

Town of Dresden

Land Use and Development Ordinance

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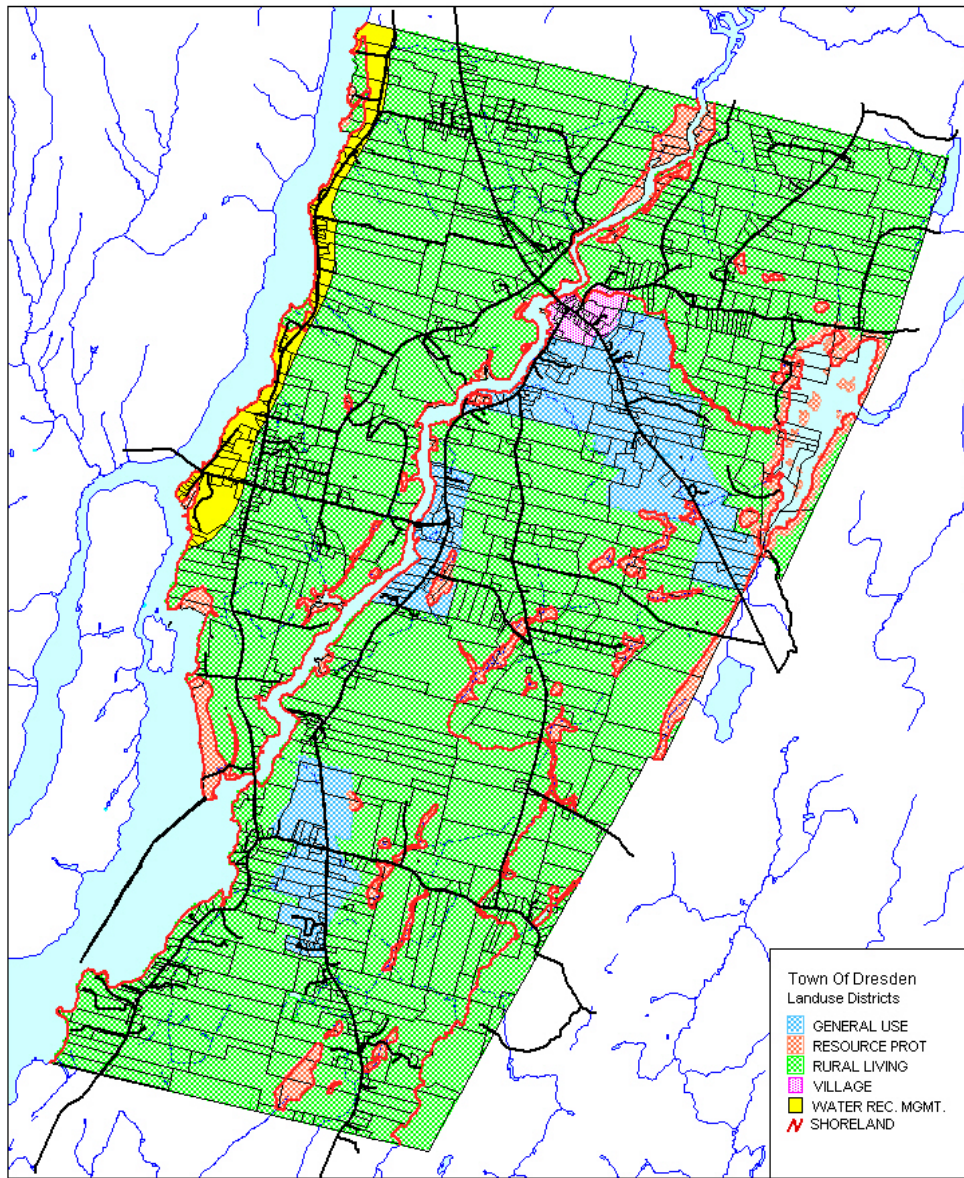


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ARTICLE I. GENERAL PROVISIONS

SECTION 1. TITLE

This Ordinance shall be known and cited as the Land Use and Development Ordinance of the Town of Dresden, Maine.

SECTION 2. AUTHORITY

This Ordinance is adopted pursuant to the enabling provisions of Article VIII-A of the Maine Constitution, the provisions of Title 30-A, MRSA Section 3001 (Home Rule), the State's Growth Management Law, Title 30-A, MRSA Section 4311 et. seq., and the Mandatory Shoreland Zoning Act, Title 38, MRSA Section 435 et. seq.

SECTION 3. PURPOSE

The purpose of this Ordinance is to ensure that land use changes or developments, which may have major or significant impacts on the Town, or parts thereof, will be consistent with the health, safety, and welfare of the townspeople. Consistent with the goals expressed in the Town Comprehensive Plan and the Opinion Poll therein, it is the purpose of this Ordinance to help protect and preserve the rural character of the Town and particularly the agricultural, environmental, scenic and historical aspects and values of the Town.

This Ordinance consolidates all requirements and standards of the following existing Town Ordinances, and incorporates relevant new State requirements.

- A. Land Use Ordinance;
- B. Subdivision Ordinance;
- C. Major Land-Use Impact Ordinance;
- D. Mobile Home Park Ordinance;
- E. Building Code;
- F. Sign Ordinance;
- G. Shoreland Zoning Ordinance
- H. Town Road Standards Ordinance; and

SECTION 4. EFFECTIVE DATE

This Ordinance shall take effect upon its enactment by the Town.

SECTION 5. APPLICABILITY

The provisions of this Ordinance shall apply to all land, all land uses and all structures within the boundaries of the Town of Dresden.

SECTION 6. RELATIONSHIP WITH OTHER ORDINANCES

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

SECTION 7. VALIDITY AND 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 this Ordinance.

SECTION 8. AMENDMENTS

A. Initiation and Procedure

1. A proposal for an amendment to this Ordinance may be initiated by:
 - a. The Planning Board, by favorable majority vote of the Board;
 - b. The Selectmen, through a request to the Planning Board;
 - c. An individual, through a request to the Planning Board and subsequent favorable majority vote of the Board; or
 - d. A written petition signed by a number of Dresden voters equal to at least ten percent (10%) of the votes cast in Dresden in the last gubernatorial election. The petition shall be submitted to the Selectmen and referred to the Planning Board for discussion and a public hearing, if deemed appropriate, prior to placing the proposal on a warrant for a Town Meeting vote.
2. When a change in Land Use District boundaries is proposed, the application shall state the nature, extent, and location of the proposed boundary change, and shall be accompanied by a scale with dimensions drawing showing the areas to be changed.

B. Enactment

1. A proposed amendment to this Ordinance must be approved by a majority vote of the Town Meeting, for the amendment to be enacted.
2. Copies of amendments affecting shoreland districts and areas, certified by the attested signature of the Chairperson of the Planning Board, shall be submitted to the Department of Environmental Protection within fourteen (14) days of enactment by the Town Meeting and shall not be effective unless approved by the Department of Environmental Protection (DEP). If the DEP fails to act on any amendment within forty-five (45) days of its receipt of the amendment, the amendment is automatically

approved. Any application for a permit submitted to the Town within this forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the DEP.

ARTICLE II.
ADMINISTRATION, ENFORCEMENT AND PENALTIES

SECTION 1. ADMINISTERING BODIES AND AGENTS

A. Code Enforcement Officer

1. Appointment. A Code Enforcement Officer (CEO) shall be appointed or reappointed annually by the Selectmen.
2. Powers and Duties. The CEO, at direction of the Board of Selectmen, shall have the following powers and duties:
 - a. Enforce the provisions of this Ordinance and any others which call for CEO action;
 - b. Act upon building applications, refer permits requiring Site Plan Approval to the Planning Board, and refer requests for variances and administrative appeals to the Board of Appeals;
 - c. Enter any property at reasonable hours, with the consent of the property owner, occupant or agent, to inspect the property or structure for compliance with pertinent laws or ordinances;
 - d. Investigate complaints and reported violations;
 - e. Make and keep written inspection reports and records of other activities;
 - f. Collect application fees;
 - g. Issue violation notices, after consulting with the Board of Selectmen;
 - h. Participate in appeals procedures;
 - i. Appear in court, when authorized by the Selectmen;
 - j. Attend such meetings of the Board of Appeals and of the Planning Board, as necessary or desirable;
 - k. Revoke any permits issued in error or which are based on erroneous information;
 - l. Exercise any additional powers or duties authorized by the statutes;

B. Planning Board

The Planning Board shall be responsible for reviewing and acting upon applications for Site Plan Review Approval.

C. Board of Appeals

A Board of Appeals shall be created in accordance with the provisions of Title 30-A, Section 2691. It shall conduct its affairs in accordance with State Law and pertinent ordinance provisions.

SECTION 2. PERMITS REQUIRED

After the effective date of this Ordinance, no person shall engage in, or expand, any building or land use activity, which requires a permit, without first obtaining a permit, or permit amendment, for such activity.

- A. A building or use permit shall be obtained from the Code Enforcement Officer (CEO) for the uses so marked in Table 1 in Article V and before commencing the construction, alteration, location or replacement of any structure, use, or part thereof (including septic waste disposal system) or foundation.**
- B. A conditional use permit shall be obtained from the Planning Board after site plan review for the uses so marked in Table 1 in Article V.**
- C. A special exception permit shall be obtained from the Planning Board for the uses so marked in Table 1 of Article V.**

SECTION 3. PERMIT APPLICATION

- A. Every permit applicant shall submit, on a form provided by the Town to the appropriate official(s), a written application.
- B. All applications shall be signed by the owner(s) or lessee(s) of the property, or other person with a letter of authorization from the owner(s) or lessee(s), and such signature shall certify that the information in the application is complete and correct.
- C. 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.
- D. A septic permit or a completed application for a septic permit, including any site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed use or structure would require the installation of a subsurface sewage disposal system.

E. Decisions on any matter before the Planning Board shall require the vote of a majority of those members present and voting.

SECTION 4. PROCEDURE FOR ADMINISTERING PERMITS

A. Building or Use Permits

The CEO shall render a decision on a building or use permit within fourteen (14) days of receipt of a complete application.

B. Conditional Use and Special Exception Permits

Within forty-five (45) days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as appropriate:

1. shall notify the applicant in writing, either that the application is a complete application or,
2. if the application is incomplete, that specified additional material is needed to make the application complete.

Once a complete application has been received, the Planning Board shall approve or deny the application in writing, within forty-five (45) days. However, if the Planning Board has a waiting list of applications, such approval or denial shall occur within forty-five (45) days of the first available opening on the Planning Board's agenda or, within forty-five (45) days of the public hearing, if one is held.

Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance. Permits may be made subject to reasonable conditions to insure conformity with the purposes and provisions of this Ordinance, and the permittee shall comply with such conditions. If a permit is either denied or approved with conditions, the reasons shall be stated in writing.

No approval shall be granted for an application involving a structure, if the structure would be located in an unapproved subdivision, or would violate any other local ordinance or regulation, or any State law for which the Town has responsibility.

The burden of proof that a proposed land use activity is in conformity with the purposes and provisions of this Ordinance lies with the applicant.

SECTION 5. APPLICATION FEES

Application fees must be paid to the Code Enforcement Officer or the Town Clerk upon submittal of application, in accordance with Appendix B of this Ordinance.

SECTION 6. EXPIRATION OF PERMIT

Following the issuance of a permit, if no substantial start is made in construction, or in use of the property for which such permit has been issued, within one year of the date of the permit, the permit shall lapse and become void. However, the permit may be renewed within six months of the date of expiration if no material change in the proposed use or requirements has occurred with no additional fee. Thereafter, any application shall be considered and handled as a new application.

SECTION 7. INSTALLATION OF PUBLIC UTILITY SERVICE

No public utility, water district, sanitary district or any other utility company may install, or connect services to, any new use or structure requiring a permit under this ordinance, unless written authorization attesting to the validity and currency of all permits required under this Ordinance has been issued by the appropriate Town official(s). Following installation of service, the company or district shall forward a copy of the written authorization to the Town official(s) and indicate that installation has been completed.

SECTION 8. ENFORCEMENT

A. Enforcement Procedure

1. It shall be the duty of the CEO to enforce the provisions of this Ordinance. If the CEO finds that any provision 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.

These orders may include 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 notice(s) shall be submitted to the Selectmen and be maintained as a permanent record.

2. The CEO shall conduct on-site inspections to insure compliance with all applicable laws and any conditions attached to permit approvals. The CEO shall also investigate all complaints of alleged violations of this Ordinance.
3. The CEO shall keep a complete record of all essential transactions of the office including: applications submitted, fees collected, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fines collected. In the case of violations in the Shoreland District, the CEO shall, on an annual basis, submit a summary of this record to the Director of the Bureau of Land Quality Control within the Department of Environmental Protection.

B. Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Selectmen, upon notice from the CEO, are directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions and the imposition of fines, as may be appropriate or necessary to enforce the provisions of this Ordinance.

The Selectmen, or their authorized agent, may enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and imposing fines without Court action. Such agreements should not allow an illegal structure or use to continue, unless there is clear and convincing evidence that the illegality was a direct result of erroneous information or advice given by an authorized Town Official, and there is no evidence that the owner/violator acted in bad faith.

C. Fines

Any person including, but not limited to, a landowner, a landowner's agent or a contractor, who is responsible for a violation of this Ordinance is liable for the penalties in Title 30-A, MRSA, Section 4452.

ARTICLE III. APPEALS

SECTION 1. ESTABLISHMENT OF BOARD OF APPEALS

The Town shall have a Board of Appeals, in accordance with the provisions of Title 30-A, MRSA, Section 2691.

SECTION 2. POWERS AND DUTIES

The Board shall have the following powers:

A. Administrative Appeals

To hear and consider appeals in which an aggrieved party alleges that:

1. There was an error or omission in any action taken by the Code Enforcement Officer in the administration or enforcement of this Ordinance; or
2. There was an error or omission by the Planning Board in the administration of this Ordinance.

In appropriate circumstances a case may be remanded back to the Code Enforcement Officer or Planning Board for appropriate action.

B. Variance Appeals

To consider variance appeals, within the limitations set forth in this Ordinance.

1. Dimensional variances may be granted only from dimensional requirements including, but not limited to, frontage (including shore frontage), lot area, lot width, structure height, percent of lot coverage, and setback requirements (except waterfront setbacks).
2. Use variances shall not be granted to allow a use otherwise prohibited by this Ordinance.
3. The Board shall not grant a variance unless it finds that both:
 - a. The proposed structure or use would meet the requirements of this Ordinance, except for the specific provision which has created the non-conformity and for which relief is sought; ***and***
 - b. The strict application of the terms of this Ordinance would result in undue hardship, cause a practical difficulty and the following conditions exist:

The term "undue hardship" shall mean all of the following:

- i. That the need for a variance is due to the unique circumstances of the property and not to general conditions in the neighborhood;
- ii. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;
- iii. The practical difficulty is not the result of action taken by the applicant or a prior owner;
- iv. No other feasible alternative to a variance is available to the petitioner;
- v. The granting of a variance will not alter the essential character of the locality; and
- vi. The variance does not affect portions of land located within shoreland areas as described in Title 38, Section 435.

As used in this subsection, "practical difficulty" means that the strict application of the ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the zoning district in which the property is located and results in significant economic injury to the petitioner.

c. To consider variance appeals, outside the limitations set forth above:

This section of the ordinance shall be used at the discretion of the Board of Appeals and is intended to allow the exercise of sound judgment to benefit the community, ensure fair, reasonable and equitable treatment of all applicants and promote the health and safety of the landowner and/or public.

1. Recognition of grandfather conditions. The Board of Appeals may grant variances to accommodate "modest and reasonable" expanded uses of existing or grandfathered conditions or act favorable on other cases related to grandfathered conditions.
 2. The Board may grant variances that promote the health and safety of the landowner or public.
4. The Board of Appeals shall limit any variances granted as strictly as possible to insure maximum conformance with the purposes and provisions of this Ordinance, and in doing so, may impose such conditions on a variance, as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

5. A copy of any such variances granted by the Board of Appeals shall be submitted to the Planning Board within seven (7) days, and, if located within the Shoreland District, the Department of Environmental Protection within fourteen (14) days of the decision.
6. Any variance granted must be filed, by the grantee, with the Lincoln County Registry of Deeds within ninety (90) days of such decision by the Board of Appeals.

SECTION 3. APPEAL PROCEDURE

A. Time for Appeal to Board of Appeals

An administrative or variance appeal to the Board of Appeals shall be filed within sixty (60) days of the date of the decision being appealed.

B. Written Notice

Such appeal shall be made by filing with the Board of Appeals a written notice which includes:

1. A concise written statement indicating what relief is requested and why it should be granted;
2. 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 requested.

C. Record of Case

Upon being notified of an appeal, the Code Enforcement Officer shall transmit to the Board of Appeals all of the papers constituting the record of the decision being appealed.

D. Public Hearing

The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request, unless, for good cause, an interested party requests, and the Board grants, an extension. This public hearing shall be duly noticed, and interested parties and the public shall be given an opportunity to be heard.

E. Decision by Board of Appeals

1. Quorum. A majority of the full Board of Appeals shall constitute a Quorum for the purpose of deciding an appeal.
2. Majority Vote. The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to make a decision.

3. Burden of Proof. The person filing the appeal shall have the burden of proof.
5. Time Frame; Written Decision
 - a. The Board shall decide each appeal within sixty (60) days after the close of the hearing, shall issue a dated written decision on each appeal, and shall send a copy of the decision to the applicant, CEO and the Planning Board.
 - b. All decisions shall become a part of the record, shall include a statement of findings of fact and of conclusions along with the reasons therefore and shall include an appropriate order.

F. Reconsideration

Upon good cause shown to the Board, within twenty (20) days of its decision, the Board of Appeals may vote to reconsider its decision. The Board may conduct an additional hearing to receive additional evidence and testimony. The Board shall then follow the procedures for decisions as set forth above.

G. Appeal to Superior Court

Any party aggrieved by a final decision of the Board of Appeals, or by such Board's other action or refusal to act, may appeal to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure within thirty (30) days after notice of such final decision, action or refusal to act, or as otherwise provided under rule 80B. Any such appeal may be filed only after all other administrative appeals under this ordinance have been exhausted.

ARTICLE IV. NON-CONFORMANCE

SECTION 1. PURPOSE

The purpose of this Article is to promote land uses which conform to the terms of the Town's ordinances, except that non-conforming conditions which existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements of this Article.

Non-conforming terms are defined in Appendix A.

SECTION 2. GENERAL ALLOWANCES

- A. 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 Article.
- B. Repair and Maintenance: Normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as Federal, State, or local building and safety codes may require, are allowed without a permit.

SECTION 3. NON-CONFORMING LOTS

A lot of record which, as of the effective date of this Ordinance (or amendment thereto), is vacant and non-conforming, with respect to lot size and frontage, may be built upon, provided all other provisions of this Ordinance (except lot size and frontage) can be met. Any necessary variances relating to setback or other requirements, not involving lot size or frontage, may be obtained by action of the Board of Appeals.

SECTION 4. NON-CONFORMING STRUCTURES

- A. 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.
 - 1. Foundations. Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure, provided that the completed foundation does not extend beyond the existing dimensions of the structure, and that the foundation does not cause the structure to be elevated by more than three (3) additional feet.

2. Setbacks from Lot Lines and High-water line. No structure, which is less than the required setback from a property line, or the normal high-water line of a water body, or the upland edge of a wetland, shall be expanded toward the property line or the water body or wetland.

B. Expansions (Shoreland District):

See Shoreland Zoning Ordinance for Dresden, Appendix C.

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

In determining whether the building relocation meets the setback to the greatest practical extent", the Planning Board shall consider, among other factors, the size of the lot, the slope of the land, the potential for soil erosion, 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.

D. Reconstruction or Replacement:

See Shoreland Zoning Ordinance for Dresden, Appendix C.

E. Change of Use of a Non-Conforming Structure (Shoreland District):

See Shoreland Zoning Ordinance for Dresden, Appendix C.

SECTION 5. NON-CONFORMING USES

- A. Expansions: Expansions of non-conforming uses are prohibited, except that non-conforming uses may, after obtaining a permit from the Planning Board, be expanded within structures existing as of the effective date of this Ordinance, or on the effective date of a subsequent amendment that causes such use to be non-conforming.
- B. Resumption Prohibited: A lot, building or structure, in or on which a non-conforming use is discontinued for a period exceeding one year, or 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 of that time period.

- C. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the Planning Board finds, after receiving a written application, that the proposed use is equal, or more appropriate, to the district than the existing non-conforming use, and that the proposed use will have no greater adverse impact on adjacent properties and resources than the existing use.

The determination of appropriateness shall include: consideration of the probable changes in traffic (volume and type), parking, noise, potential for litter, wastes or by-products, fumes, odors, or other nuisances likely to result from such change of use.

ARTICLE V. LAND USE REQUIREMENTS

SECTION 1. PURPOSE

The purpose of these land use requirements is to allow a wide range of uses and development in the Town, while ensuring compatibility among nearby uses and ensuring the protection of the Town's natural resources.

SECTION 2. LAND USE DISTRICTS AND USES

A. Land Use Districts. The Following Land Use Districts are hereby established and each shall have the boundaries shown on the Official Dresden Land Use District Map.

1. Dresden Mills Village District

The Dresden Mills Village District is the historical village of the Town of Dresden, and which has been the predominant cultural and civic center of the community. The Dresden Mills Village District can accommodate a wide variety of land uses that are compatible with the traditional uses and historical character of this area. Land uses would be a mix of residential and small scale commercial uses that are compatible with the existing uses and the character of Dresden Mills.

2. General Use Districts

The General Use Districts are those areas of the Town that are the most environmentally suitable and practical to accommodate future growth and development within the community. The General Use Districts are intended for a mix of residential and non-residential uses that are compatible with existing surrounding uses and natural resources and are along established roadways.

3. Rural Living Districts

The Rural Living Districts are areas in which the Town desires to preserve the rural character of the areas and to minimize any adverse impacts on existing residents, agriculture, timber harvesting and other natural and cultural resources and features. The Rural Living Districts are intended for rural residential, limited low-intensity commercial, agricultural, timber harvesting, recreational and other natural resource dependent uses that would be compatible with and not impair the existing uses and resources.

4. Shoreland Districts

See Shoreland Zoning Ordinance for Dresden, Appendix C.

5. Resource Protection Districts

See Shoreland Zoning Ordinance for Dresden, Appendix C.

6. Water Resource Management Overlay Districts

The Water Resource Management Overlay Districts are the areas of Town in which there are significant sand and gravel aquifers, watersheds of lakes or ponds with existing water quality problems, or water resources which provide potable water for downstream populations. The purpose of this overlay district is to preserve and improve the quality of water resources and the quantity of surface water resources by limiting the intensity of development and controlling nutrient loading into important water bodies. All new land use activities within this overlay district must meet the requirements specified for this overlay district.

Land uses in the Water Resource Management Overlay District should be reserved for low intensity uses. Some low intensity residential, recreational, agricultural and timber related uses may be accommodated if consistent with the: (a) State regulations related to phosphorus loading mitigation, (b) septic system design, and (c) soil conditions and provision of this Ordinance.

B. Land Uses

Land uses permitted within each Land Use District in Dresden are shown on Table 1 (Table of Permissible Uses). Each use is shown by the type of permit required, if any.

All land uses also shall comply with the dimensional requirements of Section 3 and the requirements of Sections 4, 5 and 6 of this article, as applicable. See also Article II of this Ordinance (Administration, Enforcement and Penalties) and other provisions relating to each type of permit.

TABLE 1
Table of Permissible Uses

USE/STRUCTURE	V	G	LAND USE DISTRICT			
			RL	SL	WRM	RP
<u>RESIDENTIAL</u>						
Accessory Dwelling Unit	P	P	P		P	
Accessory Structure (0 - 99 sq.ft.)	Y	Y	Y		P	
Accessory Structure (> 99 sq.ft.)	P	P	P		P	
Congregate Housing	C	C	C		S	
Home Occupation	P	P	P		P	
Mobile Home Park	N	C ¹	N		N	
Multi-Family Dwelling	C	C	C		S	
Single-Family Dwelling	P	P	P		P	
Subdivisions	C	C	C		C	
Two-Family Dwelling	P	P	P		P	
Residential Wind Energy Tower/Facility	C	C	C	N	C	N

NOTE: For any expansions or alterations of any of the above uses or land uses not listed above, the CEO will determine the appropriate permit and procedure (if any).

¹ Allowed only in areas designated for mobile home parks, as shown on the Official Dresden Land Use District Map.

Legend Key to Table 1

V = Village District
 G = General Use District
 RL = Rural Living District
 SL = Shoreland District (Refer to Appendix C.)
 WRM = Water Resource Mgmt. Overlay District
 RP = Resource Protection District (Refer to Appendix C.)

Y = Yes, use is allowed without a permit, but the use must comply with all applicable land use standards.
 P = Permit required from CEO for building or use.
 C = Use requires conditional use permit following site plan review from Planning Board and building permit from CEO.
 S = Use requires special exception permit from Planning Board following site plan review, provided that the applicant shows by substantial evidence: (a.) there is no alternate site which is both suitable to the proposed use and reasonably available to the applicant; *and* (b.) that a neighborhood environmental impact report shows that there will be no adverse impacts on neighboring properties or uses.

Town of Dresden

N = No, use is not permitted.

TABLE 1
Table of Permissible Uses

USE/STRUCTURE	V	G	LAND USE DISTRICT	
			RL	WRM
<u>COMMERCIAL</u>				
Accessory Structure (0-99 sq.ft.)	P	P	C	C
Accessory Structure (> 99 sq.ft.)	C	C	C	C
Amusement Facility, Commercial Recreation	C	C	C	C
Automobile Salvage Yard, Junkyard	N	S	S	N
Body Shop, Auto Repair	C	C	C	N
Automobile Sales	C	C	C	N
Bed and Breakfast	C	C	C	C
Boarding, Lodging	C	C	C	S
Boat Sales, Repair, Marina	C	C	C	N
Car Wash	C	C	S	N

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TABLE 1
Table of Permissible Uses

USE/STRUCTURE	V	G	LAND USE DISTRICT	
			RL	WRM
COMMERCIAL (cont.)				
Commercial Communication Tower or Facility	N	S	S	S
Firewood Processing	N	C	C	N
Fisheries Processing, Storage	C	C	C	C
Gasoline Service Station	C	C	S	N
Hotel/Motel	C	C	C	N
Indoor Theater	C	C	C	N
Mobile Vendors	P	P	P	P
Neighborhood Store	C	C	C	C
Offices; Business, Professional, Medical	C	C	C	C
Printing/Photocopying	C	C	S	N

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TABLE 1
Table of Permissible Uses

USE/STRUCTURE	V	G	LAND USE DISTRICT	
			RL	WRM
<u>COMMERCIAL</u> (cont.)				
Redemption Centers	C	C	C	C
Restaurant	C	C	C	S
Retail Fuel Distributor (Petroleum Products)	N	S	S	N
Retail Business	C	C	C	C
Shopping Center	C	C	S	N
Veterinary Hospital	C	C	C	C
Wholesale Business	C	C	C	C
<u>INDUSTRIAL</u>				
Light Industry	C	C	C	N
Heavy Industry	N	S	S	N

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TABLE 1
Table of Permissible Uses

USE/STRUCTURE	V	G	LAND USE DISTRICT	
			RL	WRM
INDUSTRIAL (cont.)				
Recycling Operations	N	S	S	N
Sawmill and Related Operations	N	C	C	S
Septic Sludge Spreading and Storage Facility	N	S	S	N
Terminal for Bulk Oil and Gas	N	N	N	N
Trucking, Distribution Terminal	N	C	C	N
Warehousing and Storage	N	C	C	N
Waste Disposal (municipal solid waste, stump dumps and slash)	N	S	S	N
Waste Disposal (ash, nuclear or hazardous waste facility)	N	N	N	N
INSTITUTIONAL				
Accessory Structure (0-99 sq.ft.)	P	P	P	P
Accessory Structure (> 99 sq.ft.)	C	C	C	C

NOTE: For any expansions or alterations of any of the above uses or land uses not listed above, the CEO will determine the appropriate permit and procedure (if any).

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TABLE 1
Table of Permissible Uses

USE/STRUCTURE	V	G	LAND USE DISTRICT	
			RL	WRM
INSTITUTIONAL (cont.)				
Church, Synagogue, Parish House	C	C	C	C
Civic, Convention Centers	C	C	C	C
Day Care	P	P	P	P
Community Centers, Clubs	C	C	C	C
Fire, Police Station	C	C	C	C
Government Office	C	C	C	C
Group Homes, Hospice, Nursing Home	C	C	C	S
Hospital, Medical Care	C	C	C	N
Museum, Library	C	C	C	C
Public, Private School	C	C	C	S

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TABLE 1
Table of Permissible Uses

USE/STRUCTURE	V	G	LAND USE DISTRICT	
			RL	WRM
<u>INSTITUTIONAL (cont.)</u>				
Public Utility Facility	C	C	C	C
<u>OUTDOOR, RESOURCE BASED USES</u>				
Accessory Structure (0-99 sq.ft.)	P	P	P	P
Accessory Structure (> 99 sq.ft.)	C	C	C	C
Agriculture	Y	Y	Y	Y
Agricultural Packaging and Storage	C	C	C	C
Agricultural Products Processing	C	C	C	C
Animal Breeding or Care	C	C	C	S
Campground	N	C	C	C
Cemetery	N	C	C	C
Extractive Industry	N	C	C	S
Farm Stands	C	C	C	C

NOTE: For any expansions or alterations of any of the above uses or land uses not listed above, the CEO will determine the appropriate permit and procedure (if any).

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TABLE 1
Table of Permissible Uses

USE/STRUCTURE	V	G	LAND USE DISTRICT	
			RL	WRM
OUTDOOR, RESOURCE BASED USES (cont.)				
Golf Course (excluding miniature golf)	N	C	C	C
Commercial Kennels	N	C	C	S
Parks and Recreation	C	C	C	C
Mass Gathering (more than 1,000 persons for more than 12 hrs.)	C	C	C	N
Commercial Stables	N	C	C	S
Timber Harvesting	Y	Y	Y	Y

NOTE: For any expansions or alterations of any of the above uses or land uses not listed above, the CEO will determine the appropriate permit and procedure (if any).

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 N = No, use is not permitted.

SECTION 3.DIMENSIONAL REQUIREMENTS

A. Dimensional Requirements

Unless otherwise permitted by the cluster provisions of this Ordinance, lots on which a structure is to be built and all structures shall meet or exceed the requirements as set forth in Table 2.

**TABLE 2
Dimensional Requirements**

<u>Dimensions</u>	Land Use Districts			<u>WRM</u>
	<u>V</u>	<u>G</u>	<u>RL</u>	
Minimum lot area (acres) ¹ per principal use	1 ^{1,2}	1	1	1/1.5 ⁶
Minimum road frontage (public or private)				
Single detached structures	100'	150'	200'	200'
Clustered developments	200'	200'	250'	250'
Minimum lot depth	150'	150'	200'	200'
Minimum setbacks (principal structure):				
Front setback from				
State road	75' ⁸	75' ⁸	75' ⁸	75' ⁸
Town or private road	60' ⁸	75' ⁸	75' ⁸	75' ⁸
(accessory structure, all roads):	50' ⁸	50' ⁸	50' ⁸	50' ⁸
Side setback	20' ³	20'	20'	20'
Rear setback	20' ³	20'	20'	20'
Waterfront setback ⁴	---	---	---	---
Minimum shore frontage	---	---	---	---
Tidal Areas	---	---	---	---
Non-Tidal Areas	---	---	---	---
Maximum lot coverage	50%	35%	35%	25%
Maximum Height of Structure	40'	40'	40'	40'
Minimum floor area for residential structure (square feet) ⁵	500	500	500	500

¹ The Planning Board may permit a use on a lot smaller than one acre existing as of the effective date of this ordinance (or amendment thereto) in any district if it is deemed that the permitted use is compatible with its surroundings and satisfies the compatibility criteria in Article VI, Section 8.

² The Planning Board may permit more than one principal use per one acre lot provided that uses are deemed compatible

³ The Planning Board may grant an exception to the minimum side or rear setback if adjacent uses are deemed compatible.

⁴ Shore frontage from normal high-water mark.

⁵ No minimum for seasonal camps occupied less than three months per year.

⁶ Applies to commercial, industrial, governmental and institutional uses.

⁷ Setbacks shall be superceded by Shore Land Regulations.

⁸ Setbacks shall be measured from the center of the traveled way.

LEGEND

V = Village District

G = General Use District

RL = Rural Living District

SL = Shoreland District (Refer to Appendix C.)

WRM = Water Resource Management Overlay District

RP = Resource Protection District (Refer to Appendix C.)

SECTION 4. GENERAL PERFORMANCE REQUIREMENTS AND STANDARDS

The following standards apply to all lots created and all land use activities undertaken, after the effective date of this Ordinance.

- A. Agriculture. Agricultural activities in shoreland districts shall conform to the following land use standards. Agricultural activities in other land use districts shall comply with other State requirements:
1. All spreading or disposal of manure shall be accomplished in conformance with the "Maine Guidelines for Manure and Manure Sludge Disposal on Land", published by the University of Maine and the Maine Soil and Water Conservation Commission, in July, 1972;
 2. There shall be no tilling of soil within fifty (50) feet of the normal high-water mark of any lake or pond within the Shoreland Districts;
 3. Where soil is tilled in a Resource Protection District, or where soil in excess of 20,000 square feet is tilled in any other Land Use District, and the tilled area lies either wholly or partially within the shoreland areas covered by this Ordinance, such tillage shall be carried out in conformance with the provisions of a Conservation Plan which meets the standards of the regional Soil and Water Conservation District. The number of the plan shall be filed with the Planning Board. Nonconformance with the provisions of such Conservation Plan shall be considered to be a violation of this Ordinance.
- B. Air Emissions. No use, regardless of size, shall cause or involve emissions of dust, ash, smoke or other particulate matter or gasses or chemicals which exceed the standards set by the Maine Department of Environmental Protection.
- C. Beach Construction.
See Shoreland Zoning Ordinance for Dresden, Appendix C.
- D. Buffers/Screening. Buffers/screening are fences, vegetation, landscaping, berms and mounds used to minimize any adverse impacts or nuisance conditions as experienced on the site or from adjacent areas. The following standards apply to multi-family residential, commercial, industrial, institutional, and other non-residential structures or uses:
1. No such structure or use shall abut a residential use or different institutional use, or public or recreational use, unless natural vegetation or a landscaped buffer strip at least fifty (50) feet wide is provided to screen structures and uses visually. Where natural vegetation can not be maintained within the 50 foot-wide strip due to a lesser setback of development or to site conditions, the landscaping may consist of fences, walls, tree plantings, hedges or combinations, but there must be a minimum of two (2) rows of evergreen trees or shrubs at least six (6) feet in height along the sidelines of the property on which any

commercial activities (except home occupations) are occurring.

2. Natural landscape features shall be maintained wherever possible to provide a buffer between the proposed development and incompatible abutting properties. When natural features such as topography, gullies, stands of trees, shrubbery, or rock outcrops do not exist or are insufficient to provide a buffer, other kinds of buffers/screening shall be utilized. The buffering shall minimize the adverse impacts on adjacent properties (including public roads) and shall meet the following standards;
 - a. Outdoor off-street parking and loading spaces, shall be effectively screened from view by a continuously landscaped area not less than six (6) feet in height and fifteen (15) feet in width along exterior lot lines adjacent to single-family residential properties, except that driveways shall be kept open to provide visibility for entering and leaving;
 - b. Buffers shall be provided along interior roads running parallel to roads exterior to the site, to prevent confusion, particularly at night;
 - c. Exposed storage and waste disposal areas, sand and gravel extraction operations, and areas used for the storage or collection of any articles of salvage or refuse shall have sufficient setbacks and screening (such as stockade fence, a wooden or masonry screen or a dense evergreen hedge six (6) feet or more in height) so that they do not adversely affect other land uses and properties in the area;
 - d. For any use or area presenting a potential safety hazard to children, physical screening and/or barriers sufficient to deter small children from entering the hazardous area shall be provided and maintained in good condition.
 3. All buffer areas shall be maintained in a neat and sanitary condition by the owner. Fencing and screening shall be durable and properly maintained and shall be so located within the property lines to allow access for maintenance on both sides without intruding upon abutting properties.
 4. All plantings required under this Ordinance shall be of a type and species appropriate for the soil types and conditions of the site.
- E. Clearing of Vegetation for Development within the Resource Protection and Shoreland Districts
- See Shoreland Zoning Ordinance for Dresden, Appendix C.
- F. Emergency Vehicle Access. Convenient and safe emergency vehicle access to all principal structures shall be provided.

- G. Glare. All exterior lighting and all reflective properties of any proposed development shall be designed to minimize adverse impact on neighboring properties. Specifically, lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings or public places. Direct or indirect illumination emanating from any land use activity on one lot shall not exceed 0.5 foot candles upon abutting residential properties.
- H. Height of Structures or Buildings. No structure or building shall exceed those heights specified in Table 2, page 28, as measured from all points of the finished grade. Non-flammable features of buildings and structures, such as chimneys, towers, ventilators, and spires may exceed the Ordinance's maximum building height, but shall be set back from the nearest lot line a distance not less than the height of such feature or structure, unless a greater setback is required by other provisions of this Ordinance. Chimneys, stovepipes, and similar devices on residential structures shall be exempt from the requirements of this paragraph.
- I. Landscaping for Commercial and Industrial Uses. Landscaping shall be designed to soften, screen, or enhance the physical design of structures and parking areas to avoid the encroachment of the proposed use on abutting land uses.

Commercial and industrial uses in the Rural Living Districts will maintain the first fifteen (15) feet of the right-of-way (excluding driveways) in front of all buildings, structures and designed impervious areas as a green strip. The green strip shall consist of a maintained vegetated area e.g., lawn, garden, landscaped shrubbery, with a two-and-one-half inch diameter measured at 4 1/2 feet above ground level, or large deciduous shade tree, spaced every twenty-five (25) feet, or a shrub two to three feet in height minimum, placed the equivalent of one per ten feet, along the green strip and parallel to the right-of-way. To ensure proper visibility for entering and departing vehicles, all driveway entrances and exits shall be kept free from visual obstructions higher than three (3) feet above street level for a distance of twenty-five (25) feet measured along the intersecting driveway and street lines.

All plantings required under this Ordinance shall be of a type and species appropriate for the soil types and climatic conditions in Dresden.

- J. Lot Frontage, Access and Depth
1. Lot Frontage. All lots created shall possess a minimum frontage on 1) a public road, or on 2) a private road or other vehicular thoroughfare or access route, unless the road terminates at the lot, in which case, adequate turnaround shall be provided.
 2. Lot Depth. The depth of any newly created lot with a road frontage of 300 feet or less shall not exceed three (3) times the minimum width unless the grantor or grantee has a professionally designed, recordable subdivision plot plan, approved by the Planning Board, prior to the sale. Flag lots and other odd-shaped lots in which narrow strips are joined to other parcels in order to meet

minimum lot size requirements are prohibited.

3. Access. Each lot without road frontage on a public road shall be provided with deeded right of access to the property by public or private ways. The access road shall contain a minimum depth of twelve (12) inches of bank-run gravel and have drainage ditches and culverts at all appropriate points and shall provide sufficient area to allow a fire truck or other emergency vehicle to maneuver.
4. Cul-de-Sac Frontage. New building lots located at the end of cul-de-sacs or along curves in a street where the radius of the curve at the front lot line is less than ninety (90) feet, may be designed so that they have a minimum of thirty-five (35) feet of street frontage along the front lot line, so long as lot width, at the location where the principal building is to be constructed, is at least equal to the distance normally required for street frontage in that district.

K. Noise Abatement.

1. Excessive noise at unreasonable hours shall be required to be muffled, so as not to be objectionable due to intermittence, beat frequency, shrillness or volume.
2. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any activity regulated by this ordinance shall be as established by the time period and type of land use district listed below. Sound pressure levels shall be measured at all major lot lines, at a height of at least four (4) feet above the ground surface.

Sound from any source controlled by this ordinance shall not exceed the following limits at the property line of said source:

Sound Pressure Level Limits Measured in Db(A)'s:

Applicable Hours: 10:00p.m. - 7:00a.m.

Village and General Use Districts	65
All other districts	55

- a. Where the emitting and receiving premises are in different districts, the limits governing the stricter zone shall apply to any regulated noise entering that one.
- b. The levels specified may be exceeded by 10 dB(A) for a single period, no longer than fifteen (15) minutes in any one day.
- c. Noise shall be measured with a sound-level meter meeting the standards of the American National Standards Institute, ANSI S1.2-1962 *American Standards Meter for the Physical Measurements of Sound*.
- d. These noise regulations are enforceable by law enforcement officers and by the Code Enforcement Officer (who may measure noise levels

and who shall report documented violations to the police).

L. Off-Street Parking and Loading

1. Basic Design. Adequate off-street parking shall be provided with all new, expanded, or remodeled uses in accordance with this section.
2. Multi-Family Residential, Commercial, Industrial and Institutional Development. Development in any district shall not be extended, and no structure shall be constructed or enlarged, unless off-street automobile parking space is provided in accordance with the following requirements:
 - a. Access points from a public road to commercial and industrial operations shall be so located as to minimize traffic congestion and to avoid generating traffic on local access streets of a primarily residential character;
 - b. Except as noted below, all parking areas and driveways shall have a gravel sub-base at least twelve (12) inches in thickness and six (6) inches of finish gravel or two (2) inches of bituminous concrete or other paving, and shall have appropriate bumper or wheel guards where needed. Seasonal parking areas (used for 180 days or less in a calendar year) shall be constructed to standards suitable for their intended use, as determined by the Planning Board. Intermittent parking on grass may be allowed on the condition that grass cover is maintained on the parking area. For purposes of the prior sentence, “intermittent parking” may include parking during blocks or consecutive days if there is sufficient time between such blocks to allow for rejuvenation of the grass;
 - c. Required off-street parking for all land uses shall be located on the same lot as the principal building or facility unless otherwise authorized by the Planning Board;
 - d. Loading facilities shall be located entirely on the same lot as the building or use to be served. Trucks, trailers, and containers for loading or storage shall not be parked or located upon any Town way. Loading facilities shall also be designed so that they do not interfere with customer traffic flows and parking;
 - e. The joint use of a parking facility by two or more principal buildings or uses may be approved by the Planning Board where it is clearly demonstrated that the parking facilities will essentially meet the intent of the requirements by reason of separate times of maximum use by patrons or employees of such establishments.
3. Parking Lot Design Criteria (Not applicable to single- or two-family dwellings)
 - a. Vehicular Entrance and Exit

- i. Entrances and exits shall be clearly identified by the use of signs, curb cuts, or landscaping.
 - ii. Entrance/exit design shall be in conformance with the standards of Article V, Section 4, Subsection S (Page 52).
- b. Interior Vehicular Circulation
- i. Major interior travel lanes shall be designed to allow continuous and uninterrupted traffic movement.
 - ii. Enclosures, such as guardrails, curbs, fences, walls, and landscaping, shall be used to identify circulation patterns of parking areas and to restrict driving movements diagonally across parking aisles, but not to reduce visibility of on-coming pedestrians and vehicles.
- c. Minimum Parking Requirements
- i. Access to parking stalls serving twenty (20) or more vehicles shall not be provided from any public way.
 - ii. All parking spaces and access drives shall be at least five (5) feet from any side or rear lot line, unless more is required in buffer requirements.
 - iii. Parking stalls and aisle layout shall conform to the design standards in Table 3:

**TABLE 3
Parking Design Standards**

<u>Parking Angle</u>	<u>Stall Width</u>	<u>Skew Width</u>	<u>Stall Depth</u>	<u>Aisle Width</u>
90°	9'=0"		18'-5"	24'=0"
60°	8'=6"	10'-5"	10'-0"	16'=0" one way only
45°	8'=6"	12'-9"	17'-5"	12'=0" one way only
30°	8'=6"	19'-0"	17'-0"	12'=0" one way only

- iv. In paved parking areas, painted stripes shall be maintained to delineate parking stalls. Stripes should be a minimum of four (4) inches in width. Where double lines are used, they should be separated a minimum of one (1) foot on center.

- v. In unpaved parking areas, raised barriers a minimum of eighteen (18) inches in height shall be used to delineate the parking area.

- vi. Curbing and/or wheel stops shall be provided where overhang of parked cars might restrict traffic flow on adjacent through roads, restrict pedestrian movement on adjacent walkways, or damage landscape materials.

TABLE 4

Parking Requirement Schedule

<u><i>ACTIVITY</i></u>	<u><i>MINIMUM REQUIRED PARKING</i></u>
Residential Units	
with 2 or more bedrooms	2 spaces per dwelling unit
with 1 bedroom	1-1/2 spaces per dwelling unit
Elderly Housing	1-1/4 space per dwelling unit
Tourist Homes, Boarding and Lodging Houses, Motels, Hotels, and Inns	1 space per room/unit rental
Campgrounds	1-1/4 spaces per site rental
Churches	1 space per three (3) seats based upon maximum seating capacity
Schools	
Primary	1.5 spaces per classroom
Secondary	8 spaces per classroom
Post-Secondary	1 space for each student and 1 space for each faculty and staff member
Child Care Facility	1 space for every four (4) children for whom facility is licensed to care
Private Clubs or Lodges	1 space for every fifty (50) square feet of floor space
Theaters, Auditoria, Public Assembly Areas	1 space per three (3) seats based upon maximum seating capacity
Libraries, Museums Art Galleries	1 space for each 200 square feet of floor area
Commercial Recreation Facilities	1 space for each 100 square feet of floor area
Marinas	1 space for each boat slip and mooring

TABLE 4

Parking Requirement Schedule

<u>ACTIVITY</u>	<u>MINIMUM REQUIRED PARKING</u>
Funeral Homes maximum seating capacity	1 space per three (3) seats based upon
Medical Care Facilities	1 space for every two (2) beds
Professional Services such as Accountants, Barbers, Hair Dressers, Doctors, Lawyers, Insurance Agents, Real Estate Agents, Veterinarians	1 space for each 250 square feet of floor area
Retail and Service Businesses	1 space for every 150 square foot of sales area
Automobile Repair Garages	4 spaces for each bay or each used for repair work
Motor Vehicle Sales	1 space reserved for customers per twenty-five (25) vehicles displayed on the lot
Restaurants	1 space per three (3) seats based upon maximum seating capacity
Drive-In Restaurants	1 space per fifty (50) square feet of floor area
Industrial Businesses, Warehouses, and Wholesalers	1 space for each vehicle parked overnight on the premises
Flea Markets	2 spaces per eight (8) linear feet of table area
Mixed Uses	Total of individual uses unless Planning Board approves the sharing of parking spaces

NOTES:

1. Where the calculation of the aforementioned parking spaces results in a fractional part of a complete parking space, the parking spaces required shall be construed to be the next highest number.
2. The above are minimum standards, and additional parking spaces shall be required if these prove to be inadequate.
3. Where floor space is to be used in calculating the number of required parking stalls, gross floor area shall be used unless otherwise noted.

- vii. Parking spaces shall be provided to conform with the requirements in Table 4.
- viii. Adequate provisions for the handicapped shall be provided that conform where applicable.

M. 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

See Shoreland Zoning Ordinance for Dresden, Appendix C.

N. Road Construction

1. Standards; Offer of Road to Town. The following Road Standards shall apply to any road which is to be offered to the Town for acceptance as a Town Road (such acceptance may occur only by a vote of the Town Meeting).

If a road being offered to the Town does not meet one or more of the standards, the particulars of each variation from the standards shall be clearly stated in the warrant article presenting the question of acceptance. The Town Road Commissioner's recommendation, if any, shall also be included in the article.

2. Town Road Standards. The Town Roads Standards are as follows:
 - a. Minimum right-of-way width: 50 feet
 - b. Minimum road surface width: 18 feet
 - c. Minimum road surface construction:
 - i. Graveled: The traveled way shall be surfaced to 20 (or 18) feet in width, with crushed or screened gravel to a depth of four (4) inches. No stone in the traveled surface will have a diameter greater than two (2) inches;
or
 - ii. Paved (necessary for acceptance by Town): Pavement shall be a minimum of hot plant mix bituminous pavement, grade B, applied at a uniform compacted thickness of two inches, plus 1/2 inch finish coat;
 - iii. The road shall be suitably crowned.
 - d. Minimum road base width: 24 feet.

- e. Minimum road base construction:
 - i. The top six (6) inches of all organic material shall be removed for the full width of the actual road base, plus ditching;
 - ii. The road base shall consist of a minimum of eighteen (18) inches of gravel, no stone being greater than six inches in diameter;
- f. Shoulders: Shoulder width shall be a minimum of two (2) feet on either side of the traveled way. The slope of the shoulders will be 1/2 inch per foot.
- g. Ditching: All ditching must be graded and seeded or otherwise stabilized. The ditching must be sufficient to handle the runoff of the area. Slope shall be at a minimum of 1/4 inch per foot.
- h. Turnarounds: Adequate turnaround areas (minimum of sixty (60) feet in diameter if circular) shall be built at any temporary or permanent dead-ends.
- i. Culverts: Culverts shall be of adequate size and their size, type, and installation shall be approved by the Town Road Commissioner.

3. Standards for Roads and Driveways

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

*Also see Shoreland Zoning Ordinance for Dresden, Appendix C.

- a. Road banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Article V, Section 4, Subsection Q.
- b. Road grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.
- c. In order to prevent road surface drainage from directly entering water bodies, roads shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least fifty (50) feet plus two times the average slope, in width, between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Road surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
- d. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer

strips before the flow in the road or ditches gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply:

- i. Ditch relief culverts, drainage drops and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

Road Grade <u>Percent</u>	Spacing <u>Feet</u>
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

- ii. Drainage dips may be used in place of ditch relief culverts only where the road grade is ten (10) percent or less;
 - iii. On road sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed across the road at approximately a thirty (30) degree angle down slope from a line perpendicular to the centerline of the road;
 - iv. 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.
- i. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads shall be maintained on a regular basis to assure effective functioning.

4. Additionally, all roads constructed shall conform to the following standards;

- a. Road crossings of watercourses shall be kept to a minimum number necessary;
- b. Bottoms of culverts shall be installed at stream bed elevation;
- c. All cut or fill banks and areas of exposed mineral soil shall be revegetated or otherwise stabilized as soon as possible; and
- d. Bridges or culverts of adequate size and design shall be provided for all road crossings or watercourses. The requirement for a bridge or culvert

may be waived for winter use forest management only by obtaining a permit from the Planning Board.

5. Standards for Driveways;

- a. All new driveways shall have a completed and approved Driveway Application from the Dresden Board of Selectmen or their designee before starting driveway construction or being issued a building permit.
- b. Where a driveway enters a public way the driveway must slope away from the public way a minimum of three inches in the first ten feet. Culvert sizes and lengths for driveways will be determined by the Dresden Board of Selectmen or their designee;
- c. Unimproved access ways to lots such as private farm roads or woods roads are not considered existing driveways under this ordinance.
- d. Sight Distances. Driveways shall be designed in profile and grading and located to provide the required sight distance measured in each direction. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle, at the stop line of the driveway, with the height of the eye 3-1/2 feet, to the top of an object 4-1/2 feet above the pavement. The required sight distances are listed below for various posted speed limits.
Where streets intersect with public roads, sight distances, as measured along the public way which traffic will be entering, shall be based upon the posted speed limit and conform to the following:

Posted Speed Limit (mph)	25	30	35	40	45	50	55
Sight Distance (ft.)	250	300	350	400	450	500	550
Minimum sight distance (ft)	175	210	245	280	315	350	385

O. Sanitary Standards

- 1. All subsurface sewage disposal facilities shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, Chapter 241, as revised.
- 2. When two or more lots or buildings in different ownership share a common subsurface disposal system, the system may be owned and maintained in common by the users of the system. Provision shall be made, whether by deed covenants, lot owner's association, or otherwise, so that there is proper maintenance of the system.

P. Signs

All signs shall conform to the provisions of Title 23, Maine Revised Statutes Annotated, Sections 1901-1925, as amended and all MDOT sign regulations.

- 1. Exemptions. The following requirements shall not apply to:
 - a. Flags and insignia of any government;

- b. Legal notices, identification, information, or directional signs erected or required by governmental bodies;
 - c. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter or commercial identification;
 - d. Signs indicating gasoline prices as required by State law;
 - e. Yard and garage sale signs which are no more than ten (10) square feet in area and which are posted for no more than three (3) consecutive days;
 - f. All political signs and public referendum signs which shall comply with State law;
 - g. Temporary banners and posters for special events;
 - h. Signs related to trespassing and hunting;
 - i. Seasonal signs related to farm stands or farm products, not to exceed thirty-two (32) square feet.
 - j. The setback for signs for pre-existing structures that do not meet the front setback from a road is one half the distance between the paved edge of roadway or gravel shoulder of a gravel road and the part of the structure closest to the road. In this case all other requirements of this ordinance must be met to the greatest extent practicable.
2. Location and Illumination. No sign shall be erected (a) adjacent to any public way in such a manner as to obstruct clear and free vision or (b) in a place or manner which, by reason of its position, shape, color, illumination or wording, would interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or would otherwise constitute a hazard to pedestrian or vehicular traffic. No on-premise signs may be permitted;
- a. Within 33 feet of the center line of any public way if the highway is less than 66 feet in width;
 - b. Within 20 feet from the outside edge of the paved portion of any public way with more than 2 travel lanes and a total paved portion in excess of 24 feet in width; or
 - c. Within the full width of the right-of-way of any public way.
 - d. No exterior signs or interior signs visible from the outside shall be illuminated with flashing, moving, or animated lights nor shall signs move or have moving parts.

- e. All signs, if illuminated, shall be lighted by indirect light of an intensity and manner that it will not result in hazards to motorists.
 - f. No sign shall be located off the site of the lot on which the related service or occupant is located, except for MDOT approved directional signs and residential or home occupation signs.
 - g. No signs shall be placed on utility poles.
3. Residential and Home Occupation Signs. Each residence is permitted a sign, not more than ten (10) square feet, naming the owner and the nature of a "Home Occupation" and one entrance sign not to exceed two (2) square feet. The signs may either be affixed to a wall or be free-standing and may be located on the residential premise, or at intersections of private roads.
4. Non-Residential Signs
- a. Each non-residential use (except home occupations) is permitted one wall or roof sign not to exceed twelve (12) square feet, and two free-standing sign not to exceed twenty-four (24) square feet per sign face.
 - b. Roof signs may not project more than six (6) feet in height above the roof line at the front wall of the structure.
 - c. Free-standing signs shall not exceed fifteen (15) feet in height and shall comply with all 2a, b, and c above.
 - d. In the event of a multi-use facility such as a shopping center, each use is permitted one wall sign, not to exceed twelve (12) square feet, in addition to one free-standing sign, not to exceed thirty-six (36) square feet per sign face, to identify the facility and its occupants.
5. Real Estate Signs
- The sale or rental of real estate may be advertised by temporary signs, no larger than six (6) square feet in area. Each broker or person advertising the sale or rental shall be permitted only two (2) signs on any one premise. All such signs shall be removed within two (2) days of the sale or occupancy.
6. Design Standards for Signs.
- a. No free standing sign shall be located closer than one-hundred (100) feet to any other free standing sign, except where necessary to allow each business one sign.
 - b. Signs shall be constructed of durable materials such as wood, metal, heavy

gauge plastic or any similar material approved by the Planning Board.

7. Temporary Signs. One temporary sign, either free-standing or affixed to a building, and no larger than nine (9) square feet of display area per side, is permitted. The sign may be displayed no more than sixty (60) consecutive days or more than one-hundred eighty (180) days per calendar year.
8. All signs shall be neatly lettered and have a professional appearance.

All signs including their supporting structures and other components shall be maintained to prevent rust, peeling or similar deterioration. Vegetation and landscaping adjacent to any sign shall be maintained in a neat and sightly condition and shall not interfere with legibility of the sign. Damaged signs shall be repaired or removed within ten (10) days.

The Code Enforcement Officer may, after ten (10) days notice, have any damaged or worn sign removed, repaired, or secured at the expense of the owner or lessee of the sign.

Any sign determined by the Code Enforcement Officer to be a public safety hazard shall be removed, repaired, or secured to make it safe immediately upon notification by the Code Enforcement Officer may secure or remove the sign at the expense of the owner or lessee.

Q. Soil and Water Quality Protection

1. Soils. No construction activity shall be permitted in the Water Resource Management Overlay, any area where slopes exceed twenty percent (20%), depth to groundwater is less than twelve (12) inches, depth to bedrock is less than twelve (12) inches, the K factor for soils exceeds four-tenths (0.4) or the soils fall in hydrologic soils group D, unless satisfactory evidence is presented to the Code Enforcement Officer, within the application for a permit, or to the Planning Board, within the application for site plan review that construction methods will overcome any pertinent soil inadequacies.
2. Soil Erosion Control. Erosion of soil and sedimentation of drainage ways, wetlands and surface water shall be minimized by employing the following "best-management" practices:
 - a. The least possible amount of disturbance shall occur during site development in regards to tree removal, de-vegetation, and soil disturbance. In particular, strips of naturally vegetated areas existing on the down slope side of the construction site shall be maintained as undisturbed buffer areas;
 - b. All exposed soils during construction shall be stabilized (i.e., mulched, covered, or re-seeded) within fifteen (15) calendar days of disturbance or at the

completion of work, whichever is sooner. Mulch in drainage ways, on slopes over 20% and in areas exposed to wind shall be stabilized by mulch netting.

The mulch rate shall be as follows:

<u>Method of Stabilization</u>	<u>Rate of Application</u>
Hay mulch/straw	2 tons/acre
Wood chips/bark	4" thick
Re-seeding (only between April 30 and September 30)	In accordance with application rates the S.C.S. Environmental Quality Handbook, as revised.

- c. All drainage ways, swales, wetlands and surface water shall be protected from sedimentation by the installation of silt-fence barriers and/or hay-bale barriers. Such barriers shall be installed prior to any digging, soil removal, the stripping of vegetation, scarification, or soil disturbance of any kind. The barriers shall be installed at all points immediately down-slope of all soil exposing activities.

In addition, in areas where slopes exceed fifteen percent (15%), all drainage ways, swales, wetlands and surface water shall be protected from sedimentation by the maintenance of a one-hundred (100) foot wide undisturbed vegetative buffer.

- d. Permanent (final) vegetation and mechanical erosion control measures shall be installed by the time construction is completed.
- e. Whenever any portion of a designed impervious area over 10,000 square foot falls within the Water Resources Management Overlay or Shore land District, five-hundred (500) feet of a drainage way, wetland, or surface water, the Planning Board shall initiate a review in conjunction with the Knox/Lincoln County Soil and Water Conservation District, or other qualified professionals, as appropriate. If it is determined that because of the slope, soil erodibility, designed impervious area, and site location there is a need for temporary or permanent sedimentation control mechanisms, the Planning Board, in consultation with the reviewing professionals and in accordance with the guidelines established in the S.C.S Environmental Quality Control Handbook, as

revised, as applicable, shall require the use of debris basins, sediment basins, silt traps, or other acceptable methods to trap sediment in run-off water.

- f. Erosion control measures shall be effectively maintained at all times.
- g. It is the responsibility of any person doing any act on or across a communal stream, watercourse or swale or upon the floodway or right-of-way thereof to maintain as nearly as possible, in its present state, the stream, watercourse, swale, floodway or right-of-way during the duration of such activity and to

return it to its original or equal condition after such activity is completed. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surface, drainage systems and watercourses and to repair any damage, at his expense, as quickly as possible.

3. Phosphorous Export. When a proposed project is within the direct watershed of a great pond, the applicant shall make provisions to limit the export of phosphorous from the site following completion of the project, consistent with the maximum allowable phosphorous standard of 0.07 - 0.08 lbs./acre.

At a minimum, vegetative buffer strips shall be provided on the downhill side of all lots, along all tributaries to great ponds and along the great pond. The minimum required width of buffer strips are designated in the following table and depend on the size of the lot, the hydrologic soil group, and whether deed restrictions are proposed to limit the area which may be cleared on each lot.

Watershed Buffer Requirements

Hydrologic	Buffer Width (ft.) per lot	Soil	Clearing Restricted	No Clearing
		Group	to 12,500 sq.ft.	Restrictions
< 1 Acre		A	75	85
		B	130	150
		C	NA	NA
		D	NA	NA
1-1.99 Acres		A	25	25
		B	25	25
		C	55	190
		D	200	NA
2-2.99 Acres		A	25	25
		B	25	25
		C	25	50
		D	25	200

All lots three (3) acres and larger shall provide a minimum twenty-five (25) foot buffer.

4. Storm Water Management. The following standards shall apply to all subdivisions, non-residential and multi-family residential development that requires site plan review:
 - a. All new construction and development, whether served by a storm water collection and transportation system, shall be designed to reflect or resemble, as nearly as possible, natural runoff conditions in terms of volume, velocity and location of runoff.
 - b. Prior to the initiation of any construction or development, an evaluation must

be made of pre-development and post-development peak storm water runoff rates. Such evaluations shall be based on a 24-hour, 25-year recurrence interval storm, and estimates of peak storm water discharge and volume must be calculated using Urban Hydrology for Small Watersheds, TR-55, Soil Conservation Service, as revised.

- c. If runoff after development will exceed pre-development runoff conditions, all appropriate controls as presented in the S.C.S. Environmental Quality Handbook, as revised, shall be utilized to eliminate such off-site impacts as soil erosion and sedimentation, reduced drainage capacity, and impaired land use or land cover characteristics.
 - d. When two or more lots or buildings in different ownership share a common subsurface disposal system, the system may be owned and maintained in common by the users of the system. Provision shall be made, whether by deed covenants, lot owner's association, or otherwise, so that there is proper maintenance of the system.
 - e. Storm water runoff systems shall be designed to facilitate aquifer recharge when it is advantageous to compensate for groundwater withdrawals or reductions in infiltration. Conversely, designs shall avoid recharge where groundwater effects might be harmful. Design of permanent storage facilities shall consider safety, appearance, recreational use, and cost and effectiveness of maintenance operations, in addition to the primary storage function. Natural overland flows, and open drainage channel and swale locations shall be the preferred alignments for major components of a residential drainage system. The use of enclosed components (such as underground piping) shall be minimized where the existing natural systems are able to accommodate storm runoff. Energy dissipaters (to reduce high-flow velocities), rip rap, and other forms of outfall protection shall be employed where enclosed drains discharge onto erodible soils.
5. Water Quality Degradation. To the extent necessary to protect water quality, no activity shall locate, store, discharge, or permit the discharge of any treated,

untreated or inadequately treated liquid, gaseous, or solid materials of such nature, quality, obnoxiousness, toxicity, or temperature that runoff, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness, or be harmful to human, animal, plant, or aquatic life. All above ground storage facilities for fuel, chemicals, or chemical or industrial wastes shall be located on impervious pavement, and shall be completely enclosed by an impervious dike which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a twenty-five (25) year storm, so that such liquid shall not be able to spill onto or seep into the ground surrounding the paved storage area. Storage tanks for "home heating oil" and diesel fuel, not exceeding 275 gallons in

size, shall be exempted from this requirement, in situations where neither a high seasonal water table (within fifteen (15) inches of the surface) nor rapidly permeable sandy soils are involved.

R. Storage of Materials

1. Outdoor Storage. All materials stored outdoors, shall be stored in such a manner as to deter the breeding and harboring of insects, rats or other vermin. This shall be accomplished by enclosures in containers, raising materials above ground, separation of material, prevention of stagnant water, extermination procedures or other means.
2. Exemptions. The following trailers and vehicles are exempted from the provisions of paragraph 1, above:
 - a. Recreational trailers and vehicles;
 - b. Farm equipment;
 - c. Intermittently parked trailers and vehicles used by an individual who derives a substantial portion of his/her income from the operation of such vehicles off premises, when parked on property occupied by the individual;
 - d. Trailers and vehicles parked or stored within a building or structure;
 - e. Trailers and vehicles parked on property where construction or demolition activities are in process, providing the vehicles are set back from any property line at least ten (10) feet, and are removed within twenty (20) days of project completion.

S. Street Access and Driveways for Projects requiring Site Plan Review

1. Street Access. Provision shall be made for vehicular access to the development and circulation upon the parcel in such a manner as to safeguard against hazards to traffic and pedestrians in the street within the development,

to avoid traffic congestion onto any street and to provide safe and convenient circulation on public streets and within the development. More specifically, access and circulation shall also conform to the following standards and design criteria:

- a. The vehicular access to the development shall be arranged to avoid through traffic use of local residential streets, unless planned, laid out and constructed to accommodate such use;
- b. Where the entire parcel and individual lots have frontage on two or more streets, the access to the parcel or lots shall be provided across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians;

- c. The street giving access to the parcel and neighboring streets which can be expected to carry traffic to and from the development shall have traffic carrying capacity and be suitably improved to accommodate the amount and types of traffic generated by the proposed use;
 - d. Where necessary to safeguard against hazard to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, driveways and traffic controls within public streets;
 - e. Accessways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street;
 - f. Where topographic and other conditions allow, provision shall be made for circulation driveway connections to adjoining lots of similar existing or potential use:
 - i. When such driveway connection will facilitate fire protection services as approved by the Fire Chief and/or
 - ii. When such driveway will enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a street.
2. Driveway Design.
- a. Sight Distances. Driveways shall be designed in profile and grading and located to provide the required sight distance measured in each direction. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle, at the stop line of the driveway, with the height of the eye 3-1/2 feet, to the top of an object 4-1/2 feet above the pavement. The required sight distances are listed below for various posted speed limits.

Where streets intersect with public roads, sight distances, as measured along the public way which traffic will be entering, shall be based upon the posted speed limit and conform to the following:

Posted Speed Limit (mph)	<u>25</u>	<u>30</u>	<u>35</u>	<u>40</u>	<u>45</u>	<u>50</u>	<u>55</u>
Sight Distance (ft.)	250	300	350	400	450	500	550

b. Driveway Intersections

i. Skew Angle. Driveways shall intersect the road at an angle as nearly ninety (90) degrees as site conditions permit, but in no case less than sixty (60) degrees.

ii. Entrance Curb. Curb radii will vary depending if the driveway is one-way or two-way operation. On a two-way driveway, the curb radii shall be between twenty-five (25) feet and forty (40) feet, with a preferred radius of thirty (30) feet. On one-way driveways, the curb radii shall be thirty (30) feet for right turns into and out of the site, with a five (5) foot radius on the opposite curb.

c. Driveway Location and Spacing

i. Minimum Corner Clearance. Corner clearance shall be measured from the point of tangency (PT) for the corner to the point of tangency for the driveway. In general, the maximum corner clearance should be provided as practical based on site constraints. Special case driveways are one-way and two-way drives with partial access (right turn only) permitted.

<u>Driveway Type</u>	<u>Minimum Corner Clearance (feet)</u>	
	<u>Intersection Signalized</u>	<u>Intersection Unsignalized</u>
Full Access	150	50
Special Case		
Right turn in only	50	50
Right turn out only	100	50
Right turn in or out	100	50

ii. Driveway Spacing. Driveways shall be located at least Fifty (50) feet from adjacent driveways and fifteen (15) feet from property lines (except in the case of shared drives between adjacent parcels or lots), in order to allow major through routes to effectively serve their primary arterial function of conducting through traffic. This distance shall be measured from the driveway point of tangency to the driveway point of tangency for spacing between driveways and

from the driveway point of tangency to a projection of the property line at the edge of the roadway for driveway spacing to the property line.

iii. Special Case Drives. Where the minimum standard for a full access drive cannot be met, only a special case driveway shall be permitted. If based on the criteria in paragraphs a. and b. above, full access to the site cannot be provided on either the major or minor streets, the site shall be restricted to partial access. Alternately, construction of a shared access drive with an adjacent parcel is recommended.

d. Number of Driveways. The maximum number of driveways onto a single street is controlled by the available site frontage and the above driveway spacing. In addition, no traffic generator, except agricultural uses or timber harvesting activities, shall have more than two driveways in total onto a single roadway.

e. Construction Materials/Paving

i. All driveways entering a curbed street shall be curbed at the entrance. Curbing is required around all raised channelization islands or medians.

ii. All commercial driveways, regardless of driveway volume, may be required by the Planning Board to be paved with bituminous concrete pavement within thirty (30) feet of the street right-of-way.

T. Structure Elevation within the Flood Plain

Repealed 14 June 2003. See Flood Plain Ordinance.

U. Timber Harvesting within the Shoreland District.

See Shoreland Zoning Ordinance for Dresden, Appendix C.

V. Demolition. Any structure which receives damage of 50% or more of its fair market value, by fire, storm or other means, must be repaired, replaced or removed within 90 days of written notification to the property owner by the CEO that the structure, as is, is unsafe, unusable, or uninhabitable.

SECTION 5. BUILDING CODE

The following standards apply to all buildings and structures constructed after the effective date of this Ordinance.

- A. Minimum Construction Standards. All building material used and practices followed in the construction of buildings shall conform to the generally accepted standards of good practice.
- B. Exterior Finish. The exterior walls shall be finished with a covering of clapboards, wood siding, wood or asphalt or asbestos shingles, masonry, brick, stone, vinyl, aluminum or other approved material. Such covering shall be completed within twelve (12) months after the outside studding is in place. Tarred paper or tarred felt or similar substances shall not be used unless completely hidden from view by the finished exterior wall covering within the twelve (12) month time limit as above.
- C. Roof Covering. The roof shall be covered with materials which are non-combustible or fire-resistant, and which will remain so during their useful life. Fire-resistant materials must have at least a Class C fire-resistance rating as determined in accordance with ASTM test standard E108-75, NFPA test standard 256, or other equivalent standard.
- D. Chimneys. Chimneys shall be constructed of solid masonry units or reinforced concrete with walls not less than four inches thick, or other approved materials.
 - 1. Chimney Liners. Chimneys shall be lined with approved fire clay or tile flue liners, or other approved material.
 - 2. Chimney Supports. Chimneys shall be supported on foundations of masonry or reinforced concrete which, if on the exterior of the building, shall extend to one (1) foot below the normal frost line.
 - 3. Chimney Height. Chimneys shall extend at least three (3) feet above the highest point of roof penetration, and at least two (2) feet above the highest point of the roof within ten (10) feet horizontally of the chimney.
 - 4. Chimney Cleanout Doors. Every chimney shall be provided with a cleanout opening at or near the base equipped with a metal door and frame arranged to remain tightly closed when not in use.
- E. Stoves and Stovepipe. Stoves and stovepipe shall be installed safely, in a manner consistent with the manufacturer's recommendations and the applicable standards prepared by the State Fire Marshall's Office.
- F. Fireplaces. The back and sides of a fireplace shall be of solid masonry or reinforced concrete not less than eight inches of thickness and lined with firebrick at least two (2) inches thick. A fireplace shall have a hearth of non-combustible material that is supported by a fire-proof slab or brick trimmer-arch and shall extend at least twenty (20) inches

beyond the sides of the fireplace opening. The minimum combined thickness of the hearth and its supporting constructions shall be not less than six (6) inches, unless otherwise approved by the State Fire Marshall. This section shall not prohibit the use of "heatilator"-type fireplaces.

- G. Electrical Installations. Any building having electricity shall have a safe and adequate electrical service, all work to be done throughout in accordance with the State of Maine Electrical Code, as revised. No electrical wiring shall be covered or concealed until it has been inspected and permission to conceal it has been given by the CEO.
- H. Plumbing. All plumbing and sewage disposal shall be in strict conformance with the State Plumbing Code, as revised.
- I. Means of Exit. Buildings built or used for human occupancy shall have at least two (2) suitable means of exit.
- J. Certificate of Occupancy. The CEO shall issue said certificate after proper examination shows that all work performed is in compliance with the provisions of this code.
1. All Buildings. No building shall be occupied after its construction or relocation until a certificate of occupancy has been issued by the CEO.
 2. Rentals. No building shall be rented to any tenant without obtaining a certificate of occupancy certifying that such building meets all applicable safety and sanitary standards as far as can be ascertained.
 3. Temporary housing. Temporary housing on any lot that is occupied by the property owner or the property owner's immediate family while a residential structure is being built or repaired must be removed (or discontinued by conversion) within 90 days after a certificate of occupancy has been issued.
- K. Size of Dwelling. Each dwelling and any seasonal camp occupied more than three (3) months per year, constructed or located within Dresden, shall have a minimum ground floor area of 500 square feet (calculated from the exterior dimensions of the dwelling's structure).
- L. Use of Camping Trailers. The use of camping trailers and campers, so called, shall be permitted without a permit only in properly authorized and licensed camping grounds, or on private land if the landowner has granted written permission for the occupancy and:
1. The occupancy is for less than thirty (30) days within a calendar year, or;
 2. If the occupancy is for more than thirty (30) days, there is adequate provision for proper disposal of sewage and other wastes associated with the parked vehicle.
- M. Foundations. All buildings shall be connected to the ground in a manner which will avoid damage and injury due to frost action and which will safely support and/or resist all

anticipated vertical and lateral loads. In applying this standard, the CEO shall take into account the use to which the building will be put.

Any design which will meet this standard may be used, including a reinforced concrete slab at least six (6) inches thick, or walls, posts, piers, or other supports extending one (1) foot below frost line and made of materials designed to provide a safe and permanent foundation.

Masonry walls and concrete slabs shall rest upon solid ground or leveled rock or on piles or ranging timbers when solid rock or earth is not found.

N. Manufactured Homes.

1. The minimum horizontal dimension of the manufactured home as installed on the site shall be eleven feet, six inches (11'6").
2. All manufactured housing units must comply with the safety standards in the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70, as amended.
3. The exterior wall surface shall be covered with materials similar to conventional residential siding.
4. Each manufactured home shall have a foundation that meets the requirements of Subsection M above.
5. Each manufactured home shall have either a permanent, continuous connection with its foundation (around its perimeter), or shall have continuous skirting or some other type of enclosure which completely encloses the area between the manufactured home and the ground.

O. Swimming Pools. All swimming pools shall be in strict conformance with State law.

SECTION 6. PERFORMANCE REQUIREMENTS AND STANDARDS FOR SPECIFIC ACTIVITIES

The following requirements and standards apply to the specific activities listed in addition to the requirements and standards of Sections 4 and 5:

A. Campgrounds and Individual Private Campsites.

1. Campgrounds shall conform to the minimum requirements imposed under the State licensing procedure and the following:

See Shoreland Zoning Ordinance for Dresden, Appendix C.

B. Cluster Development.

1. Purposes. The purposes of these provisions are:
 - a. to provide for efficient use of land and the preservation of open space, prime farmland, and rural character;
 - b. to provide adequate recreation areas;
 - c. to provide for development in harmony with the natural features of the land;
 - d. to allow for innovative concepts of housing development;
 - e. to encourage efficient use of infrastructure; and
 - f. to encourage the construction of affordable housing in the community.

The Planning Board may modify the dimensional requirements of this Ordinance (Table 2) to permit innovative approaches to housing and environmental design in accordance with the following requirements and standards.

In no case shall shore frontage and setback be reduced below the minimum normally required by the State shoreland zoning requirements.

2. Cluster development shall be mandatory on prime agricultural soils, designated by the U.S. Soil Conservation Service.
3. Basic Requirements for Cluster Developments.
 - a. Cluster developments shall be a minimum of three (3) lots or dwelling units and shall meet all requirements for a subdivision, the Town's road standards, and all other applicable ordinances, including the General Performance Standards of this Ordinance and State laws and regulations.
 - b. The applicant shall illustrate the placement of buildings and the treatment of spaces, paths, roads, service and parking and in so doing shall take into consideration all requirements of this section and of other relevant sections of this Ordinance.
 - c. Each building shall be an element of an overall plan for the site development.
 - d. Net Residential Density (NRD) shall not exceed the single lot density permitted, except that the Planning Board may permit increases in NRD in accordance with one, and only one, of the following:

IE:

THEN NRD MAY BE
INCREASED UP TO:

i. At least 75% of the buildable land

10%

included in the development is reserved as permanent common open space, use of which is restricted; or

- ii. Development includes lands designated by U.S. Soil Conservation Service as prime farmland soils, and at least 80%

of such lands are preserved as permanent common open space; use of which is restricted; or

- iii. Development includes natural areas which, in the Planning Board's judgement have significant potential for use and enjoyment by the public, and the developer either dedicates such lands to public ownership or grants an easement for access to and use of such lands by the public on mutually agreeable terms.

- e. Attached single-family dwellings shall include no more than four (4) such dwellings attached in any single series.
- f. Multi-family dwellings shall include no more than six (6) dwelling units per structure nor more than two (2) dwelling units arranged one above the other.
- g. The location of subsurface wastewater disposal systems and an equivalent reserve area for replacement systems shall be shown on the plan. The reserve areas shall be restricted so as not to be built upon. The report of a licensed Site Evaluator shall accompany the plan. If the subsurface disposal system is an engineered system, approval from the Department of Human Services, Division of Health Engineering, shall be obtained prior to Planning Board approval.
- h. Buildings shall be oriented to preserve and/or take maximum advantage of scenic vistas, natural landscape features, topography, solar energy, and natural drainage areas.
- i. The applicant shall demonstrate the availability of water adequate for domestic purposes as well as for fire safety. The Planning Board may require the construction of storage ponds and dry hydrants. The location of all wells shall be shown on the plan.
- j. The common open space created by the Cluster Development shall:
 - i. be shown on the cluster plan with appropriate notation that it is restricted

- and shall not be used for future building lots;
- ii. be accessible to the owners or residents of the development, subject to any necessary limitations in connection with the uses of the land (e.g., farming), which may be permitted;
 - iii. be usable for low-intensity recreation, agriculture, or other passive outdoor living purposes and for preserving the natural features of the site. Potential uses (e.g., farming) may be by the subdivider, owners or residents, or a lessee or agent. Such uses shall not include above-ground rights-of-way or parking areas, or tennis courts, swimming pools, or similar recreation development. The use of any open space may be further limited or controlled at the time of final subdivision approval as necessary to protect adjacent properties;
 - iv. not be further subdivided. Open space shall be used only for agriculture, non-commercial recreation, forestry or conservation. However, easements for public utilities, but no structure, may be permitted in the open space area; and
 - v. be adequately maintained into the future. The developer shall provide a plan and related documentation sufficient to insure this. Such plan may provide for common ownership, directly or through a homeowner's association, dedication of the common areas to the Town or other appropriate representative of the public, a perpetual trust fund, or other means. The maintenance of open space may include provision for cutting or planting of vegetation, tilling of soil, or other means of maintenance.
- k. Access from public ways, internal circulation, and parking shall be designed to provide for vehicular and pedestrian safety and convenience, emergency and fire equipment, snow clearance, street maintenance, and delivery and collection services. Any streets which may be offered to the Town shall be constructed in accordance with Town Road Standards.
 - l. Adequate provision shall be made for storm water runoff, particularly effluent draining from the site. Erosion that could result from any changes on the site shall be prevented by landscaping or other means of maintenance.
 - m. Where practicable, all utilities shall be installed underground. Transformer boxes, pumping stations and meters shall be located so as not to be unsightly or hazardous to the public.
 - n. The total area of open space within the development shall be a minimum of 25% of the total development, and shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally

required in the District, except where density bonuses are permitted.

- o. Every building lot that is reduced in area below the amount normally required should abut the open space for a distance of 50 feet, or be within 500 feet walking distance of such land, as measured along public ways.
- p. Where a cluster development abuts a body of water, a usable portion of the land along the water, as well as reasonable access to it, shall be a part of the common land. This open space land shall have a minimum depth of 100 feet.

4. Siting and Buffering Standards

- a. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, south-facing slopes (where possible) and natural drainage areas, in accordance with an overall plan for site development and landscaping.
- b. Buildings shall be designed and laid out to protect bedroom windows from light invasions by vehicle headlights or glare from existing outdoor lighting or illuminated signs where allowed, insofar as practicable.
- c. Where parking spaces or storage areas are located in areas abutting existing residential properties, a permanent wood or masonry screen at least four feet high shall be erected along the property line in addition to the green perimeter strip described below.
- d. A vegetative buffer strip, not less than twenty (20) feet wide shall be maintained with grass, bushes, flowers, or trees along all lot lines (except for entrance and exit driveways). Such buffer strip shall not be built on or paved or used for parking or storage. There shall be no removal of trees over 4 inches in diameter within this buffer. Vegetation shall be retained in its natural state, although tree planting shall be permitted as a matter of right.

C. Home Occupations

- 1. Permitted home occupations must be carried out without: offending custom or disturbing neighbors; altering the residential character of the structure or neighborhood; or changing the character of the lot from its principal use as a residence.
- 2. The home occupation shall be carried on wholly within the principal or accessory structures. There shall be no outside storage or display of materials, products, equipment or vehicles.
- 3. A home occupation shall be carried on by permanent residents of the dwelling unit,

and shall not exceed five hundred (500) square feet or twenty-five

percent (25%) of the total floor area of the dwelling unit, whichever is greater. A home occupation shall not have more than the equivalent of (2) two non-resident full-time employees.

D. Hotels, Motels and Inns. For traffic safety on and immediately adjoining each motel, hotel or inn and to assure health, safety and welfare of occupants and of the neighborhood generally, the following land, space, building, traffic, utility, and service design requirements shall be met.

1. No part of any building on a motel lot shall be closer than sixty (60) feet to the front lot line, rear lot line or either side line of such lot. A green space, not less than twenty-five feet wide, shall be maintained open and green with grass, bushes, flowers or trees all along each side lot line, the rear lot line, the front line of such lot, except for entrance and exit driveways. The green space shall not be used for automobile parking.
2. Hotel building construction plans shall be reviewed and approved by the State Fire Marshall's Office prior to Planning Board decision.

E. Junkyards. Junkyard shall meet all applicable State requirements and shall not be located within one-hundred (100) feet of a public or private water supply, with the exception of a supply serving the junkyard or junkyard owners' abutting residence.

F. Mineral Exploration and Extraction

The following requirements are consistent with the DEP requirements for related activities.

1. Groundwater Protection

- a. No excavation may occur between five (5) and two (2) feet of the seasonal high-water table unless sufficiently detailed information is submitted, documenting the position of the seasonal high-water table, to allow the Planning Board to determine that the groundwater will not be adversely affected. No excavation may occur within two (2) feet of the seasonal high-water table.
- b. Petroleum products, or other substances that could contaminate groundwater, must be stored on the affected land in accordance with a spill prevention, control and containment plan. Refueling operations, oil changes and maintenance activities requiring the handling of hydraulic fluids, as well as any other on-site activity involving the use of products which, if spilled, could contaminate surface water and ground water, must also be conducted in accordance with such plan.

- c. A three-hundred (300) foot horizontal separation must be maintained between the limit of excavation and any predevelopment private drinking water supply. A one-thousand (1,000) foot horizontal separation must be maintained between the limit of excavation, and any water source which qualifies as a public drinking water supply.
 - d. The borrow pit or topsoil mining operation must not withdraw more than five-thousand (5,000) gallons of groundwater per day.
2. Surface Water Protection/Stormwater Management
- a. If the estimated peak rate of stormwater runoff from the affected land is calculated, at any time, to be greater than the predevelopment runoff peak rate in any watershed within the boundaries of the affected land, a detention basin must be designed and constructed to maintain the predevelopment runoff peak rate.
 - b. The outlet structures of each detention basin must be designed to control 24-hour storms of 25-year frequency. Each detention basin must be constructed with an emergency spillway designed to independently convey the runoff from a 25-year, 24-hour storm event if the primary spillway is blocked or its capacity exceeded.
 - c. All processing water must be discharged to a sedimentation basin. No chemicals may be used to process borrow.
3. Erosion and Sedimentation Control
- a. The working pit may not exceed ten (10) acres, at any one time, in order to limit the potential for erosion and sedimentation damage.
 - b. Ditches, sedimentation basins, dikes, and other control measures must be used as necessary to prevent sediments from being washed or deposited into classified bodies of water. Each sedimentation basin must be designed and constructed with capacity to detain runoff from a storm of 10-year frequency and 24-hour duration for a minimum of ten (10) hours. Each sedimentation basin must be inspected, and accumulated sediments removed as necessary, to ensure that the design limit for accumulated sediments is not exceeded.
 - c. Topsoil stockpiles must be seeded, mulched, anchored, or otherwise temporarily stabilized.
4. Natural Buffer Strips.

- a. A natural buffer strip at least seventy five (75) feet plus four (4) feet for every one percent (1%) average slope within the first 75 feet must be maintained between the affected land and a classified body of water.
 - b. A natural buffer strip at least one-hundred and fifty (150) feet wide must be maintained between the borrow pit (affected land) and a public road. A natural buffer strip at least twenty-five (25) feet wide must be maintained between the topsoil mining operation (affected land) and a public road.
 - c. A natural buffer strip at least one-hundred and fifty (150) feet wide must be maintained between the affected land and the property boundary. This buffer may be reduced to twenty-five (25) feet with written permission of the abutting property owner. It may be eliminated between abutting properties containing borrow pits or topsoil mining operations with written permission of the abutting property owner.
5. Air Quality. Any dust generated, including dust associated with traffic to and from the working pit, must be controlled by sweeping, paving, watering or other best management practices for control of fugitive emissions so that the particulate standards set forth in 38 M.R.S.A 584-A(1), as revised, are not exceeded.
6. Noise
- a. A borrow pit or topsoil mining operation may only be operated or reclaimed between the hours of seven o'clock (7:00) a.m. and seven o'clock (7:00) p.m., Monday through Saturday.
 - b. Hourly sound levels must not exceed the sound level limits set forth in the DEP Site Law 06-096 CMR 375.10, as revised.
7. Solid Waste. Refuse spoils; unused soil stockpiles; stumps and associated debris; and other solid waste generated must be disposed of in accordance with 06-096 CMR 400-409, as revised.
8. Reclamation. The affected land must be restored to a condition or physical state which either is similar to and compatible with that which existed prior to any development, or encourages the future productive use of the land.
- a. The borrow pit or topsoil mining operation must be reclaimed in phases so that:
 - i. the working pit (operation phase) does not exceed ten (10) acres at any time; and
 - ii. the area being actively reclaimed (reclamation phase) does not exceed fifteen (15) acres at any time.

A single stockpile area, not to exceed five (5) acres, is allowed in addition to the ten (10) acre working pit.

- b. Within thirty (30) days of completion of excavation, the side slopes of the borrow pit or topsoil mining operation must be regraded to a slope no steeper than the ratio of two and one-half (2.5) horizontal to one (1) vertical. Slopes up to two (2) to one (1) vertical may be allowed, if a slope stability analysis is submitted showing that there will be no major failure or sloughing of slopes under construction loads.
- c. Haul roads must be reclaimed.
- d. Vegetative cover must be established on all affected land. Top soil must be placed, seeded and mulched within thirty (30) days of final grading.
 - i. A minimum of four (4) inches of topsoil must be placed on the excavated slopes and surfaces. Two (2) inches of the loam must be mixed or harrowed into the substrate and two (2) inches of the loam must be placed on top. The topsoil must be mixed into the original material to provide a gradual transition between soil layers, and to avoid distinct plains resulting in slope failure. The topsoil must have a soil compaction sufficient to sustain vegetative growth.
 - ii. Vegetative material used in reclamation must consist of grasses, legumes, herbaceous or woody plants, shrubs, trees or a mixture thereof. Plant material, except material for dormant seeding, must be planted during the first growing season following the beginning of the reclamation phase. Selection and use of vegetative cover must take into account soil and site characteristics such as drainage, pH, nutrient availability, and climate.
 - iii. The vegetative cover is acceptable only if:
 - (a) the planting of trees and shrubs results in a permanent stand, or stand capable of regeneration and succession, sufficient to assure a seventy-five percent (75%) survival rate; and
 - (b) the planting of all materials results in ninety percent (90%) coverage.

NOTE: Dormant seeding is defined as seeding done at twice the permanent or temporary seeding rate, and mulched at a rate of two (2) tons per acre. The seed and mulch are applied to bare earth between November 10th and April 15th.

G. Mobile Home Parks. Mobile home parks shall be developed in accordance with the following requirements.

1. General Requirements.

- a. The land within the park shall remain in a unified ownership and the fee to lots or portions of lots shall not be transferred.
- b. No dwelling unit other than a manufactured housing unit shall be located within the park.
- c. Each mobile home park owner shall establish and enforce regulations governing the conduct of the internal affairs of the park.

2. Lot Area and Lot Width Requirements: Lots in a mobile home park shall meet the following lot area and lot width requirements.

- a. Lots served by individual subsurface wastewater disposal systems:

Minimum lot area: 20,000 square feet
Minimum lot width: 100 feet

- b. Lots served by a central subsurface wastewater disposal system approved by the Maine Department of Human Services:

Minimum lot area: 12,000 square feet
Minimum lot width: 85 feet

- c. The overall density of any park served by any subsurface wastewater disposal system shall not exceed one unit per 20,000 square feet of total park area.

3. Unit Setback Requirements: Each manufactured home within a mobile home park shall be set back a minimum of:

- a. Twenty (20) feet from the boundaries of the lot on which the mobile home is placed; and
- b. Fifty (50) feet from all mobile home park boundary lines.

4. Buffer/Screening Requirements.

- a. Each mobile home park shall retain or have a buffer strip at least fifty (50) feet wide around the perimeter of the park parcel. No structures, roads or utilities may be placed in the strip except that roads and utilities may cross the strip to serve the park. The outer twenty-five (25) foot wide portion of the strip shall have natural screening (trees, other

vegetation, terrain, etc.) to provide a visual and sound buffer between the park and adjacent properties.

- b. The Planning Board may require the developer to plant trees or other vegetation, or do landscaping, so that there is adequate buffering and screening where the natural screening is insufficient.

5. Groundwater Protection Requirements.

- a. No mobile home park shall increase any contaminant concentration in the groundwater to more than one-half (1/2) of the Primary Drinking Water Standards or more than the Secondary Drinking Water Standards.
- b. If groundwater contains contaminants in excess of the primary standards, and the mobile home park is to be served by on-site groundwater supplies, the applicant shall demonstrate how water quality will be improved or treated.
- c. If groundwater contains contaminants in excess of the secondary standards, the mobile home park shall not cause the concentration of the parameters in question to exceed one-hundred fifty percent (150%) of the ambient concentration.
- d. Subsurface wastewater disposal systems and drinking-water wells shall be constructed as shown on the map submitted with the assessment.

6. Road Design, Circulation and Traffic Requirements.

- a. All mobile home parks shall have safe and convenient vehicular access from abutting public streets or roads.
- b. Roads which the applicant proposes to be accepted as public ways by the Town shall be designed and constructed in accordance with the Town Road specifications.
- c. Private roads within the Mobile Home Park, which the applicant or owner does not intend to offer to the Town for acceptance as a Town way, shall:
 - i. Have a minimum right-of-way of twenty-three (23) feet in width, twenty (20) feet of which must be the travelway;
 - ii. Conform to Town Road Standards regarding road base, surface, shoulders, ditching and culverts, (pp. 36-37).

- d. Such roads as the Planning Board determines, shall have a designated four (4) foot wide minimum walkway along its boundary. The walkway shall be marked or built so that its bounds and function are clearly distinguishable from the road.
 - e. Any dead-end roads shall be no longer than five-hundred (500) feet. The closed end shall have a clear turnaround area with a minimum radius of sixty (60) feet.
 - f. Off-road parking for at least two cars shall be furnished for each mobile home. Parking spaces shall only be located within the individual mobile home lots that they are intended to serve.
 - g. Any mobile home park expected to generate average daily traffic of two-hundred (200) trips per day or more shall have at least two (2) road connections with existing public roads, other roads within the park, or other roads shown on an approved subdivision plan.
 - h. No individual lot within a park shall have direct vehicular access onto an existing public road.
 - i. The intersection of any road within a park and an existing public road shall meet the following standards.
 - i. Angle of intersection. The desired angle of intersection shall be ninety (90) degrees. The minimum angle of intersection shall be seventy-five (75) degrees.
 - ii. Maximum Grade. The maximum grade within 75 feet of the intersection shall be two (2) percent.
 - iii. Minimum Sight Distance. A minimum sight distance of ten (10) feet for every mile per hour of posted speed limit on the existing road shall be provided. Sight distances shall be measured from the drivers seat of a vehicle that is ten (10) feet behind the curb or edge of shoulder line with the height of the eye three and one-half (3 1/2) feet above ground level and the height of object four and one-quarter (4 1/4) feet above ground level.
 - iv. Distance from other intersections. The centerline of any road within a park intersecting an existing public road shall be no less than one-hundred twenty-five (125) feet from the centerline of any other road intersecting that public road.
7. Conversions of Mobile Home Parks. No development or subdivision which is approved under this section as a mobile home park may be converted to another use without the approval of the Dresden Planning Board, and meeting the appropriate lot size, lot width, setback and other requirements.

8. Permit Term and Change of Ownership. All conditional use permits for mobile home parks shall expire upon a change in ownership of the mobile home park, unless sooner suspended or revoked, within thirty (30) days of the change of ownership. The new owner must apply for a continuation of the mobile home park permit and submit any information, requested by the Planning Board.

A new permit shall be issued unless the information indicates the new owner or plan will not comply with the terms and conditions of the prior permit and approved plans.

9. Recording. Within sixty (60) days of final Town action, the Mobile Home Park plan shall be recorded at the Lincoln County Registry of Deeds, filed with the Town Clerk and shall include any other restrictions, notes or conditions of approval.

H. Multi-Family Development. The following apply to all multi-family developments.

1. An adequate water supply shall be provided to the development for fire fighting purposes. Wet or dry fire hydrants or fire ponds shall be located so that they are not more than five-hundred (500) feet from any building, as fire hose is laid on the street.
2. No structures shall be located on land unsuitable for development under the net buildable acreage calculation.
3. All developments containing fifteen (15) or more dwelling units may be required by the Planning Board to have more than one street access for emergency and safety purposes. No more than two (2) accesses shall be allowed on any single street or roadway.
4. A vegetative buffer strip, not less than twenty (20) feet wide shall be maintained with grass, bushes, flowers, or trees along all lot lines (except for entrance and exit driveways). Such buffer strip shall not be built on or paved or used for parking or storage. There shall be no removal of trees over four (4) inches in diameter within this buffer. Vegetation shall be retained in its natural state, although tree planting shall be permitted as a matter of right.
5. All multi-family developments of ten (10) dwelling units or more shall provide a developed open recreation area of no less than five-hundred (500) square feet per dwelling unit.
6. The owner(s) shall be responsible for rubbish disposal, snow removal, and site maintenance.

I. Single-Family Development

All single-family development will be constructed in accordance with Section 5 of this Article, the **Dresden Building Code**, and pertinent State regulations.

J. Subdivisions. The following apply to all subdivisions as defined by this Ordinance.

1. Lots.

- a. Wherever possible, side lot lines shall be perpendicular to the street.
- b. The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as will either provide for or preclude future division. Deed restrictions and notes on the plan shall either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the plan and shall require approval from the Board, subject to the criteria of the Subdivision Statute, the standards of these regulations and conditions placed on the original approval.
- c. If a lot on one side of a stream, tidal water, road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, tidal water, or road to meet the minimum lot size.
- d. The ratio of lot length to width shall not be more than three to one. Flag lots and other odd-shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited.
- e. No lots in any subdivision may access directly onto an existing State or Town road, unless approved otherwise by the Planning Board.
- f. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.

2. Roads. The Planning Board may require that all roads within the subdivision be constructed to meet or exceed (e.g. pavement may be required) the Town Road Standards.

The road and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as much as possible.

The Planning Board, on the advice of the Road Commissioner, may, for vehicles involved in the construction of the subdivision, specify the travel flow of heavy vehicles to and from the subdivision and the maximum vehicle loading permitted in Town roads connecting to the subdivision. The subdivider must repair or pay for the repair of any damage to Town roads resulting from the travel of heavy vehicles, as

determined by the Road Commissioner.

When a subdivision abuts a road with high traffic volume, the Board may require the subdivider to construct a loop road at the entrance to the subdivision so that a school bus or other vehicle can be driven off the main road to pick up or discharge passengers safely, persons may deliver and receive mail, or for similar reasons.

3. Phosphorous Export. When a proposed subdivision is within the direct watershed of Dresden Bog and Nequasset Lake, the applicant shall make provision to limit the export of phosphorous from the site following completion of the project, consistent with the maximum allowable phosphorous standard of 0.07 - 0.08 lbs./acre.
4. Shoreland Buffer Strips.
See Shoreland Zoning Ordinance for Dresden, Appendix C.
5. Net Buildable Acreage Calculation

The net buildable acreage for all proposals involving subdivisions shall be calculated by taking the total area of the lot and subtracting, in order, the following:

- a. Portions of the lot which are unsuitable for development in their natural state due to wetland soils, steep slopes, flood plains, etc.;
- b. Portions of the lot subject to travel rights-of-way;
- c. Portions of the lot located in the Resource Protection District;
- d. Portions of the lot covered by surface waters;
- e. Portions of the lot utilized for storm water management facilities;
- f. Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for use in common with the remainder of the lot, as determined by the Planning Board;
- g. Fifteen (15%) percent of the area of the lot to account for roads and parking.

K. Commercial Communication Towers

1. Commercial communication towers may not exceed the height of 150 feet above ground surface, including antennas or other structures attached to the tower.
2. All towers shall be setback from the lot lines a distance of double the structure height, but not less than the minimum setback requirements for that district.
3. When regulated by the U.S. Federal Aviation Agency (FAA), or the Federal

Communications Commission (FCC), applications for such facilities shall be accompanied by evidence that such facility meets, or can meet the requirements and specifications of the FAA and FCC.

4. The entire facility must be aesthetically and architecturally compatible with its environment.
5. Fencing must be provided to secure the site. No barbed wire or razor wire fencing is to be permitted within 1000 feet of an occupied residence.
6. Vegetative buffering must be provided to separate the facility from adjacent land uses.
7. All obsolete or unused facilities or portions must be removed within twelve (12) months of cessation of operation at the site. A performance guarantee for the full cost of removal of the tower must be provided to the Town within 5 business days of the date that the application is approved.
8. Applications for new tower structures must include a copy of a current contract with a carrier for the use of the tower.
9. Co-location is required of all towers. Applicants for new towers within 1.5 miles of an existing tower must provide evidence that the existing tower is at maximum capacity and cannot be expanded.
10. No tower, which requires lighting, may be erected or operated.

L. Residential Wind Energy Towers/Facility and Standards

1. Maximum blade height shall not exceed 150 feet above ground level (AGL).
2. Minimum blade height and setback shall not be:
 - lower than 20 feet AGL or
 - within 20 feet of the nearest part of a habitable structure.
3. Minimum tower setback distances: All towers shall be setback from lot lines a distance of at least twice the structure's height, but not less than the minimum setback requirements for the district in which they are located.
4. No tower that requires lighting may be erected or operated.
5. Sound levels of operating wind energy facilities shall conform to the standards in *Article V, Section 4., K. Noise Abatement* of this Ordinance, and to state requirements, whichever is more restrictive.

ARTICLE VI. SITE PLAN REVIEW

SECTION 1. PURPOSE

The purposes of Site Plan Review are to:

- A. Provide a level of municipal review that would not otherwise occur for projects that could adversely impact the surrounding Community as a whole;
- B. Maintain/protect the Town's rural character and natural resources, including scenic and historic resources, by requiring that structures, signs and other alterations on, or to the land, are sited and developed in accordance with certain standards.
- C. Promote and protect the health, safety and welfare of the Townspeople.

SECTION 2. APPLICABILITY

This Article shall apply to any proposed use, listed in the Table of Permissible Uses (Article V, Sec. 2), which is marked as requiring Site Plan Review.

SECTION 3. CLASSIFICATION OF PROJECTS

Projects subject to Site Plan Review shall be divided into two (2) classes: minor developments and major developments.

Minor developments shall include:

- A) projects involving the construction, addition or conversion of less than five thousand (5,000) square feet of gross floor area;
- B) projects involving the construction or installation of less than five-thousand (5,000) square feet of impervious surfaces; and
- C) projects involving the construction or establishment of less than five (5) lots or dwelling units.

Except for any of the above projects which are deemed by the Planning Board to require review as a major development in order to protect health, safety and welfare.

Major developments shall include all other projects or uses requiring Site Plan Review.

SECTION 4. ADMINISTRATION

- A. Pre-Application Meeting. Applicants are required to schedule a meeting with the Planning Board, prior to a formal submission for review, so as to discuss their plans and gain an understanding of the review procedures, requirements and standards.
- B. Applications in Writing. All applications for Site Plan Review shall be made in writing to the Code Enforcement Officer on the forms provided for this purpose. Applications shall be made by the owner of the property, or his agent, if so authorized in writing by the owner.

The Code Enforcement Officer shall make an initial determination of the completeness of the application, which shall then be subject to the determination of the Planning Board. If an application is not complete, it shall be returned to the applicant with an indication of the additional information required. When an application is determined to be complete, including all documentation required by this Article, the Planning Board shall issue a dated receipt to the applicant. Unless the applicant and Board agree to an extension, the Board shall (within sixty [60] days of the dated receipt) act to approve or disapprove the Site Plan Application in accordance with this Article.

For major development activities, applications for Site Plan Review shall not be submitted until a Site Inventory and Environmental Assessment is first submitted to the Code Enforcement Officer and reviewed by the Planning Board. The Planning Board shall act on the completeness of the Site Inventory and Environmental Assessment within thirty (30) days of its receipt.

The Planning Board may waive specific application requirements when an applicant can show that such requirements are not relevant to the proposed project.

- C. Application Fees. An application for Site Plan review shall be accompanied by a non-refundable fee in accordance with the fee schedule in Appendix B.
- D. Notice to Abutters. The Planning Board shall mail all abutting property owners (and others, if appropriate) notice of a pending application for Site Plan Review. This notice shall indicate the time, date, and place of Planning Board consideration of the application.
- E. Independent Review and Advice
 - 1. Professional Services. The Planning Board may require that an attorney or consultant review one or more aspects of an application for compliance, or noncompliance, with this Ordinance and to advise the Board. The attorney or consultant shall first estimate the cost of such review and the applicant shall deposit, with the Town, the full estimated cost, which the Town shall place in an escrow account. The Town shall pay the attorney or consultant from the escrow account and reimburse the applicant if funds remain after payment.

2. Additional Studies. The Planning Board may require the applicant to undertake any study which it deems reasonable and necessary to demonstrate and ensure that the requirements of the Ordinance are met. The costs of such studies shall be borne by the applicant.
- F. Public Hearing. Prior to taking final action on any Site Plan Review Application, the Planning Board may hold a hearing to afford the public an opportunity to comment on the application.
- G. Financial Guarantee. Prior to final approval of any plan, the Planning Board may require the applicant to post a performance bond, letter of credit or escrow agreement, in such amount as is reasonably necessary, to ensure completion of all improvements and in such form as is approved by the Board and the Town Selectmen, in accordance with Section 9 of this Article.

The Town shall have access to the site at all times to review the progress of the work and shall have the authority to review all records and documents related to the project.
- H. Conditions. The Planning Board may attach reasonable conditions to Conditional Use Permits to ensure compliance with the standards and criteria of this Ordinance.

SECTION 5. CONTENTS OF SITE INVENTORY AND ENVIRONMENTAL ASSESSMENT FOR MAJOR DEVELOPMENT ACTIVITIES

- A. The Site Inventory and Environmental Assessment for major developments is intended to provide both the applicant and the Planning Board with an understanding of the site and surroundings, and the opportunities of and constraints on the proposed use of the site.
- B. The Site Inventory and Environmental Assessment shall contain, at least, the following information:
 1. The name(s), address(es) and phone number(s) of the owner(s) of record and the applicant, if different.
 2. The name(s), address(es) and phone number(s) of all consultants working on the project.
 3. An accurate plan of the parcel, at an appropriate scale, showing at least:
 - a. the name of the development, north arrow, date and scale;
 - b. the boundaries of the parcel;
 - c. the topography of the site at an appropriate contour interval (2' to 5')

- depending on the proposed use and the character of the site;
- d. manmade and natural features of the site and within 1,000 feet of the site, including dwellings, farms, roads, wetlands, streams, ponds, flood plains, groundwater aquifers, scenic resources, and significant wildlife habitats;
 - e. any legal restrictions or benefits (e.g. easements) attached to the site;
 - f. the location and size of existing utilities or improvements servicing the site;
 - g. if on-site sewage disposal is proposed, soils information to identify those portions of the site which are suitable and those which are unsuitable for on-site disposal systems; and
 - h. areas of potential off-site conflicts or concerns (e.g., noise, lighting, traffic).
4. A narrative describing the existing conditions of the site and surrounding area, the proposed use of the site, and the constraints and opportunities of the site and surrounding area, including: any traffic studies, utility studies, market studies or other preliminary work that will assist the Planning Board in understanding the site, the surrounding area, and the proposed use.
 5. Where a major development consists of a subdivision, the applicant must submit two (2) preliminary sketch plans to include a clustered development approach, as well as a conventional subdivision.
 6. Two (2) copies of the Site Inventory and Environmental Assessment shall be submitted.

SECTION 6. REVIEW OF SITE INVENTORY AND ENVIRONMENTAL ASSESSMENT FOR MAJOR DEVELOPMENT ACTIVITIES

The Planning Board shall review the Site Inventory and Environmental Assessment to determine if it provides a clear statement of the opportunities and constraints of the site for the proposed use. If additional information or analysis is required, the Planning Board shall advise the applicant in writing.

Based on its review of a complete Site Inventory and Environmental Assessment, the Board shall advise the applicant in writing of the issues and constraints that must be addressed in the formal Site Plan Review Application.

SECTION 7. SITE PLAN REVIEW APPLICATION

Applications for Site Plan Review shall be submitted on application forms provided by the Town. The complete application form, required fees, and the required plans and related information shall be submitted to the Code Enforcement Officer, who shall make a record of its receipt and forward the application to the Chairman of the Planning Board.

A site inspection shall be conducted by the board prior to approval. Once approved, the plan shall not be altered without prior approval of the Planning Board.

The Planning Board may modify or waive any of the following submission requirements if it determines that, because of the size of the project or circumstances of the site such requirement(s) would not be applicable or would be an unnecessary burden upon the applicant and would not adversely affect the abutting landowners or the health, safety, and welfare of the Town.

The submission shall contain at least the following exhibits and information:

- A. Two (2) copies of the completed and signed application form (with any attachments) and two (2) sets of maps or drawings, all of which shall contain the information listed below, unless additional copies are requested by the Board;
- B. One (1) original of all maps and drawings on durable, permanent, transparency material.

The maps or drawings shall be at a scale sufficient to allow review of the items listed under approved criteria, but in no case shall be more than fifty (50) feet to the inch for that portion of the tract of land being proposed for development.

C. General Submission Information.

- 1. Name(s), address(es) and phone number(s) of recorded owner(s) and of applicant, if different.
- 2. The name of the proposed development.
- 3. Names and addresses of all property owners within five hundred (500) feet of the edge of the property lines of the proposed development.
- 4. Sketch map showing general location of the site within the Town.
- 5. Boundaries of all contiguous property under the control of the owner or applicant, regardless of whether all or part is being developed at this time.
- 6. The tax map and lot number of the parcel or parcels.

7. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.
8. The name, registration number and seal of the land surveyor, architect, engineer and/or similar professional who prepared any plan.

D. Existing Conditions.

1. The bearings and distances of all property lines of the property to be developed and the source of this information.
2. Location and size of any existing sewer and water mains, culverts and drains that will serve the development whether on or off the property, along with the direction of existing surface water drainage across the site.
3. Location, names, and present widths of existing streets and rights-of-way within or adjacent to the proposed development.
4. The location, dimensions and ground floor elevations Above Ground Level (AGL) of all existing buildings on the site.
5. The location and dimensions of existing driveways, streets, parking and loading areas and walkways on the site.
6. Location of intersecting roads or driveways within two hundred (200) feet of the site.
7. The location of open drainage courses, wetlands, stands of trees, and other important natural features, with a description of such features to be retained.
8. The location, front view and dimensions of existing signs.
9. The location and dimensions of any existing easements and copies of existing covenants or deed restrictions.

E. Proposed Development Activity.

1. The location of all building setbacks, yards and buffers, required by this or other Town Ordinances.
2. The location, dimension, and ground flood elevations (AGL) of all proposed buildings.
3. The location and dimensions of proposed driveways, parking and loading areas, and walkways.

4. The location and dimensions of all provisions for water supply and wastewater disposal.
5. The direction and route of proposed surface water drainage.
6. The location, front view, and dimensions of proposed signs.
7. The location and type of exterior lighting.
8. The proposed landscaping and buffering.
9. Demonstration of any applicable State applications, or permits which have been or may be issued.
10. A schedule of construction, including anticipated beginning and completion dates.
11. Space shall be provided on the plan for the signatures of the Planning Board and the date, together with the following words, "Approved: Town of Dresden Planning Board."

F. Applications for major developments shall include the following additional information:

1. Existing and proposed topography of the site at two (2) foot contour intervals, or such other intervals as the Planning Board may determine.
2. A storm water drainage and erosion control program showing:
 - a. The existing and proposed method of handling storm-water run-offs;
 - b. The direction of flow of the run-off;
 - c. The location, elevation, and size of all catch basins, drywells, drainage ditches, swales, retention basins, and storm sewers;
 - d. Engineering calculations used to determine drainage requirements based upon the 25-year, 24-hour storm frequency, but only if the project will significantly alter the existing drainage pattern, due to such factors as increased impervious surfaces from paving and building;
 - e. Methods of controlling erosion and sedimentation during and after construction.
3. A groundwater impact analysis prepared by a groundwater hydrologist for projects, located within a Water Resource Management Overlay District, or involving common on-site water supply or sewage disposal facilities with a capacity of two-thousand (2,000) gallons per day.

4. A utility plan showing the location and nature of electrical, telephone, and any other utility services to be installed on the site.
5. A planting schedule, keyed to the Site Plan, indicating the varieties and sizes of trees, shrubs, and other plants to be planted.
6. Analysis of the solid or hazardous waste to be generated and a plan for its recycling and disposal, along with evidence of disposal arrangements.
7. A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent streets.
8. Construction drawings for streets, sanitary sewers, water and storm drainage systems, which are designed and prepared by a professional engineer who is registered in the State of Maine.
9. The location of any pedestrian ways, lots, easements, open spaces and other areas to be reserved for, or dedicated to, common or public use and/or ownership. For any proposed easement, the developer shall submit the proposed easement language with a signed statement certifying that the easement will be executed upon approval of the development. The location, width, typical cross-section, grades and profiles of all proposed streets and sidewalks.

Two sketch plans shall be submitted with one layout as a standard subdivision and the second as a cluster development, indicating open space and significant natural features.

10. A copy of any covenants or deed restrictions intended to cover all, or part of, the property. Such covenants or deed restrictions shall be referenced on the plan.
11. If any legal interest in land is to be dedicated to the Town for public use, then a copy of a written offer of dedication or conveyance to the Town, in a form satisfactory to the Town Attorney, for all such land shall be included.
12. Evidence of adequate provision for maintenance of the development.
14. Cost estimates of the proposed development and evidence of financial capacity to complete it. This evidence should include a letter from a bank, or other source of financing, indicating the name of the project, amount of financing proposed, and the means of financing the project.
15. A narrative and/or plan describing how the proposed development scheme relates to the Site Inventory and Environmental Assessment.

G. Applications for Special Exception Permits. In addition to the foregoing requirements, applications for Special Exception Permits shall include:

1. An alternative sites analysis identifying and analyzing other reasonable alternative sites and justification of how the proposed site is the most suitable; and
2. A neighborhood environmental impact report evaluating the potential impacts on neighboring properties and environs and presenting mitigation measures that alleviate adverse effects.

SECTION 8. CRITERIA FOR REVIEW AND APPROVAL OF SITE PLANS AND SUBDIVISIONS

In approving site plans and subdivisions within the Town of Dresden, the Planning Board shall consider the following criteria and, before granting approval, shall make findings of fact that the provisions of this Ordinance have been met and that the proposed development will meet the guidelines of Title 30-A, M.R.S.A., Section 4404, as amended, which includes the following:

- A. Aesthetic, Cultural and Natural Values. The proposed activity will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the Town of Dresden, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
- B. Conformity with Local Ordinances and Plans. The proposed activity conforms with a duly adopted ordinance and comprehensive plan.
- C. Erosion. The proposed activity will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;
- D. Financial Burden on Town. The proposed activity will not cause an unreasonable financial burden on the Town for provisions of public services and facilities.
- E. Financial and Technical Ability
 1. Financial Capacity. The applicant shall have adequate financial resources to construct the proposed improvements and meet the criteria of the statute and the standards of these regulations. In making the above determinations, the Planning Board shall consider the proposed time frame for construction and the effects of inflation.
 2. Technical Ability. In determining the applicant's technical ability, the Planning Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the

existence of violations of previous approvals granted to the applicant.

- F. Flood Areas. The Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented in the application will determine whether the activity is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.
- G. Freshwater Wetlands. All freshwater wetlands within the proposed site have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.
- H. Groundwater. The proposed activity will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
- I. Municipal Solid Waste Disposal. The proposed activity will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized.
- J. Municipal Water Supply. The proposed activity will not cause an unreasonable burden on an existing water supply, if one is to be used;
- K. Neighborhood Compatibility
 - 1. The proposed activity will be compatible and sensitive to the character of the site and neighborhood relative to land uses; scale, bulk and building height; neighborhood identity and historical character; and orientation on lot.
 - 2. The proposed activity maximizes the opportunity for privacy by the residents of the immediate area.
 - 3. The proposed activity ensures safe and healthful conditions within the neighborhood.
 - 4. The proposed activity will minimize any detrimental effects on the value of adjacent properties.
- L. Pollution. The proposed activity will not result in undue water or air pollution. In making this determination, the Planning Board shall at least consider:
 - 1. The elevation of the land above sea level and its relation to the flood plains;

2. The nature of soils and subsoils and their ability to adequately support waste disposal;
 3. The slope of the land and its effect of effluents;
 4. The availability of streams for disposal of effluents;
 5. The applicable State and local health and water resource rules and regulations; and
 6. The impact of phosphorous export and other pollutants on water bodies.
- M. River, Stream or Brook. Any river, stream or brook within or abutting the proposed project has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, Section 480-B, Subsection 9.
- N. Sewage Disposal. The proposed activity will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.
- O. Storm Water. The proposed activity will provide for adequate storm water management.
- P. Sufficient Water. The proposed activity has sufficient water available for the reasonably foreseeable needs of the proposed development;
- Q. Surface Waters; Outstanding River Segments. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, Subchapter I, Article 2-B (Sections 435-449), the proposed development will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.
- R. Traffic. The proposed activity will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads, existing or proposed;

SECTION 9. PERFORMANCE GUARANTEES

- A. Types of Guarantees. As required by the Planning Board, the developer shall provide one of the following Performance Guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the timespan of the construction schedule and the inflation rate for construction costs;
1. Either a certified check, payable to the Town, or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account;

2. An irrevocable letter of credit from a financial institution establishing funding for the construction of the project, from which letter the Town may draw if construction is inadequate; or
3. A Performance Bond, payable to the Town, issued by a surety company, and acceptable to the Town.

The form, time periods, conditions and amount of the Performance Guarantee shall be determined by the Planning Board.

- B. Contents of Guarantee. The Performance Guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspection of each phase of construction, provisions for the release of part or all of the Performance Guarantee to the developer, and a date after which the developer will be in default and the Town shall have access to the funds to finish construction.
- C. Escrow Account. A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the developer, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal, but the consent of the subdivider shall not be required for a withdrawal. Any interest earned on the escrow account shall be returned to the developer unless the Town has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the subdivider and the amount withdrawn to complete the required improvements.

Any certified check shall be deposited in the name of the Town by the Treasurer, in an interest bearing account and shall bear the name of the developer and of the proposed project, and withdrawals shall be made after a qualified engineer has certified the work as completed. The Planning Board shall be duly notified prior to any withdrawal. Any work which has not been completed shall be performed at the direction of the Selectmen and such work shall be paid for from the escrow account, in accordance with a disbursement schedule recommended by the Planning Board.

- D. Letter of Credit. An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the project and may not be used for any other project or loan.
- E. Performance Bond. A Performance Bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the subdivider, and the procedures for collection by the municipality. The bond documents shall specifically reference the development activity for which approval is sought.
- F. Phasing of Development. The Planning Board may approve plans to develop a Major Subdivision in separate and distinct phases. This may be accomplished by

limiting final approval to those lots abutting that Section of the proposed development street which is covered by a Performance Guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

- G. Release of Guarantee. Prior to the release of any part of the Performance Guarantee, the Planning Board shall determine to its satisfaction, in part upon the report of a qualified engineer and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.
- H. Default. If, upon inspection, the Code Enforcement Officer finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he shall so report in writing to the Selectmen, the Planning Board, and the developer. The Selectmen shall retain the authority to take any steps necessary to preserve the Town's rights.
- I. Improvements Guaranteed. Performance Guarantees shall be tendered for all improvements required by the Planning Board, including the construction of the streets.

SECTION 10. SUBDIVISION PLAT PLANS

A. Submission and Contents of a Final Subdivision Plat Plan

Within six (6) months of the date of Planning Board action on the site plan review of the subdivision, the subdivider shall submit the Final Plat Plan to the Planning Board with the appropriate fee, as established in Appendix B. The check shall be made payable to the Town of Dresden. Failure to submit the Final Plat Plan within the designated time period shall require the submission of a new subdivision application, except that the Planning Board may waive this requirement for good cause.

The Final Plat Plan shall consist of one (1) original transparency (Mylar) and four (4) copies of one or more maps or drawings similar to the maps or drawings prepared for preliminary plat plan submission.

In addition to all of the items required in the site plan approval and unless otherwise indicated by the Planning Board, the following items shall be required as part of the Final Plat Plan submission;

1. Registered Land Surveyor. The name, registration number, and seal of the registered land surveyor who prepared the Final Plat (show on plat);

2. Streets. The names and lines, lengths of all straight lines, the deflection of angles, radii, length of curves, and central angles of all curves, and tangent distances and bearings (show on Plat);
3. Open Spaces. The designation of all easements, areas reserved for, or dedicated to, public use or the common use of lot owners, and areas reserved by the subdivider;
4. Lots. The location, bearing and length of every lot line, with all lots to be numbered in accordance with local practices;
5. Permanent Reference Monuments. The location of permanent markers set at all lot corners, as shown on the plat;
6. Performance Guarantee. A performance guarantee to secure completion of all public improvements if required by the Planning Board and written evidence that the municipal officers are satisfied with the legal sufficiency of such guarantee;
7. Land Dedication. Written copies of any documents of land dedication, and written evidence that the municipal officers are satisfied with the legal sufficiency of any documents accomplishing such land dedication;
8. Approval Space. Suitable space to record on the approved plat plan the date and conditions of approval, if any. This space shall be similar to the following example:

Approved: Town of Dresden Planning Board

Signed: _____ Chairman
_____ member
_____ member
_____ member
_____ member
_____ member
_____ member

Date: _____

Conditions: (or reference to separate text

or document with conditions)

B. Notification of Completed Subdivision Application

After the Planning Board has received the Final Plat Plan and all of the information required to be submitted with it, the Planning Board shall notify the subdivider in writing that a completed subdivision application has been filed, and shall begin its final evaluation.

APPENDIX A. DEFINITIONS

SECTION 1. CONSTRUCTION OF LANGUAGE

In the interpretation and enforcement of this Ordinance, all words, other than those specifically defined in the Ordinance, shall have their ordinarily accepted meaning. In the case of any difference of meaning or implication between the text of this Ordinance and any map, illustration, or table, the text shall control.

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity.

The present tense includes the future tense, the singular number includes the plural, and the plural numbers include the singular.

The word "shall" and "will" are mandatory; the word "may" is permissive.

The word "lot" includes the words "plot" and "parcel".

The word "structure" includes the word "building".

The word "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied".

The word "Town" means the Town of Dresden, Maine.

SECTION 2. DEFINITIONS

In this Ordinance the following terms shall have the following meanings:

Abutter: The owner of any property with one or more common boundaries or points, or across the road or stream from the property involved in application or appeal.

Accessory Use or Structure: A use or structure which is customarily both incidental and subordinate to the principal use or structure on the same lot only. The term "incidental" in reference to the principal use or structure shall mean both a) subordinate and minor in significance to the principal use or structure, and b) attendant to the principal use or structure. Such accessory uses, when aggregated, shall not subordinate the alleged principal use of the lot.

Adult Business: An establishment consisting of, including, or having the characteristics of selling, renting, leasing, exhibiting, displaying or otherwise dealing in materials or devices of any kind which appeal to prurient interest and/or which depict or describe specified sexual activities and anatomical areas as described and reviewed in the case of *SJD, Inc. v. City of Houston*, 837 F. 2d, 1268 (5th cir. 1988).

Agent: Anyone having written authorization signed by a property owner to act in

behalf of that property owner.

Aggrieved Party: A person whose land is directly or indirectly affected by the grant or denial of a permit or variance under this Ordinance, or a person whose land abuts or is across a road or street or body of water from land for which a permit or variance has been granted.

Agriculture: The cultivation of soil, producing or raising crops, including gardening, as a commercial operation. The term shall also include greenhouses, orchards, nurseries, and versions thereof, but these two terms, when used alone, shall refer specifically to a place where flowers, plants, shrubs, and/or trees are grown for sale.

Alteration: Any change, or modification in construction, or change in the structural members of a building or structure, such as bearing walls, columns, beams or girders, or in the use of a building. The term shall also include change, modification, or addition of a deck, dormer, staircase, or roof of the building, changes to the storm-water drainage or the creation of new impervious surfaces.

Ambient Conditions: The condition as it relates to noise, vibrations, or odor that exists at any particular geographical area prior to the start of development.

Amusement Facility: Any private, commercial premises which are maintained or operated primarily for the amusement, patronage, or recreation of the public, containing four (4) or more table sports, pinball machines, video games, or similar mechanical or electronic games, whether activated by coins, tokens, or discs, or whether activated through remote control by the management.

Animal Breeding or Care, Commercial: The keeping or raising of four or more animals, including domestic animals and pets, for commercial purposes. This definition also includes kennels.

Authorized Agent: An individual or a firm having written authorization to act on behalf of a property owner. The authorization shall be signed by the property owner.

Automobile Junkyard/Graveyard: A yard, field, or other area used to store three (3) or more unserviceable, discarded, worn-out, or junked motor vehicles, as defined in Title 29, section 1, subsection 7, or parts of such vehicles. Automobile junkyard does not include any area used for temporary storage by an establishment or place of business which is primarily engaged in doing auto body repair work to make repairs to render a motor vehicle serviceable.

Automotive Body Shop: A business establishment engaged in body, frame, or fender straightening and repair, or painting and undercoating.

Automobile Repair Shop: A business establishment engaged in general repair, engine rebuilding, and/or parts replacement.

Bed and Breakfast: Any dwelling in which transient lodging or boarding and lodging are provided and offered to the public for compensation for less than one week. This dwelling shall also be the full-time, permanent residence of its owner. There shall be no provisions for cooking in any individual guest room.

Boarding, Lodging Facility: Any residential structure where lodging and/or meals are provided for compensation, for a period of at least one week, and where a family residing in the building acts as proprietor or owner. There shall be no provisions for cooking in any individual guest room.

Buffers/Screening: Buffers/screening are fences, vegetation, landscaping, berms and mounds used to minimize any adverse impacts or nuisance conditions as experienced on the site or from adjacent areas.

Building: Any three (3) dimensional enclosure by any building materials or any space, for any use or occupancy, temporary or permanent, including swimming pools, foundations or pilings in the ground, and all parts of any kind of structure above ground including decks, railings, dormers, and stairs, and excluding sidewalks, fences, driveways, parking lots, and field or garden walls or embankment retaining walls. Each portion of a building, separated from other portions by a fire wall, is considered as a separate structure.

Business and Professional Offices: The place of business of doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate and insurance businesses, psychiatrists, counselors, and the like, or in which a business conducts its administrative, financial or clerical operations including banks and other financial services, but not retail sales or activities utilizing trucks as part of the business operation.

Business Service: An establishment primarily engaged in rendering services to business establishments on a fee or contract basis such as advertising, mailing services, building maintenance services, employment services, management and consulting services, protective services, personnel services and similar services. This includes those businesses normally identified by SIC Codes 731 - 739.

Campground: Land on which one or more tents are erected or trailers are parked for a fee for temporary family recreational use on sites arranged specifically for that purpose. The word "campground" shall include the words "camping ground", and "tenting grounds".

Catering Establishment: Any kitchen, commissary or similar place where food or drink is prepared for sale or service elsewhere or for food service on the premises

Cemetery: Property used for the interring of the dead.

Church: A building or structure, or group of buildings or structures, designed, primarily intended and used for the conduct of religious services, excluding school.

Civic, Convention Center: A building or complex of buildings that house Town offices

and services, and which may include cultural, recreational, athletic, convention and entertainment facilities owned and/or operated by a governmental agency.

Cluster Development: A development consisting exclusively of residential dwelling units or commercial uses, planned, developed as a whole, or in a programmed series of developments, and controlled by one developer which contemplates an innovative, more compact grouping of dwelling units or other uses. Cluster developments treat the developed area as an entirety to promote flexibility in design, architectural diversity, the efficient use of land, a reduction in the size of road and utility systems, the creation of permanent, common open space, and the conservation of natural characteristics of the land.

Code Enforcement Officer: A person appointed by the Town Officers to administer and enforce this Ordinance.

Commercial Communication Tower: A structure on which commercial transmitting and/or receiving devices are located.

Commercial Greenhouse: A building or group of buildings, whose sides and/or roof are made largely of glass or other sunlight transmitting material, used to grow plants and/or produce for sale.

Commercial Recreation: Any commercial enterprise which receives a fee in return for the provision of some recreational activity including, but not limited to: campgrounds, racquet and tennis clubs, health facilities, amusement parks, golf courses, gymnasiums and swimming pools, etc., but not including: bowling alleys or amusement centers, as defined herein.

Commercial Use: Any activity carried out for pecuniary gain.

Community Activity Center: A building which is used for meetings, recreation, and similar uses by the general public, and not operated for profit.

Community Center, Club: A building that houses any voluntary association of persons organized for social, religious, benevolent, literary, scientific, or political purposes; whose facilities, especially a clubhouse, are open to members and guests only, and not the general public; and are not engaged in activities customarily carried on by a business or for pecuniary gain.

Comprehensive Plan: The Comprehensive Plan duly adopted by the Town of Dresden as the Town's official policy with respect to the use and development of land within the Town, as currently exists and as may from time to time be amended.

Conforming: A building, structure, use of land, or portion thereof, which complies with the provisions of this Ordinance.

Congregate Housing: Residential housing consisting of private apartments and central dining facilities and within which a congregate housing supportive services program

serves functionally impaired elderly or disabled occupants; the individuals are unable to live

independently yet do not require the constant supervision or intensive health care available at intermediate care or skilled nursing facilities. Congregate housing shall include only those facilities which have been certified by the State of Maine as meeting all certification standards and guidelines for congregate housing facilities as promulgated by the Department of Human Services pursuant to the provisions of the Maine State Statutes.

Constructed: Built, erected, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like, shall be considered a part of construction.

Correctional Facility. A building or group of buildings used to house persons who are awaiting trial or person who have been confined, whether for all day or part of the day, by the courts.

Craft and Flea Market: The sale of merchandise where vendors may rent tables and/or display space.

Day Care: Homes and Centers licensed as such by the Maine Department of Human Services.

Deck: An uncovered structure with a floor elevated more than 6 inches above ground of a size larger than thirty two (32) sq. ft

Density: The number of dwelling units per lot of land or unit.

Development: Any man-made changes to improved or unimproved real estate including, but not limit to: buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations.

District: A specified portion of the Town, delineated on the land use map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Drive-in Restaurant: An eating establishment which has no provisions for consumption of food within the building, and which is designed so that customers eat in their cars or take the food from the premises for consumption.

Dry Cleaner: An establishment where garments, and the like, are cleaned by using solvents and not soap and water.

Dwelling: Any building or structure or portion thereof designed or used for residential purposes.

1. Accessory Dwelling: A second dwelling unit which occupies a portion of, or is attached to, a single-family residence (not associated with a duplex) that comprises

not more than 25% of the gross floor area of the building, nor more than a total of 600 square feet.

2. Single-Family Dwelling: Any structure containing one (1) dwelling unit for occupation by not more than one (1) family. Units may be attached.
3. Two-Family Dwellings: A building containing only two (2) dwelling units, for occupation by not more than two (2) families.
4. Multi-Family Dwellings: A building containing three (3) or more dwelling units, such buildings being designed exclusively for residential use and occupancy by three (3) or more families living independently of one another, with the number of families not exceeding the number of dwelling units.
5. Dwelling Unit: A room or suite of rooms used by a family as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, bathing and sanitary facilities.

Easement: A right or privilege, less than fee-simple ownership, that a person may have in another's land, such as a right-of-way.

Engineered System: A subsurface waste water disposal system designed, installed, and operated as a single unit to treat 2,000 gallons per day or more; or any system designed to treat waste water which has characteristics significantly different from domestic waste water.

Environmental Impact Report: Environmental impact report means a detailed study describing and analyzing the environmental impacts of an activity, discussing ways to mitigate or avoid such impacts, and evaluating responsible alternatives to the proposed activity or the method in which it is proposed to be conducted.

Erect: Any building activity including construction, reconstruction, renovation relocation, alteration, enlargement, placement, or any other words of like significance.

Essential Services: Facilities for the transmission or distribution of water, gas, electricity, or essential communications, or for the collection, treatment or disposal of wastes including, without limitation: towers, poles, wires, mains, drains, sewers, traffic signals, hydrants and similar accessories but not buildings. Essential services do not include commercial communication towers.

Expansion of use: The addition of weeks or months to a use's operation season; additional hours of operation; or an increase of floor area or ground area devoted to a particular use.

Extractive Industries: extractive activity means an activity or process involving the extraction of land for borrow, topsoil, clay, rock quarries, and the processing of borrow pit materials. The following activities are specifically exempt from this definition and

are not considered to be extractive activities:

- (1) Topsoil operations in which no more than 1 acre of topsoil is removed per year, and the owner provides a written erosion control and rehabilitation plan to re-vegetate the site

within 120 days but no latter than October first.

- (2) Removal of materials when necessary and incidental to the construction or alteration of a building, road or parking area on the same site as that from which the materials are removed.
- (3) Activity involved in the removal of metallic minerals or metallic mineral deposits which such activity shall not be considered a mining activity and shall not be permitted where extractive activity is permitted under the terms and conditions of this Code.

Family: One or more persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a tourist home, rooming house, hotel, motel or inn.

Farmers' Market: The outdoor display and sale of locally grown farm products. This use may involve one or more vendors displaying and selling produce.

Filling: Depositing or dumping any matter on, or into, the ground or water.

Firewood Processing, Commercial: The processing of firewood at a fixed location, for commercial purposes.

Flea Market: Any enterprise engaged in the sale of used articles other than a garage sale.

Flood: A temporary rise in stream flow or tidal surge that results in water overflowing its banks and inundating adjacent areas.

1. Flood Insurance Rate Map: The official map on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones.
2. Flood Plain: The lands adjacent to a body of water which have been, or may be, covered by the regional flood.
3. Regional Flood: The maximum known flood of a body of water; either the one-hundred (100) year frequency flood, where calculated, or the flood of record.
4. Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor Area, Gross: The sum, in square feet, of the floor areas of all portions of a building enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

Floor Area Ratio: Determined by dividing the sum of the gross floor area of all stories of a building, excluding basements, by the total lot area.

Forest Management Operations: Timber cruising and other forest resources evaluation

activities, management planning activities, insect and disease control, timber stand improvement, pruning, regeneration of forest stands and other similar associated activities, but not timber harvesting or construction or creation of roads.

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

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook such that in a natural state, the combined 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. The Codes Enforcement Officer shall be responsible for the delineation of freshwater wetlands boundaries, where such is not clearly mapped.

Front Building Line: The line parallel to the front lot line transacting that point in the building face which is closest whether enclosed or unenclosed, but not including steps.

Frontage, Road: The horizontal, straight-line distance between the intersections of the side lot lines with the road right-of-way.

Frontage, Shore: The horizontal distance, measured in a straight line, between the intersections of the lot lines with the shoreline at normal high water elevation.

Garage: An accessory building, or part of a principal building, including a car port, used primarily for the storage of motor vehicles as an accessory use.

Garage and Yard Sale: All general sales, open to the public, conducted from or on a residential premises for the purpose of disposing of personal property.

Gasoline Service Station: Any place of business at which gasoline, other motor fuels or motor oil is sold to the public for use in a motor vehicle, regardless of any other business on the premises.

Grandfathered: A use that was legally existing prior to the adoption of the Dresden Land Use and Development Ordinance, as amended, and such use has been continuous and without interruption since it was originally initiated. A lapse in such use for two years immediately preceding the resumption of that same use is allowed only if such continued use was prevented by an action of the courts (such as bankruptcy or probate). After a

lapse of such use for two years such use is no longer allowed.

Hazardous Material: Any gaseous, liquid or solid materials, either in pure form or incorporated into other materials, according to current guidelines of the U.S. Environmental Protection Agency, or substances designated as hazardous by the United States Environmental Protection

Agency and/or the Maine Department of Environmental Protection.

Height of Building: The vertical measurement from grade to the highest point of the roof beams in flat roofs; to the highest point on the deck of mansard roofs; to a level midway between the level of the eaves and highest point of pitched roofs or hip roofs; or to the level two-thirds of the distance from the level of the eaves to the highest point of gambrel roofs. For this purpose, "level of the eaves" means the highest level where the plane of the roof intersects the plane of the outside wall on a side containing the eaves.

Home Occupation: An occupation or profession which is carried on in no more than five-hundred (500) square feet or twenty-five percent (25%) of the floor area of a detached, single-family dwelling unit by the full-time permanent occupants of the dwelling and no more than two (2) non-resident employees on site at any time, which is clearly incidental and secondary to the use of the dwelling for residential purposes and which does not change the character thereof (by way of illustration and not of limitation, the term home occupation shall include the manufacture and sale of such items as food stuffs, rugs, birdhouses, fishing flies, and quilts). The term "home occupation" shall include both professional and personal services.

Hospital: An institution providing, but not limited to, overnight health services, primarily for in-patients, and medical or surgical care for the sick or injured including, as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central services facilities, and staff offices.

Hotel/Motel: A commercial building or group of buildings built to accommodate, for a fee, travelers and other transient guests who are staying for a limited duration with sleeping rooms with or without cooking facilities, each rental unit having its own private bathroom and its own separate entrance leading either to the outdoors or to a common corridor or hallway. A hotel may include restaurant facilities where food is prepared and meals served to its guests and other customers.

Industrial Uses: Industrial uses shall have the following definitions:

Light Industry: Industrial uses that, generally, do not have offensive characteristics and can be conducted entirely within enclosed buildings. These may include: industrial processes such as printing, manufacturing of products from component parts, food packaging, or warehousing.

Heavy Industry: Industrial uses, such as the manufacture, recycling, or processing of chemicals, metal, cement, plastic, or rubber products, that generally produce

nuisances. These nuisances may be in the form of air pollutants, excessive noise, traffic, glare or vibrations, noxious odors, danger of explosion, or unsightly appearance.

Inn: A business which accommodates travelers and other paying guests with sleeping and dining facilities and services for a limited duration, having fewer than 20 sleeping rooms, and in which some or all bath, sitting, and dining rooms are used or intended for use in common by such guests.

Kennel: Any place, building, tract of land, abode, enclosure, or vehicle which, for compensation:

provides food and shelter for house-hold pets for purposes not primarily related to medical care, or

engages in the breeding of more than 2 female dogs for the sale of their off-spring.

Lot: An area of land in one ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the County Registry of Deeds.

Lot Area: The total horizontal area within the lot lines.

Lot, Minimum Area: The minimum required lot area within a district for a single use.

Lot, Corner: A lot with at least two contiguous sides abutting a street or right-of-way.

Lot, Coverage: The percentage of a lot covered by all buildings.

Lot Lines: The lines bounding a lot as defined below.

1. Front Lot Line: Interior lots: the line separating the lot from a street or right-of-way. corner lot or through lot; the line separating the lot from either street or right-of-way.
2. Rear Lot Line: The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite from the front lot line of least dimension.
3. Side Lot Line: Any lot line other than the front lot line or rear lot line.

Lot of Record: A parcel of land, a legal description of which or the dimensions of which, are recorded on a document or map on file with the County Register of Deeds.

Lot, Shorefront: Any lot abutting a body of water.

Lot, Through: Any interior lot having frontages on two more or less parallel streets or rights-of-way or between a street and a body of water, or a right-of-way and a body of water, or between two bodies of water, as distinguished from a corner lot. All sides of through lots adjacent to streets, rights-of-way, and bodies of water shall be considered frontage, and front yards shall be provided as required.

Lot Width: The distance between the side boundaries of the lot measured at the front setback line.

Manufactured Housing Unit: A mobile home or single-side modular home constructed after June 1, 1976, in accordance with the applicable State and Federal standards governing the construction of mobile or modular homes, and which meets the following additional requirements.

- (1) The minimum horizontal dimension as installed on the site shall be twelve feet.
- (2) The roof shall be a hip roof with a minimum pitch of 3 inches vertical rise for each 12 inches of horizontal run. The roof shall be covered by approved wood or asphalt composition shingles.
- (3) The exterior wall surfaces shall be covered with materials similar to conventional construction such as cedar shakes, wood, vinyl or metal clapboards, board and batten siding, etc. It shall not be covered with flat, ridged or corrugated metal or plastic panels.
- (4) All manufactured housing units shall be erected on a permanent masonry foundation. This foundation shall be properly designed for loads and frost effects and shall extend to the underside of the perimeter of the unit.

A permanent foundation shall mean all of the following:

- (a) A full poured concrete or masonry foundation.
- (b) A poured concrete frost wall or a mortared masonry frost wall, with or without a concrete floor.
- (c) A reinforced floating concrete pad for which an engineers certificate may be required if it is to be placed on soil with high frost susceptibility.
- (d) Any foundation which is permitted for other types of single-family dwellings in accordance with applicable building codes.

Marina: Any complex of land buildings, facilities, haul ways, driveways, automobile parking areas and boat indoor or outdoor storage spaces in a common ownership for docking, mooring berthing, storing, repairing, selling, supplying, fueling and servicing boats and yachts.

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.

Mobile Food Service Unit: A unit including a motor vehicle or a pushcart or stand or any other such unit designed and constructed to transport, prepare, sell or serve food at a number of sites and which shall be capable of being moved from its serving site.

Mobile Home Park: A plot of land laid out to accommodate at least three (3) manufactured homes for commercial purposes.

Multi-family Housing: A building, arranged, intended or designed to be occupied by three or more families living in independent dwelling units.

Neighborhood "Convenience" Stores: A store of less than 1,500 square feet of floor space intended to service the convenience of a residential neighborhood primarily with the sale of merchandise, including such items as, but not limited to, basic food, newspapers, emergency home repair articles, and other household items, but not to include "sit-down" dining or "eat-in" foods or take out windows.

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

Non-Conforming: A building, structure, lot, use of land, or portion thereof, legally existing at the effective date of adoption or amendment of this Ordinance which thereafter fails to conform to all applicable provisions of this Ordinance.

Normal High Water Mark: The line along the shore of a pond, river, stream, brook, or other non tidal body of water which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or from changes in vegetation and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers and great ponds, coastal and freshwater wetlands, the normal high-water mark is the upland edge of the wetlands and not the edge of the open water. The Codes Enforcement Officer is responsible for the delineation of the normal high water mark, where such is not clearly mapped.

Normal High Water Mark—Inland: That line on the shores and banks of nontidal waters which is apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water relative to vegetation, it is the line where the vegetation changes from predominantly aquatic to predominantly terrestrial.

Nursing Home: A privately operated establishment where maintenance and personal or nursing care are provided for persons who are unable to care for themselves.

Parking Space: An area, exclusive of drives or aisles giving access thereto, accessible from streets or aisles leading to streets and usable for the storage or parking of passenger vehicles. Parking space or access thereto is construed as to be usable year round.

Parks and Recreation: Non-commercially operated recreation facilities open to the general public including, but not limited to, playgrounds, parks, monuments, green strips,

open space, mini-parks, athletic fields, boat launching ramps, piers and docks, picnic grounds, swimming pools, and wildlife and nature preserves, along with any necessary accessory facilities, rest rooms, bath houses, and the maintenance of such land and facilities. The term shall not include campgrounds, or commercial recreation and amusement centers.

Permitted Use: Uses which are listed as permitted uses in the various districts set forth in this Ordinance. The term shall not include prohibited uses.

Place of Worship: A building or group of buildings used for the conduct of religious services.

Planning Board: The Planning Board of the Town of Dresden.

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

Principal Structure: The structure in which the primary use of the lot is conducted.

Principal Use: The primary use to which the premises are devoted.

Public and Private Schools: Primary and secondary schools, or parochial schools, which satisfy either of the following requirements: the school is not operated for a profit or as a gainful business; or the school teaches courses of study which are sufficient to qualify attendance in compliance with State Compulsory Education Requirements.

Public Utility: Any person, firm, corporation, Town department, board or commission authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public.

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

Relocation: The removal of a building or other structure to a new location, whether to a different lot or to another location on the same lot.

Residential Care: Care which is greater than that necessarily attendant upon mere eating and lodging services, but which is less than that attendant upon nursing home care or hospital care.

Residential Care Facility: A building or group of buildings where, for compensation, residential care is provided. This use does not include “nursing home” or “congregate care facility”.

Residential Wind Energy Facility: A system that generates electricity designed for residential use and/or an accessory use on a residential property (e.g., farming), which system is composed of a tower, tower base, wind turbine and electrical infrastructure and control equipment, all of which is intended to produce electrical power for on-site consumption.

Restaurant: A place the primary use of which is to prepare and serve meals to the general public for compensation.

Resubdivision: The division of an existing subdivision or any change of lot size therein, or the relocation of any street, lot, or lot line in a subdivision.

Retail Business: A business establishment engaged in the sale, rental, or lease of goods or services to the ultimate consumer for direct use or consumption and not for resale.

Right-of-way: All public or private roads and streets, state and federal highways, private ways (now called public easements), and public land reservations for the purpose of public access, including utility rights-of-way.

Road: An existing state, county, or town way or a street dedicated for public use and shown upon a plan duly approved by the Planning Board and recorded in the County Registry of Deeds or a road dedicated for public use and shown on a plan duly recorded in the County Registry of Deeds prior to the establishment of the Planning Board and the grant to the Planning Board of its power to approve plans. The term "road" shall not include those ways which have been discontinued or abandoned.

Rooming House: Any dwelling in which more than three persons, whether individually or as families, are housed for compensation with or without meals, and with shared facilities. This definition includes fraternity or sorority houses.

School, Public or Private Elementary or Secondary: A place where courses of study which are sufficient to qualify attendance as compliance with State compulsory education requirements for grades K through 12 are taught.

School, Public or Private Nursery: A place where courses of study are taught to pre-kindergarten students.

School, Public or Private Post-Secondary: A place where courses of study which are sufficient to lead to a degree recognized by the State are taught.

School, Special Purpose: A place where any specialized branch of knowledge such as dancing, gymnastics, music, automobile driving, business skills, not including horseback riding, is taught for compensation.

Setback: The minimum horizontal distance from a lot line to the nearest part of a building, including porches, steps, and railings.

Shopping Center: Any concentration of two or more retail stores or service establishments under one ownership or management containing 15,000 sq. ft. or more of gross floor space.

Shoreland Zone: The land area which is required to be regulated by MRSA, Title 38, Ordinance 3, Subchapter I, article 2-B.

Sign: A means of conveying information, or directing attention to a business, product, service or other commodity.

Street: A way established or maintained under public authority, ***or a 50 foot wide recorded private way approved by the Planning Board***, or a way shown on a plan of a subdivision duly approved by the Planning Board.

Structure: Anything constructed or erected, the use of which requires a fixed location on or in

the ground or in the water, or an attachment to something having a fixed location on the ground, including buildings, billboards, signs, commercial park rides and games, carports, porches, and other building features, including stacks and antennas, but not including sidewalks, fences, driveways, parking lots, and field or garden walls or embankment retaining walls. For purposes of this Ordinance, utility poles are not considered structure.

Subdivision: Subdivision means subdivision (1) as defined in Title 30-A M.R.S.A., 4401, as amended (i.e. generally a division of a tract or parcel of land into three (3) or more lots within a five year period (see statute for full definition) and (2) as such definition is augmented by the following:

1. Such division may be accomplished by sale, lease, development, building or otherwise, including informal arrangements which result in the functional division of a tract or parcel. The term subdivision may, at the Planning Board's discretion, also include cluster housing, shopping centers, lodging places (e.g. motels, inns, etc.) and apartment, condominium, or cooperative housing units, when any of these items contain three or more units.

3. Under such definition, lots of forty (40) or more acres each shall be counted as lots if the lots are wholly or partly within the Shoreland District and the average lot-depth-to-shore-frontage ratio is greater than three to one.

Substantial Improvement: Any repair, reconstruction, or improvement of the structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing State or local health sanitary, or safety code specifications which are solely necessary to assure compliance with the Code.

Subsurface Sewage Disposal System: A collection of treatment tank(s), disposal area(s), holding tank(s), and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term does not include any wastewater discharge system

licensed under 38 MRSA Section 414, any surface wastewater disposal system licensed under 38 MRSA Section 413 Subsection 1-A, or any public sewer. The term does not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 MRSA Ordinance 13, subchapter 1.

Sustained Slope: A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Swimming Pool: An outdoor man-made receptacle or excavation designed to hold water to a

depth of at least twenty-four (24) inches, primarily for swimming or bathing, whether in the ground or above the ground.

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

Tower: Any structure whose principal function is to support something such as an antenna, a windmill, a water tank, and observation platform, or other similar uses.

Travel Trailer: A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, camping, recreational, or vacation uses, and when equipped for the road has a body width not exceeding 8 feet and which is eligible to be licensed or registered and insured for highway use.

Undue Hardship: The term "undue hardship" shall mean all of the following:

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

Use: The manner in which land or a structure is arranged, designed or intended, or is occupied.

Utility Facility: Any facility (not including an office building, business office, storage yard, or vehicle or equipment maintenance or repair facility) operated by an electrical utility, a telephone utility, a water district or private water company, a sanitary district, a sewer district or municipal sewer department, a cable television supplier, or any other utility. Such facilities include: sanitary sewer lines, water lines, pumping and pressure control stations, telephone equipment huts, telephone and electrical power transmission

lines (including poles, cross connects, subscriber loop carriers, network interface equipment, distribution area interfaces, service drops, and similar structures), standpipes, reservoirs, wells and other water storage structures, electricity regulating substations, water treatment plants, electric generating plants, and electric transmission lines. Utilities do not include microwave, radio, television, or other telecommunication transmitters and towers. For the purposes of this Ordinance there are 3 classifications or utility facilities as follows:

Small Scale Utility Facility. A utility facility consisting of structures which cover no more than 200 square feet of land. Also in this classification are utility distribution lines.

Medium Scale Utility Facility. A utility facility consisting of structures other than utility transmission lines and utility distribution lines, which covers more than 200 square feet of land but less than 500 square feet of land.

Large Scale Utility Facility. A utility facility consisting of structures which cover 500 square feet or more of land. Also in this classification are utility transmission lines.

Water Body:

River. A free-flowing body of water including its associated flood plan wetlands from that point at which it provides drainage for a watershed of 25 square miles to its mouth. The following bodies of water are rivers: the Kennebec River and Merrymeeting Bay.

Stream. The free flowing body of water from the outlet of a great pond or the confluence of 2 perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map to the point where the body of water becomes a river or flows into a great pond.

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

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

Water Transportation Services: Establishments engaged in passenger transportation and establishments furnishing incidental services such as lighterage, towing, sightseeing boats, marine surveyors, and the like.

Waterfront: Abutting a water body.

Water-Oriented Uses: A use which by its nature of operation requires a waterfront location.

Wetland: All coastal and freshwater wetlands. "Coastal Wetlands" are all tidal and sub-tidal lands including all areas below any identifiable debris line left by tidal action, all areas with vegetation present that is tolerant of salt water and occurs primarily in a salt-water habitat, and

any swamp, marsh, bog, beach, flat or other contiguous lowland which is subject to tidal action or normal storm activity. Coastal wetlands may include portions of coastal sand dunes. Freshwater wetlands are all lands identified by the Department of Inland Fisheries and Wildlife in accordance with Title 38 M.R.S.A. Section 407A, or areas identified by the United States Environmental Protection Agency having jurisdiction under Section 404 of the Clean Water Act.

Wholesale Business: A business establishment engaged in the sale of goods or commodities in large quantities for individual consumption or resale.

APPENDIX B. FEE SCHEDULE

After June 8 2010, these fees will be set by the Board of Selectmen.

Non- refundable application fee for all permits - \$5.00

Fees are based on square footage at ground level for ground level floor of structure.

Commercial Properties or uses are those which are used in the conduct of a for-profit business enterprise and include businesses, additions to residential structures used for business, apartment buildings, rental properties and accessory buildings for any of these uses.

New \$0.17 Sq. Ft.
Renovation \$0.12 sq. ft.

Commercial agriculture- barns, outbuildings, equipment shelters and other structures greater than 2,000 sq. ft. and which use is directly related to commercial agriculture enterprise.

New \$0.10 sq. ft.
Renovation \$0.07 sq. ft.

Residential Properties- single family structures and additions, mobile homes and seasonal camps and additions and accessory structures.

New \$0.15 Sq. Ft.
Renovation \$0.10 sq. ft.

Minor structures- such as porches, decks, garages for fewer than 4 vehicles and utility sheds

New or renovation \$0.05 per sq. ft.

Site Plan Review Application (see Article 6, Section 3)

Single-family Dwelling	\$25.00
Minor Developments (Section 3, pg. 68) (Subdivisions)	\$50.00 Add \$25.00 per lot or unit.
Major Developments (Section 3, pg. 68) (Subdivisions and Mobile Home Parks) park space	Add \$100.00 per lot/unit, or mobile home

Changes to existing permits including conditional use permits. \$10.00

Earthmoving permit - required for disturbing soil area of 20,000 sq. ft. or more for non-agricultural purposes and not related to permits issued for other work such as driveways, home sites or parking areas.

\$25.00

Blasting permit- required for any blasting for any purpose Permit from CEO

After the fact permit 5 times the regular fee

Appeals

Code Enforcement Officer Actions \$10.00

Planning Board Actions \$25.00

Change of Ownership

Mobile Home Parks \$25.00

Dresden CEO will determine the proper permit type and fee at the time of application. Permit application fee of \$5.00 is due at the time the application is submitted and is non-refundable. Other fees must be paid prior to permit issuance.

***APPENDIX C. Shoreland Zoning Ordinance for the Municipality of
DRESDEN, MAINE***

1. **Purposes.** The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.
2. **Authority.** This Ordinance has been prepared in accordance with the provisions of Title 38 sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).
3. **Applicability.** This Ordinance applies to all land areas within 250 feet, horizontal distance, of the
 - normal high-water line of any great pond or river,
 - 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.

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

4. Effective Date

- A. Effective Date of Ordinance and Ordinance Amendments.** This Ordinance, which was adopted by the municipal legislative body on June 13, 2009, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved.

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

- B. Sections 15(O) and 15(O-1).** Section 15(O) is repealed on the statutory date established under 38 M.R.S.A. section 438-A(5), at which time Section 15(O-1) shall

become effective. Until such time as Section 15(O) is repealed, Section 15(O-1) is not in effect.

5. **Availability.** A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.
6. **Severability.** Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.
7. **Conflicts with Other Ordinances.** Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control.
8. **Amendments.** This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.
9. **Districts and Zoning Map**
 - A. **Official Shoreland Zoning Map.** The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map(s) which is (are) made a part of this Ordinance:
 - (1) Resource Protection
 - (2) Stream Protection
 - (3) Limited Residential
 - B. **Scale of Map.** The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.
 - C. **Certification of Official Shoreland Zoning Map.** The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.
 - D. **Changes to the Official Shoreland Zoning Map.** If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the

Department of Environmental Protection.

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

11. Land Use Requirements. Except as hereinafter specified, no building, structure or land shall 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.

12. Non-conformance.

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

B. General

- (1) **Transfer of Ownership.** Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
- (2) **Repair and Maintenance.** This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

C. Non-conforming Structures

- (1) **Expansions.** A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (a) and (b) below.
 - (a) After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 12(C)(3), and is less than the required setback from a water body, tributary

stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.

- (b) Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12(C)(2) Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 12(C)(1)(a) above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.
- (2) Relocation. A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

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

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

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

ground cover that was disturbed, destroyed or removed.

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

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

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

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

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on

public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and 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 allowed in Section 12(C)(1)(a) above.
- (2) Resumption Prohibited. A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.
- (3) Change of Use. An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, 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 area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.
- (2) Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the

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

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

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

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

13. Establishment of Districts

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

- (1) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value 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.

- (2) Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils. This district shall also include 100 year floodplains 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.
- (6) Other significant areas which should be included in this district to fulfill the purposes of this Ordinance, such as, but not limited to, existing public access areas and certain significant archaeological and historic sites deserving of long-term protection as determined by the municipality after consultation with the Maine Historic Preservation Commission.

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 Districts, or the Commercial Fisheries/Maritime Activities District.

C. 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. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

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

Key to Table 1:

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

No - Prohibited

PB - Allowed with permit issued by the Planning Board.

CEO - Allowed with permit issued by the Code Enforcement Officer

LPI - Allowed with permit issued by the Local Plumbing Inspector

Abbreviations:

RP - Resource Protection

SP - Stream Protection

LR - Limited Residential

TABLE 1. LAND USES IN THE SHORELAND ZONE			
LAND USES DISTRICT	SP	RP	LR
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	Yes	Yes	Yes
2. Motorized vehicular traffic on existing roads and trails	Yes	Yes	Yes
3. Forest management activities except for timber harvesting & land management roads	Yes	Yes	Yes
4. Timber harvesting	Yes	CEO	Yes
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO ¹	Yes
6. Fire prevention activities	Yes	Yes	Yes
7. Wildlife management practices	Yes	Yes	Yes
8. Soil and water conservation practices	Yes	Yes	Yes
9. Mineral exploration	No	Yes ²	Yes ²
10. Mineral extraction including sand and gravel extraction	No	PB ³	PB
11. Surveying and resource analysis	Yes	Yes	Yes
12. Emergency operations	Yes	Yes	Yes
13. Agriculture	Yes	PB	Yes
14. Aquaculture	PB	PB	PB
15. Principal structures and uses			
A. One and two family residential, including driveways	PB ⁴	PB ⁹	CEO
B. Multi-unit residential	No	No	PB
C. Commercial	No	No ¹⁰	No ¹⁰
D. Industrial	No	No	No
E. Governmental and institutional	No	No	PB

Town of Dresden

F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB ⁴	PB	CEO
16. Structures accessory to allowed uses	PB ⁴	PB	CEO
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland			
a. Temporary	CEO ¹¹	CEO ¹¹	CEO ¹¹
b. Permanent	PB	PB	PB
18. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI
19. Home occupations	PB	PB	PB
20. Private sewage disposal systems for allowed uses	LPI	LPI	LPI
21. Essential services	PB ⁶	PB ⁶	PB
A. Roadside distribution lines (34.5kV and lower)	CEO ⁶	CEO ⁶	Yes ¹²
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	PB ⁶	PB ⁶	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB ⁶	PB ⁶	PB
D. Other essential services	PB ⁶	PB ⁶	PB
22. Service drops, as defined, to allowed uses	Yes	Yes	Yes
23. Public and private recreational areas involving minimal structural development	PB	PB	PB
24. Individual, private campsites	CEO	CEO	CEO
25. Campgrounds	No	No ⁷	PB
26. Road construction	PB	No ⁸	PB
27. Land management roads	Yes	PB	Yes
28. Parking facilities	No	No ⁷	PB
29. Marinas	PB	No	PB
30. Filling and earth moving of <10 cubic yards	CEO	CEO	Yes
31. Filling and earth moving of >10 cubic yards	PB	PB	CEO
32. Signs	Yes	Yes	Yes
33. Uses similar to allowed uses	CEO	CEO	CEO
34. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO
35. Uses similar to uses requiring a PB permit	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: Item 17, in its entirety, should be deleted from Table 1 if a municipality elects not to regulate “piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland”.

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.

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

A. Minimum Lot Standards

	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)
(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

(c) Public and Private Recreational Facilities

- | | | |
|---|--------|-----|
| (i) Within the Shoreland Zone Adjacent to Tidal Areas and Non-Tidal | 40,000 | 250 |
|---|--------|-----|
- (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. 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.
- (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;
- (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.

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

- (1) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- (2) The location shall not interfere with existing developed or natural beach areas.
- (3) The facility shall be located so as to minimize adverse effects on fisheries.
- (4) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.
- (5) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.
- (6) New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.
- (7) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

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

- (1) Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
- (2) The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or

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

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

- (1) One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
- (2) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- (3) Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
- (4) The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
- (5) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
- (6) When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

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

- (1) Auto washing facilities
- (2) Auto or other vehicle service and/or repair operations, including body shops
- (3) Chemical and bacteriological laboratories

- (4) Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms
- (5) Commercial painting, wood preserving, and furniture stripping
- (6) Dry cleaning establishments
- (7) Electronic circuit assembly
- (8) Laundromats, unless connected to a sanitary sewer
- (9) Metal plating, finishing, or polishing
- (10) Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
- (11) Photographic processing
- (12) Printing

G. Parking Areas

- (1) Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
- (2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.
- (3) In determining the appropriate size of proposed parking facilities, the following shall apply:
 - (a) Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
 - (b) Internal travel aisles: Approximately twenty (20) feet wide.

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

- (1) Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river

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

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

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

- (2) Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream or wetland.
- (3) New 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 gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:
 - (a) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

- (b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.
- (c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.
- (d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.
- (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. The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential and Limited Commercial Districts:

- (1) Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the Limited Commercial District, however, such signs shall not exceed sixteen (16) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.
- (2) Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.
- (3) Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
- (4) Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
- (5) Signs relating to public safety shall be allowed without restriction.
- (6) No sign shall extend higher than twenty (20) feet above the ground.
- (7) Signs may be illuminated only by shielded, non-flashing lights.

J. Storm Water Runoff

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

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.

L. Essential Services

- (1) Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
- (2) The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.
- (3) Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

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

Mineral extraction may be permitted under the following conditions:

- (1) A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (M)(4) below.
- (2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.
- (3) 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.
- (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.

O. Timber Harvesting

- (1) In a Resource Protection District abutting a great pond, timber harvesting shall be limited to the following:
 - (a) Within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, timber harvesting may be conducted when the following conditions are met:
 - (i) The ground is frozen;
 - (ii) There is no resultant soil disturbance;
 - (iii) The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;
 - (iv) There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4 ½ feet above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other natural vegetation remains; and
 - (v) A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.
 - (b) Beyond the 75 foot strip referred to in Section 15(O)(1)(a) above, timber harvesting is permitted in accordance with paragraph 2 below except that in no case shall the average residual basal area of trees over 4 ½ inches in diameter at 4 1/2 feet above ground level be reduced to less than 30 square feet per acre.
- (2) Except in areas as described in Section 15(O)(1) above, timber harvesting shall conform with the following provisions:
 - (a) Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:
 - (i) Within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.
 - (ii) At distances greater than one-hundred (100) feet, horizontal distance, of a

great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.

- (b) Timber harvesting operations exceeding the 40% limitation in Section 15(O)(2)(a) above, may be allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The planning board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the planning board's decision.
- (c) No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.
- (d) Timber harvesting equipment shall not use stream channels as travel routes except when:
 - (i) Surface waters are frozen; and
 - (ii) The activity will not result in any ground disturbance.
- (e) All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
- (f) Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.
- (g) Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal

high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

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

- (1) Shoreline integrity and sedimentation. Persons conducting timber harvesting and related activities must take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands occurs, such conditions must be corrected.
- (2) Slash treatment. Timber harvesting and related activities shall be conducted such that slash or debris is not left below the normal high-water line of any water body or tributary stream, or the upland edge of a wetland. Section 15(O-1)(2) does not apply to minor, incidental amounts of slash that result from timber harvesting and related activities otherwise conducted in compliance with this section.
 - (a) Slash actively used to protect soil from disturbance by equipment or to stabilize exposed soil, may be left in place, provided that no part thereof extends more than 4 feet above the ground.
 - (b) Adjacent to great ponds, rivers and wetlands:
 - (i) No accumulation of slash shall be left within 50 feet, horizontal distance, of the normal high-water line or upland edge of a wetland; and
 - (ii) Between 50 feet and 250 feet, horizontal distance, of the normal high-water line or upland edge of a wetland, all slash larger than 3 inches in diameter must be disposed of in such a manner that no part thereof extends more than 4 feet above the ground.
- (3) Timber harvesting and related activities must leave adequate tree cover and shall be conducted so that a well-distributed stand of trees is retained. This requirement may be satisfied by following one of the following three options:
 - (a) Option 1 (40% volume removal), as follows:

- (i) Harvesting of no more than 40 percent of the total volume on each acre of trees 4.5 inches DBH or greater in any 10 year period is allowed. Volume may be considered to be equivalent to basal area;
 - (ii) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,
 - (iii) Within 75 feet, horizontal distance, of the normal high-water line of rivers, streams, and great ponds, and within 75 feet, horizontal distance, of the upland edge of a freshwater 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-1)(7) of this rule.

- (a) Land management roads and associated ditches, excavation, and fill must be set back at least:
 - (i) 100 feet, horizontal distance, from the normal high-water line of a great pond, river or 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-1)(5)(a)(i) above may be reduced to no less than 50 feet, horizontal distance, and the 50 foot setback specified in Section 15(O-1)(5)(a)(ii) above may be reduced to no less than 25 feet, horizontal distance, if, prior to construction, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
- (c) On slopes of 10 percent or greater, the land management road setback must be increased by at least 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent.
- (d) New land management roads are not allowed within 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-1)(7). Where such a filter strip is impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream, or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or

the disruption of shoreline integrity occurs, such conditions must be corrected.

- (f) Road closeout and discontinuance. Maintenance of the water control installations required in Section 15(O-1)(5)(e) must continue until use of the road is discontinued and the road is put to bed by effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to avoid surface water flowing over or under the water bar, and extending a sufficient distance beyond the traveled way so that water does not reenter the road surface.
 - (g) Upgrading existing roads. Extension or enlargement of presently existing roads must conform to the provisions of Section 15(O-1). Any nonconforming existing road may continue to exist and to be maintained, as long as the nonconforming conditions are not made more nonconforming.
 - (h) Exception. Extension or enlargement of presently existing roads need not conform to the setback requirements of Section 15(O-1)(5)(a) if, prior to extension or enlargement, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
 - (i) Additional measures. In addition to the foregoing minimum requirements, persons undertaking construction and maintenance of roads and river, stream and tributary stream crossings must take reasonable measures to avoid sedimentation of surface waters.
- (6) Crossings of waterbodies. Crossings of rivers, streams, and tributary streams must allow for fish passage at all times of the year, must not impound water, and must allow for the maintenance of normal flows.
- (a) Determination of flow. Provided they are properly applied and used for the circumstances for which they are designed, methods including but not limited to the following are acceptable as a means of calculating the 10 year and 25 year frequency water flows and thereby determining water crossing sizes as required in Section 15(O-1): The United States Geological Survey (USGS) Methods; specifically: Hodgkins, G. 1999. Estimating the Magnitude of Peak Flows for Streams in Maine for Selected Recurrence Intervals. U.S. Geological Survey. Water Resources Investigations Report 99-4008. 45 pp.
 - (b) Upgrading existing water crossings. Extension or enlargement of presently existing water crossings must conform to the provisions of Section 15(O-1). Any

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

- (c) Other Agency Permits. Any timber harvesting and related activities involving the design, construction, and maintenance of crossings on waterbodies other than a river, stream or tributary stream may require a permit from the Land Use Regulation Commission, the Department of Environmental Protection, or the US Army Corps of Engineers.
- (d) Any timber harvesting and related activities involving the design, construction, and maintenance of crossings of 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-1)(6)(g)) below. Streams and tributary streams may be crossed using temporary structures that are not bridges or culverts provided:
 - (i) concentrated water runoff does not enter the stream or tributary stream;
 - (ii) sedimentation of surface waters is reasonably avoided;
 - (iii) there is no substantial disturbance of the bank, or stream or tributary stream channel;
 - (iv) fish passage is not impeded; and,
 - (v) water flow is not unreasonably impeded.

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

- (g) Bridge and Culvert Sizing. For crossings of river, stream and tributary stream

channels with a bridge or culvert, the following requirements apply:

- (i) Bridges and culverts must be installed and maintained to provide an opening sufficient in size and structure to accommodate 10 year frequency water flows or with a cross-sectional area at least equal to 2 1/2 times the cross-sectional area of the river, stream, or tributary stream channel.
- (ii) Temporary bridge and culvert sizes may be smaller than provided in Section 15(O-1)(6)(g)(i) if techniques are effectively employed such that in the event of culvert or bridge failure, the natural course of water flow is maintained and sedimentation of the water body or tributary stream is avoided. Such crossing structures must be at least as wide as the channel and placed above the normal high-water line. Techniques may include, but are not limited to, the effective use of any, a combination of, or all of the following:
 - 1. use of temporary skidder bridges;
 - 2. removing culverts prior to the onset of frozen ground conditions;
 - 3. using water bars in conjunction with culverts;
 - 4. using road dips in conjunction with culverts.
- (iii) Culverts utilized in river, stream and tributary stream crossings must:
 - 1. be installed at or below river, stream or tributary stream bed elevation;
 - 2. be seated on firm ground;
 - 3. have soil compacted at least halfway up the side of the culvert;
 - 4. be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater; and
 - 5. have a headwall at the inlet end which is adequately stabilized by riprap or other suitable means to reasonably avoid erosion of material around the culvert.
- (iv) River, stream and tributary stream crossings allowed under Section 15(O-1), but located in flood hazard areas (i.e. A zones) as identified on a community's Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps (FHBM), must be designed and constructed under the stricter standards contained in that community's National Flood Insurance Program (NFIP). For example, a water crossing may be required to pass a 100-year flood event.
- (v) Exception. Skid trail crossings of tributary streams within shoreland areas and wetlands adjacent to such streams may be undertaken in a manner not in conformity with the requirements of the foregoing subsections provided persons conducting such activities take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands occurs, such conditions must be corrected.

- (h) Skid trail closeout. Upon completion of timber harvesting and related activities, or upon the expiration of a Forest Operations Notification, whichever is earlier, the following requirements apply:
 - (i) Bridges and culverts installed for river, stream and tributary stream crossings by skid trails must either be removed and areas of exposed soil stabilized, or upgraded to comply with the closeout standards for land management roads in Section 15(O-1)(6)(i) below.
 - (ii) Water crossing structures that are not bridges or culverts must either be removed immediately following timber harvesting and related activities, or, if frozen into the river, stream or tributary stream bed or bank, as soon as practical after snowmelt.
 - (iii) River, stream and tributary stream channels, banks and approaches to crossings of water bodies and tributary streams must be immediately stabilized on completion of harvest, or if the ground is frozen and/or snow-covered, as soon as practical after snowmelt. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
- (i) Land management road closeout. Maintenance of the water control features must continue until use of the road is discontinued and the road is put to bed by taking the following actions:
 - (i) Effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to reasonably avoid surface water flowing over or under the water bar, and extending sufficient distance beyond the traveled way so that water does not reenter the road surface.
 - (ii) Water crossing structures must be appropriately sized or dismantled and removed in a manner that reasonably avoids sedimentation of the water body or tributary stream.
 - (iii) Any bridge or water crossing culvert in roads to be discontinued shall satisfy one of the following requirements:
 1. it shall be designed to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows;
 2. it shall be designed to provide an opening with a cross-sectional area at least 3 1/2 times the cross-sectional area of the river, stream or tributary stream channel; or
 3. it shall be dismantled and removed in a fashion to reasonably avoid sedimentation of the river, stream or tributary stream.

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

(7) Slope Table

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

Average slope of land between exposed mineral soil and the shoreline (percent)	Width of strip between exposed mineral soil and shoreline
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

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.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2 - < 4 in.	1
4 - <8 in.	2
8-< 12 in.	4
12 in. or greater	8

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

The following shall govern in applying this point system:

- (i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
- (ii) Each successive plot must be adjacent to, but not overlap a previous plot;
- (iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
- (iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is 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.

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 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.

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.

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.

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

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

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

Permanent: Structures which remain in or over the water for seven (7) months or more

in any period of twelve (12) consecutive months.

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

Principal use - a use other than one which is wholly incidental or accessory to another use on the same premises.

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

Recent floodplain soils - the following soil series as described and identified by the National Cooperative Soil Survey:

Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Alluvial	Cornish	Charles
Podunk	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.

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.

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.

APPENDIX A

38 §437. Significant river segments identified

For purposes of this chapter, significant river segments include the following:

1. **Aroostook River.** The Aroostook River from St. Croix Stream in Masardis to the Masardis and T.10, R.6, W.E.L.S. townline, excluding segments in T.9, R.5, W.E.L.S.; including its tributary the Big Machias River from the Aroostook River in Ashland to the Ashland and Garfield Plantation townlines;
2. **Dennys River.** The Dennys River from the railroad bridge in Dennysville Station to the dam at Meddybemps Lake, excluding the western shore in Edmunds Township and No. 14 Plantation;
3. **East Machias River.** The East Machias River from 1/4 of a mile above the Route 1 bridge in East Machias to the East Machias and T.18, E.D., B.P.P. townline, and from the T.19, E.D., B.P.P. and Wesley townline to the outlet of Crawford Lake in Crawford, excluding Hadley Lake;
4. **Fish River.** The Fish River from the bridge in Fort Kent Mills to the outlet of Eagle Lake in Wallagrass, and from the Portage Lake and T.14, R.6, townline to the Portage Lake and T.13, R.7, W.E.L.S. townline, excluding Portage Lake;
5. **Machias River.** The Machias River from the Whitneyville and Machias townline to the Northfield T.19, M.D., B.P.P. townline;
6. **Mattawamkeag River.** The Mattawamkeag River from the outlet of Mattakeunk Stream in Winn to the Mattawamkeag and Kingman Township townline, and from the Reed Plantation and Bancroft townline to the East Branch, including its tributaries the West Branch from the Mattawamkeag River to the Haynesville T.3, R.3, W.E.L.S. townline and from its inlet into Upper Mattawamkeag Lake to the Route 2 bridge; the East Branch from the Mattawamkeag River to the Haynesville and Forkstown Township townline and from the T.4, R.3, W.E.L.S. and Oakfield townline to Red Bridge in Oakfield; the Fish Stream from the Route 95 bridge in Island Falls to the Crystal-Patten townline; and the Baskehegan Stream from its inlet into Crooked Brook Flowage in Danforth to the Danforth and Brookton Township townline;
7. **Narraguagus River.** The Narraguagus River from the ice dam above the railroad bridge in Cherryfield to the Beddington and Devereaux Township townline, excluding Beddington Lake;
8. **East Branch of Penobscot.** The East Branch of the Penobscot from the Route 157 bridge in Medway to the East Millinocket and Grindstone Township townline;
9. **Pleasant River.** The Pleasant River from the railroad bridge in Columbia Falls to the Columbia and T.18, M.D., B.P.P. townline, and from the T.24, M.D., B.P.P. and

Beddington townline to the outlet of Pleasant River Lake;

10. **Rapid River.** The Rapid River from the Magalloway Plantation and Upton townline to the outlet of Pond in the River;
11. **West Branch Pleasant River.** The West Branch Pleasant River from the East Branch to the Brownville and Williamsburg Township townline; and
12. **West Branch of Union River.** The West Branch of the Union River from the Route 9 bridge in Amherst to the outlet of Great Pond in the Town of Great Pond.

APPENDIX D. ADULT-ONLY BUSINESSES ORDINANCE

I. Findings

- A. The Citizens of the Town of Dresden believe that sexually oriented businesses, because of their very nature, have potential negative secondary effects on surrounding areas. They have observed that in many communities throughout this country the presence of sexually oriented businesses is consistently and strongly associated with perceived decreases in value of both residential and commercial properties and the facilitation of illicit and undesirable activities. This evidence is relevant to issues facing the Town.
- B. It is recognized that sexually oriented businesses can adversely affect the character and quality of life of a town and can be incompatible with surrounding uses, particularly when the sexually oriented businesses are located in proximity to residences, day care centers, schools, houses of worship, and public parks or recreational areas. An ordinance is a proper and reasonable means of controlling the potential negative secondary effects of sexually oriented businesses.

II. Purpose

- A. The purpose of this Ordinance is to regulate the place and manner of operation of sexually oriented businesses. It is intended to regulate and to annually license any sexually oriented businesses, and to prevent their location in proximity to residences, day care centers, schools, houses of worship, public parks or recreational areas. Regulation of these uses is necessary to insure that the negative secondary effects will not contribute to the blighting or downgrading of the surrounding areas of the Town at large. The purpose of this Ordinance is not to prohibit sexually oriented businesses from operating in the Town, but to regulate their location and manner of operation, while providing a reasonable opportunity for such businesses to exist. The regulations of this Ordinance are not directed at the content of speech but are directed at the potential negative secondary effects of sexually oriented businesses.

III. Definitions

The following terms as used in this Ordinance and for the purpose of the Ordinance have the meanings given to them below:

- A. "Adult amusement store" means an establishment having, as a substantial or significant portion of its sales or stock in trade, erotic material, or an establishment with a portion of the premises devoted to the sale or display of such material, or an establishment that holds itself out to the public as a purveyor of such materials based on its signage, advertising, displays, actual sales, presence of video preview or coin-operated booths, the exclusion of

minors from the establishment's premises, or any other factors showing that the establishment's purpose is to purvey such material.

- B. "Adult motion picture theater" means an enclosed building used regularly and routinely for presenting motion picture or video material having as a dominant theme material distinguished or characterized by an emphasis on erotic material for observation by patrons therein.
- C. "Adult entertainment cabaret" means a public or private establishment which features entertainers who by reason of their appearance or conduct perform in a manner that is designed primarily to appeal to the prurient interests of the patron.
- D. "Adult spa" means an establishment or place primarily in the business of providing services of an erotic nature.
- E. "Sexually oriented business" means Adult amusement stores, Adult movie theaters, Adult entertainment cabarets, or Adult spas, as defined herein, or any business where erotic materials and activities are displayed, depicted, described or simulated as a regular and substantial part of its operation.
- F. "Residence" means any structure, which is principally used as a dwelling including, without limitation, a single family or multi-family house, an apartment, a condominium, or a mobile home.
- G. "Specified criminal activity" means a criminal conviction for any of the following offenses: prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution, or display of harmful material to a minor; sexual performance by a child; or any similar sex-related offenses to those described above under the Maine Criminal Code or statutes of the United States, and for which:
 - 1. Less than two (2) years have elapsed since the date of conviction or the date of release from confinement or probation imposed for the conviction, whichever is the later date, if the conviction is for an offense punishable by a maximum term of imprisonment of less than one year;
 - 2. Less than five (5) years have elapsed since the date of conviction or the date of release from confinement or probation imposed for the conviction, whichever is the later date, if the conviction is for an offense punishable by a maximum term of imprisonment of one year or more;
 - 3. Less than (5) years have elapsed since the date of the last conviction or the date of release from confinement or probation imposed for the last conviction, whichever is the later date, if the convictions are for two or more offenses or combination of offenses occurring within any twenty-four

(24) hour period, and all such offenses are punishable by maximum term of imprisonment of less than one year.

IV. Conditional Use Permit and License Required

- A. A Conditional Use Permit shall be obtained from the Planning Board after Site Plan Review approval.
- B. A person or persons wishing to operate a sexually oriented business shall obtain an annual license (a) prior to opening the person's establishment, or (b) prior to expiration of the current annual license, as the case may be. A license issued under this Ordinance does not eliminate the requirements of any other Ordinance in Dresden.

V. Application; Investigation and Issuance of License

- A. **Application.** An applicant for sexually oriented business license shall:
 - 1. Complete and file an application prescribed by the Planning Board, as required in the Town of Dresden Land Use and Development Ordinance, Article II Administration, Enforcement and Penalties, Section 3 Permit Application.
 - 2. Submit the completed application to the Planning Board through the Code Enforcement Officer (CEO), together with:
 - a. attested copies of the articles of incorporation and bylaws, if the applicant is a corporation,
 - b. evidence of partnership, if a partnership, or
 - c. articles of association and bylaws, if the applicant is an association,
 - d. as well as a list of all officers and directors, or partners, or equivalent, in each case.
 - 3. File a sworn affidavit, which states the names of all owners, officers, managers or partners of the applicant, and their places of residence at the time of the application and for the immediately preceding three (3) years.
 - 4. File the release authorized by 16 M.R.S.A, Section 620(6) (Criminal History Record, Information Act) with the application, for the applicant and each officer, owner, manager or partner of the applicant.
 - 5. Submit evidence of right, title or interest in or to the premises in which the sexually oriented business is proposed to be sited, along with the written consent of the owner of the premises for such use if applicant is not the owner.
 - 6. State the date of initiation of the planned/proposed sexually oriented

business and the nature of the business with a description of the nature of all products and services offered to customers.

7. Submit evidence of compliance with Section X of this Ordinance and evidence that there is no basis for denial of a license to applicant under the standards listed in Section VI of this Ordinance.

B. Investigation of applicant, officers. Upon receipt of an application or notice of a change of the owners, officers, managers or partners of the applicant:

1. The (CEO) shall immediately send a copy of the complete application or notice to the Planning Board. The CEO shall also consult with the Chairman of the Planning Board and arrange
 - a. for public notice of a public hearing on any application to be published in a newspaper of general circulation and
 - b. for notice by mail to owners of lots within 1000 feet of the proposed location of the structure in or at which the proposed business is to be situated, all at least 10 days prior to the public hearing before the Planning Board.. The costs of publication, certified mail postage, and other expenses related to the hearing shall be paid by the applicant. After receipt of required reports from the Town officials, the CEO shall forward the application and other documents to the Planning Board for public hearing and final decision.
2. The CEO shall inspect the location or proposed location and construction drawings to determine whether the applicant's proposed plan satisfies the setback and construction requirements of this ordinance and then report findings in writing to the Planning Board. The CEO shall also review and enforce the provisions of all the applicable Town Ordinances and state laws, as indicated in accordance with 30-A M.R.S.A. §4452.
3. The Select Board or its Authorized Representative shall investigate the applicant, including the criminal history record information required under Section V, A.4, and then report findings in writing to the Planning Board, and
4. The CEO shall verify that the proposed premises of the establishment will comply with Section X and with all other applicable State and Town laws and land use codes of the Town and then report findings in writing to the Planning Board. The CEO shall also determine whether other permitting under local Ordinances and state laws is required.
5. All other requirements of the Town of Dresden Land Use and Development Ordinance, Article II Administration, Enforcement and Penalties, Section 4, Procedures for Administering Permits shall apply.

- C. **Issuance of Business License:** The Planning Board, after notice and public hearing, shall determine whether the application and documents submitted comply with all of the requirements of this Ordinance for a Conditional Use Permit. The Select Board may issue the Business License upon the recommendation of the Planning Board, based upon the record, including evidence and testimony at the public hearing, that the applicant meets the requirements of this Ordinance. The license may not be transferred or assigned to any other person or entity.

VI. Standards of Denial

An application for a sexually oriented business license shall be denied in the following circumstances:

- A. The applicant is a corporation or other legal entity that is not authorized to do business in the State of Maine.
- B. The applicant is an individual who is less than 18 years of age.
- C. The applicant has submitted an incomplete application, knowingly made an incorrect statement of a material nature, or failed to supply additional information required that is reasonably necessary to determine whether the license can be issued.
- D. The applicant, if an individual, or any person having an ownership or management interest, if a corporation or other legal entity, has been denied a sexually oriented business license for knowingly making an incorrect statement of a material nature within the immediately preceding five years.
- E. The applicant, if an individual, or any person having an ownership or management interest, if a corporation or other legal entity, has had a license, granted pursuant to this Ordinance or a similar ordinance provision in any other municipality, revoked for any reason during the immediately preceding five years.
- F. The applicant, if an individual, or any person having an ownership or management interest, if a corporation or other legal entity, has committed any Specified Criminal Activity as defined herein.
- G. The site on which the sexually oriented business is proposed is a prohibited site under Section X, or
- H. The application in any other way fails to meet the requirements of this Ordinance.

VII. Standards for Suspension; Revocation

A sexually oriented business license may be suspended or revoked by the Select Board

after notice and hearing upon a finding that the licensee has violated any provision of this Ordinance. Providing false or erroneous information in an application shall be a reason for revoking or suspending a permit.

VIII. Age Restriction

No sexually oriented business may permit any person under the age of 18 years into the premises in which the sexually oriented business is located.

IX. Prominent Display of License; Price Charges and Names of Owners or Officers

A sexually oriented business licensee must display the sexually oriented business license at all times in an open and conspicuous place in the sexually oriented business for which the license has been issued. Sexually oriented business licenses must also display at all times in an open and conspicuous place in the sexually oriented business a complete list of the names of owners and officers of the sexually oriented business and a complete list of fees, prices charged for all food, beverages, goods, wares, merchandise or services offered by the business unless the price is conspicuously displayed on the individual product.

X. Prohibited Sites; Site Requirements

- A. A sexually oriented business structure may not be sited within 1,000 feet of the nearest lot lines of any of the following:
 - 1. A church, synagogue or other house of religious worship, if such property is currently held and available for such worship, even though it may not be regularly scheduled at the current time;
 - 2. A public or private elementary or secondary school;
 - 3. A day care facility;
 - 4. A public park or public recreational facility;
 - 5. Any residence on adjacent property, excepting the residence of owner or proprietor;
 - 6. Another sexually oriented business; or
 - 7. A summer camp.

The distance cited in this section shall be measured between the closest edge of the structure of the sexually oriented business and the nearest lot line of the site of the use listed (1) through (7) above.

- B. A sexually oriented business shall be required to construct a visual barrier around the sides of the business, as required by the Planning Board.

- C. It shall be unlawful for any person to cause or permit the operation or establishment of more than one sexually oriented business in the same building, structure, or portion thereof.

XI. Signs and Exterior Layout of Sexually Oriented Businesses

- A. Sexually Oriented Businesses shall have an 8½ inch by 11 inch sign at each entrance stating “Under 18 not admitted” or similar wording accepted by the Planning Board.
- B. Sexually Oriented Businesses may have an 8½ inch by 11 inch sign at entrances listing business hours, and appropriately posted signs, with letters no larger than 3 inches high, stating “Entrance,” “Parking,” “No Loitering” or other wording approved by the Planning Board.
- C. A Sexually Oriented Business shall have only one exterior identification sign.
 - 1. The sign shall contain only the name of the establishment and “XXX” or the type of business as defined in Section III above.
 - 2. The sign may not contain any other symbols or illustrations.
 - 3. The sign must comply with the Town of Dresden Land Use and Development Ordinance Article V, Land Use Requirements, Section 4 General Performance Requirements and Standards, Subsection P Signs.

XII. Prohibited Activities

- A. All acts of public indecency, as defined in 17-A M.R.S.A., Section 854, as amended, are prohibited in and at sexually oriented businesses.
- B. All other acts prohibited by applicable ordinances or laws are prohibited.
- C. No alcoholic beverages are allowed on the premises.
- D. No sexually oriented business may remain open at any time between the hours of 12:00 AM and 8:00 AM.

XIII. Enforcement

A violation of this Ordinance is a civil violation and the civil penalties and remedies under Section XV shall apply. The owner of the premises on or in which the sexually oriented business is located, who is not the licensee of the sexually oriented business, is jointly and severally liable with the licensee for any violation of Sections X to XIII. The CEO, the Select Board, and any law enforcement officials having jurisdiction within the

Town of Dresden shall enforce the Ordinance. If court action is required to enforce this Ordinance, the Town shall be awarded its enforcement costs, including its reasonable attorney's fees.

XIV. Penalties

A violation of this Ordinance shall result in a monetary penalty beginning on the date a notice of violation from the CEO is mailed to the Applicant at the address contained in Town records. If the violation is not remedied within ten days of notice being sent, the CEO shall send a second notice. Monetary penalties are to be set by the Select Board. Remedying a violation does not prohibit the Select Board from suspending the license, as provided in Section VII "Standards for Suspension, Revocation."

XV. Severability

If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

XVI. Conflict with Other Ordinances

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

XVII. Appeals

An appeal must comply with the Town of Dresden Land Use and Development Ordinance, Article III, Appeals.

XVIII. Effective Date

This Ordinance shall become effective immediately upon approval by the voters of the Town of Dresden.