2009

Town of Woolwich, Maine, Selected Ordinances

Woolwich (Me.)

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TOWN PLANNING ORDINANCE

(enacted in 1968 amended through 2004)

ARTICLE I

Districts

The Town of Woolwich shall be divided into the following districts as shown on the official maps filed with the Town Clerk and dated 05/06/04:

A. Residential
B. General Purpose
C. Rural
D. Resource Protection

ARTICLE II

Definitions

For the purpose of this Ordinance, the following words and phrases have the meaning ascribed to them in this section:

A.  Dwellings:
1. Dwelling: place of abode of no more than one family in the shoreland zone or two families in the rest of the town.
2. Multiple Dwelling: place of abode designed for two or three families.
3. Cluster Dwelling: place of abode designed for more than three families.

B.  Clustered Residential Development: An area which contains a minimum contiguous acreage of at least 20 acres developed or to be
developed as a single entity according to a plan and containing one or more cluster dwellings.

C. **Common Open Space**: An open area within a site designated as a clustered residential development and designed and intended for the use or enjoyment of residents and owners of the development or the public.

D. **Net Residential Density**: The number of single family residential units on a given parcel of land divided by the number of acres in the given parcel, calculated without regard to where or how each unit is placed on the parcel. (example: 20 units placed on 40 acres is a net residential density of one (1) unit per two (2) acres (1/2 unit /acre); 20 units placed on 10 acres is a net residential density of two (2) units per acre).

E. **Subdivision**: “Subdivision” means the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings, or otherwise. The term “subdivision” also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

A. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:

1. Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence or for open space land as defined in Title 36, section 1102, for a period of at least 5 years before the 2nd dividing occurs; or
2. The division of the tract or parcel is otherwise exempt under this subchapter.
B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing of lots when made are not subject to this subchapter, do not become subject to this subchapter by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The municipal reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.

C. A lot of 40 or more acres shall not be counted as a lot, except:
  (1) When the lot or parcel from which it was divided is located entirely or partially within any shoreland area as defined in Title 38, section 435, or a municipality’s shoreland zoning ordinance; or
  (2) When a municipality has, by ordinance, or the municipal reviewing authority has, by regulation; elected to count lots of 40 or more acres as lots for the purpose of this subchapter when the parcel of land being divided is located entirely outside any shoreland zoning ordinance.

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

E. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.

F. In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of
lots apply, including exemptions from the definition of a subdivision of land.

G. Notwithstanding the provision of this subsection, leased dwelling units are not subject to subdivision review if the municipal reviewing authority has determined that the units are otherwise subject to municipal review at least as stringent as that required under this subchapter.

H. Nothing in this subchapter may be construed to prevent a municipality from enacting an ordinance under its home rule authority which expands the definition of a subdivision to include the division of a structure for commercial or industrial use of which otherwise regulates land use activities.

I. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraph D, or subsequent transfer of that entire lot by the original holder of the security interest or that person’s successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objective of this subchapter.

F. Mobile Home: Any vehicle used or so constructed as to permit its being used as a conveyance on the public streets and highways and duly licensed as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons, provided with a toilet and a bathtub or shower.

G. House Trailer: Mobile home which does not have a toilet and a bathtub or shower.

H. Shoreland: Land within 250 feet of normal high water mark of any pond, river, or water that is man-made and is completely surrounded by land held by a single owner.

I. Signs: Lettered or pictorial matter when used out of doors to advertise or promote the interest of any person or business when the same is placed in view of the general public.

J. Variance: A relaxing or changing of details of the requirements of
this Ordinance in cases where literal application or rigorous enforcement would cause unusual difficulty or special hardship (see Article X).

K. **Exceptions**: Matters referred to in provisions of this ordinance that require special permits from the Planning Board (see Article X).

L. **Non-Conforming Use**: Any lawful use of structures or land existing at the effective date of this Ordinance or amendments thereto, although not conforming with the provisions of this ordinance or amendments.

M. **Edge of Right of Way**: The boundary of land owned by the State of Maine or Town of Woolwich for the purpose of maintaining a roadway; the edge of the right of way is not the edge of the tarred or gravelled surface.

N. **High Water Mark for Coastal Waters**: The line on the shore of tidal waters reached by shoreward limits of the rise of the medium tides between the spring and the neap. Specifics to be taken from the U. S. Coast & Geodetic Survey publications.

O. **High Water Mark for Lakes, Ponds, Streams and Rivers**: The high water mark on lakes, ponds, streams and rivers above high tide water is shown by the marks on the shore made by the ice and water.

P. **Premise**: Meaning a lot of legal record.

**ARTICLE III**

**General Provisions**

A. **Non-Conforming Uses**: No lawful non-conforming use shall be changed, extended, or enlarged in any manner or for any purpose not permitted under this Ordinance, except as may be permitted as a variance,
not as an exception. If any non-conforming use of any structure or land or both is changed to a conforming use, it shall not thereafter be put into any non-conforming use.

Non-Conforming Structures: 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. This provision shall not be construed to authorize an expansion of a non-conforming use within or related to the structure, except as may be allowed in paragraph 1., above.

Any non-conforming building or structure destroyed or damaged by fire, flood, lightning, wind or otherwise, to the extent of 75% or more of the reproduction cost of such building at the time of such damage, as determined by the Building Inspector, shall not be rebuilt, repaired, reconstructed nor altered except for a purpose permitted in the district in which such building is located, or except as may be permitted by the Board of Appeals under this Ordinance, as a variance, not as an exception.

If any non-conforming development or use of land or of buildings be discontinued for 12 consecutive months, as determined by the Building Inspector, such land or buildings shall thereafter be used or developed only in accordance with the terms of this Ordinance for the district in which such property is located.

Any lot of record before the effective date of this Ordinance not located in the Resource Protection District and in non-conformance with the provisions of this Ordinance may be used for residential purposes if in accordance with the provisions of State law, and after a permit has been obtained from the Planning Board.

B. Ruins: No owner or occupant of land in any district shall permit fire or other building ruins which may be hazardous to the health, comfort or property of individuals, or of the public, to remain but shall repair or remove them within 60 days of written notice by the Town Officers. An extension may be granted by the Planning Board, after consultation with the Municipal
ARTICLE IV

A. There shall be four residential districts as shown on the official maps.
   1. Sagadahoc Ferry
   2. Day’s Ferry
   3. Nequasset
   4. Montsweag

B. They shall be districts of family residences, year round or seasonal.

C. Home Occupation: A Home Occupation shall be permitted if the Code Enforcement Officer determines that it meets the following criteria and standards:

   1) It involves an occupation or profession which is carried on by a member of the family residing on the property;
   2) It is clearly incidental and secondary to the residential use of the property and it occupies less than 1/3 of the useable residential floor space;
   3) It has not more than two full-time employees or the equivalent, (i.e., 80 work hour per week) from outside the family;
   4) It has no exterior signs, except as expressly permitted by the sign ordinance;
   5) It does not create a nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare, electrical disturbance, or any significant increase in traffic;
   6) It provides, in addition to adequate off-street parking to meet the normal requirements of the dwelling, adequate off-street parking for the vehicles of each employee and the vehicles of the maximum number of users
the home occupation may attract during peak operating hours.

Any other business to be operated from a home shall be permitted only as an exception if (a) it is not injurious to a person’s health or the environment and (b) it meets standards 1, 5 and 6, above regarding family members, nuisance and parking.

D. **Lot Size Requirements:**
1. No dwelling, mobile home, or house trailer shall be constructed on or moved to a lot less than one acre.
2. Any lot bordering a public way shall have a frontage of at least 150 feet.
3. The minimum shore frontage shall be 200 feet measured in a straight line between boundaries.
4. The minimum lot depth on shorelands shall be 250 feet, on average, with no point of inland lot line less than 200 feet from normal high water mark.
5. On the shore, the minimum setback of all buildings and structures, except those requiring direct access to the water as an operational necessity, shall be at least 100 feet from mean high water mark; in the rest of the Town the minimum setback shall be at least 25 feet from the edge of the right of way.
6. All buildings shall be at least 20 feet from any adjoining lot line.
7. If any building existing as of the effective date of this Ordinance burns or is otherwise destroyed, it may be replaced even if the lot is not required size.
8. In dividing a lot or parcel of land where a residence or business exists, it shall be mandatory to retain enough land so that the existing residence or business will have the same road frontage and area as is required by this Ordinance for a new installation.

E. One mobile home or house trailer which is occupied may be allowed temporarily on the same lot as a dwelling provided that a permit is first obtained from the Codes Enforcement Officer. A special permit must be obtained from the Planning Board if the occupied mobile home or house trailer is to be kept on the lot for more than 30 days.
F. Off-street parking shall be provided in the amount of 300 square feet per dwelling unit. This may be accomplished by driveway space, garage space, or parking lot space.

G. Churches, schools, hospitals, nursing homes, multiple dwellings, cluster dwellings, municipal buildings, and subdivisions may be permitted in this District as an exception (see Article X, K.) if approved by the Planning Board, after holding a public hearing. Any proposal for such a structure or use shall include a site fire protection plan. The plan shall provide adequate (1) ingress and egress for emergency vehicles, (2) source(s) of water supply for firefighting and (3) provision for any other elements deemed necessary by the Woolwich Fire Department. The plan shall be reviewed and approved by the town’s Fire Chief prior to a public hearing.

H. All sewage and plumbing systems for all building and mobile homes must comply with the regulation of the State Plumbing Code.

I. The following are prohibited in the Residential District:
   1. Hotels, motels, mobile home parks, trailer courts
   2. Business and industry, except as stated in section C above.

ARTICLE V

General Purpose District

This district shall consist of the areas so indicated on the official maps. In the shoreland zone its purpose is to provide areas for business and industry in water-related activities, and to provide for public access to the shore; in the rest of the Town to provide areas for business and industry as well as for
homes and for public recreation.

A. All land uses permitted in the other Districts shall be permitted in the General Purpose District, with the same requirements or restrictions as in the other Districts except as stated below in the Article. Public recreation and enjoyment of shoreland are permitted as long as compatible with protection of the shore.

B. Any new business or industry that by reason of smell, noise, smoke, fumes, or for any other reason is objectionable and detrimental to the well-being of the Town shall not be permitted.

C. No new business building shall be located within 50 feet of the edge of any public right of way. Each proposed business in this District shall provide ample space on its property to accommodate all vehicles attracted by it, including those of its customers, employees, and proprietors, and shall provide proper off street loading and unloading facilities. The lot must be at least one acre. Any business lot bordering a public way shall have a frontage of at least 100 feet.

D. No dwelling or mobile home shall be erected on or moved to a lot with an area of less than one acre. Any lot bordering a public way shall have a frontage of at least 150 feet and a setback from the edge of the right of way of 50 feet.

E. All buildings shall be at least 20 feet from any adjoining lot line.

F. In the shoreland zone business and industry may be allowed by special exception only, provided the Planning Board determines they meet the requirements of this Ordinance, comply with all applicable federal, state, and municipal laws and regulations, and will engage in water-related activities.

G. Sections C, D 7 and 8, E, F, G, and H of Article IV shall apply also to the General District.
In shoreland areas the following shall not be permitted:
1. Dumps and junkyards
2. Oil refineries and storage
3. Mobile home parks and trailer courts
4. Outdoor advertising, except on business premises and in conformance with Article XI.

ARTICLE VI

Rural District

This District shall consist of the areas indicated on the official maps.

A. The Rural District shall be mainly farm and forest areas.

B. No dwelling or mobile home or house trailer shall be constructed on or moved to a lot with an area of less than one and one-half acres. Any lot bordering a public way shall have a frontage of at least 200 feet.

C. All uses permitted in the shorelands and other areas of the Residential and Resource Protection Districts shall be permitted in the corresponding areas of the Rural District under the same conditions and restrictions, except for the specifications in the preceding paragraph (Paragraph B of this Article).

Except for those specifications, the provisions of Section B through I of Article IV shall apply in the Rural District.

ARTICLE VII
Resource Protection District

This District shall consist of the areas indicated on the official maps.

A. The purpose of this District is to try to protect shorelands from irreparable damage; maintain safe and healthful conditions, prevent and control water pollution; protect spawning grounds, fish, aquatic life, bird or other wildlife habitat; to conserve shore cover and natural beauty; to protect the most vulnerable and natural areas throughout the Town where land use would adversely affect water quality, biological and ecological systems, wildlife habitat, natural and scenic values. Such areas include, but are not limited to:

1. Wetlands, swamps, marshes, bogs.
2. All other significant wildlife habitat.
3. Fragile soils or slopes subject to severe natural erosion or on which erosion would be much accelerated as the result of disruption.
4. Areas designated by federal, state, or municipal governments as natural, scenic, or historic areas of significance to be protected from development.
5. Areas which on some other objective basis can be shown to be significant and vulnerable.

B. Permitted Uses: The following are permitted to the extent that they are compatible with protection of the area in question.

1. Harvesting a wild crop such as salt marsh hay, berries, etc.
2. Non-intensive recreational uses not requiring structures.
3. Wildlife management.
4. Forestry, agriculture, aquaculture. These are permitted as long as there is no alteration of shores or banks, no clear cutting; and, in shorelands, no use of pesticides.

C. Uses Permitted only by Special Exception Permits: After review and approval by the Planning Board on finding that:

1. The proposed use is not harmful to natural resources or scenic values in, nor incompatible with use of, the surrounding area.
2. The proposed use will not degrade the air or water or soil, and is not
harmful to natural resources or scenic values in the area of proposed use.

D. Uses so permitted include:
1. Public facilities for educational, scientific, or nature study purposes. Such facilities must be non-residential and designed for low-intensity use.
2. Non-residential structures accessory to permitted uses.
3. Single-family residences and accessory structures, with the conditions stated in Article IV. In Resource Protection District if the site in question does not meet the criteria for inclusion in the Resource Protection District (i.e., the site is not a wetland, flood plain).

E. Prohibited Uses:
1. Structures not related, necessary or accessory to permitted uses.
2. Business and industry.
3. Hotels, motels, mobile home parks, trailer courts, clustered residential developments.
4. Outdoor advertising, see Article XI.

ARTICLE VIII

Clustered Residential Developments

A. Clustered Residential Development: A person may not establish a clustered residential development without first obtaining approval of the Planning Board and a permit from the Codes Enforcement Officer. An applicant for a building permit must file an application with the Planning Board and comply with the regulations adopted by the Planning Board. Prior to approval of the development by the Planning board, a public hearing must be held and the applicant must comply with the performance standards set forth below.

B. Performance Standards: A clustered residential development must be established according to the following performance standards.
1. **Residential density**: The net residential density of any development may not exceed one dwelling per one and one-half acres.
2. **Site integrity**: Each building or improvement must be considered as an integral part of an overall plan for development of a particular site.
3. **Orientation**: Buildings and other improvements must be situated so as to take into consideration scenic vistas and natural features of the landscape.
4. **Buffering**: Planting, landscaping, location, and design of buildings and other improvements, or fencing and screening must be utilized to integrate the proposed development with the landscape and the character of the neighborhood.
5. **Open space**: Adequate open space must be provided for recreational or other outdoor living purposes; for preserving trees, wood, waterways, glens, rock outcrops native plant life, and wildlife cover, and for environmental enhancement in general.
6. **Recreation facilities**: Recreation facilities must be provided consistent with the development proposal.
7. **Access, parking and service areas**: Access from public ways, internal traffic circulation and parking and service areas must be designed to provide for vehicular and pedestrian safety and convenience, fire and other emergency equipment, snow clearance, street maintenance, and delivery and collection services.
8. **Streets**: Any street within the development which are to be dedicated to public use must be laid out and constructed according to local requirements.
9. **Utilities**: All utilities must be installed underground wherever possible. Transformer boxes, pumping stations, and meters must be located so as not to be unsightly or hazardous to the public.
10. **Water supply and sewage disposal**: Water supply and sewage disposal systems must comply with State and Local Codes.
11. **Drainage**: Adequate provision must be made for storm drainage.
12. **Erosion**: Erosion must be prevented by landscaping or other means.
13. **Developable area**: Within the property being developed, the portion of the property used for residential development, parking and street coverage shall not exceed 25% of the total land area of the property exclusive of wetlands.

* 1975 Town meeting approved amendment changing Section 1 to read
“one single family dwelling”.

C. **Performance Guarantee**: Before a permit is issued by the Building Inspector, the Developer shall file a performance guarantee with the Selectmen for approval. The guarantee may be tendered in the form of a certified check payable to the Town, or a faithful performance bond running to the Town issued by a surety company acceptable to the Selectmen. It must guarantee the satisfactory completion of all specified improvements within two years. The amount of the guarantee must equal the total cost of furnishing, installing, connecting, and completing all of the street grading, paving, storm drainage, utilities, and other improvements specified in the final plan.

D. **Open Space, Public Areas and Public Facilities**: The common open space, public areas and public facilities must be shown on the site plan with appropriate notations on the plan to indicate the uses to be permitted of the open space, public areas and public facilities and whether they are to be exercised by the residents or by the general public.

E. **Recording**: When a permit is issued by the Building Inspector, the developer shall deliver to the Building Inspector a copy of the plan as described in this section, suitable for recording in the Registry of Deeds, along with a recording fee. The Building Inspector shall immediately file the plan in the Registry of Deeds.

F. **Incorporation of Neighborhood Association**: Except in clustered developments owned by a single entity, before a permit is issued by the Building Inspector, the developer shall incorporate a neighborhood association for the operation and maintenance of the common open space reserved solely for the use by the residents of the development and their guests. Covenants for mandatory membership in the association setting forth the owners’ rights and interest and privileges in the association and the common land as indicated on the site plan must be approved by the Planning board and included in the deed for each lot.

1. **Duties of association**: The association shall maintain the common open
space and operate and maintain the local neighborhood recreational facilities within the open space.

2. Maintenance charges: The association shall levy annual charges against all property owners to defray the expenses connected with the maintenance of open spaces and neighborhood recreational facilities.

3. Temporary control by developer: The developer shall provide control and maintenance of the open space until a number of people sufficient to support the association have purchased lots in the development. Upon request of the association or the developer, the Building Inspector shall determine whether that point has been reached.

ARTICLE IX

Land Use Standards for Shorelands

Amended May 6, 2004: Please see separate Town Shoreland Zoning Ordinance.

ARTICLE X

Administration and Enforcement

A. It shall be the duty of Board of Selectmen, and the Board is hereby given power and authority to enforce the provisions of this Ordinance. In carrying out its responsibilities, the Board of Selectmen shall appoint a Building Inspector and a Plumbing Inspector and shall delegate to said Inspectors the power and authority in accordance with the provisions of this Ordinance, to issue
any and all permits requested.

B. Plumbing Permits: A plumbing permit meeting state requirements for soil tests must be obtained from the Plumbing Inspector before application is made for a building permit.

C. Building Permits: After passage of this Ordinance, it shall be unlawful to erect any building over 200 square feet or alter the bulk of any building in any district, without first obtaining a building permit from the Building Inspector. There shall be a fee paid to the Building Inspector for the use by the Town of:

1. Residential and outbuildings: $20.00 minimum fee or ten cents per square foot of unfinished space and fifteen cents per square foot of finished space.

2. Commercial: $40.00 minimum fee or ten cents per square foot of unfinished space and fifteen cents per square foot of finished space.

The Building Inspector shall issue written notice of his decision on an application or a permit within 10 days from the date of filing such application. Building Permits are valid for one year from date of issue.

D. The Board of Selectmen shall appoint a Code Enforcement Officer to enforce the provisions of this Ordinance. Said officer shall notify in writing any person, firm, corporation or other legal entity who violates the provisions of this Ordinance and shall indicate the action necessary to correct such violation. If any person, firm, corporation or other legal entity continues to violate any provision of this Ordinance 10 days after receiving notice of such violation, the Code Enforcement Officer shall notify the Board of Selectmen which shall take immediate legal action to enforce the provisions of this Ordinance or to enjoin any violation.

E. Appeal: An appeal may be taken from any decision of the
Planning Board, Building Inspector, Code Enforcement Officer, to the Board of Appeals after which an appeal may be taken to the Superior Court of the State of Maine. The Board of Appeals shall affirm, modify or set aside the decision appealed from according to the terms of the pertinent Ordinance. The failure of the Board to issue a written notice of its decision, directed to the appellant, within 30 days from the date of filing of the appeal constitutes a denial of the appeal. The appeal to the Superior Court shall be taken within 30 days after the decision of the Board of Appeals.

F. **Board of Appeals**: The Board of Selectmen shall appoint a Board of Appeals which shall consist of five members and two associate members. The term of office of a member is 5 years, but initial appointments shall be made 1, 2, 3, 4 and 5 years, respectively. The term of an associate member is 1 year. A municipal officer may not be a member or associate member of a Board of Appeals. When a member is unable to act because of interest, physical incapacity or absence from the State, the Associate member shall act in his/her stead. The Board of Appeals shall elect a chairperson and secretary from its own membership. The Board of Appeals shall abide by the restrictions of Article X, Section J.

G. **Penalty**: any person, firm, corporation or other legal entity violating any of the provision of this Ordinance shall upon written notice by the Code enforcement Officer be punished by a fine of not more that $1,000 for each violation. Each day such violation continues shall constitute a separate violation. The town may institute proceedings to enjoin violation of this Ordinance and if violation is found by a court, the town may be allowed attorney fees.

H. **Savings Clause**: The invalidity of any provision of this Ordinance shall not effect the validity of any other provision.

I. **Amendments**: This Ordinance may be amended by the majority vote at Town Meeting. The Planning Board shall hold a public hearing on proposed
amendment at least 30 days before Town Meeting. Notice of the hearing shall be published at least 10 days in advance of the public hearing in a newspaper of general circulation in the Woolwich area and posted at central points in the Town. The State Planning Office will be notified of all approved changes or amendments within the Woolwich Development Planning Ordinance.

J. **Variances**: When by reason of extraordinary physical conditions peculiar to land or buildings adjoining or nearby within the same zoning district, unusual difficulty or special hardship would be caused by literal application and vigorous enforcement of the terms of the Planning Ordinance, the Board of Appeals may determine and vary to moderate extents the setback, lot width and lot areas required, also the percentage of lot that may be covered by buildings provided such variance would act depart from the intents and purposes of this Ordinance. Under the conditions above stated, the Board may also permit modest expansions of any lawfully non-conforming building or use of land, but only on land occupied by such use at the time the use became lawfully non-conforming.

Each petitioner for a variance shall submit to the Board statements in writing, which may be accompanied by diagrams and/or photographs which shall become part of the record of such petition, demonstrating the following:

1. The nature of the hardship to the property under appeal; and the physical circumstances that allegedly would occasion such unusual difficulty or special hardship;
2. that such physical circumstances are peculiar to the property under appeal, are not substantially duplicated on other property adjoining or nearby in the same neighborhood or the same zoning district;
3. that the relief sought would not adversely affect property adjoining or nearby in the same neighborhood or the same zoning district and would not endanger the public health, safety, or convenience and would not impair the integrity of the Planning Ordinance.
As a condition prerequisite to granting any such variance, the Board shall show in a written and/or recorded statement filed with its record of such petition and by a statement in the minutes of the Board how the variance sought fulfills the required conditions or how it fails to fulfill such conditions.

K. Exception: The Planning Board may permit as an exception, not a variance, any matter so referred to it by other provisions of this Ordinance provided that the petitioner shall submit to the Board statements in writing, which shall become part of the record of such petition, demonstrating the following:
1. That the exception sought fulfills the specific requirements, if any, set forth in the Planning Ordinance relative to such exceptions;
2. that the exception sought will not create nor aggravate a traffic hazard, a fire hazard or a panic hazard nor in any way endanger the public health, safety or convenience;
3. that the exception sought will not impair the integrity of nor hamper the purposes of the Planning Ordinance;
4. that the exception sought will not alter the essential characteristics of the neighborhood nor adversely affect property adjoining or nearby the property under petition. The Planning Board shall hold a public hearing on requested. Notice of the date, time and place of such hearing shall be published in a newspaper of general circulation in the town at least two times. The date of the first publishing shall be at least ten days prior to the hearing.

The Planning Board shall also notify all abutters of the date, time and place of the hearing at least ten days prior to the hearing. The notice shall also be posted at central points in the town.

L. Fees: The following fees must accompany applications:

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivision</td>
<td>$100.00 plus $50.00 per lot</td>
</tr>
<tr>
<td>Exception</td>
<td>100.00</td>
</tr>
<tr>
<td>Board of Appeals</td>
<td>100.00</td>
</tr>
</tbody>
</table>
Fees are not refundable and will be credited to the Planning Board or the Appeals Board.

**ARTICLE XI**

A. Signs and bill boards relating to goods and services sold on the premises may be erected only on the premises of the business advertised.

B. General Purpose District: Signs shall not exceed twenty square feet, including border and trim, but excluding supports and shall not exceed 3 signs per premises. In the event of 3 or more businesses are located on a single premises each business will be entitled to 1, twenty square foot sign.

C. Residential, Rural and Resource Protection Districts: Signs shall not exceed 12 square feet and shall not exceed one 2-sided sign per premises.

D. Signs relating to trespassing and hunting shall be permitted without restriction as to number, provided that no such sign shall exceed 2 square feet.

E. No sign shall be placed on the roof of any building.

F. No moving signs or devises, including but not limited to promotional flags, pennants and flashing lights, shall be permitted.

G. No sign may have a height greater than twenty feet from top of sign to ground level of land upon which it is located.

H. An off-premises directional sign may be permitted for an activity located off a main highway in this town. Authorization to erect such a sign must be obtained from the Planning Board upon applications obtained from
the Maine Department of Transportation. Specific locations are subject to the Board's approval. These signs may not exceed 4 feet in length by 1 foot in width.

I. Non-conforming bill boards and signs in existence at the effective date of this Ordinance may not be altered, enlarged or rebuilt except in conformance with this Ordinance. Normal maintenance and repairs are permitted.

Attest: A true copy of the ordinance which was amended at a Special Town Meeting on May 6, 2004.

Lloyd F. Coombs, Jr.
Clerk of Woolwich, Maine
WOOLWICH

SUBDIVISION ORDINANCE

Prepared by:

Woolwich Town Officials:
Moratorium Committee
Selectmen
Planning Board

And

Southern Mid Coast Regional Planning Commission
52 Front Street, Bath, Maine 04530

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SUBDIVISION ORDINANCE
TOWN OF WOOLWICH

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SECTION 1. PURPOSE

The purpose of these subdivision regulations is to assure the comfort, health, safety and general welfare of the people of Woolwich, to protect the environment, to provide for the orderly development of a sound and stable community and to provide uniform procedures for town review of subdivision, as required by Title 30, M.R.S.A., Section 4956.

SECTION 2. AUTHORITY AND ADMINISTRATION

A. Authority
1. These regulations are adopted pursuant to and consistent with Title 30, M.R.S.A., Section 4956, and as hereafter amended.

2. These regulations shall be known as the Subdivision Ordinance for the Town of Woolwich.

B. Administration
1. The Planning Board for the Town of Woolwich shall administer these regulations.
2. The provisions of these regulations shall apply to all of the land area of all proposed subdivisions, as defined by Title 30, M.R.S.A., Section 4956, located in the Town of Woolwich.

SECTION 3. DEFINITIONS

Densely Developed Area “Densely developed area” means any commercial, industrial or compact residential area of 10 or more acres with an existing density of at least one principal structure per 2 acres.

Dwelling Unit “Dwelling unit” means any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, apartments and timeshare units.

Freshwater Wetland “Freshwater wetland” means freshwater swamps, marshes, bogs and similar areas which are:

A. 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

B. Not considered part of a great pond, coastal wetland, river, stream, or brook.

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

Principal Structure “Principal structure” means any building or structure in which the main use of the premises takes place.

Subdivision “Subdivision” means the division of a tract or parcel of land into 3 or more lots within any 5-years period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings, or otherwise. The term “subdivision” also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or
A. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:

(1) Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider’s own use as a single-family residence or for open space land as defined in Title 36, section 1102, for a period of at least 5 years before the 2nd dividing occurs; or

(2) The division of the tract or parcel is otherwise exempt under this subchapter.

B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this subchapter, do not become subject to this subchapter by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The municipal reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.

C. A lot of 40 or more acres shall not be counted as a lot, except:

(1) when the lot or parcel from which it was divided is located entirely or partially within any shoreland area as defined in Title 38, section 435, or a municipality’s shoreland zoning ordinance; or

(2) when a municipality has, by ordinance, or the municipal reviewing authority has, by regulation, elected to count lots of 40 or more acres as lots for the purposes of this subchapter when the parcel of land being divided is located entirely outside any shoreland area as defined in Title 38, section 435, or a municipality’s shoreland zoning ordinance.

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

E. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.

F. In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.

G. Notwithstanding the provisions of this subsection, leased dwelling units are not subject to subdivision review if the municipal reviewing authority has determined that the units are otherwise subject to municipal review at least as stringent as that required under this subchapter.

H. Nothing in this subchapter may be construed to prevent a municipality from enacting an ordinance under its home rule authority which expands the definition of subdivision to include the division of a structure for commercial or industrial use or which otherwise regulates land use activities.

I. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraph D, or subsequent transfer of that entire lot by the original holder of the security interest or that person’s successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

New Structure or Structures “New structure or structures” includes any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure of the purposes of this subchapter.

Tract or Parcel of Land “Tract or parcel of land” means all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road
are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road.”

SECTION 3A ROAD AND STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS

A. Classification

In accordance with a Comprehensive Plan of the municipality and for the purposes of these standards, roads are classified by function as follows:

(1) Major Roads. The term “Major Roads” includes Arterial Roads which serve primarily as major traffic ways for travel between and through towns; and Collector Roads, which serve as feeders to Arterial Roads, as collectors of traffic from minor roads and for circulation and access in commercial and industrial areas.

(2) Subdivision Roads. Local roads which are used primarily for access for abutting subdivision properties and which are privately built and maintained right-of-ways providing access to two (2) or more properties.

B. Road Design Standards

1. These design standards shall be met by all roads within subdivisions, and shall control roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances. When underground utilities are provided they shall be reflected on the road design drawings. The Planning Board may require connection to water or sewage utilities if they are in reasonable proximity to the subdivision.

2. Proposed roads shall conform, as far as practical, to such Comprehensive Plan or policy statement as may have been adopted, in whole or in part, prior to the submission of a preliminary plan.

3. All roads in the subdivisions shall be so designed that, in the opinion of the Board, they will provide safe vehicular travel while discouraging movement of through traffic. Roads greater than 300 feet long shall be designed under the direction of an engineer qualified by the Maine State Board of Professional Engineers.

4. The arrangement, character, extent, width, grade, and location of all
roads shall be considered in their relation to existing or planned roads, to
topographical conditions, to public convenience and safety, and their
appropriate relation to the proposed use of the land to be served by such
roads. Grades of roads shall conform as closely as possible to the original
topography so that cut and fill minimized while maintaining the grade
standards above.

5. Where a subdivision abuts or contains an existing or proposed arterial
road, the Board may require reverse frontage (that is, frontage on a road
other than the existing or proposed arterial road) with screen planting
contained in a non-access 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.

6. The Board may require that subdivisions containing fifteen (15) lots or
more or with a road greater than 2500 feet shall have at least two road
connections with existing public roads or roads shown on the official map
if such exists, or roads on an approved Subdivision Plan for which a bond
has been filled.

7. Design and Construction Standards. All roads in a subdivision shall be
designed and constructed to meet the following standards for roads
according to their classification as determined by the Planning Board.

DESIGN AND CONSTRUCTION STANDARDS FOR ROADS

SUBDIVISION ROADS

1. Minimum right-of-way 50’

2. Minimum width of travel surface 18’

3. Minimum width of shoulder 2’ each

4. Maximum grade 10% Nominal

5. Maximum grade at intersections 5% within 50 feet of Intersections

6. Minimum angle of intersection 60→

7. Road base (minimum) gravel 18”
8. Surfacing Gravel  
4”

9. Road Crown (minimum)  
¼”/1 foot

10. Sidewalks – Width  
5’  
(minimum, where required)

11. Dead-end or cul-de-sac  
65’  
Radii of turn-around at end

8. The centerline of the roadway shall normally be the centerline of the right-of-way.

9. Intersections, and Sight Distances

1. Road intersections and curves shall be so designed as to permit adequate visibility for both pedestrian and vehicular traffic. That portion of any corner lot which is necessary to allow 25 foot sight lines between intersection roads shall be cleared of all growth (except isolated trees) and obstructions above the level three feet higher than the center line of the road. If directed, ground shall be excavated to achieve visibility.

2. Sight Distances at Subdivision Entrances and Exits

a. Driveways entrances and exits shall be located to achieve safe sight distances from the driver’s seat of a vehicle that is 10 feet behind the curb (or edge of the shoulder) with the height of the driver’s view at 3 ½ feet above the road surface and the height of the object viewed at 4 ½ feet.

b. The minimum sight distance will be 100 feet for every 10 miles per hour of traffic speed based upon the posted speed on the road.

c. In the event that insufficient frontage or other site constraints limit the ability of a property owner to meet the standard of paragraph L. 1.b. above, the applicant must demonstrate to the Planning Board that sight distances have been met to the maximum extent possible. Should other portions of this ordinance come into conflict with sight distances, sight distances shall take precedence.

3. Minimum Distance Between Driveways
The minimum distance between driveways shall be measured from the centerlines of the driveways. The minimum spacing of driveways for any lot created after the effective date of this ordinance shall be 200 feet except on existing lots of record which cannot meet the standard because of insufficient frontage. If frontage is insufficient, the applicant must show the Planning Board the constraints of the lot and provide the best remedy possible, for the Board’s review. The minimum distance between driveway entrances on lots with insufficient frontage shall be 100 feet.

4. Number of Driveways

a. One driveway is allowed per lot. Exceptions may be made on a case-by-case basis subject to Planning Board approval. The need for more than one driveway must be substantiated by traffic volume or other vehicular requirements consistent with MDOT standards.

b. Non-conforming lots of record which, as of the effective date of this ordinance, have structures and multiple driveways are prohibited from expanding or converting such structures without reducing their access to a single driveway.

c. Shared access to driveways is encouraged for adjacent sites.

5. Traffic Studies

Should a proposed development present apparent traffic safety or capacity concerns in the vicinity of the development, the Planning Board may require an access review and impose design standards such as those found in the Maine Department of Transportation design manuals. Designs and/or independent impact studies shall be conducted at the expense of the applicant.

C. Road Construction

1. All organic materials shall be removed below the sub grade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the sub grade of the roadway. On soils which are not suitable for roadways, the subsoil shall be removed from the road site. All organic materials shall be removed to a depth of two feet below the sub grade and replaced with material meeting the specifications for
gravel aggregate sub-base below.

2. Side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan.

3. Road construction will start within one year of Planning Board granting of the sub division approval and will be completed within 2 years. If these requirements are not met the Planning Board may require a new approval or may grant an extension.

4. All completed roads are to be inspected by the cognizant Professional Engineer and inspection findings are to be conveyed in writing to the Planning Board. Road construction and final inspection (report) shall be completed prior to sale of any lot in the subdivision. Partial release of larger subdivisions may be allowed if the phased road development is called out on the subdivision application and Platte Plan.

D.Storm Water Management Design Standards

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

2. The minimum pipe size for any storm drainage pipe shall be 12 inches.

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

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

3. Downstream drainage requirements shall be studied to determine the
effect of the proposed subdivision. The storm drainage shall not overload existing or future planned storm drainage 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.

4. Wherever the storm drainage system is not within the right-of-way of a public road, perpetual easements shall be provided to allow maintenance and improvement of the system.

E. Additional Improvements and Requirements

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

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

3. Road Names, and Signs. Roads shall be named in accordance with 911 requirements. Names of new roads shall not duplicate, nor bear phonetic resemblance to the names of existing roads within the Municipality, and shall be subject to the approval of the 911 coordinator. The developer shall reimburse the Municipality for the costs of installing road name, traffic safety and control signs.

SECTION 4. FEES

A. Application Fee

Every application for a subdivision permit shall be accompanied by an application fee of one hundred dollars ($100.00) plus fifty dollars ($50.00) per lot to be paid by a check made payable to the Town of Woolwich.

B. Performance Bond

1. The Planning Board shall require that the subdivider file with the Board at the time of submission of the Final Plan a performance guarantee in an
amount sufficient to defray all expenses of the proposed public improvements. This may be tendered in the form of a certified check payable to the Treasurer of the municipality, or a performance bond running to the municipality and issued by a surety company acceptable to the municipality. The conditions and amount of such certified check or performance bond shall be determined by the Planning Board of the municipality with the advice of the Municipal Officers. The amount shall be at least equal to the total cost of furnishing, installing, connecting and completing all of the street grading, paving, storm drainage and utilities or other improvements specified on the Final Plan within two years of the date of the certified check or performance bond.

2. The Planning Board may recommend a maximum extension of 12 months to the guaranteed performance period when the subdivider can demonstrate, to the satisfaction of the Board and the Municipal Officers, good cause for such extension. Such recommendation shall be referred to the Municipal Officers for official action.

3. Before a subdivision may be released from any obligation requiring his guarantee of performance, the Planning Board will require certification from appropriate municipal officers and consultants, if any, to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards (State, Federal, and local codes, ordinances, laws, and regulations).

C. Consultant Fees

1. The Planning Board may obtain an independent evaluation on the proposed subdivision site, to assist them in making necessary findings of fact as specified in Section 5 (F) (4) of this ordinance. If the Planning Board deems such study necessary, it will request a reasonable additional sum from the applicant to defray the cost of such study or studies. Such request shall be made no later than thirty (30) days following submission of a formal application. Any funds not utilized for consultant studies will be returned to the developer.

2. In making the determination of need for consultant services, the Board shall specify in writing the specific information needed and shall list the review criteria in Section 5 (D) (5) of this ordinance to which the study or studies will apply.

SECTION 5. PROCEDURES FOR SUBDIVISION REVIEW

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

To protect the interest of the town, comply with the review requirements of Title 30, M.R.S.A., Section 4956, and provide timely response to subdivision applicants, the following review sequence has been established.

1. Informal pre-application meeting and submission of sketch plan;

2. Planning Board inspection of site;

3. Submission of formal application and subdivision plan;

4. Planning Board review of application and determination of completeness;

5. Public hearing;

6. Planning Board decision;

7. Final approval and filing;

8. Inspection of required improvements.

A. Step 1. Pre-application Conference

1. Before submitting a formal application for approval, the subdivider or his agent shall appear before the Planning board to discuss the proposed subdivision. A sketch plan should be presented for informal review and arrangements made for an inspection of the site with the Planning Board.

2. The sketch plan should include a rough outline of the proposed subdivision showing the proposed layout of streets, lots and other features which may be of assistance to the Board in understanding the proposal.

3. No binding commitments shall be made between the subdivider and the Board at this stage. The purpose of the pre-application meeting shall be to understand what is proposed, what is possible, and what is acceptable.
4. A formal application will not be accepted unless a pre-application conference has been held within the previous four (4) months.

5. The Chairman shall also notify the Selectmen, the Code Enforcement Officer and abutters of the proposed subdivision.

B. Step 2. Planning Board Inspection of Site

The chairman of the Planning Board will appoint one or more individuals to inspect the site, preferably accompanied by the sub-divider. The purpose of this inspection is to more fully inform the Board of the characteristics of the site, and a formal application will not be accepted until the inspection has taken place.

C. Step 3. Submission of Formal Application and Subdivision Plan

1. The Planning board will outline, by checking items on an application form, the specific requirements for the formal application. This form will be provided to the subdivider by the Planning board subsequent to the site visit.

2. The formal application will be accompanied by a subdivision Plat Plan. This plan will be drawn to generally accepted engineering standards however the Planning Board may require specific details on the plan after the preliminary review of the sketch plan and the site visit. The Plat Plan will include the road and road arrangement details and a profile showing grades, culverts, finish depth to exposed ledge and entrance to existing roads. Typical road and shoulder cross section will be detailed. Where underground utilities are to be provided in the subdivision they shall be located on the plan. The Plat Plan will show Storm Water Management and Erosion Control features including clearly marked wetlands and resource protection setbacks and drainage ditches, sheet flow areas, silt fence locations and details.

3. The Planning Board will issue a dated receipt to the subdivider upon receiving the formal application and Plan.

D. Step 4. Review of Application

1. The Planning Board shall review the formal application and Plat Plan to determine if they provide sufficient information for a final Board decision on the subdivision application. The Board will decide within thirty (30) days of receipt of the application whether or not the application is complete, subject to provisions of Section 5 (D) (3) of this Ordinance.

2. A determination of completeness does not in any way imply or indicate that
the application will be approved; not does it remove the burden of proof from the applicant. Additional information may be required from the Planning Board before it reaches a final decision on the application.

3. If the Board determines that the application is not complete, the subdivider will be informed in writing what specific additional information would be required to make the application complete. The applicant has six (6) months to complete the application, or a new application must be made. Upon receipt of additional information, the Board has thirty (30) days to decide if the application is complete.

4. If the Board determines that the application is complete, it will inform the subdivider in writing of that fact.

5. In making its determination of completeness, the Board shall be guided by the review criteria listed in subsection 3 of Title 30, M.R.S.A., Section 4956, and by such review criteria or standards which the Board may adopt. In all instances the burden of proof shall be upon the persons proposing the subdivisions. In issuing its decision, the Board shall make findings of fact establishing that the proposed subdivision does or does not meet the forgoing criteria:

a. will not degrade the water resources of the town. In making this determination, the Board shall consider, at a minimum, the existing quality of water resources; the elevation of land above sea level and its and its relation to the floodplains; the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; and the applicable state and local health and water resource regulations

b. will not degrade the quality of air in the town; nor cause unreasonable levels or types of noise

c. has sufficient potable water for the reasonably foreseeable needs of the subdivision

d. will have no adverse effect upon the water supplies of neighboring properties

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

f. will not cause unreasonable highway or public road congestion or unsafe
conditions with respect to use of the highways or public roads existing or proposed and meet the requirements and standards of Section 3A.

g. will provide for adequate on-site waste water disposal

h. will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized

i. will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas

j. is in conformance with the town’s subdivision ordinance and comprehensive plan

k. the subdivider has adequate financial and technical capability to meet the above stated standards

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

m. will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater

n. will not adversely affect access of adjacent properties to direct sunlight or wind for the purposes of energy generation

E. Step 5 Public Hearing

The Planning Board shall hold a public hearing on the proposed subdivision within 30 days of having determined that a subdivision application is complete. Notice of the date, time and place of such hearing shall be given to the subdivider and be published in a newspaper of general circulation in the town at least two times. The date of the first published notice shall be at least seven (7) days prior to the hearing. The Planning board shall also notify all abutters of the date, time and place of the hearing at least seven (7) days prior to the hearing.

F. Step 6 Planning Board Decision on Subdivision

1. The Planning Board shall within thirty (30) days of the public hearing, and within sixty (60) days of having determined that an application is complete, issue in writing its approval, conditional approval, or denial.
2. The Board may attach such conditions as it deems advisable to satisfy the criteria of this ordinance and Title 30, M.R.S.A., Section 4956.

3. If the Planning Board determines that a fair and adequate review of an application will require longer than sixty (60) days, the review time limit may be formally extended for some specified time, if mutually acceptable to the subdivider and the Planning Board.

4. The Planning Board will make written findings of fact establishing that the proposed subdivision does or does not meet the provision of this ordinance and the guidelines of Title 30, M.R.S.A., Section 4956.

G. Step 7. Final Approval and Filing

1. Upon approval of the Plan, a majority of the board shall sign all five (5) copies of the Plat Plan. The original transparency shall be filed by the applicant with the Registry of Deeds within ninety (90) days of approval by the Planning Board.

2. No changes, erasures, modifications, or revisions shall be made in any Plan after approval has been given by the Planning board and endorsed in writing on the Plan, unless the Plan is first re-submitted and the Planning Board approves any modifications.

3. In the event that a Plan is not recorded within ninety (90) days after approval and endorsement, or if a Plan is changed prior to recording without Planning Board approval, the Plan shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the records of the Selectmen and the Register of Deeds.

H. Step 8. Inspection of Required Improvements

1. At least ten (10) days prior to commencing construction of required improvements the subdivider shall notify the First Selectman or the Planning Board Chairman in writing of the time when construction will commence, in order to facilitate inspection by the town.

2. If the town shall find, upon inspection of the improvements performed, that any of the required improvements have not been constructed in performance with the Plat Plan, the Selectmen shall notify the subdivider and take all necessary steps to preserve the town’s rights. No Plan shall be approved by
the Planning Board as long as the subdivider is in default on a previously approved Plan.

3. If at any time before or during the construction of the required improvements unforeseen conditions make it necessary or preferable to modify the Plat Plan, the Planning Board may authorize and require such modifications provided that they are within the spirit of the original approved Plan.

4. Upon completion of all improvements to the satisfaction of the town, the Planning Board shall certify in writing that all the terms of the subdivision approval have been complied with.

SECTION 6. APPEALS

An appeal may be taken, within thirty (30) days from the Planning Board’s Decision on the Final Plan, by any party or person aggrieved to Superior Court in accordance with rule 80B of the Maine rules of Civil Procedure.

SECTION 7. ENFORCEMENT

No person, firm, corporation, or other legal entity may sell, lease, develop, build upon, or convey for consideration, offer or agree to sell, lease, develop, build upon, or convey for consideration any land in a subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds, nor shall such person, firm, corporation, or other legal entity sell or convey any land in such approved subdivision unless at least one permanent marker is set at one lot corner of the lot sold or conveyed. The term “permanent marker” includes but is not limited to the following: A granite monument, a concrete monument, an iron pin, or a drill hole in ledge. No subdivision plat or plan shall be recorded by any Registry of Deeds which has not been approved as required. Approval for the purpose of recording shall appear in writing on the plat or plan. No public utility, water district, sanitary district or any utility company of any kind shall install services to any lot in a subdivision for which a plan has not been approved.

Any person, firm, corporation, or other legal entity who sells, leases, develops, builds upon, or conveys for consideration, offers or agrees to sell, lease, develop, build upon or convey for consideration any land in a subdivision which has not been approved as required by this section shall be punished by a fine of not more than $1,000 for each such occurrence. The Attorney General, the town, the Planning Board, or the appropriate town officers may institute proceedings to enjoin the violations of this section, and if a violation is found by the court, the town, Planning Board or the appropriate town officers may be allowed attorney fees.
SECTION 8. AMENDMENTS

This ordinance may be amended by a majority vote of the town meeting. A copy of all amendments shall be filed with the Register of Deeds.

SECTION 9. VALIDITY

The validity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof.

SECTION 10. EFFECTIVE DATE

This Ordinance shall become effective on the date of adoption.

I certify this is a true test copy of the ordinance that was amended at the May 5, 2005 Special Town Meeting.

Attest:

Lloyd F. Coombs, Jr.
Clerk of Woolwich, Maine
PREFACE

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

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

When a municipality determines that special local conditions within portions of the shoreland zone require a different set of standards from those in the minimum guidelines, the municipality shall document the special conditions and submit them, together with its ordinance which affects the shoreland zone is valid without the approval of the Board of Environmental Protection.

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

Municipalities must be aware that in addition to the requirements of the Mandatory Shoreland Zoning Act (30-A M.R.S.S. sections 4311-4344) must also be met. The Growth Act, requires all municipalities to develop comprehensive plans and zoning ordinances consistent with the ten state goals listed at 30-A M.R.S.A. section 4312(3). Under this program, municipalities must develop a comprehensive and coordinated strategy for managing and guiding growth for the entire municipality, including the shoreland zone.

Between 1990 and 1996 all municipalities will be developing comprehensive plans and zoning ordinances under the Growth Management Program. Managing development in the shoreland area will be an integral part of a municipality's overall strategy for managing future development. For example, parts of a municipality's shoreland area may be designated as an area for growth while other parts will be designated as rural or slow growth areas.

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

For more information on the Growth Management Program, please contact your regional council or the Office of Comprehensive Planning, State House Station #130, Augusta, Maine 04333.
Form more information on the shoreland zoning law, please contact the Department of Environmental Protection's Shoreland Zoning Unit, State House Station #17, Augusta, Maine 04333

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H. Roads and Driveways
I. Signs
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K. Septic Waste Disposal
L. Essential Services
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Section 17. Definitions

Proposed DEP Changes

NOTE: The Board of Environmental Protection recognizes that many municipalities have developed and adopted comprehensive land use ordinances for all land areas within their respective communities. Those ordinances may or may not follow a similar format to this guideline ordinance on a municipality which, within its land use codes, has otherwise met the intent and purposes of the Mandatory Shoreland Zoning Act and this guideline ordinance. Whether or not municipalities choose to integrate their shoreland zoning requirements into a town-wide zoning ordinance, it is important to develop a comprehensive and coordinated strategy for managing and guiding growth in the shoreland area.
Shoreland Zoning Ordinance for the Municipality of Woolwich

Section 1. Purposes

The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and to anticipate and respond to the impacts of development in shoreland areas. Reductions of property value caused by the provisions of this ordinance may provide the basis for a property tax abatement.

Section 2. Authority

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

Section 3. Applicability

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

• normal high-water line of any great pond or river,
• upland edge of a coastal wetland, including all areas affected by tidal action, 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.

NOTE: Coastal wetlands, by definition, include all areas affected by tidal action, not just those areas where salt marshes and salt meadows exist. Cobble and sand beaches, mudflats, and rocky ledges, below the maximum spring tide are all considered to be coastal wetlands.

Section 4. Effective Date and Repeal of Formerly Adopted Ordinance

This Ordinance, which was adopted by the municipal legislative body on______________, shall not be effective unless approved by the Board of Environmental Protection. A certified copy of the Ordinance, attested and signed by the Municipal Clerk, shall be forwarded to the Board of Environmental Protection for approval. If the Board of Environmental Protection fails to act on this Ordinance within forty-five (45) days of its receipt of the Ordinance, it shall be deemed approved. Upon approval of this Ordinance, the shoreland zoning ordinance previously adopted is hereby repealed.

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

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

**Section 6. Severability**

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

**Section 7. Conflicts with Other Ordinances**

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance the more restrictive provision shall control.

**Section 8. Amendments**

This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Board of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Board of Environmental Protection. If the Board of Environmental Protection fails to act on any amendment within forty-five (45) days of the Board's 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 Board.

**Section 9. Districts and Zoning Map**

**A. Official Shoreland Zoning Map**

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

1. Resource Protection
2. Limited Residential
3. Limited Commercial
4. General Development I
5. General Development II
6. Commercial Fisheries/Maritime Activities*
7. 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 Board of Environmental Protection.
Section 10. Interpretation of District Boundaries

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

Section 11. Land Use Requirements

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

Section 12. Non-conformance

A. Purpose

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

B. General

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

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

C. Non-conforming Structures

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

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

2. Relocation: A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, 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. 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. A permit shall be obtained before construction may begin.

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

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

D. Non-conforming Uses

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

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

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, including water dependent uses in the CFMA district, 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 size and frontage can be met.
Variance 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 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.

Section 13. Establishment of Districts

A. Resource Protection District

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

1. Areas within 250 feet, horizontal distance, of the upland edge of salt marshes and salt meadows, which are rated "moderate" or "high" value by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of January 1, 1973. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of May 1, 2006. For the purposes of this paragraph “wetlands associated with
great ponds and rivers” shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. “Wetlands associated with great ponds or rivers” are considered to be part of that great pond or river.

NOTE: Significant wildlife habitat includes habitat for species appearing on the official state or federal lists of endangered or threatened species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas as defined by the Department of Inland Fisheries and Wildlife; critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission; and shorebird nesting, feeding and staging areas and seabird nesting islands as defined by the Department of Inland Fisheries and Wildlife.

2. Flood plains along rivers and flood plains along artificially formed great ponds along rivers, defined by the 100 year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils. This district shall also include 100 year flood plains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

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

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

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

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

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

D. General Development I District. The General Development I District includes the following types of existing, intensively developed areas:

(1) Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:

(a) Areas devoted to manufacturing, fabricating or other industrial activities;
(b) Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and

(c) Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.

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

**E. General Development II District.** The General Development II District includes the same types of areas as those listed for the General Development I District. The General Development II District, however, shall be applied to newly established General Development Districts where the pattern of development at the time of adoption is undeveloped or not as intensively developed as that of the General Development I District.

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

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

**F. Commercial Fisheries/Maritime Activities District**

The Commercial Fisheries/Maritime Activities District includes areas where the existing predominant pattern of development is consistent with the allowed uses for this district as indicated in the Table of Land Uses, Section 14, and other areas which are suitable for functionally water-dependent uses, taking into consideration such factors as:

1. Shelter from prevailing winds and waves;
2. Slope of the land within 250 feet, horizontal distance, of the shoreline;
   3. Depth of the water within 150 feet, horizontal distance, of the shoreline;
   4. Available support facilities including utilities and transportation facilities; and
   5. Compatibility with adjacent upland uses.

**G. 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 or coastal wetland, except forested wetlands. Where a stream and its associated shoreland area is located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.
All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

**Key to Table 1:**
Yes - Allowed (no permit required but the use must comply with all applicable land use standards.)
No - Prohibited
PB – Allowed with permit issued by the Planning Board
CEO - Allowed with permit issued by the Code Enforcement Officer
LPI - Allowed with permit issued by the Local Plumbing Inspector

**Abbreviations:**
RP - Resource Protection
LR - Limited Residential
LC - Limited Commercial
GD - General Development I and General Development II
CFMA - Commercial Fisheries/Maritime Activities
SP - Stream Protection

Refer to Section 17 for further definitions
# TABLE 1. LAND USES IN THE SHORELAND ZONE

**LAND USES**

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>SP</th>
<th>GD</th>
<th>RP</th>
<th>CFMA</th>
<th>LR</th>
<th>LC</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Non-intensive recreational uses not requiring structures such as</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>hunting, fishing and hiking</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>2. Motorized vehicular traffic on existing roads and trails</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>3. Forest management activities except for timber harvesting &amp; land</td>
<td>CEO</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>management roads</td>
<td>yes</td>
<td>CEO</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>4. Timber harvesting</td>
<td>yes</td>
<td>CEO</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>5. Clearing or removal of vegetation for activities other than timber</td>
<td>CEO</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
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<tr>
<td>harvesting</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
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<td>6. Fire prevention activities</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
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<td>7. Wildlife management practices</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
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<tr>
<td>8. Soil and water conservation practices</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
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<td>yes</td>
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<tr>
<td>9. Mineral exploration</td>
<td>no</td>
<td>yes²</td>
<td>yes²</td>
<td>yes²</td>
<td>yes²</td>
<td>yes²</td>
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<tr>
<td>10. Mineral extraction including sand and gravel extraction</td>
<td>no</td>
<td>PB³</td>
<td>PB</td>
<td>PB</td>
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<td>PB</td>
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<td>11. Surveying and resource analysis</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>12. Emergency operations</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
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<td>13. Agriculture</td>
<td>yes</td>
<td>PB</td>
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<td>yes</td>
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<td>14. Aquaculture</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>yes</td>
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<td>yes</td>
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<td>15. Principal structures and uses</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>A. One and two family residential, including driveways</td>
<td>PB⁴</td>
<td>PB⁹</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>no</td>
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<td>B. Multi-unit residential</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>no</td>
</tr>
<tr>
<td>16. Structures accessory to allowed uses</td>
<td>PB⁴</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>a. Temporary</td>
<td>CEO¹¹</td>
<td>CEO¹¹</td>
<td>CEO¹¹</td>
<td>CEO¹¹</td>
<td>CEO¹¹</td>
<td>CEO¹¹</td>
</tr>
<tr>
<td>b. Permanent</td>
<td>CEO¹¹</td>
<td>CEO¹¹</td>
<td>CEO¹¹</td>
<td>CEO¹¹</td>
<td>CEO¹¹</td>
<td>CEO¹¹</td>
</tr>
<tr>
<td>17. Bridges and other structures and uses extending over or below the</td>
<td>CEO¹¹</td>
<td>CEO¹¹</td>
<td>CEO¹¹</td>
<td>CEO¹¹</td>
<td>CEO¹¹</td>
<td>CEO¹¹</td>
</tr>
<tr>
<td>normal high-water line or within a wetland</td>
<td>CEO¹¹</td>
<td>CEO¹¹</td>
<td>CEO¹¹</td>
<td>CEO¹¹</td>
<td>CEO¹¹</td>
<td>CEO¹¹</td>
</tr>
<tr>
<td>a. Temporary</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>b. Permanent</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>18. Conversions of seasonal residences to year-round residences</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
</tr>
<tr>
<td>19. Home occupations</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>20. Private sewage disposal systems for allowed uses</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
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<tr>
<td>21. Essential services</td>
<td>PB⁶</td>
<td>PB⁶</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>A. Roadside distribution lines (34.5kV and lower)</td>
<td>CEO⁶</td>
<td>CEO⁶</td>
<td>CEO⁶</td>
<td>CEO⁶</td>
<td>yes¹²</td>
<td>yes¹²</td>
</tr>
<tr>
<td>B. Non-roadside or cross-country distribution lines involving ten</td>
<td>PB⁶</td>
<td>PB⁶</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>poles or less in the shoreland zone</td>
<td>CEO⁶</td>
<td>CEO⁶</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>C. Non-roadside or cross-country distribution lines involving eleven</td>
<td>PB⁶</td>
<td>PB⁶</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>or more poles in the shoreland zone</td>
<td>CEO⁶</td>
<td>CEO⁶</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>D. Other essential services</td>
<td>PB⁶</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
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<tr>
<td>22. Service drops, as defined, to allowed uses</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
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<tr>
<td>23. Public and private recreational areas involving minimal structural</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO⁵</td>
</tr>
<tr>
<td>development</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>24. Individual, private campsites</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>25. Campgrounds</td>
<td>no</td>
<td>no⁷</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>no</td>
</tr>
<tr>
<td>26. Road construction</td>
<td>PB</td>
<td>no⁸</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>27. Land management roads</td>
<td>yes</td>
<td>PB</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>28. Parking facilities</td>
<td>no</td>
<td>no⁷</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>29. Marinas</td>
<td>PB</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
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<tr>
<td>30. Filling and earth moving of &lt;10 cubic yards</td>
<td>CEO</td>
<td>CEO</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>31. Filling and earth moving of &gt;10 cubic yards</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>32. Signs</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
</tbody>
</table>
33. Uses similar to allowed uses  

| CEO | CEO | CEO | CEO | CEO | CEO |

34. Uses similar to uses requiring a CEO permit  

| CEO | CEO | CEO | CEO | CEO | CEO |

35. Uses similar to uses requiring a PB permit  

| PB | PB | PB | PB | PB | PB |

1In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.

2Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.

3In RP not allowed in areas so designated because of wildlife value.

4Provided that a variance from the setback requirement is obtained from the Board of Appeals.

5Functionally water-dependent uses and uses accessory to such water dependent uses only (See note on previous page).

6See further restrictions in Section 15(L)(2).

7Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.

8Except as provided in Section 15(H)(4).

9Single 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.

10Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.

11Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

12Permit 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 or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;

B. Draining or otherwise dewatering;

C. Filling, including adding sand or other material to a sand dune; or

D. Any construction or alteration of any permanent structure.
Section 15. Land Use Standards

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

A. Minimum Lot Standards

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

(1)

(a) Residential per dwelling unit

(i) Within the Shoreland Zone
Adjacent to Tidal Areas

30,000 150

(ii) Within the Shoreland Zone
Adjacent to Non-Tidal Areas

40,000 200

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

(i) Within the Shoreland Zone
Adjacent to Tidal Areas, Exclusive of Those Areas Zoned for Commercial Fisheries and Maritime Activities

40,000 200

(ii) Within the Shoreland Zone
Adjacent to Tidal Areas Zoned for Commercial Fisheries and Maritime Activities

NONE NONE

(iii) Within the Shoreland Zone
Adjacent to Non-tidal Areas

60,000 300

Governmental, Institutional, Commercial or Industrial per principal structure
(c) Public and Private Recreational Facilities

(i) Within the Shoreland Zone Adjacent to Tidal and Non-Tidal Areas

| 40,000 | 200 |

(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.

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, and in the Commercial Fisheries/Maritime Activities District there shall be no minimum setback. 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) All principal structures along Significant River Segments as listed in 38 M.R.S.A. section 437 (see Appendix B), shall be set back a minimum of one hundred and twenty-five (125) feet, horizontal distance, from the normal high-water line and shall be screened from the river by existing vegetation. This provision does not apply to structures related to hydropower facilities.

(c) For principal structures, water and wetland setback measurements shall be taken from the top of a coastal bluff that has been identified on Coastal Bluff maps as
being “highly unstable” or “unstable” by the Maine Geological Survey pursuant to its “Classification of Coastal Bluffs” and published on the most recent Coastal Bluff map. If the applicant and the permitting official(s) are in disagreement as to the specific location of a “highly unstable” or “unstable” bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal the matter to the board of appeals.

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

NOTE: All tidal land which is subject to tidal action during the maximum spring tide is coastal wetland.

NOTE: 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 are not limited to: areas of steep slope; shallow or erodible soils; or where an adequate vegetative buffer does not exist.

NOTE: A tributary stream may be perennial or intermittent. Where a tributary stream is present within the shoreland zone, setback standards from that tributary stream are applicable.

(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 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.

(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, except in the General Development District adjacent to tidal waters and rivers that do not flow to great ponds classified GPA, and in the Commercial
Fisheries/Maritime Activities District, where lot coverage shall not exceed seventy (70) percent.

(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, coastal 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 Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

Section 15C. Piers, Docks, Wharfs, Bridges, and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line of a Water Body or Within a Wetland

1. Access from shore shall be 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. Except in the General Development Districts and Commercial Fisheries/Maritime Activities District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

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

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

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

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 permitted provided the following conditions are met:

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

2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, 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 be located on any type of permanent foundation except for a gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle.

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

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

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

F. Commercial and Industrial Uses

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

a. Auto washing facilities

b. Auto or other vehicle service and/or repair operations, including body shops

c. Chemical and bacteriological laboratories

d. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms

e. Commercial painting, wood preserving, and furniture stripping

f. Dry cleaning establishments
g. Electronic circuit assembly
h. Laundromats, unless connected to a sanitary sewer
i. Metal plating, finishing, or polishing
j. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
k. Photographic processing
l. Printing
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, except that in the Commercial Fisheries/Maritime Activities District parking areas shall be set back at least twenty-five (25) feet from the normal high-water line or the upland edge of a wetland. The setback requirement for parking areas serving public boat launching facilities, in Districts other than the General Development I and Commercial Fisheries/Maritime Activities Districts may be reduced to no less than fifty (50) feet from the normal high-water line or upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists 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 Planning Board may reduce the road and/or driveway setback requirement to 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 permanent roads are not allowed within the shoreland zone along Significant River Segments except:
(a) To provide access to structures or facilities within the zone; or

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

4. 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.

5. 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).

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

7. 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.

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

   - 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>

   - 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.

9. 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
See Woolwich Sign Ordinance

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, coastal 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. Commercial Mineral Exploration and Extraction**

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

Mineral extraction may be permitted under the following conditions:

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

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

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

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

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

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

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

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 and coastal wetlands; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater 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 and coastal wetlands, nor; within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater 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.
NOTES RELATING TO TIMBER HARVESTING STANDARDS:

Title 38 MRSA section 438-B of the Mandatory Shoreland Zoning Act addresses timber harvesting and timber harvesting activities in shoreland areas. Section 438-B establishes three options from which each municipality may choose as the State moves toward a set of statewide timber harvesting standards in shoreland areas.

Woolwich, Maine has selected Option 1 for its Shoreland Ordinance which applies statewide standards to timber harvesting and timber harvesting activities to this municipality. This selection includes authorization of the repeal of all provisions within the municipal shoreland zoning ordinance that regulate timber harvesting and timber harvesting activities in shoreland areas and notification to the Director of the Bureau of Forestry within the Department of Conservation of the repeal. The event that triggers the effective date of the “statewide standards” has been legislatively established. The standards will apply statewide beginning on the first day of January of the 2nd year following the year in which the Commissioner of Conservation determines that at least 252 of the 336 municipalities identified by the Commissioner of Conservation as the municipalities with the highest acreage of timber harvesting activity on an annual basis for the period 1999-2003 have either accepted the statewide standards or have adopted an ordinance identical to the statewide standards.

By completely repealing the municipal regulation of timber harvesting activities in the shoreland zone and deferring the regulation of timber harvesting activities to the Bureau of Forestry, the “transition” language of the ordinance because the repeal of timber harvesting regulations in a municipality cannot occur until the statewide standards become effective. For those municipalities that wish to ultimately repeal their timber harvesting regulations the Department recommends that Section 15(P) be retained, along with repeal language (modified Section 4(B)) that would take effect on the date that the state-wide standards become effective. The repeal language should include the specific sections that will be repealed when the legislative effective date arrives. This would include all references to timber harvesting regulations, including:

1. Section 14, Table 1, Land Uses in the Shoreland Zone, Item 3 (forest management activities except for timber harvesting & land management roads), Item 4 (timber harvesting), and Item 27 (land management roads) of the Table;

2. All definitions in Section 17 pertaining to timber harvesting and forest management activities, including the terms: Cross-sectional area, DBH, Disruption of shoreline integrity, Forest management activities, Forest stand, Harvest area, Land management road, Licensed forester, Residual basal area, Residual stand, Skid road or skid trail, Slash, Timber harvesting, Timber harvesting and related activities, and Wind firm.

O Timber Harvesting – This section applies to Woolwich, Maine after Statewide Standards are in place. [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)(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 or coastal 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 freshwater 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)(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 freshwater or coastal 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)(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)(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 the shoreland area along Significant River Segments as identified in 38 M.R.S.A. section 437, nor in 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)(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)(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). 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)(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). 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).
(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 freshwater 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)(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)(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)(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), 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 Section15(O)(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), 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>0</td>
<td>25</td>
</tr>
<tr>
<td>10</td>
<td>45</td>
</tr>
<tr>
<td>20</td>
<td>65</td>
</tr>
<tr>
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<td>85</td>
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<tr>
<td>40</td>
<td>105</td>
</tr>
<tr>
<td>50</td>
<td>125</td>
</tr>
<tr>
<td>60</td>
<td>145</td>
</tr>
<tr>
<td>70</td>
<td>165</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 (1250 square feet) area as determined by the following rating system.

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

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

NOTE: As an example, adjacent to a great pond, if a 25-foot x 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is:

\[(4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36 \text{ points}\]

Thus, the 25-foot by 50-foot plot contains trees worth 36 points. Trees totaling 12 points (36-24=12) may be removed from the plot provided that no cleared openings are created.
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 or Commercial Fisheries/Maritime Activities 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. A copy of this application shall be provided to the Woolwich, Maine Historical Society.

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 plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

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

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

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
6. Will protect archaeological and historic resources as designated in the comprehensive plan;
7. Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district;
8. Will avoid problems associated with floodplain development and use; and
9. 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 and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway
Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year 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 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

F. Expiration of Permit. Permits 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 of Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the 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 green-house 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.

Coastal wetland - all tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

NOTE: All areas below the maximum spring tide level are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc., in addition to salt marshes and salt meadows.

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

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

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

Development – a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.
Dimensional requirements - numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

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

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

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

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

Essential services - gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

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

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

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

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

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

Forest management activities - timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.
Forested wetland - a freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

Forest Stand - a contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

Foundation - the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, 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.

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

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

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

Institutional – a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

Land Management Road - a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

Licensed Forester - a forester licensed under 32 M.R.S.A. Chapter 76.

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

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

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

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

Minimum lot width - the closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

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

Native – indigenous to the local forests.

Non-conforming condition – non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

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

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

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

Normal high-water line (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.

NOTE: Adjacent to tidal waters, setbacks are measured from the upland edge of the “coastal wetland.”

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:

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<tr>
<th>Soil Series</th>
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<td>Fryeburg</td>
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<td>Alluvial Cornish</td>
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<td>Limerick</td>
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Recent floodplain soils - the following soil series as described and identified by the National Cooperative Soil Survey:

Fryeburg Hadley Limerick
Lovewell Medomak Ondawa
Alluvial Cornish Charles
Podunk Rumney Saco
Suncook Sunday Winooski

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

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

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

Residential dwelling unit - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

Residual basal area - the average of the basal area of trees remaining on a harvested site.

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.

NOTE: The portion of a river that is subject to tidal action is a coastal wetland.

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.

Salt marsh - Areas of coastal wetland (most often along coastal bays) that support salt tolerant species, and where at average high tide during the growing season, the soil is irregularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (Spartina alterniflora). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

Salt meadow - Areas of a coastal wetland that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (Spartina patens) and black rush; common threesquare occurs in fresher areas.

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

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

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

Setback - the nearest horizontal distance from the normal high-water line 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.

NOTE: Water setback requirements apply to tributary streams within the shoreland zone.

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.
FLOOD ZONE ORDINANCE

ARTICLE I - ESTABLISHMENT

The Town of Woolwich elects to comply with the requirements of the National Flood Insurance Act of 1968. The National Flood Insurance Program provides that areas of the Town having special flood hazards be identified by the Federal Emergency Management Act (FEMA), and that a floodplain management plan be enacted by the Town for these areas. FEMA has identified Zones A, A1-30, AE, AO and AH as special flood zones in the "Flood Insurance Rate Map", which is hereby adopted by reference and declared to be a part of this Ordinance.

Additionally, this Ordinance establishes a Flood Hazard Development Permit System and Review Procedure for development activities within the designated flood hazard zones of the Town.

ARTICLE II - PERMIT

Before any construction or other development (defined in Appendix), including the placement of manufactured homes, begins within any flood hazard zone, a Flood Hazard Development Permit shall be obtained from the Building Inspector. This permit is in addition to any other permits required by the Town of Woolwich.

ARTICLE III - APPLICATION FOR PERMIT

The application for a Flood Hazard Development Permit shall be submitted to the Building Inspector, indicating the following:

A. Name and address of applicant

B. Address and map indicating location of the construction site

C. Site plan showing location of existing and/or proposed structures, sewage disposal facilities, water supply facilities, areas to be cut and/or filled, and lot dimensions

D. Statement of intended use of the structure

E. Statement of type of sewage system proposed

F. Specification of dimensions of the proposed structure

G. Elevation in relation to Mean Sea Level, or to locally established datum in Zone A only, of the:

1. base flood at the proposed site of all new or improved structures, which is determined as follows:
   a. in Zones A1-30, AE, AO and AH from data contained in FEMA's Flood Insurance Study of Woolwich, or
b. in Zone A, to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building

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

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

4. in the case of non-residential structures, level to which the structure will be flood proofed

H. Description of a base flood elevation reference point established on the site of all new or improved structures

I. Written certification by a registered land surveyor that the elevations shown on the application are correct

J. Certification by a registered professional engineer or architect that flood proofing methods for non-residential structures will meet the criteria of Article III, Paragraph G, item 4 (above) and other standards outlined in Article VI.

K. Description of the extent to which any water course will be altered or relocated by the development

L. Statement of construction plans describing how each standard in Article VI will be met

ARTICLE IV - APPLICATION FEE

A non-refundable application fee of $10.00 shall be paid to the Town Clerk. A copy of the receipt will be attached to the application. If the Building Inspector and/or Board of Appeals needs to engage a professional engineer or other expert, the fees shall be paid in full by the applicant within 10 days. Failure to pay said fees constitutes a violation of the Ordinance and will result in issuance of a stop work order. However, an expert will not be hired by the Town unless the applicant has consented to such hiring, or given an opportunity to be heard on the subject. An applicant who is dissatisfied with the decision of the Building Inspector may make an appeal to the Board of Appeals.

ARTICLE V - REVIEW OF PERMIT APPLICATIONS

Upon receipt of a Flood Hazard Development Permit Application, the Building Inspector shall:

1. Review the application to ensure that the proposed building site is safe from flooding, and determine that all requirements of Article VI have been or will be met.

2. Utilize the base flood data from FEMA's "Flood Insurance Study" for the Town of
Woolwich. In special areas where base flood elevation data is not provided, the Building Inspector may obtain, review and utilize base flood elevation data from federal, state and other sources.

3. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps provided by FEMA as described in Article I of this Ordinance.

4. Determine that all necessary permits have been obtained from federal, state and local government agencies when prior approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act.

5. Notify adjacent municipalities, Department of Environmental Protection and Maine State Planning Office prior to any alteration of a water course.

6. Issue a two-part Flood Hazard Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time, the applicant will provide the Codes Enforcement Officer with an application for Part II of the Permit, and shall include an elevation certificate completed by a registered Maine surveyor. The application will be reviewed within 72 hours of receipt. Upon issuance, Part II shall authorize the applicant to complete the project.

7. Maintain copies of all Flood Hazard Development Permits issued with relevant data, including reports from the Board of Appeals regarding variances granted under Article IX of this Ordinance, as well as copies of Elevation Certificates and Certificates of Compliance required by Article VII. These copies shall become permanent records of the Town.

ARTICLE VI - DEVELOPMENT STANDARDS

All development in special flood hazard areas shall meet the following standards:

A. New construction or substantial improvement to any structure shall:

1. Be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. Use construction materials that are resistant to flood damage;
3. Use construction methods and practices that will minimize flood damage;
4. Use electrical, heating, ventilation, plumbing and air conditioning equipment and other facilities that are designed and/or located to prevent water from entering or accumulating in the components during floods.

B. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
C. All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

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

E. All development shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of any watercourse.

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

1. Zones A1-30, AE, and AH shall have the lowest floor (including basement) elevated to at least one foot above base flood elevation.
2. Zone AO and AH shall have adequate drainage paths around structures on slopes, to guide flood waters away from structures.
3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
   a. at least one foot higher than the depth specified community's Flood Insurance Rate Map, or
   b. at least three feet if no depth number is specified
4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.

G. New construction or substantial improvement of an non- residential structure located within:

1. Zones A1-30, AE and AH shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
   a. be flood proofed to at least one foot above the base flood level so that below that elevation the structure is watertight with walls impermeable by flood water;
   b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy;
   c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice to meet criteria of this section. The certification shall accompany the application for the Flood Hazard Development Permit, and shall include a record of the elevation above mean sea level of the lowest floor (including basement).
2. Zones AO and AH shall have adequate drainage paths around structures on slopes to guide flood waters away.
3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:

a. at least one foot higher than the depth specified in feet on the Flood Insurance Rate Map, or:
b. at least three feet if no depth number is indicated;

or:

c. together with attendant utility and sanitary facilities, be floodproofed to meet the elevation requirements of this section and Article VI, Paragraph G.

4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information from Article III, Article V or Article VIII.

H. New or substantially improved manufactured homes located within:

1. Zones A1-30, AE, or AH shall be:
   a. elevated on a permanent foundation, with the lowest floor at least one foot above base flood elevation, and;
   b. securely fastened to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include:

   (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (homes less than 50 feet long require one additional tie per side); or (2) by frame ties at each corner of the home, plus five additional ties along each side at intermediate points (homes less than 50 feet long require four additional ties per side). (3) All components of the anchoring system shall be capable of carrying a force of 4800 pounds.

2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwater away from them.

3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:

   a. at least one foot higher than the depth specified in feet on the Community's Flood Insurance Rate Map; or,
   b. at least three feet if no depth number is indicated, and;

   c. meet the requirements of Article VI.

4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above base flood elevation, using information obtained through Article III, Article V, or Article VIII.
I. Floodways

1. In Zones A1-30 and AE encroachments, including fill, new construction, substantial improvement and other development shall not be permitted in riverine areas for which a regulatory floodway is designated on the community's Flood Boundary and Floodway Map, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of base flood discharge.

2. In A1-30 and AE riverine areas, for which no regulatory floodway is designated, encroachments including fill, new construction, substantial improvement and other development shall not be permitted unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,

3. In Zone A riverine areas, where regulatory floodway is determined to be the channel of the river or other water course, and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain, encroachments, including fill, new construction, substantial improvement and other development shall not be permitted unless a technical evaluation certified by a registered professional engineer is provided.

J. New construction or substantial improvement of any structure in Zones A1-30, AE, AO, AH and A that meets the development standards of Article VI, including the elevation requirements of Article VI and is elevated on posts, columns, piers, piles, stilts or crawl spaces less than three feet in height may be enclosed below the elevation requirements provided all the following criteria are met or exceeded:

1. Walls, with the exception of crawl spaces less than three feet in height shall not be part of the structural support of the building; and,

2. Enclosed areas are not basements as defined in Appendix; and,

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

   a. certified by a registered professional engineer, or architect; or
   b. meet or exceed the following minimum criteria:

      (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
      (2) the bottom of all openings shall be no higher than one foot above the lowest grade; and,

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

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

5. The enclosed area may be used for building maintenance, access, parking vehicles and/or storing articles and equipment used for maintenance of the building.

ARTICLE VII - CERTIFICATION OF COMPLIANCE

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

A. The applicant shall submit an Elevation Certificate completed by a registered Maine surveyor for compliance with Article VI, and a registered professional engineer or architect in the case of floodproofed non-residential structures, for compliance with Article VI; and

B. The application for a Certificate of Compliance shall be submitted by the applicant in writing along with a completed Elevation Certificate to the Codes Enforcement Officer.

C. The Codes Enforcement Officer shall review the application within 10 working days of receipt of the application and shall issue a Certificate of Compliance, provided the building conforms with the provisions of this Ordinance.

ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

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

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

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

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

D. All proposals include base flood elevation and, in a riverine floodplain, floodway data.

E. Any proposed development plan shall include a statement that the developer will require that structures on lots in the development be constructed in accordance with Article VI, and that such requirement will be included in any deed, lease or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The construction requirement shall also be stated on any map or plan to be signed by the Planning Board or local reviewing
authority, as part of the approval process.

ARTICLE IX - APPEALS AND VARIANCES

The Board of Appeals of the Town of Woolwich may, upon written application of an aggrieved party, hear and decide appeals from determinations of the Building Inspector in the administration of the provisions of this Ordinance. The Board of Appeals may grant a variance from the requirements of this Ordinance, consistent with state law and the following criteria:

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

B. Variances shall be granted only upon:

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

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

4. A determination that failure to grant the variance would result in "undue hardship", which in this subsection means:

a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood; and,

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

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

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

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

1. other criteria of Article IX and Article VI are met; and,
2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
E. Variances may be issued by a community for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or a State Inventory of Historic Places, without regard to the procedures set forth in Article IX.

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

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

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

ARTICLE X - ENFORCEMENT AND PENALTIES

A. It shall be the duty of the Codes Enforcement Officer to enforce the provisions of this Ordinance, pursuant to 30A MRSA/4452.

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

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

1. the name of the property owner and address or legal description of the property;
2. a clear and unequivocal declaration that the property is in violation of a cited state or local law or ordinance;
3. a statement that the public body making the declaration has authority to do so and a citation to that authority;
4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
5. a clear statement that the declaration is being submitted in accordance with Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XI - VALIDITY AND SEVERABILITY

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

ARTICLE XII - CONFLICT WITH OTHER ORDINANCES

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

ARTICLE XIII - ABROGATION

This Ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968.

Adopted by Town Meeting vote on: August 15, 1995