2013

Town of Woodstock, Maine, Selected Ordinances

Woodstock (Me.)

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SITE PLAN REVIEW ORDINANCE

for the

TOWN OF WOODSTOCK, MAINE

March 2005

ADOPTED: March 28, 2005
Amended March 25, 2013
SITE PLAN REVIEW ORDINANCE
for the
TOWN OF WOODSTOCK, MAINE

SECTION I   PURPOSE

The purposes of this Ordinance are to protect the public health, safety and welfare of the residents of the Town of Woodstock, to implement the Comprehensive Plan and to insure an orderly growth and development of the Town.

SECTION II   AUTHORITY, VALIDITY, SEVERABILITY AND AMENDMENTS

A. Authority

1. This Ordinance is adopted pursuant to Article VIII-A of the Maine Constitution and Title 30-A M.R.S.A. Section 3001 (Home Rule).
2. This Ordinance shall be known as the “Site Plan Review Ordinance” of the Town of Woodstock, Maine.

B. Validity and Separability, Conflict with other Ordinances and Effective Date

1. Validity and Separability: Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.
2. Conflict with Other Ordinances: Whenever the requirements of this Ordinance are inconsistent with the requirements of any other ordinance, code or statute, the more restrictive requirements shall apply.
3. Effective Date: The effective date of this Ordinance is March 28, 2005 the date of its adoption at town meeting.

C. Amendments

This Ordinance may be amended by a majority vote of the Town Meeting. Amendments may be initiated by a majority vote of the Planning Board or by request of the Board of Selectmen to the Planning Board or on written petition of a number of voters equal to at least 10% of the number of votes cast in the last gubernatorial election in the Town. The Selectmen shall conduct a public hearing on any proposed amendment.

SECTION III   APPLICABILITY

A. This Ordinance shall apply to:

1. All development proposals for new, or substantial enlargements (an expansion by either a 20 percent in new gross floor area or a 20 percent increase in new impervious surface area provided such expansion involves at least 500 square feet within any five-year period) of commercial, retail, industrial, institutional, public, and recreational structure(s) or uses and their accessory uses and structures.
2. Change in use including new uses of existing structures or land which would employ new materials and/or processes not normally associated with the existing or previous use.
3. Home Occupations when determined by the Code Enforcement Officer that a Site Plan Review is required.
4. Should the plan be for a wind turbine project, all requirements set forth in the separate Woodstock Commercial Wind Energy Ordinance must be met prior to Planning Board approval.
B. This Ordinance does not apply to:

1. Construction of detached single family dwellings, two-family dwellings, and multi-family dwellings and accessory structures for the use of the residents thereof.

2. Construction of barns, stables, and other agricultural related buildings by and for the private use of families residing on the property on which the building is to be located.

3. All nonstructural uses of land for agricultural or forestry purposes.

4. Home occupations which meet the following conditions do not need Site Plan approval.
   a. The home occupation is incidental and secondary to the primary residential use of the premises;
   b. Do not employ persons who do not make the residence their permanent home;
   c. Do not display any exterior sign larger than eight (8) square feet, any exterior indications of the home occupation or variation from the residential character of the principal dwelling or accessory structure.
   d. Do not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal telephone, radio or television reception, or causes other nuisances which extend beyond the limits of the subject property; and
   e. Are not likely to generate regular daily or seasonal traffic not associated with residential uses.

5. Home Occupations which do not meet the criteria in Section 4 above shall comply with Section VIII.A.

SECTION IV ADMINISTRATION

A. The Planning Board of the Town of Woodstock shall administer this Ordinance.

B. No building permit, plumbing permit, or septic permit shall be issued by the Planning Board, Code Enforcement Officer or Local Plumbing Inspector for any use or development within the scope of this Ordinance until a Site Plan of Development Application has been reviewed and approved by the Planning Board.

C. All Site Plan approvals shall expire two (2) years after the date of approval unless substantial construction thereunder has commenced. If work is not completed within three (3) years from the date of approval, the approval lapses and a new application must be made and approved. The Planning Board may grant up to a twelve (12) month extension to these time periods upon request by the applicant and a showing that the time periods cannot be complied with due to circumstances beyond the control of the applicant. There will be no additional charge for application review provided the application is unchanged.

D. All applications for Site Plan Review shall be made in writing to the Planning Board on forms provided for that purpose and shall be by the owner of the property or the owner’s agent as designated in writing by the owner.

E. An application for Site Plan Review shall be accompanied by a fee based on the estimated time required to administer the ordinance. A minimum fee of $200 and an additional $100 per meetings will be charged. This application fee shall be made by check payable to the Town of Woodstock and shall not be refundable. The Planning Board shall not consider an application complete until the fees have been received by the Town.
F. If the services of outside consulting engineers or other professions are required by the Planning Board to assist in the review of the application, or the amount or conditions of any performance guarantee that may be required, the Planning Board shall notify the applicant of the nature of such services, the firm or individual selected, and the cost of services. The cost of such services shall be paid by the applicant and evidence of such payment shall be provided to the Planning Board before the application is approved.

SECTION V APPLICATION PROCEDURE

A. Pre-Application Meeting

1. Prior to submitting an application for development, the applicant or the applicant’s authorized agent should appear informally at a regular or special meeting of the Planning Board to discuss the proposed development.

2. The applicant shall present to the Planning Board, at this time for informal review and comment, a sketch plan of the proposed development. The sketch plan shall consist of a rough outline of the proposed development and may be a freehand, pencilled sketch of the parcel showing the proposed layout of buildings, roads, and other features which may aid the Planning Board to understand the development.

3. The Planning Board may request that the applicant arrange for an inspection of the site with the Planning Board, or an individual appointed by the Board Chairman to act as the Board’s representative. A non-refundable inspection fee of $100.00 will be paid.

4. No binding commitments shall be made between the applicant and the Planning Board at this stage. The purpose of the pre-application meeting shall be to understand what is proposed.

B. Site Plan Review Application Requirements

1. Applications for Site Plan Review approval shall be submitted on application forms provided by the town. The completed application form, required fees and the required plans and related information shall be submitted to the Planning Board no less than seven (7) days prior to the Planning Board’s regular scheduled meeting.

2. One copy of the plan(s), which may be reduced to 8 ½” X 11”, shall be mailed or delivered to each member of the Planning Board and Code Enforcement Officer at least ten (10) days prior to the Planning Board’s regular scheduled meeting. If the Planning Board deems necessary, the applicant shall mail via certified mail, return receipt request, the application to the Fire Chief, Road Commissioner, and Town Manager no less than ten (10) days prior to the meeting. These individuals shall provide to the Planning Board, prior to the next regularly scheduled meeting, comments upon the adequacy of their department’s existing capacity to service the proposed development.

3. Notice to Abutters: Upon filing an application, abutting property owners including those across a road or street shall be notified by certified mail, return receipt requested by the applicant, of a pending application for Site Plan Review. This notice shall indicate the time, date and location of the Planning Board’s consideration of the application. The applicant shall show proof that abutting property owners were notified. The Planning Board shall maintain for the record all undeliverable notices required by this section.

C. Submission Requirements

When the owner of the property or his authorized agent makes formal application for site plan review, the application shall contain at least the following exhibits and information:

1. A fully executed and signed copy of the application for site plan review.
2. Two (2) copies of a site plan drawn at a scale sufficient to allow review of the items listed under the preceding general standards, but at not more than 50 feet to the inch for that portion of the total tract of land being proposed for development, and showing the following:

   a. Owner's name, address and signature.

   b. Names and addresses of all abutting property owners.

   c. Sketch map showing general location of the site within the Town.

   d. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.

   e. If requested by the Planning Board, a perimeter survey of the parcel made and certified by a Professional Land Surveyor pursuant to Rule 12, Standards of Practice, by the State Board of Regulation of Land Surveyors. This survey shall relate to reference points showing magnetic north, graphic scale, corners of parcel and date of survey and total acreage.

   f. Soil types and location of soil boundaries as certified by a registered engineer or soil scientist.

   g. The location of all building setbacks.

   h. The location, size, and character of all signs and exterior lighting.

   i. The area of the parcel and street frontage.

   The location of all existing and proposed structures (including size and height), driveways, sidewalks, parking spaces, loading areas, open spaces, open drainage courses, signs, exterior lighting, service areas, easements, and landscaping.

   k. The location of all buildings within 100 feet of the parcel to be developed and the location of intersecting roads or driveways within 500 feet of the parcel.

   l. Existing and proposed topography of the site at contour intervals as determined by the Planning Board if major changes to the existing topography are being proposed.

   m. A storm water drainage plan showing:

      1. The existing and proposed method of handling storm water run off.

      2. The direction of flow of the run off through the use of arrows.

      3. The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.

      4. Engineering calculations used to determine drainage requirements based upon a 25-year storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.

   n. Location of aquifers and aquifer recharge areas, if mapped.

   o. Location of wetlands, significant wildlife habitat, known or potential archaeological resources, scenic locations as identified in the Comprehensive Plan and historic buildings and sites to be developed or adjacent to the parcel.
p. Location and elevation of the 100-year flood plain as identified by the Federal Emergency Management Agency.

q. If the development site is located in the direct watershed of any great pond, the name of that watershed shall be indicated on the plan.

r. A utility plan showing provisions for water supply, waste water disposal, snow removal/storage, electrical and communications.

s. Where the plan was prepared by an architect, engineer, surveyor, geologist, soil scientist or other professional licensed or certified and issued a seal by the State of Maine, the preparer's seal shall be affixed to the plan.

3. A written, narrative statement by the applicant that supplies the following information and is substantiated by the appropriate documents.

   a. Evidence by the applicant of right, title or interest in the property for which the application covers.

   b. A description of the proposed uses to be located on the site including: products to be manufactured, description of and volume of manufacturing by-product, smoke, odors and wastes, type of products to be warehoused, and type of products to be sold.

   c. Total floor area and ground coverage of each proposed building and structure and percentages of lot covered by each building or structure.

   d. A copy of the existing and/or proposed easements, restrictions and covenants placed on the property.

   e. Method of solid waste disposal.

   f. Erosion and sedimentation control plan.

   g. Copies of letters mailed by the applicant to the abutting land owners notifying them of the proposed development; sent by certified mail, receipts to be returned to the Planning Board.

   h. Statement of financial capacity which should include the names and sources of the financing parties including banks, government agencies, private corporations, partnerships, and limited partnerships and whether these sources of financing are for construction loans or long-term mortgages or both.

   i. A list of applicable local, state, and federal ordinances, statutes, laws, codes, and regulations which must be complied with or a permit issued before the project may begin.

   j. The applicant’s evaluation of the availability and suitability of off-site public facilities including sewer, water, and streets.

   k. A statement from the Fire Chief as to the availability of fire hydrants and/or fire ponds or provisions of fire protection services.

   l. An estimate of the date when construction will start and when the development will be completed.

   m. A description of the current or most recent use of the building or land including type of products(s) sold or manufactured, operating hours, nature and number of patrons served on a daily basis, peak hours, and other items as the Planning Board may find necessary.
n. Traffic data shall include the following when required by the Planning Board:

1) the estimated peak hour and average daily traffic to be generated by the proposal;

2) existing traffic counts on surrounding roads;

3) traffic accident data covering the most recent three-year period for which such data is available.

o. A copy of the approved Driveway Permit or Entrance Permit issued by the Maine Department of Transportation if a driveway or entrance will enter on to Route 26 or 232. In addition, a driveway entrance approval letter from the Town of Woodstock Road Commissioner for entrances onto all other town roads.

p. The type, size, and location of all machinery likely to generate appreciable noise at the lot lines.

q. If located in the direct watershed of any Great Pond a phosphorous control plan prepared in accordance with Section VII.9.a.

D. The Planning Board may waive any of the submission requirements when it makes written finding of fact that and determines that the scale of the project is of such magnitude as to make the information unnecessary.

SECTION VI APPLICATION REVIEW

A. Within 60 days of the Planning Board receiving an application, the Planning Board shall notify the applicant in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the Planning Board has determined that a complete application has been received, it shall notify the applicant in writing and begin its review of the proposed development.

B. The Planning Board may hold a public hearing within 30 days of the date of determination of a complete application. The Planning Board shall publish the time, date, and place of the hearing at least two times, the date of the first publication to be at least seven days prior to the hearing in a newspaper of area wide circulation. The abutting landowners shall be notified by the Planning Board of the hearing. Public hearings by the Planning Board shall be conducted according to the procedures outlined in Title 30-A M.R.S.A. Section 2691, Subsection 3 (A), (B), (C), (D), and (E).

C. Within 30 days of the public hearing or 60 days of the determination of a complete application, the Planning Board shall either approve the application, approve the application with conditions, or disapprove the application. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.

D. Within fifteen (15) days of reaching their decision, the Planning Board shall notify the applicant in writing of any action taken and the reason for taking such action.

E. The Planning Board may impose conditions on any site plan approval where it finds that such conditions are necessary to insure that the development will comply with the criteria and standards of this Ordinance. All elements and features of the plan and all representations made by the applicant concerning the development and use of the property which appear in the record of the Planning Board proceedings are conditions of approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board.

F. Where the Planning Board makes written findings that the applicant will incur an unreasonable economic or other hardship if certain of the criteria or standards of this Ordinance are strictly applied, the Board may waive the necessity of strict compliance in order to permit a more practical and economical development, provided that the public health, safety and welfare will not be compromised and provided no other standards of this Ordinance are waived.
SECTION VII PERFORMANCE STANDARDS

A. The following standards are to be used by the Planning Board in judging applications for site plan review and shall serve as minimum requirements for approval of the site plan. The site plan review application shall be approved, unless in the judgment of the Planning Board the applicant is not able to reasonably meet one or more of these standards. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary to complete the application insuring the Board that the proposed site plan conforms to other applicable ordinances relating to lot size and density, setbacks, and lot coverage.

1. Preserve and Enhance the Landscape: The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree removal, disturbance of soil, retaining existing vegetation during construction. Within one (1) year after construction is completed, landscaping shall be designed and planted that will define, soften or screen the appearance of off-street parking areas from the public right-of-way and abutting properties and/or structures in order to enhance the physical design of the building(s) or site, and to minimize the encroachment of the proposed use on neighboring land uses.

   Environmentally sensitive areas which include wetlands, significant wildlife habitat, unique natural areas and archaeological sites as identified in the Comprehensive Plan shall be conserved to the maximum extent.

   The Board shall assess the proposed activities’ impact upon scenic areas and views and historic sites as identified in the Comprehensive Plan. Where the Board finds that the proposed activity would have an undue adverse effect on identified scenic views or historic site, the Planning Board shall require the applicant to minimize such effects.

2. Relationship of the Proposed Buildings to the Environment: Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity which have a visual relationship to the proposed buildings so as to have a minimally adverse affect on other environment and the aesthetic qualities of the developed and neighboring areas. The Planning Board shall consider the following criteria.

   a. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.

   b. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.

   c. Mechanical equipment or other utility hardware excluding communication devices on roofs, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be located so visibility from any public way is minimized.

3. Vehicular and Pedestrian Access: The proposed site layout shall provide for safe entrances and exits from public and private streets by providing adequate locations, numbers and control of access points including site distances, turning lanes, and traffic signalization when required by existing and projected traffic flow on the public street system and for pedestrian ways within the development appropriate to the type and scale of the development. The Planning Board shall consider the following criteria.

   a. Vehicular Access: The proposed site layout shall give special consideration to the location, number, and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization.

      1) The proposed development shall provide safe vehicular access to and from public and private streets.

         a) Vehicular access to the site shall be on streets which have adequate capacity to accommodate the additional traffic generated by the development.

         The Planning Board may approve a development not meeting this requirement if the applicant demonstrates that:
A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or

The applicant shall assume financial responsibility for the improvements necessary and will guarantee the completion of the improvements within one (1) year of approval of the project.

b) Any exit driveway or driveway land shall be so designed in profile and grading and so located as to provide the following minimum sight distance measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway from distances of between 10 and 15 feet behind the curb line or edge of the shoulder with the height of the eye 3.5 feet to the top of an object 4.25 feet above the pavement.

<table>
<thead>
<tr>
<th>MINIMUM SIGHT DISTANCE</th>
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<tbody>
<tr>
<td>Posted Speed Limit 25 mph</td>
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<tr>
<td>30 mph</td>
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<tr>
<td>35 mph</td>
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<tr>
<td>40 mph</td>
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<tr>
<td>45 mph</td>
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<tr>
<td>50 mph</td>
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<tr>
<td>55 mph</td>
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</tbody>
</table>

c) Where more than one business or structure is located on a single parcel, all vehicular access to and from a public street shall be via a common access or entrance way(s) serving all business and structures except as provided for herein.

d) The grade of any exit driveway or proposed street for a distance of fifty (50) feet from its intersection with any existing street will be a maximum of three (3) percent.

e) Projects generating 400 or more vehicle trips per 24-hour period will provide two or more separate points of vehicular access into and out of the site.

f) The Planning Board may require the applicant to conduct a traffic impact study. In making the determination as to the need for a traffic impact study, the Planning Board shall consider the following:

1) the proposed development will generate 100 or more peak hour site trips.

2) The existence of a current safety problem in the area: high accident location, confusing intersection, etc.

3) Current or projected capacity deficiencies near the development.

4) Sensitive neighborhood areas adjacent to the development.

5) The proximity of site drives to other drives or intersections.

2) Vehicular access to Route 26 & 232 shall comply with the following provisions in addition to the above. Where conflicts exist between this section and a Driveway or Entrance Permit issued by the Maine Department of Transportation, the most stringent or restrictive shall apply.

a) Where a proposed development is to be located at the intersection of Route 26 or 232 and a minor or collector street, entrance(s) to and exit(s) from the site shall be located only on the minor or collector street, provided that this requirement may be waived where the applicant demonstrates that existing site conditions preclude the
location of a driveway on the minor or collector road, or that the location of a driveway on the minor or collector street would conflict with residential areas.

b) Curb cuts or access points shall be limited to one per lot for all lots with less than the required street frontage as of the effective date of this ordinance. For lots with greater than 150 feet of frontage, a maximum of one curb cut per 150 feet of frontage shall be permitted to a maximum of two, provided the Planning Board makes a finding that (a) the driveway design relative to the site characteristics and site design provides safe entrance and exit to the site and (b) no other practical alternative exists.

c) The maximum number of curb cuts to a particular site shall be governed by the following:

(1) No low volume traffic generator shall have more than one two-way access onto a single street.

(2) No medium or high volume traffic generator shall have more than two two-way accesses in total onto Routes 26 or 232.

d) Curb cut widths and design shall conform to the following standards:

(1) Low volume driveways: Defined as driveways with less than 50 vehicle trips/day based on the latest edition of the Institute of Traffic Engineers' Trip Generation Report, as the same may be amended from time to time shall:

   (a) have two-way operation;
   (b) intersect the street at an angle as close to 90 degrees as site conditions permit, but at no less than 60 degrees;
   (c) not require a median;
   (d) slope from the gutter line on a straight slope of 3 percent or less for at least 50 feet, with a slope no greater than 8 percent thereafter, except where unique site conditions permit a waiving of the slope standard to 10 percent; and
   (e) comply with the following geometric standards:

   NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

<table>
<thead>
<tr>
<th>Item</th>
<th>Desired Value (ft.)</th>
<th>Minimum Value (ft.)</th>
<th>Maximum Value (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>R (radius)</td>
<td>15-25*</td>
<td>10</td>
<td>15-25*</td>
</tr>
<tr>
<td>W (drive width)</td>
<td>20-30*</td>
<td>20</td>
<td>24-30*</td>
</tr>
</tbody>
</table>

*Upper values apply where major street speed and/or volume is high.

(2) Medium volume driveways with more than 50 vehicle trips/day but fewer than 200 peak hour vehicle trips, based on the latest edition of the Institute of Traffic Engineers' Trip Generation Report, as the same may be amended from time to time, and generally including all land uses not in the low or high volume groups shall:

   (a) have either two-way or one-way operation and be a minimum of 50 feet in length;
   (b) intersect the street at an angle as close to 90 degrees as site conditions permit, but at no less than 60 degrees;
   (c) not require a median;
(d) slope upward from the gutter line on a straight slope of 3 percent or less for at least 50 feet and a slope of no more than 6 percent thereafter, with the preferred grade being a 4 ½ percent, depending on the site; and
(e) comply with the following geometric standards;

NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

<table>
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<tr>
<th>Item</th>
<th>Desired Value (ft.)</th>
<th>Minimum Value (ft.)</th>
<th>Maximum Value (ft.)</th>
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<tbody>
<tr>
<td>ONE WAY</td>
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<td></td>
</tr>
<tr>
<td>R1 (radius)</td>
<td>30</td>
<td>25</td>
<td>40</td>
</tr>
<tr>
<td>R2 (radius)</td>
<td>5</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>W (drive width)</td>
<td>20-24</td>
<td>20</td>
<td>24</td>
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<tr>
<td>TWO WAY</td>
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<tr>
<td>R</td>
<td>30</td>
<td>25</td>
<td>40</td>
</tr>
<tr>
<td>WS</td>
<td>26-36*</td>
<td>24</td>
<td>30-40*</td>
</tr>
</tbody>
</table>

*Where separate left and right exit lanes are desirable.

(3) High volume driveway defined as driveways with more than 200 peak hour vehicle trips and generally 25,000 sq. ft. or more of retail space, or 75,000 sq. ft. or more of office space, or 150,000 sq. ft. or more of industrial space, shall:

(a) have two-way operations separated by a raised median of 6 to 10 feet in width and be a minimum of 50 feet in length.
(b) intersect with the street at an angle as close to 90 degrees as possible but at no less than 60 degrees;
(c) be striped for 2 to 4 lanes, with each lane 12 feet wide;
(d) slope upward from the gutter line on a straight slope of 3 percent or less for at least 75 feet and a slope of no more than 5 percent thereafter;
(e) have a "STOP" sign control and appropriate "Keep Right" and "Yield" sign controls for channelization; signalization may be required. Level of service and traffic signal warrants should be conducted for all high volume drive-ways; and
(f) comply with the following geometric standards;

NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

<table>
<thead>
<tr>
<th>Item</th>
<th>Desired Value (ft.)</th>
<th>Minimum Value (ft.)</th>
<th>Maximum Value (ft.)</th>
</tr>
</thead>
</table>
W/O CHANNELIZATION
| R (radius) | 50 | 30 | 50 |
| R (radius) | 24 | 20 | 26 |
| W (drive width) | 6 | 6 | 10 |

W/CHANNELIZATION
| R (radius) | 100 | 75 | 100 |
| WD | 24 | 20 | 26 |
| M | 6 | 6 | 10 |
| WR | 20 | 16 | 20 |

*For industrial developments with a high percentage of truck traffic maximum values are desired.

**g)** When the proposed development is to be located on the opposite side of an existing development, the driveway shall be directly opposite of the existing driveway or separated from the opposite driveway by a minimum of seventy-five (75) feet whenever possible.

**h)** When a conversion or expansion of an existing use occurs, access shall be upgraded to comply with these standards. This requirement may be waived upon a written finding that (a) the need to demolish or relocate an existing building on the site or (b) denial of full access to Routes 26 or 232 where full access presently exists and cannot be provided by Route 26 or 232 and/or adjacent side street.

4. Parking and Circulation: The layout and design of all means of vehicular and pedestrian circulation including walkways, interior streets, drives, and parking areas shall provide for safe general circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and the arrangement and use of parking areas.

**a.** A use shall not be extended and no structure shall be constructed or enlarged unless sufficient off-street parking space is provided that conforms to the following:

1) Parking spaces shall be arranged so that it is not necessary for vehicles to back into the street.

2) Where the development will abut an existing or potential parking area, provisions shall be made for internal vehicular connections.

3) Parking areas shall be designed to permit each motor vehicle to proceed to and from parking space provided for it without requiring the moving of any other motor vehicle.

4) Off-street parking spaces shall comply with the following standards.

(a) Except as provided below, each parking space shall contain a rectangular area at least eighteen (18) feet long and nine (9) feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs and aisles, so long as the parking spaces so created contain within them the rectangular required by this section.

(b) Up to twenty (20) percent of the required parking spaces needed may contain a rectangular area of only eight (8) feet in width by fifteen (15) feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.

5) Off-street parking shall be provided to conform with the number required in the following:
Retail: one per 300 sq. ft. of gross floor area
Office: one per 300 sq. ft. of gross floor area
Wholesale/warehouse: one per 1,200 sq. ft. of storage or gross floor area
Industrial/manufacturing: one per employee on maximum working shift
Hotels, motels, tourist homes: one per room plus ½ per employee
Nursing/convalescent homes: ½ per bed
Schools:
   Elementary: one per classroom
   Secondary: 5 per classroom
Theaters/auditoria/churches: one per five seats and one space per 100 sq. ft. of area for assembly
Eating and drinking establishments: one per three seat

For those uses not specifically listed or able to be placed into one of the above categories, there shall be sufficient off-street spaces to accommodate the normal parking demand as determined by the Planning Board.

6) Required off-street parking for lots which cannot provide their own parking because of location, lot size or other existing development may be substituted by parking facilities which, in the public’s interest, may be provided for by the Town of Woodstock or private parking resources. No such public or private off-street parking shall be considered as a substitute unless located within 500 feet of the principal building or use as measured along lines of public access.

If the required off-street parking is to be provided by off-site private parking such areas shall be held in fee simple by the owner of the use served, or in other tenure as assures continued availability for parking as long as the particular land will be needed for such use provided that if the tenure is other than ownership in fee simple, the form of the tenure shall be approved by the Town Manager prior to final approval by the Planning Board.

7) The joint use of a parking facility by two or more principal buildings or uses may be approved by the Planning Board where it is clearly demonstrated that said parking facilities would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees of such establishments.

8) The use of an existing building for its current use shall be deemed to be in compliance with the off-street parking requirements of this section. However, any change in the use above the first floor or any renovation which increases the floor area shall be required to comply with the required off-street parking requirements for the increased floor area.

5. Advertising Features: The size, location, design, lighting, and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties and shall not interfere with or obstruct pedestrian or vehicular traffic.

6. Special Features of the Development: Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings, and similar structures shall have sufficient setbacks and screening to provide an audio-visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.
7. Emergency Vehicle Access: Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

8. Municipal Services: The development will not have an unreasonable adverse impact on the municipal services including municipal road systems, fire department, police department, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

   The Planning Board may require the applicant to obtain, at the applicant's expense, a professional review of the impact of the development on off-site public improvements including any new public improvements that may be required to accommodate the development. A one-time "impact fee" may be charged to a new development, by the Town, to accommodate the new development, as determined by the Planning Board through professional review.

9. Water Pollution: The development will not result in water pollution. In making this determination, the Planning Board shall consider the evaluation of land above sea level and its relation to flood plains, the nature of soils and subsoils and, if necessary, their ability to adequately support waste disposal and/or any other approved licensed discharge; the slope of land and its effect on effluents; the aquifer and aquifer recharge areas; the availability of streams for disposal of surface run off; and the applicable federal, state and local laws, ordinances, codes, and regulations.

   a. Phosphorus Export. When required by the Planning Board, projects proposed within the direct watershed of any Great Pond shall be designed to limit phosphorous run off.

      1) Phosphorous export from the proposed development shall be calculated according to the procedures defined in “Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development” (Maine Department of Environmental Protection, September 1989 with revisions in 1992 and as may be revised). Upon request, copies of all worksheets and calculations shall be provided to the Planning Board.

      2) Phosphorus control measures shall meet the design criteria contained in “Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development” (Maine Department of Environmental Protection, September 1989 with revisions in 1992 and as may be revised).

         The Planning Board shall require the reasonable use of vegetative buffers, limits of clearing, and minimizing road lengths, and shall encourage the use of other nonstructural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.

10. Ground Water: The development will not have unreasonable adverse effects on the quality or quantity of groundwater.

11. Floodplain Protection: The proposed development will avoid problems associated with floodplain development and use.

12. Shoreland Areas: Whenever situated in whole or in part, within 250 feet of any pond, lake, river, or wetland as delineated on the Town of Woodstock, Official Shoreland Zoning Map, will not adversely affect the quality of such water body or unreasonably affect the shoreline of such body of water, and will be in compliance with the Shoreland Zoning Ordinance of the Town of Woodstock.

13. Water Supply: The development shall have sufficient water available for the reasonably foreseeable needs of the development, and will not cause an unreasonable burden on an existing water
supply, if one is to be utilized.

14. **Sewage Disposal:** The development shall provide for adequate sewage disposal. Where a septic system is to be used, it shall be built in accordance with the [Maine Subsurface Wastewater Disposal Rules](#).

15. **Stormwater Drainage:** Adequate provision shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality, soil erosion, or the public storm drainage system. Whenever possible, on-site absorption of run off waters shall be utilized to minimize discharges from the site.

16. **Soil Erosion and Sediment:** Soil erosion and sedimentation of water courses and water bodies shall be minimized. The Planning Board shall find that the standards set forth in the [Maine Erosion and Control Handbook for Construction, Best Management Practices](#) (March 1991 and as amended) will be used.

17. **Exterior Lighting:** All exterior lighting shall be designed to minimize adverse impact on neighboring properties and to insure the safe flow of pedestrian or vehicular traffic.

18. **Noise:** The proposed development shall not raise noise levels to the extent that abutting and/or nearby residents are adversely affected.

   a. The maximum permissible sound pressure level of any continuous, regular or frequent or an intermittent source of sound produced by any activity shall be limited by the time period and land use which it abuts listed below. Sound levels shall be measured at least 4 feet above the ground at the property boundary of the source.

   Sound Pressure Level Limits Using the Sound Equivalent Level of One Hour (leq 60) (measured in dB(a) scale)

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Residential</th>
<th>Commercial</th>
<th>Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td>7a.m. - 10p.m.</td>
<td>55</td>
<td>65</td>
<td>70</td>
</tr>
<tr>
<td>10p.m. - 7a.m.</td>
<td>45</td>
<td>55</td>
<td>70</td>
</tr>
</tbody>
</table>


   c. The following uses and activities shall be exempt from the sound pressure level regulations.

      1. Noise created by construction and temporary maintenance activities between 6:30a.m. and 8:00 p.m.
      2. The noise of safety signals, warning devices and emergency pressure relief valves and other emergency activity.

19. **Air Pollution:** The development will not result in undue air pollution. In making this determination, the Planning Board shall consult federal and state authorities to determine applicable air quality laws and regulations.

20. **Odors:** The proposed development will not produce offensive or harmful odors perceptible beyond the lot lines, either at ground level or habitable elevation.

21. **Financial and Technical Capacity:** The applicant has adequate financial and technical capacity to meet the above standards.
Conformance with the Comprehensive Plan: The proposed development is in conformance with the Comprehensive Plan and other applicable ordinances.

SECTION VIII  SPECIAL REGULATIONS

The following regulations shall be complied with, in addition to the performance standards contained in Section VII of this Ordinance.

A. Home Occupations: Home Occupations which do not meet the criteria contained in Section III.B.4.a-e shall obtain a permit from the Planning Board and comply with the following conditions:

1. The business must be incidental and secondary to the primary residential use of the premises;

2. At least one member of the residential household must own the business and be actively involved in the business and have control over the business activities. There will be not more than two full or part-time employees working on the premises, other than immediate family members residing on the premises;

3. The appearance of the structure or accessory structure may not be altered, except as provided under subsection 4 below and the occupation within the residence must be conducted in a manner that would not cause the residence to differ from its residential character by means of colors, lights or sounds;

4. Additions to the residence or accessory structure for the express purpose of a home occupation shall be constructed and finished in the same manner as the original structure such that the character and appearance of the principal structure is maintained.

5. Retail sales shall be limited to the sale of products or goods produced, fabricated or substantially altered on the premises as a result of the home occupation. This may include products that are not manufactured on the premises as defined above.

6. There is adequate off-street parking on the premises for customer or client use.

7. There is no objectionable increase in commercial vehicle traffic over that traffic normal for the neighborhood.

8. It does not adversely affect any natural resource or environmentally sensitive area including, but not limited to, a wetland, aquifer, watercourse, or water body.

9. The home occupation shall not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property. All waste material from the home occupation shall be removed promptly from the premises, according to state laws and local ordinances.

B. Applications Located on Sand and Gravel Aquifers: The Planning Board shall utilize the following standards in addition to the other criteria contained in this Section for reviewing development applications located on a mapped sand and gravel aquifer.

1. The boundaries of the sand and gravel aquifers shall be delineated on the Sand and Gravel Aquifer Maps prepared by the Maine Geological Survey labeled Map 15 dated 1983 and map 33 and dated 1981. When boundaries of the sand and gravel aquifer are disputed due to the lack of sufficient detail on the available maps, the applicant, the applicant or agent may submit hydrological evidence prepared by a geologist, certified in the State of Maine, which identifies actual field locations of the aquifer boundaries within the project area.
2. No use shall dispose of other than normal domestic waste water on site without approval of the Planning Board. Disposal of waste water shall be in strict compliance with the Maine Subsurface Wastewater Disposal Rules and other relevant State and local laws, rules, and ordinances.

3. Indoor use or storage facilities where hazardous materials, wastes, or other liquids with the potential to threaten groundwater quality are used or stored shall be provided with containment which is impervious to the material being stored and have the capacity to contain 10 percent of the volume of the containers or 110 percent of the volume of the largest container, whichever is larger.

4. Petroleum and other hazardous material storage and transfer. A Spill Control and Countermeasure Plan shall be submitted and approved by the Planning Board.

5. In those areas identified as sand and gravel aquifers as defined in subsection 1 above, the following newly established land uses are prohibited unless the Planning Board finds that no discharges will occur such that water quality at the property line will fall below State Drinking Water Standards and all provisions of this Ordinance will be met:

- dry cleaners
- printers
- laundromats
- salt piles/sand-salt piles
- leather tanning
- plastic/fiberglass fabricating
- industrial waste disposal/impoundment areas
- chemical manufacturing
- metal platters
- photo processors
- 'auto washes
- meat packers/slaughter houses
- wood preservers
- electrical equipment manufacturers
- chemical reclamation facilities
- graveyards
- pesticide/herbicide stores
- concrete/asphalt/coal companies

SECTION IX ENFORCEMENT

A. The Code Enforcement Officer shall act in all cases of violations of this Ordinance by notifying, in writing, the owner or lessor of the development and the Selectmen of the nature of the violation and the correction of the same, if possible. Notification shall be deemed to have been made when sent to the owner or lessor by certified mail.

B. The Selectmen are charged with the prosecution for all violations of the provisions of the Ordinance. In cases where such notices referred to in Paragraph IX A, above, are not promptly complied with after receipt of said notices, the Selectmen shall make such complaints to the courts as, in their judgment, are proper, or may institute such actions or proceedings at law or in equity as are proper to restrain, correct, remove or punish such violations.

C. Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply with any of the requirements thereof, shall be fined not less than $100.00 nor more than $2,500.00 as provided by State law. Each day on which the violation shall continue shall constitute a separate offense.

SECTION X APPEALS

A. If the Planning Board disapproves an application or grants approval with conditions that are objectionable to the applicant, or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of the Ordinance do not apply, or that the true intent and meaning of the ordinance have been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, or aggrieved party may appeal the decision of the Planning Board in writing to the Board of Appeals within 30 days of the Board’s decision. If it is shown after public hearing that the Planning Board erred in the interpretation of this Ordinance in making a final decision, the Board of Appeals may affirm, amend or reverse the decision of the Planning Board.
SECTION XI  DEFINITIONS

Abutting Landowners: Owners of any lot which is physically contiguous with the lot in question even if only at a point and any lot which is located across a public or private street or way from the lot in question.

Agricultural Land Management Practices: Those devices and procedures utilized in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.

Accessory Use or Structure: A subordinate use of a building, other structure or land, or a subordinate building or other structure:

1. whose use is customary in connection with the principal building, other structure or use of land;
   and
2. whose use is clearly incidental to the use of the principal building, other structure or use of land;
   and
3. which is located on the same lot with the principal building, other structure or use of land, or on a lot adjacent to such lot if in the same ownership or part of the same establishment.

Building: Any structure having a roof or partial roof supported by columns or walls used for shelter or enclosure of person, animals, goods or property of any kind.

Change in Use: The conversion of a building or parcel of land from one type of nonresidential use to any other type of nonresidential use. By way of example, the change from retail to office or retail to a restaurant.

Commercial: Connected with the buying or selling or goods or services or the provision of facilities for a fee, exclusive of rental or residential buildings and/or dwelling units.

Dwelling Unit: A room or group of rooms designated and equipped exclusively for use as living quarters for one family including, provisions for living, cooking, and eating.

Forest Management Activities: Includes timber cruising and other forest resource evaluation activities, pesticide application, timber stand improvement, pruning, timber harvesting, and other forest harvesting, regeneration of forest stands, and other similar associated activities, but not the construction, creation, or maintenance of land management roads.

Home Occupation: An occupation or profession which results in a product or service and is conducted in whole or in part on or in a residential structure, accessory structure to a residential use or property which is:

1. clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and
2. which employs no more than two (2) persons other than family members residing in the home.

Impervious Surface: The area of land covered by buildings, structures and paved and gravel surfaces.

Industrial: Connected with the assembling, fabrication, finishing, manufacturing, packaging, or processing of goods of the extraction of minerals.

Institutional: A building devoted to some public, governmental, education, charitable, medical or similar purpose.

Mineral Extraction: Any operation which within any twelve (12) successive month period removes more than 5,000
cubic yards of soil, topsoil, loam, sand, gravel, clay, peat, or other like material from its natural location, and to transport the product removed away from the extraction site.

Persons: Any person, firm, association, partnership, corporation, municipal or other local governmental entity, quasi-municipal entity, state agency, educational or charitable organization or institution, or other legal entity.

Recreational Vehicle: A vehicle or vehicular attachment for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer, or motor home.

Retail: Connected with the sale of goods to the ultimate consumer for direct use and consumption, and not for trade.

Sign: Any device, fixture, placard or structure that uses any color, form, graph, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Structure: Anything constructed, erected or placed on the ground which is permanent, temporary, or mobile. Structure(s) include, but are not limited to: building(s), mobile homes, recreational vehicles, and processing facilities. Boundary walls, fences and flag poles are not considered structures.

Substantial Construction: Completion of thirty (30) percent of a permitted structure or use measured as a percentage of the total estimated cost.

Substantial Enlargement: An expansion by 20 percent or greater feet of new gross floor area or 20 percent or greater of new impervious surface area provided such expansion involves at least 500 square feet within any five-year period.

Use: Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Wetlands: Freshwater swamps, marshes, bogs and similar areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.
SUBDIVISION REGULATIONS
For
The Municipality of
WOODSTOCK, MAINE

March 2004

Amended: March 27, 2006
Amended: March 26, 2007
Amended: March 31, 2008
Amended: April 29, 2008
ARTICLE I. PURPOSES

The purposes of these regulations are to assure the comfort, convenience, safety, health and welfare of the people of the Town of Woodstock, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Woodstock, Maine, the Planning Board shall consider the following criteria and before granting approval shall make findings of fact that the provisions of these regulations have been met and that the proposed subdivision will meet the criteria of Title 30-A M.R.S.A. §4404.

ARTICLE II. AUTHORITY AND ADMINISTRATION

2.1 Authority

A. These standards have been prepared in accordance with the provisions of Title 30-A M.R.S.A., § 4403.

B. These standards shall be known and may be cited as “Subdivision Regulations of the Town of Woodstock, Maine.”

2.2 Administration

A. The Planning Board of the Town of Woodstock, hereinafter called the Board, shall administer these standards.

B. The provisions of these standards shall pertain to all land proposed for subdivision, as defined in Title 30-A M.R.S.A., 4401.4 within the boundaries of the Town of Woodstock.

ARTICLE III. ADMINISTRATIVE PROCEDURE

3.1 Purpose. The purpose of this Article is to establish an orderly, equitable and expeditious procedure for reviewing subdivisions.

3.2 Agenda. In order to avoid unnecessary delays in processing applications for subdivision review, the chairman shall prepare an agenda for each regularly scheduled meeting. Applicants shall submit preliminary plans to the town office at least one week in advance of a regularly scheduled meeting. The secretary shall advise the chairman and CEO of any applications received so the application may be placed on the agenda. Applicants who attend a meeting but who are not on the Board’s agenda may be heard but only after all agenda items have been completed, and then only if a majority of the Board so votes. Applicants who attend a meeting but who are not on the Board’s agenda may be heard but only after all agenda items have been completed, and then only if a majority of the Board so votes.

3.3 Land. For any subdivision a parcel of land determined at 10% of the developed area at the time the final plan is approved shall be dedicated for the use of the town at the discretion of the Planning Board. A cash payment in lieu of land dedication may be made based upon the following schedule: A standard fee of $500/lot, regardless of size, that are developed and deeded to preclude further division shall be assessed the developer, or up to 5 acres - $600/lot, more than 5 acres to 10 acres - $700/lot and greater than 10 acres - $800/lot. Such payment shall be received upon acceptance of the final approval. Any monies so received shall be placed in a separate account to be disbursed for land acquisition or improvement with the approval of the Planning Board and the Selectmen.
ARTICLE IV. PREAPPLICATION

4.1 Procedure

A. Applicant submission of sketch plans to the town office.
B. Review of the application by the chairman and CEO.
C. Presentation to the board by the applicant.
D. Question and answer period. Board makes specific suggestions to be incorporated by the applicant to be incorporated into subsequent submissions.
E. Scheduling of on-site inspection.

4.2 Submission. The Pre-application Sketch Plan shall show, in simple sketch form, the proposed layout of streets, lots, and other features in relation to existing conditions. The Sketch Plan, which may be a free-hand pencilled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor’s Map(s) on which the land is located. The Sketch Plan shall be accompanied by a copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision, unless the proposed subdivision is less than ten acres in size.

4.3 Contour Interval and On-Site Inspection. Within thirty days of the presentation of the preliminary plan to the board the Board shall determine and inform the applicant in writing of the required contour interval on the Preliminary Plan, or Final Plan in the case of a Minor Subdivision, and hold an on-site inspection of the property.

4.4 Rights not Vested. The submittal or review of the preapplication sketch plan shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, M.R.S.A., §302.

ARTICLE V. MINOR SUBDIVISIONS

5.1 General. The Board may require, where it deems it necessary for the protection of public health, safety, and welfare, that a Minor Subdivision comply with all or any of the submission requirements for a Major Subdivision.

5.2 Procedure.

A. Within six months after the on-site inspection by the Board, the subdivider shall submit to the town office an application for approval of a Final Plan at least seven days prior to a scheduled meeting of the Board. Failure to do so shall require resubmission of the Sketch Plan to the Board. The Final Plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.
B. All applications for Final Plan approval for Minor Subdivision shall be accompanied by an application fee of $100.00 and payable by check to the municipality. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the additional costs of advertising and postal notification.

C. Upon receipt of the Final Plan the Applicant shall notify by mail all abutting property owners of the proposed subdivision.

D. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan.

E. Within forty five (45) days of receipt of a Final Plan application form and fee, the Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application. The Board shall determine whether to hold a public hearing on the Final Application.

F. If the Board decides to hold a public hearing, it shall hold the hearing within forty five (45) days of receipt of a complete application, and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing.

G. Within thirty days of a public hearing, or within sixty days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, the Board shall make findings of fact on the application, receive the fee as outlined in Section 3.3 and approve, approve with conditions, or deny the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

5.3 Submissions

A. The subdivision plan for a Minor Subdivision shall consist of two reproducible, stable based transparent originals, one to be recorded at the Registry of Deeds, the other to be filed at the Municipal Office and three copies of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 34 inches in size, and shall have a margin of two inches outside of the border lines on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. Three copies of all information accompanying the plan shall be submitted.

The application for approval of a Minor Subdivision shall include the following information:

1. Proposed name of the subdivision, or identifying title, and the name of the municipality in which it is located, plus the Assessor’s Map and Lot Numbers.

2. A field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed professional land surveyor. The corners of the tract shall be located on the ground and marked by approved monuments. The plan shall indicate the type of monument set or found at each lot corner.
3. A copy of the deed from which the survey was based. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property, if any additional submissions including the Land Acquisition Fee as required in Article III Par. 3.3.

4. A copy of any deed restrictions intended to cover all or part of the lots in the subdivision.

5. Indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses, prepared by a Licensed Site Evaluator and in compliance with the Maine Subsurface Waste Water Disposal Rules shall be provided. A map showing the location of all test pits dug on the site shall be submitted.

6. Indication of the type of water supply system(s) to be used in the subdivision. When water will be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.

7. The date the Plan was prepared, north point, graphic map scale, names and addresses of the record owner, subdivider, and embossed with the seal and signed by the individual or company who prepared the plan, and the names of adjoining property owners.

8. A copy of the portion of the Oxford County Soil Survey covering the subdivision.

9. Contour lines at the interval specified by the Planning Board, showing elevations in relation to Mean Sea Level.

10. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.


12. A plan for the disposal of surface waters prepared by a qualified professional knowledgeable in surface drainage.

13. The location of any fresh water wetlands.

14. The location of all rivers, streams, brooks, or drainage easements within or abutting the proposed subdivision.

15. The location and nature of significant wildlife habitats identified by the Maine Department of Inland Fisheries and Wildlife.

16. Any portion of the subdivision that is within the watershed of a great pond shall be identified and a phosphorus impact analysis and control plan submitted.

17. The location of known archaeological resources.

18. A copy of the approved Driveway or Entrance Permit issued by the Maine Department of Transportation if a driveway or entrance will enter onto Route 26 or Route 232.
19. The name, condition and status (State or town maintained, private, discontinued, abandoned) of the road providing access to the proposed subdivision.

20. The cost of storm drainage, erosion and sediment control and other improvements proposed and statements of the applicant’s technical and financial capacity to carry out the project as proposed.

ARTICLE VI. PRELIMINARY PLAN FOR MAJOR SUBDIVISION

6.1 Procedure

A. Within six months after the on-site inspection by the Board, the subdivider shall submit to the town office an application for approval of a Preliminary Plan at least seven days prior to a scheduled meeting of the Board. Failure to do so shall require resubmission of the Sketch Plan to the Board. The Preliminary Plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.

B. All applications for Preliminary Plan approval for a Major Subdivision shall be accompanied by an application fee of $50 per lot or dwelling unit, payable by check to the municipality. In addition, the applicant shall pay a fee of $25 per lot or dwelling unit to be deposited in a special account designated for that subdivision application, to be used by the Board for hiring independent consulting services to review the application. If the balance in this special account shall be drawn down by 75%, the Board shall notify the applicant, and require that an additional $10 per lot or dwelling unit be deposited by the applicant. The Board shall continue to notify the applicant and require an additional $10 per lot or dwelling unit be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a final decision on the subdivision application by the Board shall be returned to the applicant. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising and postal notification.

C. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Preliminary Plan.

D. Upon receipt of the Preliminary Plan the Board shall notify by mail all abutting property owners of the proposed subdivision.

E. Within forty-five days of receipt of a Preliminary Plan application form and fee, the Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application.

F. The Board shall determine whether to hold a public hearing on the Preliminary Plan application. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of receipt of a complete application, and shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing.

G. Within thirty days of a public hearing, or within sixty days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, make findings of fact on the application, and approve, approve with conditions, or deny the Preliminary Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.
H. When granting 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 the Board’s opinion may be waived without jeopardy to the public health, safety, and general welfare; and

3. The amount of all performance guarantees which it will require as prerequisite to the approval of the Final Plan.

I. Approval of a Preliminary Plan shall not constitute approval of the Final Plan or intent to approve the Final Plan, but rather it shall be deemed an expression of approval of the design of the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the approval of the Final Plan, the Board may require additional changes as a result of the further study of the subdivision or as a result of new information received.

6.2 Submissions

A. Location Map: The Preliminary Plan shall be accompanied by a Location Map adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The Location Map shall show:

1. Existing subdivisions in the proximity of the proposed subdivision.

2. Locations and names of existing and proposed streets.


4. An outline of the proposed subdivision and any remaining portion of the owner’s property if the Preliminary Plan submitted covers only a portion of the owner’s entire contiguous holding.

B. Preliminary Plan: The Preliminary Plan shall be submitted in three copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The Preliminary Plan shall be drawn to a scale of not more than one hundred feet to the inch. The Board may allow plans for subdivisions containing more than one hundred acres to be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can be easily read. The following information shall either be shown on the Preliminary Plan or accompany the application for preliminary approval.

1. Proposed name of the subdivision and the name of the municipality in which it is located, plus the assessor’s Map and Lot Numbers.

2. A field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a professional land surveyor. The corners of the tract shall be located on the ground and marked by suitable monumentation. The plan shall indicate the type of monument set or found at each lot corner.
3. A copy of the deed(s) from which the survey was based. A copy of all covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

4. A copy of any covenants or deed restrictions intended to cover all or part of the lots in the subdivision.

5. Contour lines at the interval specified by the Planning Board, showing elevations in relation to Mean Sea Level.

6. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, vegetative cover type, and other essential existing physical features.

7. Indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by subsurface sewage disposal systems, test pit analyses, prepared by a Licensed Site Evaluator and in compliance with the Maine Subsurface Waste Water Disposal Rules shall be provided. A map showing the location of all test pits dug on the site shall be submitted.

8. Indication of the type of water supply system(s) to be used in the subdivision. When water will be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.

9. The date the Plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner(s), subdivider, and individual or company who prepared the plan.

10. The names and addresses of owner(s) of record of adjacent property, including any property directly across an existing public street from the subdivision.

11. The location of any zoning boundaries affecting the subdivision.

12. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.

13. The location, names and present widths of existing and proposed streets, highways, easement, building lines, parks and other open spaces on or adjacent to the subdivision.

14. The width and location of any streets or public improvements shown upon the Official Map and the Comprehensive Plan, if any, within the subdivision.

15. The proposed lot lines with approximate dimensions and lot areas.

16. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

17. The location of any open space to be preserved and an indication of its improvement and management.

18. A soil erosion and sedimentation control plan endorsed by the Oxford County Soil and Water Conservation District.

19. A plan for the disposal of surface drainage waters prepared by a qualified professional knowledgeable in surface water drainage.
20. A copy of that portion of the county soil survey covering the subdivision. When the medium intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Board may require the submittal of a report by a Registered Soil Scientist indicating the suitability of soil conditions for those uses.

21. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan and a conditional of approval included that all principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

22. The location of any fresh water wetlands.

23. The location of rivers, streams, brooks, and drainage ways within or abutting the proposed subdivision.

24. The location and nature of significant wildlife habitats identified by the Maine Department of Inland Fisheries and Wildlife.

25. Any portion of the subdivision that is within the watershed of a great pond shall be identified and a phosphorus impact analysis and control plan submitted.

26. The location of known archaeological resources.

27. The name, condition and status (State or town maintained, private, discontinued, abandoned) of the road providing access to the proposed subdivision.

28. The cost of storm drainage, erosion and sediment control and other improvements proposed and statements of the applicant’s technical and financial capacity to carry out the project as proposed.

29. Complete all sections of the “Fire Protection Survey for Subdivisions” developed by the Fire Department and provided through the Town Office.

**ARTICLE VII. FINAL PLAN FOR MAJOR SUBDIVISION**

**7.1 Procedure**

A. The subdivider shall, within six months after the approval by formal vote of the Preliminary Plan, file with the Board an application for approval of the Final Plan. If the application for the Final Plan is not submitted within six months after Preliminary Plan approval, the Board may refuse without prejudice to act on the Final Plan, and require resubmission of the Preliminary Plan. The Final Plan shall approximate the layout shown on the Preliminary Plan, plus any recommendations made by the Board.

B. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan.

C. The Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application. The Board shall determine whether to hold a public hearing on the Final Plan application.
D. Prior to submittal of the Final Plan application, the following approvals shall be obtained in writing, where appropriate.

1. Maine Department of Environmental Protection, under the Site Location of Development Act, Natural Resource Protection Act, Stormwater Management Act and/or if a Wastewater Discharge License is needed.

2. Maine Department of Human services, if the subdivider proposes to provide a central water supply system.

1. Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.

E. A public hearing may be held by the Board within forty-five days after the issuance of a receipt for the submittal of a complete application. This hearing shall be advertised in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days before the hearing, and the notice of the hearing shall be posted in at least three prominent places at least seven days prior to the hearing.

When a subdivision is located within 500 feet of a municipal boundary, and a public hearing is to be held, the Board shall notify the Clerk and the Planning Board of the adjacent municipality involved, at least ten days prior to the hearing.

F. The Board shall notify the Road Commissioner, School Superintendent, and Fire Chief of the proposed subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multi-family, commercial or industrial buildings. The Planning Board shall request that these officials comment upon the adequacy of their department’s existing capital facilities to service the proposed subdivision.

G. Before the Board grants approval of the Final Plan, the subdivider shall meet the performance guarantee requirements contained in Article X.

H. If the subdivision is located in more than one municipality, the Board shall have a joint meeting with the Planning Board of the adjacent municipality to discuss the Plan.

I. The Board, within thirty days from the public hearing or within sixty days of receiving a complete application, if no hearing is held, shall make findings of fact, and conclusions relative to the standards contained in Title 30-A, M.R.S.A. §4404 and in these regulations. If the Board finds that all standards of the Statute and these regulations have been met, they shall approve the Final Plan. If the Board finds that any of the standards of the Statute and these regulations have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be slated in the records of the Board.
7.2 Submissions

The Final Plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than seventy-five acres may be drawn at a scale of not more than two hundred feet to the inch.

Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border line on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by the Board. Two reproducible, stable based transparent originals, one to be recorded at the Registry of Deeds, the other to be filed at the Municipal Offices, and three copies of the plan shall be submitted. The subdivider may, instead submit one reproducible stable based transparent original of the Final Plan and one Recording Plan with three copies of the Final Plan.

The application for approval of the Final Plan shall include the following information.

A. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's Map and Lot Numbers.

B. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a professional land surveyor. The corners of the tract shall be located on the ground and marked by approved monuments. The plan shall indicate the type of monument set or found at each lot corner.

C. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.

E. Indication of the type of water supply system(s) to be used in the subdivision.

When water is to be supplied by private wells evidence of adequate ground water supply and quality shall be submitted by a written statement from either a well driller or a hydro geologist familiar with the area.

F. The date the Plan was prepared, magnetic and true north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan.

G. The location of any zoning boundaries effecting the subdivision.

H. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.

I. The location, names and present widths of existing and proposed streets, highways, rights of ways, easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing the length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The length of all straight lines, the deflection angles radii, length of curves and central angles of curves, tangent distances and tangent bearings for each street shall be included.

J. The width and location of any streets or public improvements shown upon the Official Map and the Comprehensive Plan, if any, within the subdivision.
K. All parcels of land proposed to be dedicated to public use and the conditions of such dedication, if any, and additional submissions including the Land Acquisition Fee described in Article III, paragraph 3.3 must be determined and a check or other equal monetary means submitted to the Planning Board. Written offers of cession to the municipality of all public open spaces shown on the plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If open space or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer of cession shall be included.

L. A list of construction items with cost estimates that will be completed by the developer prior to the sale of lots.

M. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan and a condition of approval included that all principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

N. A copy of the approved Driveway or Entrance Permit issued by the Maine Department of Transportation if a driveway or entrance will enter onto Route 26 or Route 232.

7.3 Final Approval and Filing

A. No plan shall be approved by the Planning Board as long as the subdivider is in default or otherwise in violation of any previously approved Plan with the Town of Woodstock.

B. For any subdivision a parcel of land determined at 10% of the developed area at the time the final plan is approved shall be dedicated for the use of the town at the discretion of the Planning Board. A cash payment in lieu of land dedication may be made based upon the following schedule: A standard fee of $500/lot, regardless of size, that are developed and deeded to preclude further division shall be assessed the developer, or up to 5 acres - $600/lot, more than 5 acres to 10 acres - $700/lot and greater than 10 acres - $800/lot. Such payment shall be received before the final approval. Any monies so received shall be placed in a separate account to be disbursed for land acquisition or improvement with the approval of the Planning Board and the Selectmen.

C. Upon findings of fact and determination that all standards in Title 30-A, M.R.S.A § 4404, and these regulations have been met, and upon voting to approve the subdivision, the Board shall sign the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Board as part of its permanent records. One copy of the signed plan shall be forwarded to the Tax Assessor. One copy of the signed plan shall be forwarded to the Code Enforcement Officer. Any subdivision not recorded in the Registry of Deeds within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void.

D. No change, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted and the Board approves any modifications, except in accordance with Section 12.1.C. The Board shall make findings that the revised plan meets the standards of Title 30-A, M.R.S.A. § 4404, and these regulations. In the
event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the records of the Registry of Deeds.

E. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the Plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the Plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Municipal Officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

F. Failure to commence substantial construction of the subdivision within two years of the date of approval and signing of the Plan shall render the Plan null and void. Upon determining that a subdivision’s approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect and notify the owner by registered mail of the action.

G. If the transfer in ownership of an approved subdivision involving public improvements or private road construction is anticipated prior to the successful completion of such improvements, the owner shall notify the Board. The new owner shall submit material relating to technical and financial capability for Board approval.

H. No building permit for any lot shall be issued until the road leading to the lot is completed to the satisfaction of the local highway department, the fire department, and the CEO.

ARTICLE VIII. GENERAL STANDARDS

In reviewing applications for a subdivision, the Board shall consider the following general standards and make findings that each has been met prior to the approval of a Final Plan. In all instances, the burden of proof shall be upon the applicant.

8.1 Conformance with Comprehensive Plan. All proposed subdivisions shall be in conformity with the Comprehensive Plan or policy statement of the municipality and with the provisions of all pertinent state and local codes and ordinances.

8.2 Retention of Open Spaces and Natural or Historic Features

A. For any subdivision a parcel of land determined at 10% of the developed area at the time the final plan is approved shall be dedicated for the use of the town at the discretion of the Planning Board. A cash payment in lieu of land dedication may be made based upon the following schedule: up to 5 acres - $600/lot, more than 5 acres to 10 acres - $700/lot and greater than 10 acres - $800/lot. Any monies so received shall be placed in a separate account to be disbursed for land acquisition or improvement with the approval of the Planning Board and the Selectmen.
B. Land reserved for open space purposes shall be a character, configuration and location suitable for the particular use intended. A site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry, have a total frontage on one or more streets of at least 200 feet, and have no major dimensions of less than 200 feet. Site selected primarily for scenic or passive recreation purposes shall have such access, as the Board may deem suitable and no less than twenty-five feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc., where necessary and appropriate.

C. Reserved land acceptable to the Board and subdivider may be dedicated to the municipality as a condition of approval.

D. The Board may require that the development plans include a landscape plan that will show the preservation of existing trees, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic historic or environmentally significant areas. Cutting of trees on the northerly border of lots should be avoided as far as possible, to retain a natural wind buffer.

E. Consideration should be given by the board for known aquifers to provide protection from adverse developments.

8.3 Land Not Suitable for Development. The following lands shall not be included in the calculations of lot area for the purpose of meeting the requirements of the minimum lot size.

A. Land which is situated below the normal high water mark of any water body.

B. Land which is located within the 100-year frequency floodplain as identified by the Federal Emergency Management Agency unless the subdivider shows proof through the submittal of materials prepared by a Licensed Professional Land Surveyor which show that the property in question lies at least two feet above the 100-year flood level. The elevation of filled or made land shall not be considered.

C. Land which is part of a right-of-way or easement, including utility easements.

D. Land which has a water table within ten inches of the surface for at least three months of the year as identified by the Oxford County Soil Survey. The Board may use such lands in the lot area calculations if the lot(s) are to be deed restricted to prohibit buildings with basements or require basement floor elevations one foot above the seasonal water table.

E. Land that has been created by filling or draining a pond or wetland.

8.4 Lots

A. Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development contemplated. Wherever possible, parking areas shall be laid out to coincide with building locations to maximize solar energy gain.

B. Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan, and deed restrictions shall indicate vehicular access shall be located only on the less traveled way.
C. Wherever possible, side lot line shall be perpendicular to the street.

   a) The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future resubdivision. Where public utilities could be extended to the subdivision in the foreseeable future, the subdivision shall be designed to accommodate the extensions of utilities and traffic increase.

E. If a lot on one side of a stream, road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, or road to meet the minimum lot size.

F. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited. The ratio of lot depth to width shall not be less than three to one.

8.5 Utilities

A. The Board may require utilities serving the subdivision to be installed underground.

B. Underground utilities shall be installed prior to the installation of the final gravel base of the road. All underground utilities shall be properly marked to avoid damage by future excavations.

C. The size, type and location of street lights, electric lines, telephone, and other utilities shall be shown on the plan and approved by the Board.

8.6 Required Improvements. The following improvements are required for all subdivisions unless waived by the Board in accordance with provisions of these regulations.

A. Monuments

   1) Monuments may be of stone, metal rebars, or iron pipes with the approval of the Planning Board

   2) Stone monuments shall be a minimum of four inches square at the top and four feet in length, and set in the ground at final grade level. After they are set, drill holes ½ inch deep shall locate the point or points as described below.

   3) Metal ¾ inch rebars or one inch iron pipes shall be four feet in length and driven down to within 12 inches or less of ground surface and marked with suitable monumentation.

   4) Monuments shall be set at all street intersections and points of curvature, but no further than 750 feet apart along street lines without curves or intersections.

   5) Monuments shall be set at all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135 degrees or less.

   6) All other subdivision boundary corners and angle points, as well as all lot boundary corners and angle points, shall be marked by suitable monumentation.
B. Water Supply

The Board may allow the use of individual wells or a private community water system.

a. If a central water supply system is provided by the subdivider, the location and protection of the source, and the design, construction and operation of the system and shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144 A.C.M.R. 231).

C. Sewage Disposal

The developer shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

D. Surface Drainage

1. 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 storm water management system shall be designed by a Registered Professional Engineer.

2. Drainage easements for existing watercourses or proposed drainage ways shall be provided and indicated on the plan at least thirty feet wide, conforming substantially with the lines of existing natural drainage.

3. The developer shall provide a statement from the designing engineer that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or in other properties. Where the peak runoff from the subdivision onto other properties is increased either in volume or duration, easements from the abutting property owners, allowing such additional discharge shall be obtained.

4. A storm water drainage plan, showing ditching, culverts, storm drains, easements, and other proposed improvements, meeting the standards of Section 9.5, shall be submitted.

E. Street Access

1. Off site streets serving a proposed subdivision shall be in such condition and have the capacity to safely carry the traffic associated with the proposed subdivision. In making a determination that off site streets serving a proposed subdivision are in such condition and have the capacity to safely carry the traffic associated with the proposed subdivision the Board shall consider the following.
a. Residential subdivisions that will gain access via public streets or public easements closed to winter maintenance shall be prohibited unless the subdivider shall finance the cost of the necessary improvements to make the street or public easement suitable for winter maintenance. Such improvements shall be made by the Town or a contractor selected by the Town. The Board shall base the needed improvements upon the recommendation of the Inspecting Official who will be a registered professional engineer employed by the town for this purpose.

b. Lots in residential subdivisions that will gain access via public roads or private roads that are deemed by the Inspecting Official to not have adequate capacity to carry traffic associated with the proposed subdivision shall be prohibited unless the subdivider undertakes the necessary improvements to make the street suitable for the anticipated traffic. In determining adequate capacity the inspecting Official shall consider provisions for two-way traffic, safe access by emergency vehicles and all season use. The Board shall base needed improvements to provide adequate capacity upon the recommendation of the Inspecting Official. This Section shall not be interpreted to require improvements to comply with Section 9.4.

8.7 Land Features

A. Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.

B. Except for normal thinning, landscaping, and cutting trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion. The Board shall require a developer to take measures to correct and prevent soil erosion in the proposed subdivision.

8.8 Cluster Developments

A. Purpose

The purpose of these provisions is to allow for innovative concepts of housing development where maximum variations of design may be allowed, provided that the net residential density shall be no greater than is permitted under traditional single-family development.

B. Basic Requirements

1. All the requirements and standards of these regulations except those dealing with lot layout and dimensions shall be met.

2. The minimum area of land in a cluster development shall be ten acres

3. The plan shall indicate the location of all proposed roads, structures, parking areas, footpaths and common open space.

4. No building shall be constructed on soil types classified by the Soil Conservation Service as being poorly or very poorly drained.

5. Where a cluster development abuts a water body, a portion of the shoreline, as well as reasonable access to it, shall be part of the common land.
6. In cluster developments with minimum individual lot sizes of 20,000 sq. ft. all dwelling units shall be connected to a private common water supply and distribution system.

7. In cluster developments with individual minimum lot sizes of 20,000 sq. ft. all dwelling units shall be connected to a public sewer system or to a central collection and treatment system.

8. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, south-facing slopes, and natural drainage areas, in accordance with an overall plan for site development and landscaping.

8.9 Dedication and Maintenance of Common Open Space and Services

1. All common land shall be owned jointly or in common by the owners of the dwelling units by means of a homeowners association, by an association which has as its principal purpose the conservation or preservation of land in essentially its natural condition, or by the municipality.

2. Further subdivision of the common land or its use for other than noncommercial recreation or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to noncommercial recreational or conservation uses may be erected on the common land.

3. The common open space shall be shown on the Final Plan with appropriate notation on the plan to indicate that:
   a. It shall not be used for future building lots; and
   b. a part or all of the common open space may be dedicated for acceptance by the municipality.

4. If any or all of the common open space and services to be reserved for use by the residents, the bylaws of the proposed homeowners association shall specify maintenance responsibilities and shall be submitted to the Board prior to Final Plan approval.

5. Covenants for mandatory membership in the homeowners association setting forth the owners’ rights, interests, and privileges in the association and the common property, shall be reviewed by the Board and included in the deed for each lot or dwelling.

6. The homeowners association shall have the responsibility of maintaining the common property.

7. The association shall levy annual charges against all owners of dwelling units to defray the expenses connected with the maintenance of common property and tax assessments.

8. The developer or subdivider shall maintain control of the common property, and be responsible for its maintenance until development sufficient to support the association has taken place.

8.10 Construction in Flood Hazard Areas

When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency, the plan shall indicate that all principal structures on lots in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. Such a restriction shall be included in the deed to any lot, which is included or partially included in the flood hazard area.
ARTICLE IX. STREET AND STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS

9.1 General Requirements

A. The Board shall not approve any subdivision plan unless proposed streets and storm water management systems are designed in accordance with any local ordinance or the specifications contained in these regulations. Approval of the Final Plan by the Board shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement.

B. Subdividers shall submit to the Board, as part of the Final Plan, detailed construction drawings showing a plan view profile and typical cross-section of the proposed streets. The plans shall include the following information:

1. Date, scale and magnetic or true north point.
2. Intersections of the proposed street with existing streets.
3. Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, and curbs.
4. Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
5. Complete curb data shall be indicated for all horizontal and vertical curves.
6. Turning radii at all intersections.
7. Centerline gradients.
8. Locations of all existing and proposed overhead and underground utilities, to include, but not be limited to, water, sewer, electricity, telephone, lighting and cable television.

C. Upon receipt of plans for a proposed public street, the Board shall forward one copy to the Municipal Officers and Road Commissioner.

9.2 General Requirements for all Street Construction

A. Existing Streets Extended: Existing streets shall be extended at the same or greater width and in no case shall they be extended at less than the existing width.

B. Street Names: Street names require the approval of the Board and Fire Chief. Streets that are obviously in alignment with streets already existing and named, shall be given the name of the existing street. Names of new streets shall not duplicate or closely approximate those of existing streets.
C. **Intersections:** All street intersections shall be at angles as close as ninety degrees (90°) as possible. In no instances shall street intersections be at an angle less than seventy-five degrees (75°).

D. **Curb Line Radius:** The curb line radius at street intersections shall be at least 25 feet. Where the angle of the street intersects is less than ninety degrees (90°), a longer radius may be required.

E. **Dead-end Streets:** Dead-end streets shall be provided at the closed end with a turn-around, having a radius of at least 75 feet and a traveled way radius of at least 35 feet.

F. **Drainage:** Adequate provision shall be made for disposal of all surface water and underground water through ditches, culverts, underdrains, and/or storm water drainage systems. Drainage design shall be based upon the ten-year storm event. Provisions must be made for natural watercourses.

G. **Catch Basins:** Catch basins (of standard design) shall be built where necessary and culverts of proper size and capacity will be installed at all watercourses with necessary headers.

H. **Slopes and Ditches:** Slopes and ditches shall slope away from the shoulders of the road at a ratio of at least three (3) horizontal feet to one (1) foot vertical and never steeper than 2 to 1. In cases where this is not possible or practical as where the roadway cuts through the side of a hill, all cuts shall be made so that adjacent slopes will not slide. The tops and sides of all cuts shall be cleared of all trees, stumps and boulders for an adequate distance so as to prevent such material from sliding into the ditches. Banks will be loamed, when necessary, seeded and mulched.

I. **Marginal Access Streets:** Where a 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 screen planting contained in a nonaccess reservation along the rear property line, or such other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

J. **Sidewalks:** The Board shall have the authority to designate whether sidewalks shall be required.

K. **Utilities:** Longitudinal runs of water and/or sewer mains shall be laid outside of the travel lanes and clear of any present or designated sidewalks. Utility poles shall be so placed that any present or designated sidewalks may be contained within the boundaries of the street or way without obstructions by poles or appurtenances.

L. **Paving:** When paving is required by the Board, it shall comply with the following:

1. Paving shall be comprised of a minimum of 2 1/2 inches of hot bituminous pavement.

2. Placement of pavement shall conform with Sections 403.01-403.3 of the most recent edition of the Maine Department of Transportation, Standard Specifications, Highway and Bridges, Revisions of June 2002.

3. Pavement shall be of a Hot Bituminous mix approved by state of Maine Department of transportation.
M. **Graveled Surface Streets:** Graveled surfaced streets shall conform to the following requirements, in addition to all street design standards.

1. Dust from the road surface will not adversely affect adjacent properties.
2. The surface material shall support anticipated traffic loads without detrimental deformation.
3. The surface material shall be capable of withstanding the abrasive action of traffic.
4. The surface material shall shed rain, which falls on the surface.
5. The surface material shall possess capillary properties in amounts sufficient to replace the moisture lost by surface evaporation.

Section 9.3. **Classification of Streets**

A. All new streets shall be classified as provided in Subsection B.

1. The classification of the street shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day (the amount of trips per day are based upon average daily traffic levels (ADT).)

2. The number of dwelling units to be served by a residential street shall be used as an indication of the number of trips.

3. Whenever a subdivision street continues, an existing street that formerly terminated outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.

B. The classification of streets shall be as follows:

1. **Residential Access Streets:** A residential access street is a frontage street, which provides access to abutting properties, it shall be designed to carry no more traffic than that which is generated on the street itself. A residential access street shall not be allowed when traffic volume exceeds 200 ADT.

2. **Residential Subcollection:** A residential subcollection is a frontage street which provides access to abutting properties and which may also collect traffic from residential access streets that intersect it. A residential subcollector shall not be allowed when traffic volume is greater than 500 ADT. Subcollector streets shall be designed to exclude all external through traffic which has neither origin nor destination on the subcollector on its tributary residential access streets.

3. **Collector:** A street whose principle function is to carry traffic for residential streets to higher order streets. ADT shall not exceed 3,000. If the street exceeds 3,000 ADT, the municipality upon recommendation from an engineer shall determine the required design standards.

4. **Other Streets:** Streets proposed to service uses such as retail, office or industrial shall be designed by a Professional Engineer based upon detailed traffic analysis.
### SECTION 9.4 Minimum Design and Construction Standards

<table>
<thead>
<tr>
<th></th>
<th>Collector</th>
<th>Residential Collector</th>
<th>Residential Access Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. minimum width of right-of-way</td>
<td>60 ft.</td>
<td>50 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>b. minimum travel width</td>
<td>22 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>c. minimum width of shoulders (per travel lane)</td>
<td>4</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>d. minimum grade</td>
<td>0.5%</td>
<td>0.5%</td>
<td>0.5%</td>
</tr>
<tr>
<td>e. maximum grade</td>
<td>10</td>
<td>12%</td>
<td>12%</td>
</tr>
<tr>
<td>f. maximum grade at intersections</td>
<td>3% within 50 ft. of intersection</td>
<td></td>
<td></td>
</tr>
<tr>
<td>g. minimum angle of intersections</td>
<td>75°</td>
<td>75°</td>
<td>75°</td>
</tr>
<tr>
<td>h. minimum center line radii on curves</td>
<td>200 ft.</td>
<td>200 ft.</td>
<td>150 ft.</td>
</tr>
<tr>
<td>i. minimum tangent length between reverse curves</td>
<td>200 ft.</td>
<td>100 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>j. road base (total minimum)</td>
<td>(Refer to Appendix F)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>k. paving (when required)</td>
<td>2 ½ in.</td>
<td>2 ½ in.</td>
<td>2 ½ in.</td>
</tr>
<tr>
<td>l. minimum road crown</td>
<td>1/4”/1’</td>
<td>1/4”/1’</td>
<td>1/4”/1’</td>
</tr>
<tr>
<td>m. Property line radii (intersections)</td>
<td>15 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
</tr>
<tr>
<td>n. curb radii at intersections (90°) less than 90°</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>25 ft.</td>
</tr>
<tr>
<td>o. minimum distance between intersections</td>
<td>200 ft.</td>
<td>200 ft.</td>
<td>200 ft.</td>
</tr>
<tr>
<td>p. sidewalk width (where required)</td>
<td>4 ft.</td>
<td>4 ft.</td>
<td>4 ft.</td>
</tr>
</tbody>
</table>

### 9.5 Storm Water Management Design Standards

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

1. All components of the storm water management system shall be designed to meet the criteria of a 25-year storm based on rainfall data for Oxford county Soil and Water District.

2. The minimum pipe size for any storm drainage pipe shall be 15 inches. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be bedded in a fine granular material, containing no stones larger than 3 inches, lumps of clay, or organic matter, reaching a minimum of 6 inches below the bottom of the pipe extending to 6 inches above
the top of the pipe.

3. Catch basins shall be installed where necessary and located at the curb line.

4. Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials to reduce storm water velocity.

B. 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 increase in upstream runoff.

C. 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 systems downstream from the subdivision. The subdivider shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.

D. Wherever the 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.

E. Where soils require a subsurface drainage system, the drains shall be installed and maintained separately from the storm water drainage system.

9.6 Storm Drainage Construction Standards

A. Materials

1. Reinforced Concrete Pipe. Reinforced Concrete Pipe shall meet the requirements of ASTM Designation C-76 (AASHTO 170). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.2 on the .01 inch crank strength with a Class B bedding. Joints shall be of the rubber gasket type meeting ASTM Designation C 443-70, or of an approved performed plastic jointing material such as “Ramnek”. Perforated Concrete Pipe shall conform to the requirements of AASHTO 175 for the appropriate diameters.

2. Asbestos Cement Pipe. Asbestos Cement Pipe shall meet the requirements of ASTM Designation C-428 (AASHTO 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 performed plastic sleeve type.

3. Corrugated Metal Pipe. Corrugated Metal Pipe shall be bituminous coated meeting the requirements of AASHTO Designation M 190 Type C for iron or steep pipe or AASHTO Designation M 196 for aluminum alloy pipe for sectional dimensions and type of bituminous coating. Pipe gauge shall be as required to meet the soil and traffic loads with a deflection of not more than 5%.

4. ABS Pipe. ABS (Acrylonitrile-butadiene-styrene) composite pipe and fittings shall conform to the requirements of AASHTO 264 and AASHTO 265. Perforated pipe shall conform to the requirements of AASHTO 36, Type III.

6. 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. 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 the requirements of AASHTOM 103 for carbon steep castings, AASHTOM 105, Class 30 for gray iron castings or AASHTOM 183 (ASTMA 283, Grade B or better) for structural steel.

7. Catch Basins. Catch Basins shall be of precast concrete truncated cone section construction meeting the requirements of ASTM designation C 478 or precast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Casting 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 the requirements of AASHTOM 103 for carbon steel castings, AASHTOM 105, Class 30 for gray iron castings or AASHTOM 183 (ASTMA 283, Grade B or better) for structural steel.

B. 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.

C. 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.

D. 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 Additional Improvements and Requirements

A. Erosion Control. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.

B. Cleanup. Following street construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the Plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.

C. Street Names, Signs and Lighting. Streets which join and 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. No street name shall be the common given name of a person.
9.8 Certification of Construction

Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed public way 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 way meets or exceeds the design and construction requirements of these regulations. “As built” plans shall be submitted to the Municipal Officers.

ARTICLE X. PERFORMANCE GUARANTEES

10.1 Types of Guarantees. With submittal of the application for Final Plan approval, the subdivider shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs.

A. Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account;

B. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the Town may draw if construction is inadequate, approved by the Municipal Officers, or Town Manager; or

C. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed.

The conditions and amount of performance guarantee shall be determined by the Board with the advice of the Road Commissioner, Municipal Officers, and/or Town Attorney.

10.2 Contents of Guarantee. The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the developer will be in default, and the Town shall have access to the funds to finish construction.

10.3 Escrow Account. A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the subdivider, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the subdivider unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the subdivider and the amount withdrawn to complete the required improvements.
10.4 **Letter of Credit.** An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.

10.5 **Conditional Agreement.** The Board, at its discretion may provide for the subdivider to enter into a binding agreement with the municipality in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the Final Plan on the condition that up to four lots may be sold or built upon until either:

A. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with these regulations and the regulations of the appropriate utilities; or

B. A performance guarantee, acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.

Notice of the agreement and any conditions shall be on the Final Plan which is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Section 10.8.

10.7 **Phasing of Development.** The Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

10.8 **Release of Guarantee.** Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

10.9 **Default.** If, upon inspection, the Planning Board finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, the board shall so report in writing to the Code Enforcement Officer, the Municipal Officers, and the subdivider or builder. The Municipal Officers shall take any steps necessary to preserve the Town’s rights.

10.10 **Private Roads.** Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan.

“All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town.”

10.11 **Improvements Guaranteed.** Performance guarantees shall be tendered for all improvements required by Section 8.6 of these regulations, as well as any other improvements required by the Board.
ARTICLE XI. WAIVERS

11.1 Where the Planning Board Makes Written findings of fact that there are special circumstances of a particular lot proposed to be subdivided, it may waive portions of the submission requirements or the standards, unless otherwise indicated in the regulations, to permit a more practical and economical development, provided the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, or these regulations.

11.2 Where the Board makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety, or welfare, or are inappropriate because of inadequate or lack connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirements for such improvements, subject to appropriate conditions.

11.3 In granting waivers to any of these regulations in accordance with Sections 11.1 and 11.2, the Board shall require such conditions as will assure the objectives of these regulations are met.

ARTICLE XII. ENFORCEMENT

12.1 Inspection of Required Improvements

A. At least five days prior to commencing each major phase of construction of required improvements, the subdivider or builder shall notify the town manager in writing of the time when he proposes to commence construction of such improvements, so that the Municipal Officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory complement of improvements and utilities required by the Board.

B. If the inspecting official as described in Paragraph 12.1E finds, upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, he shall so report in writing to the Municipal Officers, Planning Board, and the subdivider or builder. The Municipal Officers shall take any steps necessary to preserve the municipality’s rights.

C. If at any time before or during the construction of the required improvements, it appears to be necessary or desirable to modify the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Town. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the subdivider shall obtain permission to modify the plans from the Board.
D. At the close of each summer construction season, the Town may, at the expense of the subdivider, have the site reviewed by the inspecting official. By November 15 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate to do the job they were designed for. The report, if required, shall also include a discussion and recommendations on any problems which were encountered.

E. Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed town-way to a town meeting, 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 town way meets or exceeds the design and construction requirements of these regulations. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility.

F. The subdivider or builder shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the municipality.

12.2 Violations and Enforcement

A. No plan of a division of land within the municipality which would constitute a subdivision shall be recorded in the Registry of Deeds until a Final Plan has been approved and signed by the Board in accordance with these regulations.

B. No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.

C. No person, firm, corporation or other legal entity may convey, any land in an approved subdivision which is not shown on the Final Plan as a separate lot.

D. Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by these regulations shall be punished by a fine of not less than $100, and not more than $2,500 for each such conveyance, offering or agreement. The Municipality may institute proceedings to enjoin the violation of this section, and may collect attorney’s fees and court costs if it is the prevailing party.

E. No public utility or any utility company of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Board.

F. Development of a subdivision without Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a Final Plan approved as provided in these regulations and recorded in the Registry of Deeds.

G. No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with these regulations up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the street upon which the unit is accessed is completed in accordance with these regulations.
ARTICLE XIII. APPEALS

13.1 An aggrieved party may appeal any decision of the Board under these regulations to Oxford County Superior Court.

ARTICLE XIV. DEFINITIONS

In general, words and terms used in these regulations shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows:

Cluster Subdivision: A subdivision in which the lot sizes are reduced below those normally required in a traditional subdivision in return for the provision of permanent open space owned in common by lot/unit owners, the Town, or a land conservation organization. Clustering shall not be used to increase the overall net residential density of the development.

Complete Application: An application shall be considered complete upon submission of the required fee and all information required by these regulations for a Final Plan, or by a vote by the Board to waive the submission of required information. The Board shall issue a receipt to the applicant upon its determination that an application is complete.

Comprehensive Plan or Policy Statement: Any part or element of the overall plan or policy for development of the municipality as defined in Title 30 - AM.R.S.A., Section 4301.

Contiguous Lots: Lots which adjoin at any line or point, or are separated at any point by a body of water less than fifteen feet wide.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

Driveway: A vehicular access-way serving two dwelling units or less.

Dwelling Unit: A room or suite of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, bathing and sanitary facilities; includes single-family houses, and the units in a duplex, apartment house, multi-family dwellings, and residential condominiums.

Final Plan: The final drawings on which the applicant’s plan of subdivision is presented to the Board for approval and which, if approved, may be recorded at the Registry of Deeds.

Freshwater Wetland: Means fresh water swamps, marshes, bogs and similar areas which are:

1. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support a prevalence of wetland vegetation typically adapted for life in saturated soils; and
2. Not considered part of great pond, coastal wetland, river, stream or brook.

3. These areas may contain small stream channels or inclusions of land that do not conform to the criteria.

**High Intensity Soil Survey:** A soil survey conducted by a Certified Soil Scientist, meeting the standards of the National Cooperative Soil Survey, which identifies soil types down to 1/10 acre or less at a scale equivalent to subdivision plan submitted. The mapping units shall be the soil series. Single soil test pits and their evaluation shall not be considered to constitute high intensity soil surveys.

**Inspecting Official:** A qualified individual (registered professional engineer) appointed by the Planning Board to inspect streets during construction.

**100 Year Flood:** The highest level of flood that, on the average, is likely to occur once every 100 years (that has a one percent chance of occurring in any year).

**Normal High Water Elevation:** That line on the shores of banks on non tidal waters which is apparent because of the continuous different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (by way of illustration, aquatic vegetation includes, but is not limited to, the following plants and plant groups: Water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses; and terrestrial vegetation includes but is not limited to the following plants and plant groups: upland grasses, aster, lady slipper, wintergreen, partridge berry, sassparilla, pines, cedars, oaks, ashes, alders, elms, and maples). In places where the shore or bank is of such character that the high water mark cannot be easily determined, (rockslides, ledges, rapidly eroding or slumping banks) the normal high water elevation shall be estimated from places where it can be determined by the above method.

**Industrial Park or Development:** A subdivision planned for industrial uses and developed and managed as a unit, usually with provision for common services for the users.

**Net Residential Acreage:** The total acreage available for the subdivision, and shown on the proposed subdivision plan, minus the area for streets or access and the areas which are unsuitable for development as outlined in Section 8.3.

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

**Official Submittal Date:** The date upon which the Board issues a receipt indicating a complete application has been submitted.

**Person:** Includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

**The Board:** The Planning Board of the Town of Woodstock.

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

**Recording Plan:** A copy of the Final Plan which is recorded at the Registry of Deeds and which need not show information not relevant to the transfer of an interest in the property, such as sewer and water line locations and sizes, culverts, and building lines.
**Resubdivision:** The division of an existing subdivision or any change in the plan for an approved subdivision which effects the lot lines, including land transactions by the subdivider not indicated on the approved plan.

**River, stream or brook** means a channel between defined banks. A channel is created by the action of surface water and has two (2) or more of the following characteristics.

1. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topography map or if that is not available, a 15-minute series topography map.
2. It contains or is known to contain flowing water continuously for a period of at least 3 months of the year in most years.
3. The channel bed is primarily composed of material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.
4. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present in the stream bed.
5. The channel bed contains aquatic vegetation and is essentially devoid of upland vegetation.

River, stream or brook does not mean a ditch or other drainage way constructed and maintained solely for the purpose of draining storm water or a grassy swale.

**Street:** Public and private ways such as alleys, avenues, boulevards, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way.

**Subdivision:** The division of a tract or parcel of land as defined in Title 4401 and as hereafter amended.

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

**Subdivision, Minor:** Any subdivision containing not more than four lots or dwelling units, and in which no street is proposed to be constructed.

**Substantial Construction:** Completion of thirty (30) percent or more of improvements as a percentage of the estimated total cost.

**Tract, or Parcel, of Land:** All contiguous land in the same ownership, whether or not the tract is separated at any point by: an intermittent or non-navigable stream, or a private road established by the abutting landowners.
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Shoreland Zoning Ordinance for the Municipality of Woodstock, Maine

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

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

3. **Applicability.** This Ordinance applies to all land areas within 250 feet, horizontal distance, of the
   - normal high-water line of any great pond or river, or
   - upland edge of a freshwater wetland,

   and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

   This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

4. **Effective Date of Ordinance and Ordinance Amendments.**

   This Ordinance, which was adopted by the municipal legislative body on December 31, 1991 and amended on March 2011, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved.

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

   Timber harvesting standards, as changed by this revision, shall be adopted immediately but may not be enforced until June 1, 2011 or until all parties and agencies are operating together, whichever occurs first.

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

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

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

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

9. **Districts and Zoning Map**

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

   (1) Resource Protection  
   (2) Limited Residential  
   (3) Limited Commercial  
   (4) Stream Protection

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

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

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

10. **Interpretation of District Boundaries.** Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.
11. **Land Use Requirements.** Except as hereinafter specified, no building, structure or land shall thereafter be used or occupied, and no building or structure or part thereof shall thereafter 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.

12. **Non-conformance.**

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

   B. **General**

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

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

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

C. **Non-conforming Structures**

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

      (a) After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 12(C)(3), and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.

      (b) Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning...
Board or its designee, basing its decision on the criteria specified in Section 12(C)(2) Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 12(C)(1)(a) above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

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

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

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

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

(b) Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

(3) Reconstruction or Replacement. Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage,
destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(2) above.

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

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

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

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

D. Non-conforming Uses

(1) Expansions. Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section 12(C)(1)(a) above.

(2) Resumption Prohibited. A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that
the structure has been used or maintained for residential purposes during the preceding five (5) year period.

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

E. Non-conforming Lots

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

(2) Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

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

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

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

(a) Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

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

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

(1) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of December 31, 2008. For the purposes of this paragraph “wetlands associated with great ponds and rivers” shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. “Wetlands associated with great ponds or rivers” are considered to be part of that great pond or river.

(2) Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils.

(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 wetland as defined, and which are not surficially connected to a water body during the period of normal high water.

NOTE: These areas usually consist of forested wetlands abutting water bodies and non-forested wetlands.

(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 or the General Development Districts.

C. Limited Commercial District. The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed as intensively as the General Development Districts. 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 seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

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

Key to Table 1:

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

Abbreviations:

- **RP** - Resource Protection
- **GD** - General Development I and General Development II
- **LR** - Limited Residential
- **LC** - Limited Commercial
- **SP** - Stream Protection
<table>
<thead>
<tr>
<th>LAND USES</th>
<th>DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Non-intensive recreational uses not requiring structures such as</td>
<td>SP</td>
</tr>
<tr>
<td>hunting, fishing and hiking</td>
<td>yes</td>
</tr>
<tr>
<td>2. Motorized vehicular traffic on existing roads and trails</td>
<td>yes</td>
</tr>
<tr>
<td>3. Forest management activities except for timber harvesting &amp; land</td>
<td>yes</td>
</tr>
<tr>
<td>management roads</td>
<td>yes</td>
</tr>
<tr>
<td>4. Timber harvesting</td>
<td>yes</td>
</tr>
<tr>
<td>5. Clearing or removal of vegetation for activities other than timber</td>
<td>CEO</td>
</tr>
<tr>
<td>harvesting</td>
<td>yes</td>
</tr>
<tr>
<td>6. Fire prevention activities</td>
<td>yes</td>
</tr>
<tr>
<td>7. Wildlife management practices</td>
<td>yes</td>
</tr>
<tr>
<td>8. Soil and water conservation practices</td>
<td>yes</td>
</tr>
<tr>
<td>9. Mineral exploration</td>
<td>no</td>
</tr>
<tr>
<td>10. Mineral extraction including sand and gravel extraction</td>
<td>no</td>
</tr>
<tr>
<td>11. Surveying and resource analysis</td>
<td>yes</td>
</tr>
<tr>
<td>12. Emergency operations</td>
<td>yes</td>
</tr>
<tr>
<td>13. Agriculture</td>
<td>yes</td>
</tr>
<tr>
<td>14. Aquaculture</td>
<td>yes</td>
</tr>
<tr>
<td>15. Principal structures and uses</td>
<td>PB</td>
</tr>
<tr>
<td>A. One and two family residential, including driveways</td>
<td>PB^6</td>
</tr>
<tr>
<td>B. Multi-unit residential</td>
<td>PB^9</td>
</tr>
<tr>
<td>C. Commercial</td>
<td>PB</td>
</tr>
<tr>
<td>D. Industrial</td>
<td>PB</td>
</tr>
<tr>
<td>E. Governmental and institutional</td>
<td>PB</td>
</tr>
<tr>
<td>F. Small non-residential facilities for educational, scientific, or</td>
<td>PB^6</td>
</tr>
<tr>
<td>nature interpretation purposes</td>
<td>PB</td>
</tr>
<tr>
<td>16. Structures accessory to allowed uses</td>
<td>PB^6</td>
</tr>
<tr>
<td>17. Piers, docks, wharfs, bridges and other structures and uses extending</td>
<td>PB</td>
</tr>
<tr>
<td>over or below the normal high-water line or within a wetland</td>
<td>PB</td>
</tr>
<tr>
<td>a. Temporary</td>
<td>PB</td>
</tr>
<tr>
<td>b. Permanent</td>
<td>PB</td>
</tr>
<tr>
<td>18. Conversions of seasonal residences to year-round residences</td>
<td>LPI</td>
</tr>
<tr>
<td>19. Home occupations</td>
<td>PB</td>
</tr>
<tr>
<td>20. Private sewage disposal systems for allowed uses</td>
<td>LPI</td>
</tr>
<tr>
<td>21. Essential services</td>
<td>PB^6</td>
</tr>
<tr>
<td>A. Roadside distribution lines (34.5kV and lower)</td>
<td>PB</td>
</tr>
<tr>
<td>B. Non-roadside or cross-country distribution lines involving ten</td>
<td>PB^6</td>
</tr>
<tr>
<td>poles or less in the shoreland zone</td>
<td>PB</td>
</tr>
<tr>
<td>C. Non-roadside or cross-country distribution lines involving eleven</td>
<td>PB^6</td>
</tr>
<tr>
<td>or more poles in the shoreland zone</td>
<td>PB</td>
</tr>
<tr>
<td>D. Other essential services</td>
<td>PB^6</td>
</tr>
<tr>
<td>22. Service drops, as defined, to allowed uses</td>
<td>yes</td>
</tr>
<tr>
<td>23. Public and private recreational areas involving minimal structural</td>
<td>PB</td>
</tr>
<tr>
<td>development</td>
<td>PB</td>
</tr>
<tr>
<td>24. Individual, private campsites</td>
<td>PB</td>
</tr>
<tr>
<td>25. Campgrounds</td>
<td>no</td>
</tr>
<tr>
<td>26. Road construction</td>
<td>no</td>
</tr>
<tr>
<td>27. Land management roads</td>
<td>yes</td>
</tr>
<tr>
<td>28. Parking facilities</td>
<td>no</td>
</tr>
<tr>
<td>29. Marinas</td>
<td>no</td>
</tr>
<tr>
<td>30. Filling and earth moving of &lt;10 cubic yards</td>
<td>CEO</td>
</tr>
</tbody>
</table>

**TABLE 1. LAND USES IN THE SHORELAND ZONE**
31. Filling and earth moving of >10 cubic yards  PB  PB  CEO  CEO
32. Signs  yes  yes  yes  yes
33. Uses similar to allowed uses  PB  PB  PB  PB
34. Uses similar to uses requiring a CEO permit  CEO  CEO  CEO  CEO
35. Uses similar to uses requiring a PB permit  PB  PB  PB  PB

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

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A. section 480-C, if the activity occurs in, on, over or adjacent to any freshwater wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:
A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
B. Draining or otherwise dewatering;
C. Filling, including adding sand or other material to a sand dune; or
D. Any construction or alteration of any permanent structure.

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

A. Minimum Lot Standards

<table>
<thead>
<tr>
<th>Minimum Lot Standards</th>
<th>Minimum Lot Area (sq. ft.)</th>
<th>Minimum Shore Frontage (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Residential per dwelling unit</td>
<td>43,560 (1 acre)</td>
<td>200</td>
</tr>
<tr>
<td>(b) Governmental, Institutional, Commercial or Industrial per principal structure</td>
<td>60,000</td>
<td>300</td>
</tr>
<tr>
<td>(c) Public and Private Recreational Facilities</td>
<td>43,560 (1 acre)</td>
<td>200</td>
</tr>
</tbody>
</table>

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

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

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

(6) Clustered housing is encouraged within the shoreland zone provided that the overall dimensional requirements, including frontage and lot area per dwelling unit, are met.

B. Principal and Accessory Structures

(1) All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development I District the setback from the normal high-water line shall be at least twenty five (25) feet, horizontal distance. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

In addition:

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

(b) The Planning Board may increase the required setback of a proposed structure, as a condition to permit approval, if necessary to accomplish the purposes of this ordinance. Instances where a greater setback may be appropriate include, but not be limited to, areas of steep slope; shallow or erodible soils; or where an adequate vegetative buffer does not exist.

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

(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 lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2009 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.

(4) The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed.

(5) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:

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

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

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

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

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

(f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and

(g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:

(i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;

(ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;

(iii) Only native species may be used to establish the buffer area;
(iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;

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

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

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

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

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

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

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

(4) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.

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

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

(7) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
(8) Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

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

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

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

E. Individual Private Campsites. Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

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

(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, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

(3) Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

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

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

(6) When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.
F. **Commercial and Industrial Uses.** The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

1. Auto washing facilities
2. Auto or other vehicle service and/or repair operations, including body shops
3. Chemical and bacteriological laboratories
4. Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms.
5. Commercial painting, wood preserving, and furniture stripping
6. Dry cleaning establishments
7. Electronic circuit assembly
8. Laundromats, unless connected to a sanitary sewer
9. Metal plating, finishing, or polishing
10. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
11. Photographic processing
12. Printing

G. **Parking Areas**

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

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

3. In determining the appropriate size of proposed parking facilities, the following shall apply:
   a. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
   b. Internal travel aisles: Approximately twenty (20) feet wide.
H. Roads and Driveways. The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

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

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

Section 15 (H)(1) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(H)(1) except for that portion of the road or driveway necessary for direct access to the structure.

(2) Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream or wetland.

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

(4) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(Q).

(5) Road and driveway grades shall be no greater than ten (10) percent except for segments of less than one hundred (100) feet of run. Segments with a grade of greater than ten (10) percent shall be followed by a segment of less than ten (10) percent for a distance of at least two hundred (200) feet.
(6) In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

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

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

<table>
<thead>
<tr>
<th>Grade (Percent)</th>
<th>Spacing (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-2</td>
<td>250</td>
</tr>
<tr>
<td>3-5</td>
<td>200-135</td>
</tr>
<tr>
<td>6-10</td>
<td>100-80</td>
</tr>
<tr>
<td>11-15</td>
<td>80-60</td>
</tr>
<tr>
<td>16-20</td>
<td>60-45</td>
</tr>
<tr>
<td>21 +</td>
<td>40</td>
</tr>
</tbody>
</table>

(b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.

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

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

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

I Signs. The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential and Limited Commercial Districts:

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

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

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

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

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

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

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

J. Storm Water Runoff

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

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

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

K. Septic Waste Disposal

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

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

L. Essential Services

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

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

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

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

Mineral extraction may be permitted under the following conditions:

(1) A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (M)(4) below.

(2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.

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

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

(b) The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.
(c) Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

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

N. Agriculture

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

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

(3) Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

NOTE: Assistance in preparing a Conservation Plan may be available through the local Soil and Water Conservation District office.

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

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

NOTE: 17 M.R.S.A. section 2805(4) requires a municipality to provide the Commissioner of Agriculture, Food and Rural Resources with a copy of any proposed ordinance that impacts farm operations. The law further requires the Commissioner to review the proposed ordinance and advise the municipality if the proposed ordinance would restrict or prohibit the use of best management practices. A copy of a shoreland zoning
ordinance that regulates no more restrictively than contained in these Guidelines need not be provided to the Commissioner of Agriculture, Food and Rural Resources.

O.  Timber Harvesting

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

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

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

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

(2) Except in areas as described in Section 15(O)(1) above, timber harvesting shall conform with the following provisions:

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

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

(ii) At distances greater than one-hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified 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 clearcut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clearcut openings
shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.

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

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

(d) Timber harvesting equipment shall not use stream channels as travel routes.

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

(f) Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

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

O-1. **Timber Harvesting – Statewide Standards [Effective on effective date established in Section 4(B)]**

(1) Shoreline integrity and sedimentation. Persons conducting timber harvesting and related activities must take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands occurs, such conditions must be corrected.
(2) Slash treatment. Timber harvesting and related activities shall be conducted such that slash or debris is not left below the normal high-water line of any water body or tributary stream, or the upland edge of a wetland. Section 15(O-1)(2) does not apply to minor, incidental amounts of slash that result from timber harvesting and related activities otherwise conducted in compliance with this section.

(a) Slash actively used to protect soil from disturbance by equipment or to stabilize exposed soil, may be left in place, provided that no part thereof extends more than 4 feet above the ground.

(b) Adjacent to great ponds, rivers and wetlands:

   (i) No accumulation of slash shall be left within 50 feet, horizontal distance, of the normal high-water line or upland edge of a wetland; and

   (ii) Between 50 feet and 250 feet, horizontal distance, of the normal high-water line or upland edge of a wetland, all slash larger than 3 inches in diameter must be disposed of in such a manner that no part thereof extends more than 4 feet above the ground.

(3) Timber harvesting and related activities must leave adequate tree cover and shall be conducted so that a well-distributed stand of trees is retained. This requirement may be satisfied by following one of the following three options:

(a) Option 1 (40% volume removal), as follows:

   (i) Harvesting of no more than 40 percent of the total volume on each acre of trees 4.5 inches DBH or greater in any 10 year period is allowed. Volume may be considered to be equivalent to basal area;

   (ii) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,

   (iii) Within 75 feet, horizontal distance, of the normal high-water line of rivers, streams, and great ponds, and within 75 feet, horizontal distance, of the upland edge of a freshwater wetlands, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or great pond or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of total volume removal. Volume may be considered equivalent to basal area.

(b) Option 2 (60 square foot basal area retention), as follows:

   (i) The residual stand must contain an average basal area of at least 60 square feet per acre of woody vegetation greater than or equal to 1.0 inch DBH, of which 40 square feet per acre must be greater than or equal to 4.5 inches DBH;
(ii) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,

(iii) Within 75 feet, horizontal distance, of the normal high-water line of water bodies and within 75 feet, horizontal distance, of the upland edge of wetlands, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or great pond, or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of the average basal area. Volume may be considered equivalent to basal area.

(c) Option 3 (Outcome based), which requires: An alternative method proposed in an application, signed by a Licensed Forester or certified wildlife professional, submitted by the landowner or designated agent to the State of Maine Department of Conservation’s Bureau of Forestry (Bureau) for review and approval, which provides equal or better protection of the shoreland area than this rule.

Landowners must designate on the Forest Operations Notification form required by 12 M.R.S.A. chapter 805, subchapter 5 which option they choose to use. If landowners choose Option 1 or Option 2, compliance will be determined solely on the criteria for the option chosen. If landowners choose Option 3, timber harvesting and related activities may not begin until the Bureau has approved the alternative method.

The Bureau may verify that adequate tree cover and a well-distributed stand of trees is retained through a field procedure that uses sample plots that are located randomly or systematically to provide a fair representation of the harvest area.

(4) Skid trails, yards, and equipment operation. This requirement applies to the construction, maintenance, and use of skid trails and yards in shoreland areas.

(a) Equipment used in timber harvesting and related activities shall not use river, stream or tributary stream channels as travel routes except when surface waters are frozen and snow covered, and the activity will not result in any ground disturbance.

(b) Skid trails and yards must be designed and constructed to prevent sediment and concentrated water runoff from entering a water body, tributary stream, or wetland. Upon termination of their use, skid trails and yards must be stabilized.

(c) Setbacks:

(i) Equipment must be operated to avoid the exposure of mineral soil within 25 feet, horizontal distance, of any water body, tributary stream, or wetland. On slopes of 10 percent or greater, the setback for equipment operation must be increased by 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent. Where slopes fall away from the resource, no increase in the 25-foot setback is required.
(ii) Where such setbacks are impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(5) Land Management Roads. Land management roads, including approaches to crossings of water bodies, tributary stream channels, and wetlands, ditches and other related structures, must be designed, constructed, and maintained to prevent sediment and concentrated water runoff from directly entering the water body, tributary stream or wetland. Surface water on or adjacent to water crossing approaches must be diverted through vegetative filter strips to avoid sedimentation of the watercourse or wetland. Because roadside ditches may not extend to the resource being crossed, vegetative filter strips must be established in accordance with the setback requirements in Section 15(O-1)(7) of this rule.

(a) Land management roads and associated ditches, excavation, and fill must be set back at least:

(i) 100 feet, horizontal distance, from the normal high-water line of a great pond, river or wetland;

(ii) 50 feet, horizontal distance, from the normal high-water line of streams; and

(iii) 25 feet, horizontal distance, from the normal high-water line of tributary streams

(b) The minimum 100 foot setback specified in Section 15(O-1)(5)(a)(i) above may be reduced to no less than 50 feet, horizontal distance, and the 50 foot setback specified in Section 15(O-1)(5)(a)(ii) above may be reduced to no less than 25 feet, horizontal distance, if, prior to construction, the landowner or the landowner’s designated agent demonstrates to the Planning Board’s satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(c) On slopes of 10 percent or greater, the land management road setback must be increased by at least 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent.

(d) New land management roads are not allowed within a Resource Protection District, unless, prior to construction, the landowner or the landowner’s designated agent makes a clear demonstration to the Planning Board’s satisfaction that no reasonable alternative route exists outside the shoreland zone, and that the new road must be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.

(e) Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads must be maintained on a regular basis to assure effective functioning. Drainage structures shall deliver a dispersed flow of water into an unscarified filter strip no
less than the width indicated in the setback requirements in Section 15(O-1)(7). Where such a filter strip is impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream, or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(f) Road closeout and discontinuance. Maintenance of the water control installations required in Section 15(O-1)(5)(e) must continue until use of the road is discontinued and the road is put to bed by effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to avoid surface water flowing over or under the water bar, and extending a sufficient distance beyond the traveled way so that water does not reenter the road surface.

(g) Upgrading existing roads. Extension or enlargement of presently existing roads must conform to the provisions of Section 15(O-1). Any nonconforming existing road may continue to exist and to be maintained, as long as the nonconforming conditions are not made more nonconforming.

(h) Exception. Extension or enlargement of presently existing roads need not conform to the setback requirements of Section 15(O-1)(5)(a) if, prior to extension or enlargement, the landowner or the landowner’s designated agent demonstrates to the Planning Board’s satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(i) Additional measures. In addition to the foregoing minimum requirements, persons undertaking construction and maintenance of roads and river, stream and tributary stream crossings must take reasonable measures to avoid sedimentation of surface waters.

(6) Crossings of waterbodies. Crossings of rivers, streams, and tributary streams must allow for fish passage at all times of the year, must not impound water, and must allow for the maintenance of normal flows.


(b) Upgrading existing water crossings. Extension or enlargement of presently existing water crossings must conform to the provisions of Section 15(O-1). Any nonconforming existing water crossing may continue to exist and be maintained, as long as the nonconforming
conditions are not made more nonconforming; however, any maintenance or repair work done below the normal high-water line must conform to the provisions of Section 15(O-1).

(c) Other Agency Permits. Any timber harvesting and related activities involving the design, construction, and maintenance of crossings on waterbodies other than a river, stream or tributary stream may require a permit from the Land Use Regulation Commission, the Department of Environmental Protection, or the US Army Corps of Engineers.

(d) Any timber harvesting and related activities involving the design, construction, and maintenance of crossings of wetlands identified by the Department of Inland Fisheries and Wildlife as essential wildlife habitat require prior consultation with the Department of Inland Fisheries and Wildlife.

(e) Notice to Bureau of Forestry. Written notice of all water crossing construction maintenance, alteration and replacement activities in shoreland areas must be given to the Bureau prior to the commencement of such activities. Such notice must contain all information required by the Bureau, including:

(i) a map showing the location of all proposed permanent crossings;
(ii) the GPS location of all proposed permanent crossings;
(iii) for any temporary or permanent crossing that requires a permit from state or federal agencies, a copy of the approved permit or permits; and
(iv) a statement signed by the responsible party that all temporary and permanent crossings will be constructed, maintained, and closed out in accordance with the requirements of this Section.

(f) Water crossing standards. All crossings of rivers require a bridge or culvert sized according to the requirements of Section 15(O-1)(6)(g)) below. Streams and tributary streams may be crossed using temporary structures that are not bridges or culverts provided:

(i) concentrated water runoff does not enter the stream or tributary stream;
(ii) sedimentation of surface waters is reasonably avoided;
(iii) there is no substantial disturbance of the bank, or stream or tributary stream channel;
(iv) fish passage is not impeded; and,
(v) water flow is not unreasonably impeded.

Subject to Section 15(O-1)(6)(f)(i-v) above, skid trail crossings of streams and tributary streams when channels of such streams and tributary streams are frozen and snow-covered or are composed of a hard surface which will not be eroded or otherwise damaged are not required to use permanent or temporary structures.

(g) Bridge and Culvert Sizing. For crossings of river, stream and tributary stream channels with a bridge or culvert, the following requirements apply:

(i) Bridges and culverts must be installed and maintained to provide an opening sufficient in size and structure to accommodate 10 year frequency water flows or with a cross-sectional area at least equal to 2 1/2 times the cross-sectional area of the river, stream, or tributary stream channel.
(ii) Temporary bridge and culvert sizes may be smaller than provided in Section 15(O-1)(6)(g)(i) if techniques are effectively employed such that in the event of culvert or bridge failure, the natural course of water flow is maintained and sedimentation of the water body or tributary stream is avoided. Such crossing structures must be at least as wide as the channel and placed above the normal high-water line. Techniques may include, but are not limited to, the effective use of any, a combination of, or all of the following:

1. use of temporary skidder bridges;
2. removing culverts prior to the onset of frozen ground conditions;
3. using water bars in conjunction with culverts;
4. using road dips in conjunction with culverts.

(iii) Culverts utilized in river, stream and tributary stream crossings must:

1. be installed at or below river, stream or tributary stream bed elevation;
2. be seated on firm ground;
3. have soil compacted at least halfway up the side of the culvert;
4. be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater; and
5. have a headwall at the inlet end which is adequately stabilized by riprap or other suitable means to reasonably avoid erosion of material around the culvert.

(iv) River, stream and tributary stream crossings allowed under Section 15(O-1), but located in flood hazard areas (i.e. A zones) as identified on a community's Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps (FHBM), must be designed and constructed under the stricter standards contained in that community's National Flood Insurance Program (NFIP). For example, a water crossing may be required to pass a 100-year flood event.

(v) Exception. Skid trail crossings of tributary streams within shoreland areas and wetlands adjacent to such streams may be undertaken in a manner not in conformity with the requirements of the foregoing subsections provided persons conducting such activities take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands occurs, such conditions must be corrected.

(h) Skid trail closeout. Upon completion of timber harvesting and related activities, or upon the expiration of a Forest Operations Notification, whichever is earlier, the following requirements apply:

(i) Bridges and culverts installed for river, stream and tributary stream crossings by skid trails must either be removed and areas of exposed soil stabilized, or upgraded to comply with the closeout standards for land management roads in Section 15(O-1)(6)(i) below.
(ii) Water crossing structures that are not bridges or culverts must either be removed immediately following timber harvesting and related activities, or, if frozen into the river, stream or tributary stream bed or bank, as soon as practical after snowmelt.

(iii) River, stream and tributary stream channels, banks and approaches to crossings of water bodies and tributary streams must be immediately stabilized on completion of harvest, or if the ground is frozen and/or snow-covered, as soon as practical after snowmelt. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(i) Land management road closeout. Maintenance of the water control features must continue until use of the road is discontinued and the road is put to bed by taking the following actions:

(i) Effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to reasonably avoid surface water flowing over or under the water bar, and extending sufficient distance beyond the traveled way so that water does not reenter the road surface.

(ii) Water crossing structures must be appropriately sized or dismantled and removed in a manner that reasonably avoids sedimentation of the water body or tributary stream.

(iii) Any bridge or water crossing culvert in roads to be discontinued shall satisfy one of the following requirements:

1. it shall be designed to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows;
2. it shall be designed to provide an opening with a cross-sectional area at least 3 1/2 times the cross-sectional area of the river, stream or tributary stream channel; or
3. it shall be dismantled and removed in a fashion to reasonably avoid sedimentation of the river, stream or tributary stream.

If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(7) Slope Table

Filter strips, skid trail setbacks, and land management road setbacks must be maintained as specified in Section 15(O-1), but in no case shall be less than shown in the following table.

<table>
<thead>
<tr>
<th>Average slope of land between exposed mineral soil and the shoreline (percent)</th>
<th>Width of strip between exposed mineral soil and shoreline (feet along surface of the ground)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
P. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

(1) In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

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

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

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

<table>
<thead>
<tr>
<th>Diameter of Tree at 4-1/2 feet Above Ground Level (inches)</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 - &lt; 4 in.</td>
<td>1</td>
</tr>
<tr>
<td>4 - &lt;8 in.</td>
<td>2</td>
</tr>
<tr>
<td>8-&lt; 12 in.</td>
<td>4</td>
</tr>
<tr>
<td>12 in. or greater</td>
<td>8</td>
</tr>
</tbody>
</table>

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

The following shall govern in applying this point system:
(i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

(ii) Each successive plot must be adjacent to, but not overlap a previous plot;

(iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;

(iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;

(v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 15(P)(2)(b) “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

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

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

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

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

Section 15(P)(2) does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

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

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet,
whichever is greater, including land previously cleared. This provision shall not apply to the General Development Districts.

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

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

Q. Erosion and Sedimentation Control

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

(a) Mulching and revegetation of disturbed soil.

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

(c) Permanent stabilization structures such as retaining walls or rip-rap.

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

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

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

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

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

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

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

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

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

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

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16. **Administration**

A. **Administering Bodies and Agents**

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

(2) **Board of Appeals.** A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A. section 2691.

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

B. **Permits Required.** After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.
(1) A permit is not required for the replacement of an existing road culvert as long as:

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

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

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

(2) A permit is not required for an archaeological excavation as long as the excavation is
    conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or
    level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of
    adequate and timely temporary and permanent stabilization measures.

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

C. Permit Application

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

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

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

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

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

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

(1) Will maintain safe and healthful conditions;

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

(3) Will adequately provide for the disposal of all wastewater;

(4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

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

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

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

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

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

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

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

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

(3) All proposed buildings, sewage disposal systems and other improvements are:

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

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

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

(4) The total ground-floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.

(5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 100 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

F. Expiration of Permit. Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

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

H. Appeals

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

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

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

(2) Variance Appeals. Variances may be granted only under the following conditions:
(a) Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Appeal Procedure

(a) Making an Appeal

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

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

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

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

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

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

(b) Decision by Board of Appeals

(i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.
(ii) The person filing the appeal shall have the burden of proof.

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

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

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

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

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

I. Enforcement

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

(2) Code Enforcement Officer

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

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

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

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

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

17. Definitions.

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

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

Agriculture - the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and greenhouse products. Agriculture does not include forest management and timber harvesting activities.
Aquaculture - the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

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

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

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

Bureau – State of Maine Department of Conservation’s Bureau of Forestry

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Forested wetland** - a freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

**Forest Stand** - a contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

**Foundation** - the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.
**Freshwater wetland** - freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

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

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

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

**Functionally water-dependent uses** - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that can not be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters.

**Great pond** - any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

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

**Ground cover** – small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

**Harvest Area** - the area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest.

**Height of a structure** - the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

**Home occupation** - an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.
Increased in nonconformity of a structure - any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

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

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

Institutional – a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

Land Management Road - a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

Licensed Forester - a forester licensed under 32 M.R.S.A. Chapter 76.

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

Marina - a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

Market value - the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Mineral exploration - hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.
**Mineral extraction** - any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

**Minimum lot width** - the closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

**Multi-unit residential** - a residential structure containing three (3) or more residential dwelling units.

**Native** – indigenous to the local forests.

**Non-conforming condition** – non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

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

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

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

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

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

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

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

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

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

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

**Recent floodplain soils** - the following soil series as described and identified by the National Cooperative Soil Survey:

- Fryeburg
- Hadley
- Limerick
- Lovewell
- Medomak
- Ondawa
- Alluvial
- Cornish
- Charles
- Podunk
- Runney
- Saco
- Suncook
- Sunday
- Winooski

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

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

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

**Residential dwelling unit** - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

**Residual basal area** - the average of the basal area of trees remaining on a harvested site.

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

**Residual Stand** - a stand of trees remaining in the forest following timber harvesting and related activities.

**River** - a free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.
**Road** - a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

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

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

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

**Setback** - the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

**Shore frontage** - the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

**Shoreland zone** - the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

**Shoreline** – the normal high-water line, or upland edge of a freshwater or coastal wetland.

**Significant River Segments** - See Appendix B or 38 M.R.S.A. section 437.

**Skid Road or Skid Trail** - a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

**Slash** - the residue, e.g., treetops and branches, left on the ground after a timber harvest.

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

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

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

**Subsurface sewage disposal system** – any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

**Sustained slope** - a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

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

**Timber harvesting** - the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (P), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

**Timber harvesting and related activities** - timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

**Tributary stream** – means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

**Upland edge of a wetland** - the boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration
sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

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

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

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

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

**Water crossing** - any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

**Wetland** - a freshwater or coastal wetland.

**Windfirm** - the ability of a forest stand to withstand strong winds and resist windthrow, wind rocking, and major breakage.

**Woody Vegetation** - live trees or woody, non-herbaceous shrubs.

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18. **EFFECTIVE DATES:**

STATUTORY AUTHORITY: 38 M.R.S.A. Section 438-A(5)

EFFECTIVE DATE:
December 31, 1991

AMENDED:
March 29, 1993
March 2004
March 2011
WOODSTOCK
DOG CONTROL ORDINANCE
Approved 3/30/1992
Amended 3/26/2007

Section I.
Definitions, as used in this ordinance, unless the context otherwise indicates.

A. Dog – shall mean both male and female dog.

B. Owner – shall mean any person or persons, firm, association or corporation owning or keeping, harboring or in possession of, or having the control of a dog.

C. At Large – shall mean off the premises of the “owner” (B), and not under the control of the “owner” or member of his immediate family or person left in charge, either by leash, cord, chain, voice or otherwise.

D. Kennel - shall mean one pack or collection of dogs kept under one ownership in a single premises for breeding, hunting, show, training, field trials and exhibition purposes.

D. Family – shall mean any and all persons, related or unrelated, Living at one address, apartment, home, or other residence.

Section II.

Running at large: No person shall cause or permit any dog owned or kept by him to run at large within the town limits. Dogs while on any public way or place shall be under restraint within the meaning of this ordinance, if he is controlled by a leash, or on or within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper. Nothing in this ordinance shall be held to require the leashing of any dog while on owner’s premises or while the dog is under voice command of the owner or keeper. A leash shall not be more than eight feet long.

Section IIA.

Disposal of Dog Waste:

A. It shall be a violation of this ordinance for any person who owns a dog, or anyone having a dog under his or her control, to fail to immediately remove and
lawfully dispose of any feces left by the dog on any street, sidewalk, publicly owned property, or private house of another.

B. Failure to immediately remove and lawfully dispose of any dog feces left upon any street, sidewalk, publicly owned property, or private property of another is a civil violation for which a forfeiture of not less than fifty dollars ($50.00) for a first offense, one hundred dollars ($100.00) for a second or subsequent offense imposed, none of which may be suspended.

Section III.

**Dog in heat:** It shall be unlawful for the owner of a female dog to cause or permit such dog to be beyond the owner’s premises at any time she is in heat, unless the dog is restrained by a leash, cord or chain, which shall not be more than eight feet long, by the owner or a member of his immediate family or person left in charge, unless the dog is within a vehicle being driven or parked on the streets or highway.

Section IV.

**Barking or howling dog:** No owner or person having custody of any dog within the legal limits of the town shall keep or maintain a dog which creates a nuisance by continued or repeated barking, howling, making of other loud or unusual noises, or in any other manner disturbing the peace and quiet of any person. A person who keeps or maintains a dog whose barking or howling can be heard at or beyond the boundary of the property of which the dog is located violates this section.

Section V.

**Habitual chasing, biting dog:** No person shall keep or maintain a dog which creates a nuisance by habitually chasing, biting, jumping or in any other manner causing fear to any other person.

Section VI.

**Impoundment:** Dogs found running at large shall be taken up and impounded in a shelter designated by the town and there confined in a humane manner for a period of not less than eight days unless beforehand claimed by its owner. If unclaimed at the end of eight days the dog may be disposed of in a humane manner or the town or its duly authorized agent may transfer title of said dog.

When dogs are found running at large and their ownership is known, such dogs need not be impounded but the town, through its duly authorized agents may cite the owners of such dogs to appear in court to answer charges of violation of this bylaw.
The owner shall be entitled to resume possession of any impounded dog upon the payment of impoundment fees as set forth herein, unless charges of cruelty to animals – M.R.S.A. Title 7, Section 4011 have been filed against the owner for cruelty to said impounded dog. In this event the dog shall stay in the custody of the impounding shelter until time that a court judgment has been made. In this event, the owner will be responsible for all impoundment and board fees as well as any other fees absorbed during the period of impoundment.

Any animal impounded under the provisions of this bylaw and not reclaimed by its owner within eight days, may be humanely destroyed or placed in the custody of some person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this bylaw.

Section VII.

Impoundment and release fees: Any animal impounded hereunder may be reclaimed as herein provided upon payment by the owner of the following fees:

A. Release Fee: For each animal picked up by the ACO or the Town duly authorized agent, whether impounded or otherwise returned to its owner, must pay a release fee of $15.00 for each animal being released, except that upon the second impoundment the fee shall be $20.00 and the third and all subsequent impoundments of the same animal the fee shall be $25.00, to be paid to the Town Clerk’s Office to be used in a manner stated in M/R/S/A/ Title 7, Section 3945.

B. Impoundment Fee: Impoundment fee of $5.00 for each animal to be paid by the designated shelter.

C. Board in the amount of $5.00 per day for each dog, to be paid to the designated shelter.

D. Any additional fees such as medical, legal, and others, produced by the town or its designated shelter.

E. When any animal has been impounded and the owner knows of its whereabouts and fails to reclaim his animal, the animal will be, at the end of eight days from the date of impoundment, disposed of in a humane manner or the town or its duly authorized agent may transfer title of said animal. Also in this event, the owner will be responsible for all fees in this section as well as disposition fees if so produced.
Section VIII.

**Number of dogs limited:** It shall be unlawful for any person or persons to keep or harbor within the town limits more than three dogs over six months of age on April first in or about any premises occupied by any one family and the keeping or harboring of dogs as aforesaid in hereby declared to be a nuisance.

The payment of a license or licenses on dogs shall not be construed to allow the keeping of more than three dogs, as aforesaid, on any one premises, unless a municipal kennel license is obtained.

The limitation of three dogs shall not apply to any person, group of persons, or corporations engaged in the commercial business, or hobby kennel business, of breeding, buying, selling, racing, hunting, boarding of dogs, operating an animal shelter, or operation a veterinary hospital.

Proper State and Local permits and licenses must be held by the above mentioned commercial and hobby purposes.

**Exception to Section VIII:** Any person licensing four or more dogs within the previous year to the voting in of this ordinance may continue to license the SAME dogs until the end of ownership of the dogs, by the owner, however no additional dogs may be licensed by this owner until the number of dogs is reduced to less than three.

Section IX.

**Rabies:** Upon positive diagnosis of rabies in any dog within the town, the Animal Control Officer shall proclaim and invoke a town-wide quarantine for a period of thirty days, and upon the invoking of such quarantine no animal shall be taken into the streets, or be permitted to be in the streets during the period of quarantine.

During such period of rabies quarantine as herein described, every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed, or, at the owner’s expense and option, shall be treated for rabies infection by a licensed veterinarian, or held thirty days under quarantine by the owner in the same manner as other animals are quarantined.

In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of the quarantine may be extended by the Animal Control Officer for an additional six months.

The carcass if any dead animal exposed to rabies shall upon demand be surrendered to the Health Officer.

The Health Officer shall direct the disposition of any animal found to be infected by rabies.

No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefore by the Health Officer.
Section X

When dogs may be killed: If any dangerous, fierce, or vicious dogs cannot be safely taken up and impounded, such dog may be slain by any policeman or duly authorized Animal Control Officer. In all cases, where any dog has bitten a person or caused an abrasion of the skin of any person, if slain by any policeman, whether by order of the court or otherwise, and a period of less than fifteen days has elapsed since the day on which such dog bit any person, it shall be the duty of the policeman slaying said dog to forthwith deliver the carcass and brain to the Chief of Police who shall forward the brain intact to the Health Officer.

Section XI

Validity: It is the intention of the municipality that each separate section of this ordinance shall be deemed independent of all other sections herein, and it is further the intentions of the municipality that if any provisions of the ordinance are declared invalid by the courts, all other sections thereof shall remain valid and enforceable.

Section XII

Penalty: Every person convicted of a violation of any provision of this ordinance shall be punishable by a fine of not less than $50.00 nor more than $500.00 plus all court costs borne by the municipality, to be recovered by a complaint before the District Court, subject, however, to the rights of exception and appeal as are provided by law.

Additional penalty for Sections IV and V.: Any person who violates this section commits a civil violation for which a civil penalty of not less that $50.00 and not more than $500.00 shall be assessed. Upon finding of more than one violation involving the same dog or dogs, the court may order the dog or dogs forthwith removed beyond town limits, or in the alternative, order the town to humanely dispose of, give away or sell the dog or dogs.

All fines recovered shall be for the use and benefit of the inhabitants of the Town of Woodstock.
BUILDING PERMIT ORDINANCE

TOWN OF WOODSTOCK

Approved March 29, 2004
Amended March 27, 2006
Amended March 31, 2008
Amended March 30, 2009
Town of Woodstock, Maine
BUILDING PERMIT ORDINANCE

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Section XI. Definitions
Section I. Purpose

The purpose of this ordinance is to provide for the safety, health, and public welfare by the control of the construction, alteration, addition, repair, removal, demolition, use and occupancy of all structures.

Section II. Authority

This ordinance is created according to the powers to municipalities under MRSA, Title 30-A, §3001.

Section III. Requirements

1. Permits

A. Before the construction, erection, alteration, or placement of any structure shall commence, the owner or lessee, or the architect, contractor, or builder employed by such owner or lessee shall obtain from the Planning Board of the Town of Woodstock a building permit covering such proposed work. Any interior work or exterior work does not require a permit if it meets the following criteria:

1. The requirement for a permit may be waived by the Chairman or Vice Chairman of the Planning Board for the proposed construction when:

   a. The height of the structure is less than nine (9) feet above the natural adjacent ground level and the footprint area is less than one hundred (100) square feet.
   b. The location and use of the structure meets all of the requirements of the Shoreland Zoning, Subdivision, and other Town Ordinances.

B. Building permits will be in two parts.

1. Part A shall contain all of the information necessary to identify the building and location including a street number as well as all of the information to ensure that all of the necessary permits have been obtained. Part A of the permit shall be issued by the Planning Board.
2. Part B shall be issued by the Town Office after payment of the permit fee is determined by the Planning Board. It shall be of a material resistant to weather and shall have an identifying number and shall be signed by the Code Enforcement Officer and the Chairman of the Planning Board. It shall be large
enough to be seen from the street and shall be posted at the building site.

C. No building permit shall be issued until a Plumbing Permit and a Subsurface Waste Disposal Permit, if applicable, is obtained from the Licensed Local Plumbing Inspector and a copy presented to the Planning Board.

D. No building permit shall be issued for a structure with a driveway entering a state highway until an entrance permit from the Department of Transportation is obtained and a copy presented to the Planning Board.

E. No building permit shall be issued for a structure with a driveway or other entrance to a Town Road until the site has bee reviewed by the Road Commissioner.

F. No building permit shall be issued for a structure within seventy-five (75) feet of any pond, river, stream or brook unless no practical alternative for all or any structures is demonstrated. The owner or his representative shall obtain a National Resource Protection Act permit for the structure and a copy presented to the Planning Board.

G. No building permit shall be issued for a recreation vehicle to be used as a dwelling until a copy of a receipt as proof of payment of Maine State Sales Tax is presented to the Planning Board.

H. A building permit may be issued for a Modular Home when the applicant provides a copy of a purchase order from a Sales Representative and/or manufacturer.

I. All building permits shall be void unless work there under is commenced within one year from the date of issuance. Commencement is generally accepted as a pouring of a foundation or placement of support structure for a building. The Code Enforcement Officer has to review the appropriateness of the permits if the work is not completed within five years from the date of issuance.

J. Building permits can be transferred from the original applicant to a new owner with no charge.

K. A building permit is required for all residential and commercial wind/turbine towers and other towers. Due to the potential height of the structure and safety considerations for adjoining property owners, the following must be addressed:

(1) The tower will be placed no closer to all property lines than its height to the highest point plus 10%. The highest point of the
wind/turbine tower is usually the tip of the blade when it is at the top of its arc. Additional zoning setbacks must be considered.

(2) All abutting landowners must be notified by certified mail of your intentions, the location of the tower, and any manufacturer warnings prior to the issuance of a building permit.

L. Waivers for setbacks may be granted on a case-by-case basis with the concurrence of the landowner and affected abutting landowners.

Section IV. Application Procedure

A. After the effective date of this ordinance no person shall engage in any use of land requiring a building permit without first obtaining the required permit. All applications for a Building Permit shall be submitted in writing to the Town Office on forms provided for that purpose. The following information shall be provided with or on the application.

1. A site plan drawn to scale showing the following:
   a. The dimensions of the lot or parcel to be built upon. Said lot must be one acre or larger in area unless the lot exists at the time this bylaw is adopted.
   b. The location and dimensions of existing buildings, buildings to be constructed, buildings to be relocated, additions to existing buildings or buildings to be demolished.
   c. The setbacks of all existing and proposed buildings. New structures must be set back twenty (20) feet from any road right of way and ten (10) feet from other property lines. The front setback will not apply to additions to existing buildings or accessory buildings such as garages. In these instances the new construction is allowed provided the nonconformance is not greater than the existing buildings.
   d. The location of the well or other means of water supply.
   e. The location and grades, and site distance of any and all driveways including size and location of culverts.
   f. Location of any rights of ways or other information regarding other uses of the property.
   g. The location of the proposed tower, if applicable, and off-set distances from all property lines.

2. A copy of the tax map on which the property is located.

3. A copy of the permits approved by the Local Plumbing Inspector to a subsurface wastewater disposal system and internal plumbing.

4. A copy of an entrance permit from the State of Maine Department of Transportation for a driveway or right of way to a state highway.
5. A copy of a permit from the NRPA for the placement of a permanent structure within seventy-five (75) feet of all ponds, rivers, streams, and brooks.

6. A copy of the receipt from the State of Maine as proof of payment of the sales tax for a recreation vehicle to be used as a home.

Section V. Waivers

Where the Planning Board makes written Findings of Fact that the applicant will suffer an undue hardship if the requirements of the Ordinance are strictly applied, it may waive the necessity for strict compliance with the requirements of this Ordinance in order to provide relief from the hardship in Question and to permit a more practical and economical development provided; however, that the public health, safety, and welfare will not be compromised by such waiver and further provide that the waivers in question will not have the effect of nullifying the intent of this Ordinance.

Section VI. Fee Schedule

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>House – main level less than 600 square feet</td>
<td>$60.00</td>
</tr>
<tr>
<td>House – main level 600 to 2000 square feet</td>
<td>$80.00</td>
</tr>
<tr>
<td>House – main level 2000 to 3000 square feet</td>
<td>$100.00</td>
</tr>
<tr>
<td>House – main level over 3000 square feet</td>
<td>$150.00</td>
</tr>
<tr>
<td>2nd floor living space</td>
<td>$60.00</td>
</tr>
<tr>
<td>3rd floor living space</td>
<td>$60.00</td>
</tr>
<tr>
<td>Basement – no garage area</td>
<td>$20.00</td>
</tr>
<tr>
<td>Basement – garage area</td>
<td>$30.00</td>
</tr>
<tr>
<td>Daylight basement</td>
<td>$40.00</td>
</tr>
<tr>
<td>Garage – one vehicle</td>
<td>$20.00</td>
</tr>
<tr>
<td>Garage – two vehicles</td>
<td>$30.00</td>
</tr>
<tr>
<td>Garage – three or more vehicles</td>
<td>$20.00 each</td>
</tr>
<tr>
<td>Attached room to existing house with or without breezeway</td>
<td>$20.00</td>
</tr>
<tr>
<td>Attached porch or deck more than twenty feet but less than 100 square feet</td>
<td>$20.00</td>
</tr>
<tr>
<td>Attached porch or deck 100 square feet or larger</td>
<td>$30.00</td>
</tr>
<tr>
<td>Separate building – less than 600 square feet</td>
<td>$20.00</td>
</tr>
<tr>
<td>Separate building 600 to less than 1200 square feet</td>
<td>$40.00</td>
</tr>
<tr>
<td>Separate building 1200 to less than 2500 square feet</td>
<td>$60.00</td>
</tr>
<tr>
<td>Separate building over 2500 square feet</td>
<td>$80.00</td>
</tr>
<tr>
<td>Enclosing an open porch or deck</td>
<td>$20.00</td>
</tr>
<tr>
<td>Tower (Residential)</td>
<td>$20.00</td>
</tr>
<tr>
<td>Tower (Commercial)</td>
<td>$1.00/foot</td>
</tr>
</tbody>
</table>

(Fee will be calculated at the rate of $1.00 per foot from the base of the tower to the highest point on the tower – usually the tip of the blade when it is at the top of its arc for wind/turbine towers.)
For the construction of other facilities approved under the Site Plan Review Ordinance, the fee will be determined by the Planning Board but will not exceed $2,000.00.

For starting work prior to obtaining a permit, the penalty may vary from one to ten times the permit cost. The actual amount will be determined by the Planning Board.

Section VII. Appeals

A. Any person, firm, or corporation may appeal the provisions of this ordinance to the Board of Appeals
B. The Board of Appeals shall function in accordance with Title 30-A MRSA, Section 2691.

Section VIII. Enforcement

A. Nuisances

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

B. Code Enforcement Officer

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

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

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

When the above actions does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.

The Municipal Officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized Municipal Official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

D. Fines

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts an activity in violation of this ordinance shall be penalized in accordance with Title 30A, Maine Revised Statutes Annotated, Subsection 4452.

Section IX. Amendments

A. This ordinance may be amended by a majority vote at Town Meeting. Amendments may be initiated by a majority vote of the Planning Board, by a request of the Board of Selectmen or by a petition of a number of voters equal to at least 10% of the number of votes cast in the municipality at the last gubernatorial election.

B. The Planning Board shall hold public hearings on all proposed amendments.

Section X. Validity, Effective Date, Conflict of Ordinances

A. Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance and to this end, the provisions of this ordinance are hereby declared to be severable.

B. The effective date of this ordinance shall be upon adoption by the Governing body.
C. This ordinance shall not repeal or in any way impair or remove the necessity for compliance with any other rule, regulation, bylaw, permit or provision of law. Where this ordinance imposed a higher standard for the promotion and protection of the health and safety, the provisions of this ordinance shall prevail.

Section XI. Definitions

The following terms as used in this ordinance shall have the following meanings, unless the context indicates otherwise. All undefined terms shall have their standard dictionary meanings.

Accessory use of structure: A use of structure of a nature customarily incidental or subordinate to that of the principal use or structure.

Dwelling: A structure all or part of which is designed for use as a living quarters. Factory-build homes, mobile homes, modular homes, recreational vehicles and site built dwelling shall be considered dwellings.

Lot: A parcel of land described on a deed, plot or similar legal document.

Modular home: Meaning structures transported in one or more sections which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities including plumbing, heating, air conditioning or electrical systems contained therein (Title 30 Sec. 4695A).

New dwelling: Any dwelling that is placed, constructed or substantially reconstructed within the Town or first occupied, after the effective date of this ordinance.

Principal structure: The structure in which the principal use of the lot is located.

Site-built dwelling: A dwelling that is constructed on the site on which it is to be located.

Structure: Anything constructed, erected, or placed on the ground which is permanent, temporary, or mobile for the shelter or support of persons, animals, goods, or property of any kind and that requires location in or on the ground or attachment to something on the ground. Structures include but are not limited to buildings, mobile homes, piers, floats, storage and processing facilities. Boundary walls, fences, roads, driveways, parking areas, and flagpoles are not considered structures.

Recreation vehicle: A vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not designed to be a permanent dwelling and which may include a pickup camper, travel trailer, tent trailer, and motor home. This definition includes a converted bus, van, or other vehicle. A recreational vehicle is considered a dwelling.

Trailer, utility: A vehicle without motive power, designed to be towed by a passenger automobile or pickup truck but no designed for human occupancy and which may
include a boat trailer, horse trailer, snowmobile trailer, etc. A utility trailer is not considered a dwelling and should not be used as such.

Adequate water supply: Running water piped thereto in an approved manner so as to keep the dwelling in a clean and sanitary condition, year round.

Definitions of a Story and Story and a Half:

A story is defined as the space between a floor and the upper floor joist, ceiling joist or roof rafters above.

A daylight basement has a walk out door and with more than 50% of the perimeter above grade also counts as a story.

A half a story is defined as a space between a floor and the roof rafters or ceiling joist and having at least 5 feet or more height for 50% or more of the square footage of the floor below.
CERTIFICATE OF OCCUPANCY

ORDINANCE

For The Municipality Of

WOODSTOCK, MAINE

Adopted March 26, 2012
ARTICLE I. PURPOSE: The purpose of this ordinance is to establish the process, criteria, and standards by which an individual, group of individuals, association, or business may obtain a Certificate Of Occupancy from the Town to allow their residence or business to be occupied and operational.

ARTICLE II. AUTHORITY AND ADMINISTRATION

2.1 Authority

   a. This ordinance has been prepared in accordance with the provisions of Title 30-A M.R.S.A.

   b. This ordinance shall be known and may be cited as “Certificate Of Occupancy For The Municipality Of Woodstock, Maine.”

2.2 Administration

   a. The Town Manager of the Town of Woodstock, or his assigns, shall administer this ordinance.

   b. The provisions of this ordinance shall pertain to new residences (stick-built, modular, or manufactured housing) and/or all new businesses.

ARTICLE III. ADMINISTRATIVE PROCEDURE

3.1 Purpose: To establish the basic administrative procedures for obtaining a Certificate Of Occupancy.

3.2 Procedure

   a. The applicant will contact the Town Office for the Certificate (see attached form) after all Town, County, State, and Federal requirements have been met for the residence and/or business in the areas of safety, health, fire codes, and building codes and restrictions.

   b. The Town Manager or his assigns will sign and issue the certificate once the owner/occupant signs the form attesting to meeting all requirements.

3.3 Fees: No fees will be assessed for the initial certificate; however, a nominal fee may be assessed for additional copies.
ARTICLE IV. OWNER/OCUPANT REQUIREMENT/RESTRICTIONS

4.1 Ordinance/Statute Requirements To Complete: The following items must be completed, if applicable, prior to obtaining a Certificate of Occupancy:

a. Driveway permit
b. Building permit
c. Approved/completed septic plan
d. Electrical disconnect switch
e. Final plumbing inspection
f. House number
g. Any County requirements
h. Any State requirements
i. Any Federal requirements

4.2 Requirement: All owners/occupants noted in Article II of this ordinance must obtain the Certificate prior to moving into, residing in, or operating out of the structure.

4.3 Restrictions: Structure (residence, dwelling, or business) cannot be used for its intended purposes until a Certificate has been issued by the Town Manager or his assigns.

ARTICLE V. WAIVERS: Waivers shall not be granted.

ARTICLE VI. ENFORCEMENT

6.1 The owner/occupant is responsible for ensuring that all local, county, State, and Federal requirements pertaining to the intended use of the structure are met.

6.2 The Town Manager or his assigns is responsible for ensuring that the owner/occupant has completed the Certificate and that basic requirements have been met.

6.3 The Code Enforcement Officer may inspect the property or obtain the assistance of a professional inspector to determine that all requirements have been met prior to the Town Manager or his assigns issuing the Certificate.

ARTICLE V11. APPEALS: An aggrieved party may appeal any decision to the Town Appeals Board and, if not satisfied, to the Oxford County Superior Court.
CONSUMER FIREWORKS
ORDINANCE

For the Municipality of

WOODSTOCK, MAINE

March 26, 2012
ARTICLE I. PURPOSE: The purpose of this ordinance is to set forth the Town’s guidelines for the possession, use, and sale of fireworks and consumer fireworks within the Town limits based upon the State statute that takes effect on January 1, 2012 allowing the possession, use, and sale of fireworks within the State and providing municipalities the options to decide if they embrace all, part of, or none of the statute.

ARTICLE II. AUTHORITY AND ADMINISTRATION

2.1 Authority

a. These criteria have been prepared in accordance with the provisions of Maine State Law, 8 MRSA 221 and 223.

b. These criteria shall be known as and may be referred to as the “Consumer Fireworks Ordinance”.

2.2 Definitions

a. As used in this ordinance, the term “consumer fireworks” shall have the same meaning as the term set forth in 27 Code of Federal Regulations, Section 555.11 and Maine State law, 8 MRSA 221(a)(4) as may be amended from time to time, but includes only products that are tested and certified by a third party testing laboratory as conforming with the United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. Consumer fireworks does not include the following products:

   (1) Missile-type rockets, as defined by the State Fire Marshall by rule.

   (2) Helicopters and aerial spinners, as defined by the State Fire Marshal by rule.

   (3) Sky rockets and bottle rockets. For purposes of this paragraph, “sky rockets and bottle rockets” means cylindrical tubes containing more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

b. Fireworks means any:

   (1) Combustible or explosive composition or substance.

   (2) Combination of explosive compositions or substances.
(3) Any other product that was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including blank cartridges or toy cannons in which explosives are used, the type of balloon that requires fire underneath to propel it, firecrackers, torpedoes, sky rockets, roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents, and other fireworks of like construction.

(4) Fireworks containing any explosive or flammable compound.

(5) Tablets or other device containing any explosive substance or flammable compound.

c. The term “fireworks” does not include consumer fireworks or toy pistols, toy canes, toy guns, or other devices in which paper caps or plastic caps containing 25/100 grains or less of explosive compound are used if they are constructed so that the hand cannot come in contact with the cap when in place for the explosion; toy pistol paper caps or plastic caps that contain less than 20/100 grains of explosive mixture; sparklers that do not contain magnesium chlorates or perchlorates; or signal, antique, or replica cannons of no projectile is fired.

ARTICLE III. PROHIBITION/LIMITATIONS

3.1 Possession Of Consumer Fireworks: It is lawful for a person or persons to possess legal consumer fireworks within the Town limits for their personal use or by use of their family members.

3.2 Use Of Consumer Fireworks: It is lawful for a person age 21 or older to use consumer fireworks on his or her private property or the private property of others providing he/she has written permission from the landowner.

3.3 Sale of Consumer Fireworks: It is UNLAWFUL for any person or persons to sell or offer for sale consumer fireworks within the Town.

ARTICLE IV. HIGHLIGHTS FROM THE STATE STATUTES: The following highlights are extracted from the related State statutes in an effort to provide a better insight into the extent of the State law as it applies to the Town. It is not all-inclusive and it is the responsibility of each person who possesses, uses, or sells consumer fireworks to explore in greater detail.

4.1 State License: Persons who sell fireworks are required to have a State license; however, sales are not allowed in the Town of Woodstock.
4.2 **Age Limitation:** A person under 21 years of age may not purchase, use or possess consumer fireworks within the State.

4.3 **Fireworks:** Except for the sale of consumer fireworks under section 8 MRSA 223#A, a person may not sell, possess, or use fireworks.

4.4 **Hours of Use:** Consumer fireworks may be used between the hours of 9:00 a.m. and 10:00 p.m., except that on the following dates they may be used between the hours of 9:00 a.m. and 12:30 a.m. the following day:

   a. July 4\(^{th}\).
   
   b. December 31\(^{st}\).
   
   c. The weekends immediately before and after July 4\(^{th}\) and December 31\(^{st}\).

4.5 **Liability:** A person who violates the provisions of the State statutes is liable in a civil action for damages for bodily injury or property damage resulting from violation, and the defenses under Title 14, section 156 or a defense based on assumption of risk may not be used by the person.

**ARTICLE V. ENFORCEMENT:**

5.1 **Enforcement Agencies:** This ordinance may be enforced by the Town Constable, Oxford County Sheriffs, State Police, and/or the Woodstock Fire Department.

5.2 **Law Enforcement Actions:** Enforcement may result in the confiscation of all fireworks and related materials, issuance of a warning or ticket, and/or arrest.

**ARTICLE VI. PENALTIES**

6.1 **Unlawful Sale, Possession, And Use:** A person or persons who sell consumer fireworks or possesses and/or uses them in an illegal and unlawful manner may be punished by a fine of not less than one hundred dollars($100.00) or more than four hundred ($400.00) plus costs for the first offense. For second and subsequent offenses, fines may double.

6.2 **Property Damage/Personal Injuries:** In the event that the use of consumer fireworks, lawfully or unlawfully, causes any property damage or personal injuries to another party or parties, the user shall be responsible for all repairs and medical bills. In the event that the user is a minor, the parent or guardian of the individual shall be responsible for all bills and expenses.
6.3 **Emergency Response:** In the event that emergency personnel (fire, police, or medical) are required to respond to a scene where a fire, property damage, personal injury, or other outcome occurs as a result of the use of consumer fireworks, lawfully or unlawfully, the user shall be responsible for all associated costs to include vehicle and equipment use, personnel costs, and any damage or loss of related equipment. In the event that the user is a minor, the parent or guardian of the individual shall be responsible for all bills and expenses.

6.4 **Town Selectmen Authority:** In the event that fines or fees are not assessed by law enforcement agencies, the Town Selectmen may enforce this ordinance and assess any fines or fees to the violator or violators.
Town of Woodstock
Commercial Wind Energy Facility Ordinance

Little Concord Pond, Woodstock, Maine
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Town of Woodstock
Commercial Wind Energy Facility Ordinance
Submitted on 2/13/13

The effective date of this Ordinance is ____________, the date of its adoption at Annual Town Meeting.

SECTION I - Title
This Ordinance shall be known as the Town of Woodstock Commercial Wind Energy Facility Ordinance.

SECTION II - Purpose and Goals
The purpose of this Ordinance is to protect the health, safety, and general welfare of the Citizens and Taxpayers of Woodstock, by establishing reasonable and uniform regulations for the permitting, construction, operation and decommissioning of Commercial Wind Energy Facilities (CWEFs). This Ordinance is to be liberally construed so as to effect its purpose and goals. As there are many technical and non-technical terms used with specific meaning in this Ordinance, special attention should be paid to the Definitions in SECTION VII. In the text of the Ordinance, defined terms are italicized the first time they are used.

This Ordinance is a supplement to the Town’s “Site Plan Review Ordinance”. All aspects of the development, operation and decommissioning of a CWEF in the Town of Woodstock are governed by the “Site Plan Review Ordinance” and by this “Commercial Wind Energy Facility Ordinance”.

SECTION III - Authority

A. Authority
This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution (Municipal Home Rule), the provisions of Title 30-A M.R.S.A., Section 3001 (Home Rule), and the provisions of the Planning and Land Use Regulation Act, Title 30-A M.R.S.A., Section 4312, et. seq., (Comprehensive Planning and Land Use Regulation, or “Growth Management Act”), as these laws may be amended from time to time, and is consistent with the Town of Woodstock’s Comprehensive Plan of 2003, Amended 2007.

B. Permitting Authority
The Planning Board shall be the permitting authority for CWEFs in the Town of Woodstock, responsible for all CWEF related construction permits.

C. Operational Oversight Authority
The Board of Selectmen shall be the operational oversight authority for CWEFs in the Town, responsible for all CWEF related operation, complaints and decommissioning.

D. Enforcement Authority
The Town’s Code Enforcement Officer (CEO) shall be the enforcement authority and shall work with both the Selectmen and Planning Board to assure that the Applicant/Owner/Operator abides by all Town ordinances and regulations through the life-span of a CWEF.

E. Inspection
Throughout the life of the CWEF, the Planning Board, CEO or other authorized representative of the Town shall be allowed access to the site during reasonable hours, after informing the Applicant/Owner/Operator by phone or mail, for the purpose of evaluating the CWEF proposal, to review the progress of work, or to determine compliance with the conditions of any construction permit or other requirement of the Site Plan Review or this ordinance.
SECTION IV – Validity and Severability, Conflict with other Ordinances, and Amendments

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

B. Conflict with other Ordinances
Whenever a provision of this Ordinance conflicts with, or is inconsistent with, another provision of this Ordinance or any other Town of Woodstock Ordinance, State of Maine or Federal statute or regulation, the provision more restrictive to the CWEF Applicant/Owner/Operator shall control, except when a provision of state or federal law expressly preempts local authority on the subject.

C. Amendments
This Ordinance may be amended by a majority vote of the Annual Town Meeting. Amendments may be initiated by a majority vote of the Planning Board or by request of the Board of Selectmen to the Planning Board or on written petition of a number of voters equal to at least 10% of the number of votes cast in the last gubernatorial election in the Town. The Selectmen shall conduct a public hearing on any proposed amendment.

SECTION V – Expert Consultants, Extension of Time Limits, Documentation, Change of Ownership

A. Expert Consultants and Specialists
The Planning Board or the Board of Selectmen may, with notice to the Applicant, hire independent expert Consultants or Specialists as they may deem necessary to advise them in carrying out the provisions of this Ordinance including, but not limited to: legal counsel, qualified independent acoustical consultants, Maine professional land surveyors, licensed Maine engineers, insurance underwriters, videographers to record meetings/hearings. All regulatory fees, costs, and expenses incurred by any such experts or specialists shall be paid by the Applicant through an Escrow Account, described in SECTION VIII, C, below, established in the name of the Town.

The qualifications of an “Independent Acoustical Consultant” include, at a minimum, demonstration of competence in the specialty of community sound testing and full and current Board Certified Membership in the Institute of Noise Control Engineers (INCE). (Certifications such as Professional Engineer, (P.E.), do not test for competence in acoustical principles and measurement and are thus not, without further qualification, appropriate for work under this Ordinance regarding sound issues.)

B. Extension of Time Limits
The Town Planning Board in permitting matters, or the Board of Selectmen in operational and enforcement matters, may, for good cause shown, and proof of no harm to the Town, grant up to a twelve (12) month extension to time limits in this Ordinance upon request by the applicant and a showing that the time limits cannot be complied with due to circumstances beyond the control of the applicant, provided such a written request is submitted prior to the lapse or expiration of the Construction Permit. (NOTE: there is a limitation to such an extension in SECTION XV.)

C. Documentation

1. The Applicant/Owner/Operator shall submit the following materials to the Town Planning Board or Board of Selectmen:

   a. copies of the “Application”, “Land Use Permit”, and all other application materials the Applicant submits to the Maine Department of Environmental Protection or other governing State agency;

   b. all application materials required by the Town’s Site Plan Review Ordinance and by this Ordinance;
2. Through the life of the CWEF, the Owner/Operator shall provide the Town with copies of all periodic reports and updated documents required by the State, the Town’s Site Plan Ordinance and by this Ordinance;

3. In any phase of the CWEF project where such materials are required, the Applicant shall provide the Town at least eight bound copies of all written and other application, permitting and report materials required for submission by the State or the Town, including any maps, photographs or drawings, with one electronic copy of all such materials in a digital format acceptable to the responsible Board. These will provide access to the material by the Planning Board, the Board of Selectmen, the CEO and other Town officials, and a copy kept in the Town Office for Public review.

D. The Board of Selectmen must be notified of any change in Ownership of an existing CWEF by the new Owner/Operator within fourteen (14) days of assuming Ownership.

SECTION VI – Applicability

A. An Applicant for a CWEF in Woodstock must meet all procedures and requirements of the Town’s “Site Plan Review Ordinance”, as determined by the Planning Board during application phases and by the Board of Selectmen during operational and decommissioning phases, and all requirements of this Ordinance. The “Site Plan Review” and this Ordinance will be applied simultaneously in a process determined by the responsible Board. This Ordinance applies to all CWEFs proposed to be constructed and operated in Woodstock on or after the effective date of this Ordinance and any proposed expansions or major changes to pre-existing CWEFs, including, but not limited to, constructing additional towers or turbines, upgrading the megawatt capacity, and thus the noise, of any turbine, or increasing the height of any towers and blades.

B. This Ordinance includes SECTIONS I through XIX, together with the APPENDIX.

C. It shall be unlawful and a violation of this Ordinance to begin construction, modification and/or operation of a CWEF in Woodstock without appropriate permits and licenses required under local, state and federal law and regulations.

D. The burden of proof of compliance with all aspects of this Ordinance is on the Applicant and/or the Owner/Operator of a CWEF.

SECTION VII – Definitions

Abandoned – the condition of a CWEF that fails to produce electricity to the grid for a period of twelve (12) months.

Applicant – this term is interchangeable with the “Owner/Operator” during any CWEF application process. See definition of “Owner/Operator”.

A-Weighted Sound Level (dBA) – is one measure of the overall sound level. This measure is designed to reflect the response of the human ear, which does not respond equally to all frequencies. Lower frequency sounds are given less weight than those in the mid-range of human perception. The resulting measure is said to be A-weighted and the units are dBA.

Board of Selectmen – means The Board of Selectmen of the Town of Woodstock, Maine.

CEO – means the Town of Woodstock Code Enforcement Officer.

Commercial Wind Energy Facility (CWEF) – means a wind energy installation that meets all of the following criteria:

1. consists of one or more Commercial Wind Turbines, (CWTs), with a combined tower and blade height of more than 150 feet from the grade to blade tip at its highest point;
2. has a nameplate capacity of more than 100 kilowatts per CWT;
3. requires a Site Location of Development permit from the Maine Department of Environmental Protection pursuant to Title 35-A M.R.S.A §3456, as may be amended from time to time;

4. the purpose of which facility is to generate electricity using ambient wind as a source of motive power in order to primarily supply electricity to off-site customers.

CWEFs include, without limitation, associated installations, structures and facilities such as meteorological towers, substations and any other accessory structures, cables/wires, generator leads lines, fences, lighting systems, access roads, parking lots, turnout locations, temporary staging areas, together with maintenance and all power collection and transmission systems, and any areas in which the soil is in any way disturbed.

Commercial Wind Turbine (CWT) – an energy system that converts wind energy into electricity and which meets the height, nameplate capacity and other criteria cited in the definition of a CWEF, above.

Construction Permit – final written permission to construct a CWEF.

C-Weighted Sound Level (dBC) – is similar to the A-weighted sound level (dBA), but it does not de-emphasize low frequencies to the extent that A-weighting does. For sounds with a significant low-frequency component, (see "Infrasound", below), dBC is a more accurate measure of the energy of the sound waves than dBA.

Days – refers to Calendar days.

Decibel (dB) – the practical unit of measurement for sound pressure level; the number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound, (20 micropascals); abbreviated “dB”.

Decommissioning – the process of removing the CWEF and restoring the site to the standards described in the Applicant’s original Maine DEP “Application” and “Land Use Permit” or to the State’s standards in effect at the time of decommissioning, whichever are more restrictive to the Owner/Operator.

Height – means the total distance measured from the grade of the property at its base to the highest point of a CWEF, tower, turbine, or related facility. In the case of a CWT, this includes the length of the blade at its highest possible point.

Infrasound – sound-like waves having a frequency below the audible range, that is, below 20 hertz.

Issuance of Notice Date – the date that the Construction Permit is approved by the Planning Board.

Land Survey – the practice of determining the boundaries, area, location and elevation of land, features and structures on the earth’s surface by means of measuring angles and distances, using the techniques of geometry and trigonometry, by a Maine Professional Land Surveyor (MPLS).

Liberally Construed – legal language that instructs a court to interpret the Ordinance broadly so that the intent and purposes of the Ordinance will be achieved.

Meteorological Tower (MET Tower) – a structure used for the measurement of wind force, direction, speed, and any other meteorological data, constructed as a tower to mount instruments at one or more heights above grade for the purpose of collecting such data.

Mitigation Waiver – means a legally enforceable, written agreement between the Applicant and a Non-Participating Landowner in the Town of Woodstock for which the landowner waives certain protections afforded in this Ordinance. Such a waiver cannot infringe on the protections afforded by this Ordinance to other neighboring non-participating properties.

Nameplate Capacity – the electrical power rating of an individual CWT as certified by the manufacturer and the National Renewable Energy Laboratory and normally expressed in watts, kilowatts (kW), (one-thousand watts), or megawatts (MW), (one million watts).

Non-Participating Parcel – a parcel of real estate that is neither a Project Parcel nor a Participating Parcel.

Notice or Notification – a written communication sent by certified mail, "return receipt requested".
Owner/Operator – the person(s) or entity(s) with legal ownership or control of the property on which the CWEF is located or proposed to be located, including successors and assigns, that either had, has or is attempting to obtain, permission from the town of Woodstock to build, operate on a daily basis, expand, decrease, change the use of, or decommission a CWEF. An Owner/Operator is the entity which has full legal authority to represent and bind itself to fulfill all of the provisions of this Ordinance.

Participating Parcel – means a parcel of real estate that is not a Project Parcel, but whose owner has signed a Mitigation Waiver with the Applicant/Owner/Operator.

Phased Project Plan – means dividing the entire CWEF project into phases for purposes of management and oversight by the Town, including establishing escrow accounts. The plan shall include the following phases at a minimum: MET Tower Application, MET Tower Reclamation, Construction Application, Construction, Operation, and Decommissioning. The Selectmen or Planning Board may sub-divide any of the major phases into specific shorter phases, or create additional management phases, as either Board deems necessary.

Planning Board – means The Planning Board of the Town of Woodstock, Maine.

Project Boundary – means the boundaries of the CWEF as shown on the construction site plan.

Project Parcel – any CWEF property covered in the current Application process in which the developer has an ownership interest either in whole or in part, including leases, easements or Rights-of-Way.

Qualified Independent Acoustical Consultant – refers to a person with qualifications under this Ordinance for conducting baseline and other sound measurements, reviews and studies.

SCADA (supervisory control and data acquisition) – refers to industrial control systems (ICS): computer systems that monitor and control industrial, infrastructure or facility-based processes.

Scenic or Special Resource – means a scenic resource of state or national significance, as defined in Title 35-A M.R.S.A. Section 3451(9), as may be amended from time to time; any site registered in the National Registry of Historic Places; or a scenic or special resource of local significance identified as such in the Woodstock Comprehensive Plan of 2003, amended in 2007.

Setback – the minimal distance required from the outer edge of each CWT Tower where it is attached to its concrete foundation to the closest point on any property line of any non-participating parcel, as measured on a horizontal basis.

State – the State of Maine is referred to in this Ordinance as the “State”.

Town of Woodstock – for the purpose of this document, the Town of Woodstock shall hereinafter be referred to as the “Town”. In the “Permitting” sections of this Ordinance, the Town is represented by the “Planning Board”. In “Oversight” and “Enforcement” sections, the Town is represented by the “Board of Selectmen” and the “CEO”.

SECTION VIII – Financial Responsibilities of the Applicant/Owner/Operator

A. Liability Insurance

1. Starting with the Initial Application and lasting throughout the life of the Facility, the Applicant/Owner/Operator will maintain a current general liability (GL) policy for the CWEF in an amount commensurate to the potential liability of the CWEF. It will cover, but not be limited to, bodily injury and property damage or loss. The Board of Selectmen shall verify whether the coverage amounts are adequate, initially and at each Five-Year Update/Re-Valuation, (see SECTION XIV). The insurance company must be approved by the Board of Selectmen and must have an A.M. Best insurance Rating of at least “A to A- (excellent)”.

2. The costs of said policy shall be borne entirely by the Applicant or Owner/Operator who shall provide a “Certificate of Insurance” to the Board of Selectmen within thirty (30) days of the establishment, and all renewals, of the policy.
3. If there is a change made to the policy, notice shall be given to the Board of Selectmen by the Applicant/Owner/Operator within fourteen (14) days of receiving such notice from the insurer. If the policy is canceled, the Applicant/Owner/Operator shall notify the Board of Selectmen immediately.

B. Fees
The Applicant/Owner/Operator shall pay specific amounts to the Town when submitting its MET Tower Application and CWEF Construction Application, and as required by the Board of Selectmen at each Five-Year Update/Re-Valuation. These fees are to be used by the Town for CWEF-related administrative costs, such as, but not limited to, mailings, public hearings and meetings, staff time for such activities, or staff time for the CEO or others designated by the Board of Selectmen to inspect the progress and compliance of the CWEF, to investigate any complaints about the CWEF received from town residents or landowners and to enforce compliance.

C. Escrows

1. Funds will be pre-paid by the Applicant/Owner/Operator for each phase of the project that the Planning Board or Board of Selectmen, whichever Board is responsible for that phase, deems necessary. These funds will be held by a financial institution approved by the Board of Selectmen in the name of the Town. These funds are to be managed and disbursed by the Town Treasurer to pay the cost of the Town hiring its own independent experts for each phase of the project. The CEO will serve as the Town’s contact person with such experts. When the responsible Board certifies that a particular phase is complete, the funds will be returned to the Applicant/Owner/Operator. When the responsible Board determines that a new phase begins, a new Escrow account will be established for that phase by that Board. By mutual agreement between the Applicant/Owner/Operator and the responsible Board, Escrow funds remaining from a completed phase of the project may be “rolled over” into the next phase.

2. The Escrow amounts required shall be a maximum of $20,000 for each phase of the Project. Failure to provide notice and proof of deposit to the Town Escrow Account by the Applicant/Owner/Operator within thirty (30) days of notice by the Board of Selectmen shall cause the application or its approval to be deemed withdrawn. If the Escrow Account falls below fifty (50) percent of the original required deposit amount, full replenishment is required within thirty (30) days of notice by the Board of Selectmen to the Applicant, Owner or Operator regarding the account deficiency. Failure by the Applicant/Owner/Operator to provide to the Board of Selectmen notice and proof of deposit to the Town Escrow Account for such replenishment shall cause the application or its approval to be deemed withdrawn.

3. All interest accruing to the escrow accounts shall be paid to the Applicant/Owner/Operator on a yearly basis.

D. Decommissioning Funds

1. As part of its Construction Permitting, the Applicant shall submit the complete and detailed decommissioning plan described in its Maine DEP “Application” and “Land Use Permit”. It shall include financial assurance, naming the Town as beneficiary, to cover the costs associated with decommissioning the abandoned CWEF through the lifespan of the facility. An independent and certified Licensed Professional Engineer, selected by the Planning Board during the CWEF Application phase, and selected by the Board of Selectmen for each Five-Year Update/Re-Valuation, will be retained to help the respective Board establish the cost of decommissioning the CWEF, without regard to salvage value, and itemizing the estimated major expenses to restore the site to the requirements of the Applicant/Owner/Operator’s initial Maine DEP “Application” and “Land Use Permit”, or the requirements of the State in effect at the time of decommissioning, whichever is more restrictive to the Owner/Operator. If the Owner/Operator fails to complete the decommissioning of the CWEF within established timelines, the Town may use the Decommissioning Funds to complete the work. The “established timeline” for decommissioning is twelve (12) months.

2. The Planning Board shall not approve a Construction Permit until the applicant has submitted an executed
Decommissioning Access Agreement that authorizes the Town, or its agents, to enter onto the CWEF property for the purposes of implementing the Decommissioning Plan upon the occurrence of a "triggering event", as described in the Decommissioning Plan, that requires the implementation of decommissioning activities and the Owner/Operator fails or refuses to commence decommissioning activities, such that the Town is authorized to access the bond or other financial guarantee to permit the Town to decommission the facility. The Decommissioning Access Agreement shall run with the land and shall be executed in a form suitable for recording in the County Registry of Deeds. Once a CWEF has been decommissioned, the Town will release the Decommissioning Access Agreement.

3. The financial assurance of decommissioning funds may be in the form of a performance bond, surety bond, or other form of bonded assurance, and shall demonstrate the financial assurance to the satisfaction of the Planning Board during Permitting phases, and to the Board of Selectmen thereafter. The Applicant/Owner/Operator shall post and maintain decommissioning funds in an amount no less than thirty-three per cent (33%) of the total decommissioning costs prior to construction; sixty-six percent (66%) by the fifth (5th) anniversary of the Issuance of Notice Date; and one hundred percent (100%) by the tenth (10th) anniversary of the Issuance of Notice Date. The financial assurance shall be maintained at one hundred percent (100%) for the rest of the life of the CWEF. The Board of Selectmen will inform the Applicant or Owner/Operator of the amount of coverage required at each Five-Year Update/Re-Valuation, described in SECTION XIV, and the Applicant/Owner/Operator will provide proof of required coverage within thirty (30) days of notification. Failure to do so will cause the Construction/Operating Permit to be rescinded.

4. The Board of Selectmen shall review the financial stability of the financial institution providing the financial assurance initially and coincident with each Five-Year Update/Re-Valuation. The financial institution shall have a minimum AM Best rating of “A to A- (excellent)”.

5. In the event the Applicant or Owner/Operator is unable to secure an underwritten bond, etc., due to no underwriting entities existing, the Board of Selectmen may consider accepting a 100% funded Escrow Account as provided by SECTION VIII. C. 1, above, as an alternative. The Escrow Account would be opened by the Applicant/Owner/Operator prior to construction at a financial institution approved by the Board of Selectmen, in the name of the Town, to be managed by the Town Treasurer, in an amount to be established initially and at every Five-Year Update/Re-Valuation as described in paragraph 3, above.

SECTION IX - Meteorological Study Requirement and Application Procedure
A continuous MET study of no less than one (1) year and no more than two (2) years is required prior to the Construction Plan Application. If the Applicant has not commenced construction of the MET Tower(s) within eighteen (18) months of its permit approval by the Planning Board, the applicant must reapply.

The removal of the MET Tower must be completed within ninety (90) days of the test completion and the land restored to the standards described in the Applicant’s Reclamation Plan described below.

A. Pre-Application Meeting
Prior to submitting an application for a MET tower and study, the Applicant or the Applicant’s authorized agent shall attend a regular or special meeting of the Planning Board to discuss the proposed development, as described in “Section V, A.” of the Town’s “Site Plan Review Ordinance”. Within thirty (30) days of the Pre-Application Meeting, the Planning Board will inform the Applicant in writing which requirements of the “Site Plan Review” it must meet.

B. Meteorological Tower (MET Tower) Application Requirements

1. A non-refundable Fee of $200.00 will be assessed to cover all Planning Board and other Town costs associated with evaluation of the MET Application.

2. The Applicant shall comply with all portions of the Town’s “Site Plan Review Ordinance”, as determined by the Planning Board, with the addition in “Section V, B, 3, Notice to Abutters”, that the Applicant shall send the Planning Board’s announcement of its meeting to consider the Application by certified mail, return receipt
3. requested, to all property owners within two (2) miles of the proposed MET Tower site at least fourteen (14) days prior to that meeting.

C. Meteorological Tower (MET Tower) Application Submission Requirements
In addition to requirements of the “Site Plan Review”, the Submission Requirements will include:

1. The names, current mailing addresses and available phone numbers of all owners of parcel(s) within two (2) miles of all proposed MET tower sites;

2. A reclamation plan that meets the intent to “Preserve and Enhance the Landscape” as outlined in “Section VII – Performance Standards” of the “Site Plan Review”, indicating how the site will be restored after MET Tower removal and the time-frame involved in the reclamation;

3. The type of tower (lattice or monopole) and height of the proposed MET Tower;

4. A copy of any Natural Resource Protection Permit required by the Maine DEP.

SECTION X – Meteorological Study Application Review and Performance Standards
In addition to the Town’s “Site Plan Review”, “Section VI, B”, the Applicant shall send by certified mail, return receipt requested, the Planning Board’s announcement of the Public Hearing about the Application to all property owners within two (2) miles of the proposed MET Tower site at least fourteen (14) days prior to that Public Hearing. The Applicant shall provide all certified mail receipts to the Planning Board prior to the hearing.

SECTION XI – CWEF Application Procedure

A. Pre-Application Meeting
A Pre-Application Meeting will be conducted in accordance with “Section V, A”, of the “Site Plan Review”.

B. Application Requirements

1. A non-refundable Construction Application fee of $1500 for 1-3 proposed CWTs; $3000 for 4-10 CWTs; $4000.00 for 11-15 CWTs; and $5000.00 for 16 or more CWTs will be assessed to cover all Planning Board costs associated with the evaluation of the Construction Application.

2. Supplement to “Site Plan Review”, “Section V, B, 2, Construction Application Requirements”: See SECTION V, C, Documentation of this ordinance, above, for details of the Application Materials to be submitted for a CWEF Application.

3. Supplement to “Site Plan Review”, “Section V, B, 3, Notice to Abutters”: the Applicant shall notify all property owners within two (2) miles of the proposed CWEF footprint at least fourteen (14) days prior to the Planning Board’s consideration of the application.

C. Submission Requirements
In addition to requirements of the “Site Plan Review”, the Submission Requirements will include an update of the following as part of the site plan for constructing and operating the CWEF:
1. The names, current mailing addresses and available phone numbers of all owners of parcel(s) within two (2) miles of all proposed Commercial Wind Turbine (CWT) sites;

2. A copy of any Natural Resource Protection Permit required by the Maine DEP;

3. A Phased Project Plan, (see SECTION VII, Definitions, above);

4. A copy of the MET study results;

5. Copies of all emergency and safety plans;

6. Eight copies, the format of which to be determined by the Planning Board, of the “Application” and “Land Use Permit”, and all other application materials that the Applicant submits to the State DEP or other governing State agency. These will include, or be supplemented with, a complete construction site plan with the CWEF Project Boundary, including boundaries of Project and Participating Parcels so indicated, with roads, power lines, Commercial Wind Turbines, (CWTs), buildings and all other facility features included, drawn on a topographic map, with a legal description of the property suitable for permanent recording in the Oxford County Registry of Deeds, and a complete and detailed Decommissioning Plan meeting the State’s standards in effect at the time of the Applicant’s original “Application” and “Land Use Permit” to the State;

7. A Decommissioning Access Agreement as described in SECTION VIII, D, 2, above.

8. Proof that all financial requirements of SECTION VI, above, are fulfilled.

SECTION XII – CWEF Application Review
The Town’s “Site Plan Review” shall apply, with the following modifications:

A. In “Section VI, B” of the “Site Plan Review”, the Planning Board is required to hold a public hearing within 30 days of the determination of a complete application. The Planning Board shall write an announcement describing the public hearing in detail, including its purpose, time, date, and location. At least fourteen (14) days prior to the Public Hearing the Applicant shall send the Planning Board’s announcement by certified mail, return receipt requested, to all property owners within two (2) miles of the proposed CWEF footprint and by first class or bulk permit mail to every Woodstock property owner beyond two (2) miles. The Applicant shall provide all certified mail receipts to the Planning Board prior to the hearing.

B. From the date of the announcement of the Public Hearing described in paragraph “A” above until at least forty-five (45) days following the Public Hearing, the public shall have access to the Construction Permit Application in the Town Office during regular office hours. The public will have forty-five (45) days from the date of the public hearing to provide written comments to the Planning Board concerning the proposed CWEF. The Owner/Operator will have an additional fifteen (15) days to provide the Planning Board with its responses to the public comments.

C. In “Section VI, C” of the “Site Plan Review”, the time-frames for a CWEF are lengthened to provide adequate opportunity for Public Input. Within sixty (60) days of the public hearing or ninety (90) days of the determination of a complete application, the Planning Board shall approve the application, approve the application with conditions, or disapprove the application.

D. Within fifteen (15) days of reaching its decision, the Planning Board shall inform the public of the decision in a newspaper of area-wide circulation by either a news article or a “public notice”.

E. Any significant modification of the approved CWEF, such as, but not limited to, the size of the Project’s footprint, the number of CWTs, tower height, tower locations, turbine design and specifications, shall require the Applicant to obtain an amended Construction Permit pursuant to this ordinance. The application procedures and permit requirements and standards for amending a Construction Permit are the same as for an initial application, as described in SECTION XI, above.

F. Approval of a CWEF Permit under this ordinance does not exempt an Applicant from obtaining other applicable
permits from the Town, such as building, electrical, plumbing and shore-land zoning permits, or any applicable state or federal permit.

G. The approved CWEF Construction Permit allows the Applicant/Owner/Operator to construct and operate the CWEF for the complete life-span of the Project through Decommissioning as long as it abides by all provisions of this and other Town ordinances.

SECTION XIII – CWEF Supplements to the “Site Plan Review’s” Performance Standards

A. Exterior Lighting
In “Site Plan Review Section VII, A, 17”, exterior lightening is also permitted for public safety purposes or as required by the Federal Aviation Administration.

B. Setback Requirements
All parts of a CWEF shall comply with the following setback requirements.

1. A Minimal Distance of 1.0 mile (5280 ft) is required from the outer edge of each CWT Tower where it is attached to its concrete foundation to the closest point on any property line of any non-participating parcel as measured on a horizontal basis.

2. All CWT Towers shall have a minimum setback of three thousand feet (3,000 ft.) from any Scenic or Special Resource, as indicated in the Town of Woodstock’s Comprehensive Plan of 2003, Amended 2007; from a scenic resource of state or national significance, as defined in Title 35-A M.R.S.A. Section 3451(9), as may be amended from time to time; and from any site registered in the National Registry of Historic Places.

3. When all the CWT Towers are sited on the construction plan, before construction begins, the Planning Board will hire a Maine Professional Land Surveyor, paid for from the Escrow Account, to assess the construction plan to assure a reliable measure of proof that the CWTs are in compliance with the Setback requirements of this ordinance. A land survey may be conducted by a Maine Professional Land Surveyor at the completion of project construction at the Planning Board’s discretion to assure that the Towers meet Setback Requirements.

C. Sound Restriction Requirements
All acoustical instrumentation and sound measurement protocols conducted under the ordinance shall meet all the requirements of the ANSI and IEC Standards cited in the Appendix.

1. Audible Sound Restrictions in Decibels
No CWEF shall be allowed to operate if it exceeds 35 dBA, (A-Weighted Sound Level), between 7:00 p.m. and 7:00 a.m., or 45 dBA between 7:00 a.m. and 7:00 p.m., anywhere in the Town beyond the boundaries of the Project Parcel and the boundaries of all Participating Parcels whose owners have waived noise restrictions.

2. Low Frequency Sound Restrictions in Decibels
No CWEF shall be allowed to operate if it exceeds 50 dBC, (C-Weighted Sound Level), anywhere in the Town beyond the boundaries of the Project Parcel and the boundaries of all Participating Parcels whose owners have waived noise restrictions.

3. Post-Construction Sound Measurements/Testing
   a. Attended post-construction sound measurement studies for audible noise, (dBA), and for infra- and low-frequency sound, (dBC), shall be conducted by a qualified independent acoustical consultant selected by the Board of Selectmen at as many specific locations along the project boundary, selected by the acoustical consultant and witnessed by the CEO so as to assure a reliable measure of proof that the CWEF’s sound levels are in compliance. As new technologies become available, the consultant may use unattended devises that he/she deems most appropriate and reliable.

   b. Such studies will be conducted within six (6) months of the CWEF becoming operational, with all CWTs operating. Such tests will be repeated on multiple days and during different weather conditions and atmospheric conditions.
wind directions so that the consultant is reasonably satisfied that sufficient and representative data has been obtained.

c. The sound studies may be unannounced to the Owner/Operator or held during an announced period of, for example, November 1 to January 31, during which time the Owner/Operator shall archive SCADA stored at rates fast enough to give a clear picture of CWT operations, (hub wind speed, blade pitch, power output, and so on), during any period of interest. Within 30 days of notification by the Town, the Applicant/Owner/Operator shall provide the Board of Selectmen with all technical information required by the Board of Selectmen or acoustical consultant before, during, and/or after any acoustical studies required by this document.

D. Mitigation Waivers

1. Owners of any Non-Participating Parcel in Woodstock may waive any of the setback or noise restrictions in this SECTION XIII. This can only be accomplished with a written Mitigation Waiver, legally enforceable as a contract between the owner of the Non-Participating Parcel and the Applicant/Owner/Operator, and conforming to the requirements of this ordinance. The property subject to the Mitigation Waiver thereby becomes a Participating Parcel. No other provisions of this ordinance may be so waived.

2. Such mitigation waivers shall specify which provision(s), setback and/or noise, are waived by the property owner, shall provide a legal description of the property subject to the waiver and shall be recorded by the Applicant/Owner/Operator with the Oxford County Registry of Deeds. Any subsequent deeds shall advise all later owners that the property is so burdened.

3. The Applicant shall provide a notarized, complete copy of such filing and recording to the Planning Board within thirty (30) days of having the waiver signed, omitting financial information. Until the Planning Board receives such a copy, the mitigation waiver shall have no legal force under this ordinance. The Applicant shall include, as part of the CWEF construction application, a complete list of all parcels subject to Mitigation Waivers, including the names and mailing addresses of the landowners.

E. Design Requirements

The total height of any CWT shall not exceed four hundred-fifty (450) feet above grade at its base, as measured to the blade tips at their maximum distance above grade.

F. Blasting Plan Requirements

1. Blasting must comply with the provisions set forth by Title 38, § 490-Z (14), as may be amended.

2. At least ten (10), but not more than thirty (30), days prior to commencement of blasting, the Applicant shall give notice of the planned blasting schedule to all property owners of structures within one (1) mile of the blast site and shall provide all certified mail receipts to the CEO before blasting can begin.

SECTION XIV – Five-Year Updates/Re-valuation

On every fifth (5th) anniversary of the “Issuance of Notice Date”, the Owner/Operator shall submit to the Board of Selectmen the following updated materials:

1. Evidence of the current Owner/Operator’s financial ability, or evidence of a new Owner/Operator’s technical and financial ability, to operate the CWEF in accordance with the requirements of this ordinance;

2. Copies of any new agreements of the current Owner/Operator, or any agreements that a new Owner/Operator has entered into, involving any project parcel not owned by the Owner/Operator, or any participating parcel;

3. Updates of all emergency or safety plans;
4. An Inspection/Enforcement Fee in an amount established by the Board of Selectmen to cover anticipated CWEF-related inspection/enforcement costs during the coming five year period, based on its past experience with such costs.

5. Proof that all financial responsibilities described in SECTION VIII, above, are fulfilled.

SECTION XV - Expiration of Construction Permit
Construction Site Plan approvals shall expire two (2) years after the date of approval unless substantial construction of permanent structures there-under has commenced, as determined by the Planning Board. “Permanent structures” may include, but not be limited to, CWT Tower pads and maintenance buildings. If the entire CWEF project is not completed within three (3) years from the date of approval, the approval lapses and a new application must be made and approved. There will be no additional fee for application review provided the application is unchanged. The Board may grant more than one extension only if there is pending litigation challenging the approval of the CWEF.

SECTION XVI - Complaints, Enforcement and Penalties
In addition to the requirements of “Section IX, Enforcement” of the “Site Plan Review”, the following requirements apply to a CWEF.

A. Complaint Process
All CWEF complaints shall be made in writing to the CEO, who shall provide copies to the Owner/Operator and keep a record for the Town of the complaint. Complaints involving CWEF sound, vibrations or other possible disturbances related to sound pressure require a written description of the event(s) to include date, time and subjective/objective intensity. Residents or landowners in Woodstock may file such complaints.

1. After receipt of a complaint, the CEO shall, in an expeditious manner, and in the order complaints are received, contact the complainant and the Owner/Operator, visit the site of the alleged violation, conduct other investigation he/she deems appropriate, and, within fourteen (14) days, submit a written report to the Board of Selectmen and the complainant. The CEO shall include his/her findings of fact and reasons for those findings in a report to the Board of Selectmen as to the merits of the complaint, with recommendations of actions to be taken.

2. If, at its next regularly scheduled meeting, the Board of Selectmen and the CEO decide the complaint is without merit, it will be dismissed, and the CEO will inform the complainant and the Owner/Operator. If the Board of Selectmen and the CEO decide the complaint(s) has merit, the CEO will assist the person in processing the issue with the Applicant/Owner/Operator to a suitable conclusion. If the complaint involves sound, and has not been corrected within fourteen (14) days of the Board of Selectmen deciding the complaint has merit and the CEO has informed the Owner/Operator, the following will ensue:

   a. The Board of Selectmen will hire a qualified independent acoustical consultant of its choice who will conduct, as soon as possible, a complete attended study at the site of the complaint and/or at the Project Boundary nearest the site of the complaint, to determine both the dBA and dBC noise levels. As new technologies become available, the consultant may use unattended devises that he/she deems most appropriate and reliable. Such tests will be repeated on multiple days and during different weather conditions and wind directions so that the consultant is reasonably satisfied that sufficient and representative data has been obtained.

   b. Appropriate summary reports of all CWEF sound meter/meteorological data collected during the date(s) and time(s) of the complaint and for one (1) month prior and one (1) month subsequent to the complaint, if applicable, will be requested from the CWEF. The Owner/Operator must provide this information to the Board of Selectmen within fourteen (14) days of notification.

   c. Relevant monthly sound level reports from the Owner/Operator involving the CWEF will be reviewed by the CEO/Board of Selectmen, with the assistance of such Expert Consultants or Specialists as they deem necessary.
3. Findings of the acoustical consultant and summary reports and other data revealing evidence of higher sound pressure levels than are allowed by this ordinance, as determined by the acoustical consultant and reviewed by the CEO, will be sent by the CEO to the Owner/Operator and the complainant by certified mail, with evidence of receipt given to the Board of Selectmen.

4. Higher than allowed sound pressure levels constitute a violation of this ordinance. The Owner/Operator shall submit a response to the CEO with an explanation and a mitigation plan within fourteen (14) days of receipt of the acoustical consultant’s findings.

5. If the Owner/Operator fails to respond to the CEO within fourteen (14) days, and to delineate and implement a correction acceptable to the CEO and the Board of Selectmen within thirty (30) days, the Selectmen may file an enforcement proceeding and ask the Court to order limited operation, shutdown of one or more CWTs, or other appropriate remedies.

6. If a complaint related to sound pressure should continue after appropriate corrections have been made by the Owner/Operator, and which have been agreed upon by the Board of Selectmen with expert advice, the CEO shall visit the site for further information. If the continuing complaint is found to have merit, the CEO will continue the investigation and a qualified independent acoustical consultant will be hired by the Board of Selectmen to take appropriate attended sound level measurements as deemed reasonable and in accordance with the requirements of this ordinance.

7. If the complaint is deemed to have merit, but concerns issues other than sound, the Board of Selectmen shall hire appropriate, independent, qualified experts to address the matter and conduct any needed tests or investigations. The general procedure for resolving sound issues will likewise apply.

**B. Enforcement**

In addition to the provisions set forth above, when the CEO finds that provisions of this ordinance are being violated, he/she shall notify in writing by certified mail, return receipt requested, the person responsible for such violation indicating the nature of the violation and ordering the action necessary to correct it. The Board of Selectmen may bring an action in the Superior Court or District Court to enjoin violators of this ordinance, for collection of penalties, for injunctive relief, and for such other relief as may be provided in accordance with 30-A M.R.S.A. § 4452. Each day that a violation continues shall be considered a separate violation.

**C. Records of Complaints**

The Town shall maintain a permanent record of all complaints, CEO investigations, reports by consultants and outcomes.

**SECTION XVII – Appeals**

Citizens and Taxpayers of Woodstock, or the Applicant/Owner/Operator of a CWEF, may appeal a decision of the Planning Board or Board of Selectmen to the Woodstock Board of Appeals as described in “Section X, Appeals” of the “Site Plan Review”, or any such aggrieved party may appeal the decision concerned directly to the Maine Superior Court in accordance with Rule 80B, Maine Rules of Civil Procedure, within thirty (30) days after issuance of the final written decision.

**SECTION XVIII – Ethics and Code of Conduct**

The process to develop and permit CWEF projects shall be governed by a strict ethical code for conflicts of interest. No elected or appointed Town official or Town employee who has, or whose immediate family members or their employees have, a conflict of interest shall be directly or indirectly involved in the planning process or decision-making process for CWEF projects. Conflicts of interest may include, but are not limited to:

1. having right, title or interest in a Project Parcel or a known potential Project Parcel;

2. having a financial agreement with an individual or company which derives income from the development of wind energy, including a signed Mitigation Waiver with financial remuneration;
3. serving as a paid representative of an individual or company which derives income from the development of wind energy, or a written or verbal promise for future employment or contracts from a wind development company;

4. being directly or indirectly affiliated as an Applicant with a pending application for a CWEF project in Woodstock;

5. being an abutter to the land footprint of a proposed CWEF.

Individuals with a conflict of interest must identify the conflict of interest and recuse themselves from all direct and indirect planning and decision-making regarding CWEF projects, with the exception of voting and debating as a private citizen at any public hearing or meeting. Individuals with a conflict of interest who cannot be objective in a municipal decision-making process and do not recuse themselves may violate the Applicant’s due process.

SECTION XIX – Incorporation of Appendix
The following Appendix is hereby incorporated by reference into the main body of this ordinance as binding requirements.

APPENDIX

Sound and Noise Measurement Standards

1. The following technical requirements will ensure that critical sound measurements are conducted in an accurate and scientific manner. The American National Standards Institute (ANSI) and the International Electrotechnical Commission (IEC) cooperate in setting standards for many technical issues, including sound measurement protocols.

2. All sound and noise measurements and reporting of same, required by this ordinance, whether conducted by the Applicant or by the Town, shall be carried out in strict compliance with the specific ANSI and IEC technical standards as listed, and in some cases dated and modified, below. The following specific ANSI and IEC standards, with any noted modifications, are adopted by reference as part of this ordinance.

3. Specific options provided for in ANSI S12.9 Part 3 (1993, Revised 2008) shall be followed along with any additional requirements included below:

   5.2 Background Sound: Use definition (1): long term.
   5.2 Long term background sound: The $L_{90}$ excludes short term background sounds.
   5.3 Basic measurement period: Ten (10) minutes $L_{90}$.
   5.6 Sound Measuring Instrument: Type 1 Precision meeting ANSI S1.43 or IEC 61672"1. The sound level meter shall cover the frequency range from 6.3 Hz to 20k Hz and simultaneously measure dBA LN and dBC LN. The instrument must also be capable of accurately measuring low level background sounds down to 20 dBA.
   6.5 Windscreen: Required.
   6.6(a) An anemometer accurate to $\pm$ 10% at 2m/s to full scale accuracy. The anemometer shall be located 1.5 to 2 meters (m.) above the ground and orientated to record maximum wind velocity. The maximum wind velocity, wind direction, temperature and humidity observed within 5 m. of the measuring microphone shall be recorded for each ten (10) minute sound measurement period.
   7.1 Long term background sound.
   7.2 Data collection Methods: Second method with observed samples to avoid contamination by short term sounds (purpose: to avoid loss of statistical data).
   8. Source(s) Data Collection: All requirements in ANSI S12.18 Method #2, precision to the extent possible while still permitting testing of the conditions that lead to complaints. The meteorological requirements in ANSI S12.18 may not be applicable for some complaint tests.
For sound measurements in response to a complaint, the compliance sound measurements should be made under conditions that replicate the conditions that caused the complaint without exceeding instrument and windscreen limits and tolerances.

8.1(b) Measuring microphone with windscreen shall be located 1.2 m. to 1.8 m. (1.5 m. preferred) above the ground, and more than 8 m. from any large sound reflecting surface.

8.3(a) All meteorological observations required at both (not either) microphone and nearest 10 m. weather reporting station.

8.3(b) For a ten (10) minute background sound measurement to be valid the wind velocity shall be less than 2m/s (4.5 mph) measured less than 5 m. from the microphone. Compliance sound measurements shall be taken when winds are less than 4m/s at the microphone.

8.3(c) In addition to the required acoustic calibration checks, the sound measuring instrument internal noise floor, including microphone, must also be checked at the end of each series of ten minute measurements and no less frequently than once per day. Insert the microphone into the acoustic calibrator with the calibrator signal off. Record the observed dBA and dBC reading on the sound level meter to determine an approximation of the instrument self-noise. Perform this test before leaving the background measurement location. The calibrator covered microphone must demonstrate that the results of this test are at least five (5) dB below the immediately previous ten (10) minute acoustic test results, for the acoustic background data to be valid. This test is necessary to detect undesired increase in the microphone and sound level meter internal self-noise. As a precaution, sound measuring instrumentation should be removed from any air conditioned space at least one (1) hour before use. Nighttime measurements are often performed very near the meteorological dew point. Minor moisture condensation inside a microphone or sound level meter can increase the instrument self-noise and void the measured background data.

8.4 The remaining sections, starting at 8.4 in ANSI S12.9 Part 3 Standard do not apply.


5. All of the Standardized acoustical instrumentation and sound measurement protocols conducted under this ordinance shall meet all the requirements of the following ANSI Standards in their most recent, updated, official ANSI version:
   a. ANSI S1.43 Integrating Averaging Sound Level Meters: Type-1 (or IEC 61672-1).
   b. ANSI S1.11 Specification for Octave and One-third Octave-Band Filters (or IEC 61260).
   c. ANSI S1.40 Verification Procedures for Sound Calibrators.
To the Citizens of the Town of Woodstock,

We are grateful for the additional year voters gave us at last year’s Annual Town Meeting to further research how Woodstock residents are affected by Spruce Mountain Wind and to gather information from residents about what they want to see in a Wind Ordinance. We believe we have accomplished our goal of creating a Commercial Wind Energy Facility Ordinance that best meets the needs of Woodstock residents, and we are pleased to present it to the Town for your approval.

As we researched the purposes of local ordinances, we came to understand them as powers assigned to each level of government by the US Constitution to “protect the health, safety and general welfare” of the residents and taxpayers of our Town.

We spent hundreds of hours studying Wind Ordinances that have been adopted by several other Maine towns, researching the effects of commercial wind power nationally and globally and the science of these effects on people. We have sought and received considerable input and suggestions from the Selectmen, Planning Board, Code Enforcement Officer and Woodstock residents, based on their experience with the Spruce Mountain facility.

The number one concern we heard from Woodstock residents is about the noise the turbines produce. We addressed this in the ordinance in two ways: by establishing lower volume limits of daytime and nighttime noise than are allowed by the state; and by requiring a greater setback distance from abutting properties. This is a moderate level of regulation compared with the ordinances of other Maine towns. Together, these provisions assure that people living near future turbines will be less disturbed by their noise than those living near the current towers.

And we have created a process of oversight and enforcement, and the means, through Fees and Escrow Accounts paid by the wind developer, which will allow the Town to hire experts for advice, consultation and oversight to adequately enforce the ordinance, with minimal cost to the Town.

We have had questions about whether the noise and setback limits of our proposed ordinance would prohibit further wind development in Woodstock. As with the Spruce Mountain project, a future applicant will need to buy, or otherwise acquire the use of, sufficient land for the facility. Though we know of no other area of land in Woodstock as large and undeveloped as was Spruce Mountain, a developer might still buy land and/or make use of the Mitigation Waiver provisions in our ordinance, to be able to develop a new facility.

In addition, quieter turbines are being designed and built presently, and it seems likely this trend will continue. So building additional commercial wind facilities in Woodstock that will have less noise impact on our residents seems quite possible within the requirements of the ordinance.

We ask Woodstock residents to please read the Ordinance and related resource materials we’ve posted on-line at: http://woodstockwindordinance.blogspot.com/, send us your questions and comments via e-mail at: bpwindcomm@oxfordnetworks.net, and come to the Annual Town Meeting to support our proposed Ordinance. Thank you!

Sincerely,

The Woodstock Commercial Wind Energy Facility Ordinance Committee
Bob Elliott, Denise Hall, Charlie Reiss, Dennis Poland and Marc Wentworth