-11 by Selectmen vote)

JUNKYARDS: A lot or parcel of land and/or a structure or a part of either, used for the purchase, collection, storage, recycling, or sale of wastewater, rags, scrap metal, or other discarded goods, materials, machinery, or vehicles. Said areas must not be located within five hundred (500) ft. of any residence, camp, or water body and must be appropriately screened. (AMENDED 6-5-93)
LANDFILL: An area used for the placement of solid waste, liquid waste or other discarded material on or in the ground. (Amended 8-23-11 by Selectmen vote)

LANDSCAPED AREA: An area of land that has been disturbed and re-planted or covered with one or more of the following: lawn or other herbaceous plants, shrubs, trees or mulch; but including area that has reverted to natural, vegetated condition. (Amended 8-23-11 by Selectmen vote)

LOADING AREA: An obstructed area no part of which is located in or on any public or private right-of-way and the principal use of which is for the standing, loading, unloading, and maneuvering of vehicles.

LOT: A tract of land having frontage on a public or private right-of-way occupied or intended to be occupied by a permitted use or structure and accessory uses and structures together with such open spaces, yards, parking areas, etc. as are required.

MARINA: A boat basin that has docks, moorings, supplies, and other facilities for small boats, including the sale of boat, bait, and tackle supplies.(AMENDED 6-5-93)

MARSH: A periodically wet or continually flooded land area with the surface not deeply submerged, covered predominantly with sedges, cattails, rushes or other hydrophytic plants.

MASSAGE: Any method of rubbing, kneading, tapping, vibration, compression, percussion, application of friction or manipulation of external parts of the human body with the hands or other parts of the body or with the aid of any instrument or device performed by any person who is not a physician, surgeon, physician's assistant, nurse, chiropractor, physical therapist, barber, cosmetologist, beautician or other health or hygiene professional licensed by and practicing in accordance with the laws of the State of Maine. Massage does not include massage therapy as defined in 32 M.R.S.A. s14301(4).(AMENDED 6-5-93)

MANUFACTURED HOUSING UNIT: Structures, transportable in one or two sections, which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning, and electrical systems contained therein. (AMENDED 9-25-90)

MEDICAL MARIJUANA GROW-ONLY FACILITY: A facility that engages only in the growing and processing of medical marijuana in accordance with State law, but does not dispense marijuana. Processing of medical marijuana may include, but is not limited to, the preparation of tinctures, ointments, and food products containing medical marijuana. Medical Marijuana Grow-Only facilities shall require a conditional use application as set forth in Article 4 and must be located on Route 5 or Route 202 in the Agriculture and Residential (AR) Zone. (Amended 2-22/11 by Selectmen vote)

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.(AMENDED 6-4-94)
MINING OR MINERAL EXTRACTION: The removal of geologic materials such as soil, topsoil, loam, sand, gravel, clay, metallic, ores, rock, peat, or other like material from its natural location and transportation of the product removed away from the extraction site. (Amended 8-23-11 by Selectmen vote)

MOBILE HOME PARK: A parcel of land under unified ownership designed and/or used to accommodate three or more manufactured housing units. (AMENDED 9-25-90)

MOBILE HOME PARK LOT: An area of land on which an individual manufactured housing unit is situated within a mobile home park and which is reserved for use by the occupants of that unit. The Planning Board shall require that all mobile home park lots are delineated on a mobile home park plan. (AMENDED 9-25-90)

MODIFICATIONS: Are permitted departures for cause from the general and otherwise applicable provisions of this ordinance.

MULTI-FAMILY DWELLING: A dwelling designed for occupancy by two or more families.

NONCONFORMING STRUCTURE OR USE: A legal structure or use including accessory uses or structures already in existence or begun before the date of enactment of a zoning ordinance or amendment, which structure or use does not comply with the existing provisions of the zoning ordinance or amendment.

NORMAL HOUSEHOLD USE: Use by the permanent residents of a dwelling unit incidental to and related to their residential use and occupation of that dwelling unit. (AMENDED 3-11-89)

NORMAL HIGH WATER MARK: That point or elevation on the shore or bank of a waterbody where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. A series of such points along a shoreline determines the normal high water line.

NUISANCE: Is defined by MRSA tit. 30 ss4962 (1) (F) as "any property or use existing in violation of any zoning ordinance." more generally, it is an action or the use of land or things by one person in a manner harmful or detrimental to the person, land, or things or another.

OCCUPANCY PERMIT: A certificate to be secured from the Code Enforcement Officer prior to commencing actual use of a land area or structure evidencing that permitted activities specified in a building permit have been completed in accordance with the provisions of this ordinance.

OFFICE/OFFICE COMPLEX: A building (new or existing) wherein services are performed involving predominantly administrative professional or clerical operations. Complex may consist of one or more professional offices. Examples of professional office include but are not limited to Banks, Insurance Brokers, Real Estate Brokers, Lawyers, Accountants, Doctors, and Dentists. (AMENDED 6-4-94)

OPEN SPACE: Land that is free of buildings, other permanent structures and impervious areas. (Amended 8-23-11 by Selectmen vote)
OUTDOOR RECREATION: Outdoor recreation activity operated by an entity other than a unit of
government, whether operated for profit or not, including but not limited to golf courses, livery,
and ski-tows, provided they fulfill State and Town public health requirements, but not including
campgrounds, outdoor movies, and outdoor dine and dance facilities. In the Wellhead Protection
District, outdoor recreation shall be limited to nonintensive recreational activities, that is,
recreational activities that do not require structural components or substantial land alteration for
participation, such as fishing, hiking and hunting. Recreational Facilities including Ball Fields,
Parks, Picnic Areas, Tennis Courts, but not Golf Courses or Driving Ranges.
(AMENDED 3-11-89 & 6-5-93)

PARK: Land area set aside for public recreation, conservation, wildlife, or other similar purpose.
(Amended 8-23-11 by Selectmen vote)

PARKING AREA: An unobstructed area consisting of one or more 200 sq. ft. parking spaces no
part of which is located in or on any public or private right-of-way and the principal use of which
is the temporary storing and maneuvering of vehicles.

PERFORMANCE STANDARDS: Legislatively determined minimum requirements for the
undertaking of development activities usually predicated on objective medical, scientific, and
engineering, criteria and designed to protect the public's health, safety, and general welfare.

PERMANENT FOUNDATION: Means the following:
(1) A full, poured concrete or masonry foundation;
(2) A poured concrete front wall or a mortared masonry wall, with or without a concrete
floor;
(3) A reinforced, floating concrete pad, if the pad is to be placed in soil rated with high
potential for frost action in the Soil Interpretation Records of the U.S. Solid
Conservation Service, the Code Enforcement Officer shall require a certification of its
adequacy from a professional engineer, registered in the State of Maine, prior to the
issuance of a building permit; or
(4) Any permanent foundation which, pursuant to the building codes of the Town of
Waterboro, is permitted for other types of single family dwellings. (AMENDED
9-25-90)

PERMITTED USES AND STRUCTURES: A general category consisting of primary and conditional
uses and structures. A use or structure not permitted in any zoning district may not be
undertaken unless the Planning Board or Selectmen agree that it is similar in character to a
permitted use or structure or unless the ordinance is amended.

PESTICIDE, HERBICIDE BULK STORAGE: Storage of herbicides of pesticides intended for sale or
intended for application on commercial premises or intended for application on cash crops.
Homeowner storage or storage by non-commercial gardeners is not included in this definition.
(Amended 8-23-11 by Selectmen vote)

PITCHED, SHINGLED ROOF: A roof with a pitch of 2 or more vertical units for every 12
horizontal units of measurement and which is covered with asphalt of fiberglass composition
shingles or other materials, but specifically excludes corrugated metal and other metallic roofing
materials. (AMENDED 9/25/90)
PLANNED UNIT DEVELOPMENT - In the context of this ordinance a development controlled by a single developer on a tract ten (10) acres or larger in size for residential, commercial, industrial (or any combination of the above) purposes. PUD's are undertaken in a manner that treats the developed area as an entirety to promote flexibility in design, architectural diversity the efficient use of land including the creation of common open space, a reduction in the size of road and utility systems, and the retention of the natural characteristics of the land. PUD's may not be used, however, to increase the overall density of development permitted in any zoning district. Residential PUD's may not exceed one family unit for the required density of the zoning district in the parcel being developed.

P.U.D.'s limited to industrial and/or commercial activities on parcels not within five hundred (500) feet of a water body and with direct access to a state or federal aid highway. PUD's providing resort and recreational facilities including overnight, year-round, or seasonal accommodations, bar and food service. Notwithstanding any provision in this ordinance to the contrary, principal or accessory structures in all such developments shall not be built within one hundred and twenty-five (125) of any side or rear lot line and must be set back one hundred and fifty (150) feet from the front lot line.(AMENDED 6-5-93)

PRIMARY USES AND STRUCTURES: Are permitted uses and structures which in each zoning district are recognized as most highly compatible with existing development, the capacity of the land area to support further development, and the objectives of the comprehensive plan and this ordinance. They require only the issuance of building and occupancy permits before they may be commenced.

PROCESSING FACILITIES RELATED TO FARMING I: Processing Facilities related to Orchard and Agricultural Products, including Poultry but excluding Livestock. (AMENDED 6-5-93)

PROCESSING FACILITIES RELATED TO FARMING II: Processing Facilities related to Orchard and Agricultural Products, including Poultry and Livestock.

PROFESSIONAL HOME OCCUPATION AND OFFICES: A professional activity (such as, but not limited to: doctor, dentist, lawyer, engineer, accountant, architect, real estate and stock broker) conducted for gain or support entirely within a residential building, or structure accessory thereto, which is carried on by a member of the family residing in the building, is incidental and secondary to the use of such building for dwelling purposes, and which does not change the essential residential character of such building. No more that twenty-five (25) percent of the floor space in any residential building (principal or accessory) may be given over to a professional home occupation or office.

PUBLIC BUILDING: A building owned, operated or funded in whole or in part by the Town of Waterboro which members of the general public have occasion to visit, either regularly or occasionally, such as, but not limited to, the Town Hall, the Public Library, the Police Station and Fire Stations.(AMENDED 6-5-93)

PUBLIC FACILITIES: Those activities, structures, and services usually provided by government such as, but not limited to, schools, police protection, fire protection, municipal offices, municipal dumps, etc...(AMENDED 6-5-93)
PUBLIC UTILITIES: Utility or Communications poles, towers, lines, and unmanned substations, etc. (AMENDED 6-5-93)

RECREATIONAL VEHICLE OR CAMPER: A vehicle type of structure designed to provide temporary (as opposed to permanent) living quarters for recreational, camping, or travel use which may have its own motive power or be mounted on or drawn by another vehicle, including any and all types of pick-up camper, travel trailer, tent trailer, or motorhome.

RESOURCE EXTRACTION: "Extraction of rock, sand and gravel, but not within 150 ft. from any property line or 100 ft. from any water body provided a suitable restoration and erosion/sediment control plan is prepared and approved by the Planning Board. If written permission of the abutter is obtained, a buffer strip of no less than 25 ft. may be allowed. These buffer requirements may be waived with the abutters permission if the abutting property is in use as an extraction operation.

RESTAURANTS, LOUNGES, & CAFES I: Restaurants, Lounges, Cafes with less than one thousand (1,000) sq. ft. of customer service area, except those requiring a daily water consumption in excess of one thousand (1,000) gallons. (AMENDED 6-5-93)

RESTAURANTS, LOUNGES, & CAFES II: Restaurants, Lounges, Cafes with more than one thousand (1,000) sq. ft. of customer service area or that requires more than one thousand (1,000) gallons of daily water consumption. (AMENDED 6-5-93)

RETAIL SHOPS: A store or shop engaged in the sale of commodities or goods to individual customers for personal use rather than for resale.

RETAIL & SERVICE STORES I: All types of Retail Shops and Stores with less than one thousand (1,000) sq. ft. of Store area, except shops or stores requiring daily water consumption in excess of one thousand (1,000) gallons. (AMENDED 6-5-93)

RETAIL & SERVICE STORES II: All types of retail and service stores (Repair Shops Barbers, Beauticians, Cleaners, etc.) with more than one thousand (1,000) sq. ft. of Store area or that requires one thousand (1,000) gallons of daily water consumption, including all Drive-in Facilities. (AMENDED 6-5-93)

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. (AMENDED 6-4-94)

ROAD OR ROADWAY: A public or private right-of-way intended to be used for the passage of persons and vehicles.

PESTICIDE, HERBICIDE BULK STORAGE: Storage of herbicides of pesticides intended for sale or intended for application on commercial premises or intended for application on cash crops. Homeowner storage or storage by non-commercial gardeners is not included in this definition. (Amended 8-23-11 by Selectmen vote)
PIERS, DOCKS, WHARFS, 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. (AMENDED 6-4-94)

SALT OR SAND/SALE PILES (UNCOVERED): Storage of any amount of salt or sand/salt mix, for any purpose, without a roof or other structure capable of preventing precipitation from reaching the salt or sand/salt. (Amended 8-23-11 by Selectmen vote)

SCHOOLS: Public and Private Schools including all accessory structures and facilities. Includes Day-Care and Nursery Schools. (AMENDED 6-5-93)

SEASONAL USE: A use which is undertaken and naturally associated with a given time of the year as opposed to a use capable of being and usually undertaken on a year-round basis.

SERVICE STORES: An office, shop, or store providing personal, financial, technical, or repair services, assistance or advice to individual customers.

SETBACK: The minimum horizontal distance from a lot line, the normal high water line or the side of a right-of-way easement or deeded right-of-way (see section 3.03) to the nearest point of a structure. (AMENDED 3/11/00)

SHORELAND: 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 one hundred (100) feet of the normal high-water line of a stream.

SIGNS: Any words, letters, figures, numerals, phrases, sentences, emblems, designs, names, trade names or marks, affixed to, painted, or carved directly or indirectly upon a building, structure, or other material for purposes of informing or attracting the attention of the public.

SLOPE: The mathematical ratio of a change in elevation divided by the horizontal distance to produce that change, normally expressed as a percentage.

SLUDGE: Residual material produced by water or sewer treatment processes, industrial processes, or domestic septic tanks. (Amended 8-23-11 by Selectmen vote)

SLUDGE UTILIZATION: The spreading of sludge on the ground or other use of sludge which might expose surface or groundwater to the sludge. (Amended 8-23-11 by Selectmen vote)

SNOW DUMP: A location to which snow is transported and dumped by commercial, municipal, of State snow-plowing operations. (Amended 8-23-11 by Selectmen vote)
**SOLID WASTE**: Discarded solid material with insufficient liquid content to be free flowing. This includes but is not limited to rubbish, garbage, scrap materials, junk, refuse, inert fill materials and landscape refuse. (Amended 8-23-11 by Selectmen vote)

**SPCC PLAN**: Spill Prevention Control and Countermeasure Plan as described in 40CFR, Part 112 of Federal Oil Pollution Prevention Regulations. (Amended 8-23-11 by Selectmen vote)

**SPECIAL OR UNIQUE STRUCTURE**: A structure (such as an electric transmission line tower) or part of a structure (such as a church spire) which is allowed to exceed the otherwise applicable height limitations of this ordinance in situations where the added height is necessary, reasonable, and will not harm the public. Increased structure height should be offset by requiring additional setback from all lot lines.

**SPECIAL REQUIREMENTS**: Are really added conditions which the Planning Board may attach to a conditional use approval in circumstances where the failure to do so would result in harm to the public interest even though the applicant for a conditional use approval has met all of the general and specific requirements for that approval.

**SPECIALIZED MEDICAL CLINIC**: A facility that dispenses, acquires, possesses, cultivates, manufactures, delivers transfers, transports, sells or supplies methadone, medical marijuana or other medical drugs to patients. Such dispensary may also supply educational materials and provide to registered primary caregivers of those patients at the same facility. Ancillary or accessory uses for such a specialized medical clinic may include, but are not limited to, counseling services associated with the medication conditions being treated, processing and cooking facilities for preparing the marijuana and other registered drugs. In all cases, accessory uses must remain secondary, individually and in aggregate, to the primary use. Specialized medical clinics shall require a conditional use application and site plan review as set forth in Articles 2 and 4 and must be located on Route 5 or Route 202 in the General Purpose Zone. (Amended 2/22/11 by Selectmen vote)

**STABLES**: A building for the shelter and feeding of domestic animals, especially horses and cattle. (AMENDED 6-5-93)

**STANDARD SIZE ENTRY DECK**: A standard size entry deck will consist of a 4’ x 4’ platform with a maximum of 6 steps. (AMENDED 3/11/00)

**STORMWATER DRAINAGE**: A sewer or other system for conveying surface runoff due to storm events and unpolluted ground or surface water, including that collected by cellar drains, but excluding sanitary sewage and industrial waste. (Amended 8-23-11 by Selectmen vote)

**STORMWATER IMPOUNDMENT**: Any structure designed and constructed to contain stormwater runoff. (Amended 8-23-11 by Selectmen vote)

**STREAM**: A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within the shoreland area. (AMENDED 6-4-94)
STRUCTURE: A man made construction or assemblage of materials having a more or less permanent location on ground or water such as, but not limited to, buildings, towers, masts, poles, booms, signs, sheds, carports, tents, equipment and machinery (including mobile homes and recreational vehicles when stationary). Above ground swimming pools should not be considered a structure therefore does not have to meet setback requirements. Tents intended for sleeping should not be considered a structure therefore does not have to meet setback requirements. (AMENDED 6/16/98)

STRUCTURAL ALTERATION: Involves changing, extending or relocating the bearing walls, columns, beams, or girders by which a structure is supported.

SUBDIVIDING: The process of converting relatively unintensively used for, agricultural, or open space land into smaller parcels or lots, suitable for more intensive uses involving residential, commercial, or industrial activities. Improvements, such as surveying, preparing a legal description, laying out of streets, and site preparation are often part of the process.

SUBDIVISION: A subdivision shall mean the division of a tract of parcel of land as defined in Title 30A, M.R.S.A., section 4401. (Amended 8-23-11 by Selectmen vote)

SUBSURFACE INJECTION (see subsurface wastewater disposal) (Amended 8-23-11 by Selectmen vote)

SUBSURFACE WASTEWATER DISPOSAL SYSTEM
A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s) surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA section 414, any surface wastewater disposal system licensed under 38 MRSA section 413, Subsection 1-A, or any public sewer, sewerage system, or wastewater treatment plant. (Amended 8-23-11 by Selectmen vote)

SUBSTANDARD SIZED LOT: As of the date of enactment of this ordinance it is a lot of record in any zoning district which does not meet the minimum lot size requirements for that district.

SUBSTANTIAL WORK: (actual construction) a term evidencing the point at which a nonconforming use status arises and/or that degree of reliance upon a building permit or variance sufficient to prevent its expiration for non-use. The point at which the planning and site preparation phrase of a project gives way to actual construction aimed at bringing the contemplated structure or use into being.

TEMPORARY USE OR STRUCTURE: A use or structure not permitted by this ordinance but allowed to be undertaken for brief periods of time upon application to, and approval (with conditions, if necessary) by the Planning Board.

TIMBER HARVESTING: The cutting, trimming, stacking and removal of trees from their growing site including the operation of cutting and skidding equipment.
**Topography:** A term referring to the general characteristics of the ground surface--flat, hilly, rugged, etc. also refers to physiographic features--steepness of slope, degree of relief, etc.

**Transfer Station; Recycling Facility:** Facility designed for temporary storage of discarded material intended for transfer to another location for disposal, re-use, and/or processing. (Amended 8-23-11 by Selectmen vote)

**Upland Edge:** The boundary between upland and wetland. (AMENDED 6-4-94)

**Uses Similar In Character:** As distinguished from an expressly permitted use these are uses which are nonetheless common in most towns and which in size, type of activity, number of employees, social utility, use of public facilities and services are in almost all respects identical with a permitted use.

**Utilities:** Include gas, electricity and water supply systems; radio, television, telephone and other communications systems; bus, truck and fuel distribution systems; solid and waste water disposal systems. Such systems include but not limited to lines, cables, poles, towers, pipes, drains, sewers, treatment plants, hydrants, signals, antennas, distribution facilities, substations, offices, buildings, vehicles, etc.

**Utility Corridor:** Right-of-way, easement, or other corridor for transmission wires, pipes or other facilities, for conveying energy, communication signals, fuel, water, wastewater, etc. (Amended 8-23-11 by Selectmen vote)

**Underground Storage Tank:** As defined by State of Maine regulations published by the Maine Department of Environmental Protection. (Amended 8-23-11 by Selectmen vote)

**Variance:** A permitted minor departure from the literal or strict application of the dimensional requirements of this ordinance which may be granted in circumstances where undue hardship would otherwise result, but only if the requirements of state statute MRSA tit. 30 s4963 (3) and this ordinance (see section 10.04) are met.

**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. (AMENDED 6-4-94)

**Wastewater:** Any combination of water-carried wastes from institutional, commercial and industrial establishments, and residences, together with any storm, surface or groundwater as may be present. (Amended 8-23-11 by Selectmen vote)

**Wastewater Treatment Plant:** Any arrangement of devices and structures used for treating wastewater. (Amended 8-23-11 by Selectmen vote)

**Waterbody:** Any great ponds, rivers, or streams. (AMENDED 6-3-96).
Watershed: Land lying adjacent to water courses and surface water bodies which creates the catchment or drainage area of such water courses and bodies; the watershed boundary is determined by connecting topographic high points surrounding such catchment or drainage areas. (Amended 8-23-11 by Selectmen vote)

Water Table: The upper surface of the free groundwater in a zone of saturation. It generally follows the topography of the land, but it will fluctuate in its depth below the surface in accordance with the quantity of ground water and soil characteristics.

Wellhead: The specific location of a well (a hole or shaft dug or drilled to obtain water) and/or any structure built over or extending from a well. (Amended 8-23-11 by Selectmen vote)

Wellhead Protection District: A zone, consisting of 2 districts, delineated according to Article III, Section 3.01 and 3.02 of this Ordinance. (Amended 8-23-11 by Selectmen vote)

Well, Abandoned: A shaft, casing, tile, hole, or pipe placed, drilled, or dug in the ground for the extraction or monitoring or groundwater that has not been used for a period to two consecutive years. (Amended 8-23-11 by Selectmen vote)

Well, Existing or New: A shaft, casing, tile, hole, or pipe placed, drilled, or dug in the ground for extraction or monitoring of groundwater. (Amended 8-23-11 by Selectmen vote)

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. (AMENDED 6-4-94)

Wholesale & Warehouse Facilities: All types of Wholesale, Warehouse and Bulk Storage Facilities. (AMENDED 6-5-93)

Wildlife Preserve: An area maintained for the protection of wildlife or natural resources, including maintenance of nesting and breeding areas. (AMENDED 6-5-93)

Yard & Garage Sale: The occasional selling, offering for sale, trading, swapping, or otherwise bartering used or second-hand household goods from any residential premises.

There shall be no limit as to the number of Yard & Garage Sales a person has during the year. Yard & Garage sales can be conducted on a residential premise for no more than 3 days during a week time period.

At no time shall the proposed Yard & Garage Sale inhibit the flow of traffic. Persons holding a (sale) must provide sufficient parking so that all vehicles attracted to the sale are not parked within the right-of-way. (AMENDED 6-5-93)
**Yard:** A required open space on a lot between a lot line and any structure which is unoccupied from grade level upward and except for vegetation.

**Zoning District:** An area geographically defined by a zoning ordinance in which a category of uses may be carried on and structures built if stated regulatory requirements are met. Uniformity of treatment within a district is required, but the category of uses and the regulatory requirements imposed may vary from district to district within a town.

**Zoning Map:** An integral part of the zoning ordinance upon which all of the zoning districts are fully and carefully delineated. It is to be kept on file available for public inspection in the Town Clerk’s Office.