

GREAT POND ZONING ORDINANCE

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# **Zoning Ordinance of Great Pond, Maine**

## **Section 1 Introduction**

### **1.1 Purposes**

The purpose of this Ordinance, prepared as part of a comprehensive plan for the promotion of health, safety, and general welfare of the inhabitants of Great Pond, is to encourage the most appropriate use of land throughout the Town, to promote traffic safety and safety from fire, to prevent housing development in unsanitary areas, and to ensure that building sites and the placement of structures and other land uses are compatible with resource capability, to prevent and control water pollution, to protect fish, birds, spawning grounds and other wildlife habitat, to protect buildings and lands from flooding and accelerated erosion, archaeological and historic resources; to protect freshwater; 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 waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

### **1.2 Authority and Title**

This Ordinance as been prepared in accordance with the provisions of Section 3001 and Title 30-A and Title 38 sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.). This Ordinance shall be known and may be cited as the “Zoning Ordinance of Great Pond, Maine” and will be referred to herein as this “Ordinance”.

### **1.3 Applicability**

This ordinance applies to all land area within the boundaries of the Town of Great Pond, and within two hundred fifty feet, horizontal distance, of the

- normal high-water line of any great pond or river;
- upland edge of a freshwater wetland; and
- All land areas within seventy-five feet, horizontal distance, of the normal high-water line of a stream.

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

### **1.4 Basic Requirements**

All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved, and uses of premises in the Town of Great Pond shall be in conformity with the provisions of this Ordinance. No building, structure, and or water area shall be used for any purpose or in any manner except as permitted within the District in which such building, structure, land or water area is located. Furthermore, no new lot shall be created except in conformity with the regulations set forth in this Ordinance a variance is granted.

## **1.5 Effective Date of Ordinance and Ordinance Amendments**

Portions of this Ordinance that apply to shoreland areas as defined in Title 38 Sec. 435, which was adopted by the municipal legislative body on January 20, 2010, 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 Department of Environmental Protection for approval. If the Dept. of Environmental Protection fails to act on this Ordinance or Ordinance Amendment within forty-five (45) days of its receipt of the Ordinance, 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, if the Ordinance, or Ordinance Amendment is approved by the Commissioner.

## **1.6 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.

## **1.7 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.

## **1.8 Conflicts with Other Ordinances**

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

## **1.9 Amendments**

An amendment to this Ordinance may be initiated by written petition of a number of voters as provided by State law, an article written in the Town Warrant, by request of the Selectmen to the Planning Board, or by a majority vote of the Planning Board.

In each case, the Planning Board shall hold a public hearing on the proposed amendment at least thirty (30) days prior to the town meeting called to act on the proposed amendment. Notice of the hearing shall be posted as the notice for the town meeting is posted. The Planning Board shall make known its recommendations on the proposed amendment before the vote of the town.

This Ordinance may be amended or repealed by a majority vote at a duty-constituted town meeting or special town meeting.

Copies of amendments that apply to shoreland areas as defined in Title M.R.S.A. 38, Section 435 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 of the Department of Environmental Protection. If the Dept. of Environmental Protection fails to act on any amendment within forty-five (45) days of the Department's receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Department.

## **1.10 Districts and Zoning Map**

### **A. Official Zoning Map**

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

1. Resource Protection
2. Stream Protection
3. Limited Residential
4. Limited Commercial
5. General Management
6. General Development

### **B. Scale of Map**

The Official Zoning Map shall be drawn at a scale of not less than: 1 inch = 2,000 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 Zoning Map**

The Official Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office.

### **D. Changes to the Official Zoning Map**

If amendments, in accordance with Section 1.9, are made in the district boundaries or other matter portrayed on the Official Zoning Map which apply to shoreland areas as defined in title 38 Sec. 435, such changes shall be made on the Official Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

## **1.11 Interpretations of District Boundaries**

Unless otherwise set forth on the Official Zoning Map, district boundary lines are property lines, the centerline of streets, roads and rights of way, and the boundaries of the shoreland areas 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.

## **1.12 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 the Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in this section. 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 which do not involve expansion of the non-conforming use or structure, and such other changes in 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.
  - a. **Further Limitations:** 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, tributary stream, or the upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by thirty (30) percent 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 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 (1) native tree, three (3) feet in height, for every tree removed. If more than five (5) trees are planted, no one species of tree shall make up more than fifty (50) percent of the number of trees planted. Replacement 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 re-established 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 upland edge of a wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than fifty (50) percent 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 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 1.12(C)(1)(a) 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 fifty (50) percent or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit, from the Code Enforcement Officer 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 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, flood plain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.



#### D. Non-conforming Uses

1. Expansions: Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as permitted in Section 1.12(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 use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.
3. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 1.12(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 and 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.

## **Section 2 Establishment of Districts**

### **2.1 Uses Allowed in All Districts without a Permit**

- A. Primitive recreation uses, including boating, fishing, hiking, hunting, trapping, wildlife study and photography, wild crop harvesting, horseback riding, tent and shelter camping, cross country skiing and snowshoeing.
- B. Motorized vehicular traffic on roads and trails, and snowmobiling.
- C. Forest management activities including timber harvesting except where prohibited or limited, fire prevention activities, wildlife management practices, and soil and water conservation practices.
- D. Mineral exploration to determine the nature or extent of mineral resources provided such exploration is accomplished by hand sampling, test boring, and other methods which create minimal disturbances.
- E. Surveying and other resource analysis.
- F. Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations.
- G. Agricultural management activities according to standards of 3.15. Activities conducted in the Resource Protection District shall require a Planning Board permit.
- H. Non-permanent docking or mooring facilities.

### **2.2 Prohibited Uses**

All buildings and uses are not specifically allowed in the land uses table, with or without a permit, in a district are prohibited.

### **2.3 Resource Protection District**

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the

Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial District need not be included within the Resource Protection District.

1. Much of Great Pond freshwater wetlands, wetlands associated with great ponds and rivers are undeveloped and are considered to be land areas of significant scenic and aesthetic value. Therefore, SLZ standards are established above the recommended two hundred and fifty (250) feet setback, and shall be 300' three hundred (300) feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of December 31, 2008. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetland associated with great ponds or rivers" are considered to be part of that great pond or river. Specifically, areas with a 250' (two hundred fifty foot) setback within the Resource Protection District include King and Rift ponds, both areas of significant and aesthetic value.
2. Flood plains along rivers and flood plains along artificially formed great ponds along rivers, defined by the one hundred (100) year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
3. Areas of two (2) or more contiguous acres with sustained slopes of twenty (20) percent or greater.
4. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water.
5. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

## **2.4 Limited Residential District**

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

## **2.5 Limited Commercial District**

The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed as intensively as the General Development District. This district includes areas of two or more contiguous acres in size

devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

## **2.6 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 fifty feet (250) feet, horizontal distance, of the normal high-water line of a great pond or river or within two hundred fifty (250) feet, of the upland edge of a freshwater wetland. Where a stream and its associated shoreland area is located within two hundred 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.

## **2.7 General Development District**

- A. This District comprises the area where existing residential and commercial development is the most concentrated and where it is most desirable for future development because of highway access, economic viability, concentration of development and the retention of the natural resources and character in the remainder of the town.
- B. This district includes all land (excluding all lands covered in the Shoreland Zone) within three hundred (300) feet of the center line of the State Aid Road or so called Great Pond Road from the town line to within two hundred fifty (250) feet of Great Pond.
- C. Uses allowed requiring a permit from the Code Enforcement Officer or Planning Board, see the Land Use Table.

## **2.8 General Management District**

The purpose of this district is to permit forestry and agricultural activities to occur with minimal interference from unrelated development.

This district includes all land not included in the other districts.

Land management roads and mineral extraction operations less than five (5) acres in size for land management road purposes and which are conducted in conformance with Section 3.1 shall be allowed without a permit.

Uses allowed requiring a permit from the Code Enforcement Officer or the Planning Board: see the Land Use Table.

## **2.9 Table of Land Uses**

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

\*Commercial Sporting Camps and accessory structures, roads, and utilities, are an allowed use in the Limited Residential District. Principal buildings, including rooming and boarding facilities, shall each average on one lot of record, at least two acres of lot area and two hundred (200) feet of water frontage, and shall not exceed eight thousand (8,000) square feet in floor area in aggregate. A principal building shall be defined as: Any building other than one which is used for purposes wholly incidental or accessory to the use of another building on the same premises.

\*(Updated town meeting March, 1993)

**Key to Table 1:**

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

Abbreviations:

- RP – Resource Protection
- LR – Limited Residential
- LC – Limited Commercial
- SP – Stream Protection
- GM – General Management
- GD – General Development

	<b>Land Uses</b>	<b>SP</b>	<b>RP</b>	<b>LR</b>	<b>LC</b>	<b>GM</b>	<b>GD</b>
1.	Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes	<b>yes</b>
2.	Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes	<b>yes</b>
3.	Forest management activities except for timber harvesting and land management roads	yes	yes	yes	yes	yes	<b>yes</b>
4.	Timber harvesting	yes	PB	yes	yes	yes	<b>yes</b>
5.	Clearing or removal of vegetation for activities other than timber harvesting	PB	PB <sup>1</sup>	yes	yes	yes	<b>yes</b>
6.	Fire prevention activities	yes	yes	yes	yes	yes	<b>yes</b>
7.	Wildlife management practices	yes	yes	yes	yes	yes	<b>yes</b>
8.	Soil and water conservation practices	yes	yes	yes	yes	yes	<b>yes</b>
9.	Mineral exploration	no	yes <sup>2</sup>	yes <sup>2</sup>	yes <sup>2</sup>	yes <sup>2</sup>	<b>yes<sup>2</sup></b>
10.	Mineral extraction including sand and gravel						

<b>Land Uses</b>	<b>SP</b>	<b>RP</b>	<b>LR</b>	<b>LC</b>	<b>GM</b>	<b>GD</b>
extraction						
<5 acres	no	PB <sup>3</sup>	PB	CEO	yes	<b>no</b>
>5 acres	no	PB <sup>3</sup>	PB	CEO	CEO	<b>no</b>
11. Surveying and resource analysis	yes	yes	yes	yes	yes	<b>yes</b>
12. Emergency operations	yes	yes	yes	yes	yes	<b>yes</b>
13. Agriculture	yes	PB	yes	yes	yes	<b>yes</b>
14. Aquaculture	PB	PB	PB	yes	yes	<b>yes</b>
15. Principal structures and uses						
1. One and two family residential, including driveways	PB <sup>4</sup>	no	PB	CEO	CEO	<b>CEO</b>
2. Multi-unit residential	no	no	PB	CEO	CEO	<b>CEO</b>
3. Commercial <2501 sq ft	No <sup>8</sup>	no	No <sup>8</sup>	PB	no	<b>CEO</b>
4. Commercial >2500 sq ft	No <sup>8</sup>	no	No <sup>8</sup>	No	no	<b>CEO</b>
5. Industrial	no	no	no	no	no	<b>CEO</b>
6. Governmental and Institutional	no	no	no	CEO	CEO	<b>CEO</b>
7. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB	PB	PB	no	CEO	<b>CEO</b>
16. Structures accessory to allowed uses	PB <sup>4</sup>	PB	PB	CEO	CEO	<b>CEO</b>
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland						
1. Temporary	yes	yes	yes	yes	n/a	<b>n/a</b>
2. Permanent	PB	PB	PB	CEO	n/a	<b>n/a</b>
18. Conversions of seasonal residences to year-round residences	LPI	no	LPI	LPI	LPI	<b>LPI</b>
19. Home occupations	PB	no	PB	CEO	CEO	<b>CEO</b>

	<b>Land Uses</b>	<b>SP</b>	<b>RP</b>	<b>LR</b>	<b>LC</b>	<b>GM</b>	<b>GD</b>
20.	Private sewage disposal systems for allowed uses	LPI	no	LPI	LPI	LPI	<b>LPI</b>
21.	Essential services	PB <sup>5</sup>	PB <sup>5</sup>	PB	CEO	CEO	<b>CEO</b>
22.	Service drops, as defined, to allow uses	yes	yes	yes	yes	yes	<b>yes</b>
23.	Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO	<b>CEO</b>
24.	Individual, private campsites	PB	PB	PB	CEO	CEO	<b>CEO</b>
25.	Campgrounds	no	No <sup>6</sup>	PB	CEO	CEO	<b>CEO</b>
26.	Road and construction	PB	no <sup>7</sup>	PB	CEO	CEO	<b>CEO</b>
27.	Commercial sporting camps and accessory structures	no	no	PB	no	no	<b>no</b>
28.	Land management roads	PB	yes	yes	yes	yes	<b>yes</b>
29.	Parking facilities	no	No <sup>6</sup>	PB	CEO	CEO	<b>CEO</b>
30.	Marinas	PB	no	PB	CEO	n/a	<b>n/a</b>
31.	Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes	yes	<b>yes</b>
32.	Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO	<b>CEO</b>
33.	Signs	yes	yes	yes	yes	yes	<b>yes</b>
34.	Uses similar to allowed uses	PB	PB	PB	CEO	CEO	<b>CEO</b>
35.	Uses similar to uses requiring a CEO permit	n/a	n/a	n/a	n/a	CEO	<b>CEO</b>
36.	Uses similar to uses requiring a PB permit	PB	PB	PB	CEO	CEO	<b>CEO</b>

- 1 In RP not allowed within one hundred (100) feet of the normal high-water line of great ponds, except to remove safety hazards
- 2 Requires permit from the Code Enforcement Officer if more than one hundred (100) sq. feet of surface area in total is disturbed
- 3 In RP not allowed in areas so designated because of wildlife value
- 4 Provided that a variance from the setback requirement is obtained from the Board of Appeals.
- 5 See further restriction in Section 3.13
- 6 Except when area is zoned for resource protection due to flood plain criteria in which case a permit is required from the PB
- 7 Except as provided in Section 3.8(D)
- 8 Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds that are allowed in the respective district

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

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

2. Drainage or otherwise dewatering;
3. Filling, including adding sand or other materials to a sand dune, or
4. Any construction or alteration of any permanent structure.

### Section 3 Land Use Standards

All land use activities within the shoreland zone or the general management and general development districts shall conform to the following provisions, if applicable.

#### 3.1 Minimum Lot Standards

	<b>Minimum Lot Area (Sq. ft.)</b>	<b>Minimum Shore Frontage (ft.)</b>
A. Residential per dwelling unit Within the Shoreland Zone	43,560	<b>200</b>
B. Governmental, Institutional, Commercial or per principal structure within the Shoreland District and General Development and General Management Districts	60,000	<b>300</b>
<hr/>		
C. <b>Public and Private Recreational Facilities Within the Shoreland District</b>	<b>43,560</b>	<b>200</b>

In addition:

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. Any area containing a slope greater than twenty (20) percent shall not be included in calculating minimum lot area.

Lots located on the 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.

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.

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.

Any dwelling unit or other unit shall each provide individual on-site subsurface waste disposal systems.



### 3.2 Principal and Accessory Structures

A. 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 pond or river and (75) feet from streams, tributaries and wetlands, except for structures which apply to subsection E below. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated object specifically allowed in that district.

In Addition:

1. The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water as an operational necessity, such as piers, docks and retaining walls, nor of other functionally water-dependent uses.
  2. All principal structures along the West Branch of the Union River from the outlet of Great Pond to the town boundary shall be set back a minimum of one hundred and twenty-five (125) feet from the normal high-water line and shall be screened from the river by existing vegetation. This provision does not apply to structures related to hydro power facilities.
- B. 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.
- C. 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 one hundred (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.
- D. The total footprint 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 previously developed.
- E. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Planning Board, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38, section 48-C); and that the applicant demonstrates that no unreasonable access alternative exists on the property.
- F. Lot size and setback requirements in the General Development and General Management Districts:

<b>Minimum Lot Area:</b>	<b>43,560 Square Feet 1 Acre</b>
<b>Minimum Road Frontage:</b>	<b>150 Feet</b>
<b>*Minimum Structure Setback From the Center or the Traveled Way of a Town, State, or Private Right-of-Way:</b>	<b>75 Feet</b>
<b>Minimum Structure Setback From Rear and Side Lot Lines:</b>	<b>20 Feet</b>
<b>Maximum Lot Coverage Allowed For Permitted Commercial Structures in the General Development District</b>	<b>30%</b>
<b>*Updated at Town Meeting March, 1996</b>	

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

- A. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- B. The location shall not interfere with existing developed or natural beach areas.
- C. The facility shall be located so as to minimize adverse effects on fisheries.
- D. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and use of the area. A temporary pier, dock or wharf shall not be wider than six (6) feet for non-commercial uses.
- E. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending below 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.
- F. New permanent piers and docks 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.
- G. No existing structure built on, over or abutting a pier, dock, wharf or other structure extending below the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
- H. Structures built on, over or abutting a pier, wharf, dock or other structure extending below the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

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NOTE: Permanent structures projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act,

38 M.R.S.A., Section 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.

### **3.4 Campgrounds**

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

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

### **3.5 Individual Private Campsites**

Individual-private campsites not associated with campgrounds are allowed provided the following conditions are met:

- A. 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.
- B. 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 or river flowing to a great pond, 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.
- C. 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.
- D. 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 (1,000) square feet.
- E. 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.

- F. 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.

### **3.6 Commercial and Industrial Uses in the Shoreland Zone**

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

- A. Auto washing facilities
- B. Auto or other vehicle service and/or repair operations, including body shops
- C. Chemical and bacteriological laboratories
- D. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms
- E. Commercial painting, wood preserving, and furniture stripping
- F. Dry cleaning establishments
- G. Electronic circuit assembly
- H. Laundromats, unless connected to a sanitary sewer
- I. Metal plating, finishing or polishing
- J. Petroleum or petroleum product storage and /or sale except storage on same property as use occurs and except for storage and sales associated with marinas
- K. Photographic processing
- L. Printing

### **3.7 Parking Areas**

- A. Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities, may be reduced to 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.
- B. 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.
- C. In determining the appropriate size of proposed parking facilities, the following shall apply:
  - 1. 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.
  - 2. Internal travel aisles: Approximately twenty (20) feet wide.

3. Adequate off road parking shall be provided on each lot which is sufficient not to impede or endanger traffic on a public highway.

### **3.8 Roads and Driveways**

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

- A. 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.

3.8(A) 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 3.8(A) except for that portion of the road or driveway necessary for direct access to the structure.

- B. Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body, tributary stream or wetland.
- C. New permanent roads are not allowed within the shoreland zone along Significant River Segments except:
  1. To provide access to structures or facilities within the zone or
  2. 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.

- D. 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 of 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.
- E. 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 3.18.
- F. Road and driveway grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.
- G. 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 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. 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.
- H. 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 to road, driveway, or ditch. To accomplish this, the following shall apply:
  - 1. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

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

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

3. 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.
  4. 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 and driveways shall be maintained on a regular basis to assure effective functioning.

### **3.9 Roads and Driveways in the General Development and General Management Districts**

- A. All land management roads and water crossings shall be located, constructed, and maintained in conformance with the erosion preventive provisions of “Permanent Logging Roads for Better Woodlot Management” published the Division of State and Private Forestry, Forest Service Northeastern Area, U.S. Department of Agriculture in 1960.
- B. Where permitted all roads shall be constructed that all cut or fill banks and areas of exposed mineral soil outside the roadbed within seventy-five (75) feet of a flowing or standing body of water shall be revegetated or otherwise stabilized.
- C. The following requirements shall apply to water crossings when the surface waters are unfrozen: bridges and culverts shall be installed and maintained to provide an opening sufficient in size and structure to accommodate ten (10) years frequency water flows. Culvert and bridge sizes may be smaller if techniques are employed so that in the event of culvert or bridge failure, the natural course of water flow is reasonable maintained; such techniques may include but are not limited to, the effective use of any or all of the following:
  1. removing culverts prior to the onset of frozen ground conditions
  2. using water bars in conjunction with culverts
  3. using road dips in conjunction with culverts.

In the event the owner intends to or does in fact, discontinue any road, or suspend use thereof, for three years or more, any bridge or culvert in such road, which is designed to accommodate less than a twenty-five (25) year frequency water flow, shall be dismantled and removed in a fashion so as to avoid sedimentation of the water body.

Water crossings used only by timber harvesting equipment, including skidders and forwarders, are exempt from the requirements of this paragraph provided that they are in compliance with the applicable requirements of Section 3.9.

D. Culverts utilized in water crossings shall be installed at or below stream bed elevation.

### **3.10 Signs**

Signs meeting the standards of and/or licensed by the State of Maine will be allowed in the general development district only, without a permit from the town.

- A. In all districts, on premise signs meeting the following standards will be allowed without a permit:
  - 1. Signs related to goods and services sold or to professional services provided on the premises shall be permitted, provided no signs shall exceed six square feet in area, and only two signs per premises will be allowed.
  - 2. Residential signs shall be permitted, provided such signs shall not exceed two signs per premises and shall not exceed two square feet in area.
  - 3. Owners may display a single sign not over three square feet in area relating to the sale, rental, or lease of premises.
  - 4. Signs related to trespassing and hunting shall be permitted without restriction as to the number provided that no such sign shall exceed two square feet in area.
  - 5. No sign shall extend higher than twenty feet above the ground.
  - 6. Signs may be illuminated only by a shielded, non-flashing light.
- B. Memorial tablets, traffic signs, and signs erected by the town will be allowed in all districts without a permit.

### **3.11 Storm Water Runoff**

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

### **3.12 Septic Waste Disposal**

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.
- B. The minimum setback for new subsurface sewage disposal systems shall be no less than one hundred horizontal feet from the normal high-water line of a perennial water body. The minimum setback distances from water bodies for new subsurface sewage disposal systems shall not be reduced by variance.
- C. A holding tank is not allowed in the shoreland zone.
- D. Replacement systems shall meet the standards for replacement systems as contained in the state plumbing code.

### **3.13 Essential Services**

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

### **3.14 Mineral Exploration and Extraction**

#### **A. Shoreland Zone**

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 Planning Board shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

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

B, The following requirements shall apply to mineral extraction activities in all districts

1. No portion of any ground area disturbed by the extraction activity shall be closer than three hundred (300) feet from any public roadway, or three hundred (300) feet from any property line in the absence of the prior written agreement of the owner of such adjoining property.
2. Within three hundred (300) feet of any water body. The extraction area shall be protected from soil erosion by ditches, sedimentation basins, dikes, dams or such other control devices which are effective in preventing sediments from being eroded or deposited into such body of water. Any such control device shall be deemed part of the extraction area for the proposed section above.
3. A natural vegetative screen of not less than fifty (50) feet in width shall be retained from any facility intended primarily for public use, excluding privately owned roads.

4. If any mineral extraction operations located within three hundred (300) feet from any property line or public roadway or any facility intended primarily for public use, excluding privately owned roads, is to be terminated or suspended for a period of one (1) year or more, the site shall be rehabilitated, grading the soil to a slope of 2 horizontal to 1 vertical or flatter.

### **3.15 Agriculture**

- A. All spreading or disposal of manure in all districts 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).
- B. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond or a river flowing to a great pond 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.
- C. 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.

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

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

### **3.16 Timber Harvesting in the Shoreland Zone**

- A. In a Resource Protection District abutting a great pond, the following standards shall apply:

1. Within the strip of land extending seventy-five (75) feet inland from the normal high-water line in a shoreland area zoned for resource protection abutting a great pond there shall be no timber harvesting, except to remove safety hazards.
  2. Beyond the 75 foot strip referred to in 3.16.A.1 above, timber harvesting is permitted in accordance with 3.16.B below except that in no case shall the average residual basal area of trees over 4 ½ inches in diameter at 4 ½ feet above ground level be reduced to less than 30 square feet per acre.
- B. Except in areas as described in 3.16A above, timber harvesting shall conform with the following provisions:
1. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 ½ feet above ground level on any lot in any ten (10) year period is permitted. In addition:
    - a. Within one hundred (100) feet, horizontal distance of the normal high-water line of a great pond classified or a river flowing to a great pond classified, within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clear-cut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained. For the purpose of maintaining a well distributed stand of trees and other vegetation, the standards in Section 3.18.B shall be followed.
    - b. At distances greater than one-hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond, and greater than seventy-five (75) feet, horizontal distance, or the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clear cut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5,000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clear cut openings shall be included in the calculation of total volume of removal. For the purpose of these standards volume may be considered to be equivalent to basal area.
  2. No accumulation of slash shall be left within fifty (50) feet, 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.
  3. Timber harvesting equipment shall not use stream channels as travel routes except when:
    - (i) Surface waters are frozen; and
    - (ii) The activity will not result in any ground disturbance.

4. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
5. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.
6. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, 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 soils 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.

### **3.17 Clearing of Vegetation for Activities Other Than Timber Harvesting**

- A. In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending seventy-five (75) feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.  
Elsewhere, in any Resource Protection District the clearing of vegetation shall be limited to that which is necessary for uses expressly authorized in that District.
- B. Except in areas as described in Section 3.17A 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 or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
  1. There shall be no cleared opening greater than two hundred fifty (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.
  2. 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 a “well-distributed stand of trees” adjacent to a great pond, or a river or stream flowing to a great pond, shall be defined as maintaining a rating score of twelve (12) or more points in each twenty-five (25) foot by twenty-five (25) foot square area as determined by the following rating system:

<b>Diameter of Tree at 4-1/2 feet Above Ground Level (inches)</b>	<b>Points</b>
<b>2&lt;4 in.</b>	<b>1</b>
<b>4&lt;12in.</b>	<b>2</b>
<b>12 in.</b>	<b>4</b>

Adjacent to other water bodies, tributary streams, and wetlands, a “well-distributed stand of trees” is defined as maintaining a minimum rating score of eight (8) points per twenty-five (25) foot by twenty-five (25) foot square area.

For the purpose of Section 3.17(B)(2) “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least three (3) saplings less than two (2) inches in diameter at four and one half (4 ½ ) feet above ground level for each 25 foot by 25 foot square area. If three (3) saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until three (3) saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter, measured at 4 ½ feet above ground level may be removed in any ten (10) year period.

3. In order to protect water quality and wildlife habitat adjacent to great ponds and streams and rivers which to great ponds 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 3.17B.1 above.
4. Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
5. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared opening, these openings shall be replanted with native tree species unless existing new tree growth is present.

Section 3.17(B) above 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.

- C. At distances greater than one hundred (100) feet, horizontal distance, from a great pond or a river flowing to a great pond, 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 ½ 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, twenty-five (25) percent of the lot area within the shoreland district or ten thousand (10,000) square feet, whichever is greater, including land previously developed.

- D. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.
- E. Fields and other cleared openings which have reverted to primary shrubs, trees or other woody vegetation, shall be regulated under the provisions of Section 3.17.

### **3.18 Erosion and Sedimentation Control in the Shoreland Zone**

- A. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, were applicable, provisions for:
  - 1. Mulching and revegetation of disturbed soil.
  - 2. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
  - 3. Permanent stabilization structures such as retaining walls or riprap.
- B. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
- C. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
- D. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of 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:

1. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
  2. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
  3. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
- E. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

### **3.19 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 improvement, 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.

### **3.20 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.

### **3.21 Archaeological Sites**

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.



## **Section 4 Administration**

### **4.1 Administering Bodies and Agents**

- A. Code Enforcement Officer - A Code Enforcement Officer shall be appointed or reappointed annually by July 1st by the Selectmen.
  
  - B. Board of Appeals  
A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A. Section 2691.
  
  - C. Planning Board
    - 1. Planning Board shall be created in accordance with the provisions of State law.
    - 2. \*Appointments to the board shall be made by the voters at the Annual Town Meeting.
    - 3. \*The Board shall consist of seven (7) members.
    - 4. \*The chairman shall call meetings of the board as necessary for the board to perform their duties and exercise such powers as are provided by the municipal ordinances and the laws of the State of Maine.
    - 5. \*No meeting of the board shall be held without a quorum consisting of four (4) members authorized to vote. The board shall act by majority vote, calculated on the basis of the number of members present and voting.
- \*(Updated town meeting March 1996)

### **4.2 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.

- A. A permit is not required for the replacement of an existing road culvert as long as:
  - 1. The replacement culvert is not more than twenty-five (25) percent longer than the culvert being replaced;
  - 2. The replacement culvert is not longer than seventy-five (75) feet; and
  - 3. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the water-course.
  
- B. 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 one (1) or level two (2) approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

- C. Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

### **4.3 Permit Application**

- A. Every applicant for a permit shall submit a written application including a scaled site plan, on a form provided by the municipality, to the Code Enforcement Officer. Within one (1) week of receiving the application, the Code Enforcement Officer shall grant or deny, except where the application requires planning board approval. He or she shall refer it to the planning board, and after a public hearing, the planning board shall approve or deny the application. If approved by the planning board, the Code Enforcement Officer shall issue a permit within seven (7) days.
- B. Each application to the Code Enforcement Office for a permit to erect a new building or structure or to enlarge and existing one shall be accompanied by a site plan showing the measurements of the lot and of all buildings, setbacks, disposal fields, and parking spaces, existing and proposed. The intended use or uses of the land and buildings shall be indicated clearly. The Code Enforcement Officer shall be in attendance at all regular meetings of the Planning Board. He or she shall submit a written report of his/her administrative activities.
- C. All applications shall be signed by the owner of the property or other persons authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property then that person shall submit a letter of authorization from the owner or lessee.
- D. 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.
- E. 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.

### **4.4 Procedure for Administering Permits**

Within thirty-five (35) days of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 2.9, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, the 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 thirty-five (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 thirty-five (35) days after the first available date on the Planning Board's agenda following receipt of the completed application, or within thirty-five (35) days of the public hearing, if one is held. Permits shall be

approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

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

After the submission of a completed 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:

- A. Will maintain safe and healthful conditions;
- B. Will not result in water pollution, erosion, or sedimentation to surface waters;
- C. Will adequately provide for the disposal of all wastewater;
- D. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- E. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
- F. Will protect archaeological and historic resources as designated in the Comprehensive Plan;
- G. Will avoid problems associated with flood plain development and use; and
- H. Is in conformance with the provisions of Section 3, Land Use Standards.

In considering a conditional use permit in the General Development and Management Districts the Planning Board shall consider the purpose of this Ordinance as expressed in Section 1.1 and evaluate the immediate and long-term effects of the proposed use upon the following factors:

- 1. The maintenance of safe and healthful conditions.
- 2. The prevention and control of water pollution, erosion, and sedimentation.
- 3. The protection of shoreland vegetation, natural beauty, and wildlife habitat including spawning grounds.
- 4. The compatibility of the proposed use with adjacent land uses.
- 5. The access to the site from the highway.
- 6. The amount and types of waste to be generated by the proposed use and the adequacy of the proposed disposal systems.
- 7. The existing topographic and drainage features and vegetative cover on the site.
- 8. The avoidance of problems associated with flood plain development and use.
- 9. The highway system, community facilities and the local ground water supply.

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.

#### **4.5 Expiration of a 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.

#### **4.6 Installation of Public Utility Service**

No public utility, water district, sanitary district or any utility company of any kind may 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. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.

#### **4.7 Appeals**

A. Powers and Duties of the Board of Appeals: The Board of Appeals shall have the following powers:

1. Administrative Appeals: To hear and decide administrative appeals, on any 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 an 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.
2. Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.

B. Variance Appeals

Variances may be granted only under the following conditions:

1. Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
2. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
3. The Board shall not grant a variance unless it finds that:

- a. The proposed structure or use would meet the provisions of Section 3 except for the specific provision which has created the non-conformity and from which relief is sought; and
- b. The strict application of the terms of this Ordinance would result in undue hardship.

The term “undue hardship” shall mean:

- (i) That the land in question cannot yield a reasonable return unless a variance is granted;
  - (ii) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
  - (iii) That the granting of a variance will not alter the essential character of the locality; and
  - (iv) That the hardship is not the result of action taken by the applicant or a prior owner.
4. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
  5. 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.

#### A. 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 provision of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the

records of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

#### D. Appeal Procedure

##### 1. Making an Appeal

- a. 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 defined in Section 4.7(A)(1) 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.
- b. Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:
  - (i) A concise written statement indicating what relief is requested and why the appeal or variance should be granted.
  - (ii) 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.
- c. 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.
- d. The Board of Appeals shall hold a public hearing on an administrative appeal or a request for variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties

##### 2. Decision by Board of Appeals

- a. A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.
- b. The person filing the appeal shall have the burden of proof.
- c. 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.
- d. The Board of Appeals shall state the reason 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.

#### D. 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.

#### E. 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 with 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.

### **4.8 Hearings**

#### A. Public Hearings shall be held:

1. \*By the Planning Board on each application for Planning Board Approval of a subdivision application.
2. \*By the Board of Appeals on each appeal for variance.

\*(Updated town meeting March 1996)

B. Notice for all public hearings shall be posted in the same manner as the warrant for Town Meetings at least seven (7) days and not more than forty (40) days before the date of the hearing. The Town Clerk shall notify by mail the owners of properties lying within five hundred (500) feet of the location of the activity for which the appeal or application is being made. The owners of properties shall be considered to be those persons against where taxes are assessed.

C. The Code Enforcement Officer, unless prevented by illness or other good cause, shall attend all hearings and shall present to the appropriate Board all plans, photographs or

other materials which are appropriate to an understanding of the case. The Planning board shall be informed in writing of all appeals, and may submit its opinions and recommendations to the Board of Appeals no later than two hours after a hearing and prior to the rendering of a decision.

- D. The Planning Board shall be informed in writing of all appeals, and may submit its opinions and recommendations to the Board of Appeals no later than two hours after a hearing and prior to the rendering of a decision.
- E. Hearings shall be conducted in accordance with the procedure set forth in 30-A M.R.S.A. Section 2691.

## **4.9 Fees**

\*The schedule of fees payable to the Town of Great Pond for permits applied for pursuant to this Ordinance shall be as follows:

- A. Land Use Permits: The fee to accompany all land use permit applications shall be twenty-five (\$25.00).
- B. Subdivision Approval: The fees to accompany all applications for a subdivision shall be two hundred dollars (\$200.00).
- C. Late Filing Fee: The fee to accompany all applications by any person who engages in an activity requiring a permit prior to acquiring a permit shall be one and a half times the standard fee for that activity.

\*(Updated town meeting March 1996)

## **4.10 Enforcement**

- A. Nuisances  
Any violation of this Ordinance shall be deemed to be a nuisance.
- B. Code Enforcement Officer
  - 1. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, building, or structures, removal of illegal building, structures, additions, or work being done, or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions. All copies of notices of violation and orders of discontinuance shall be submitted to the municipal offices and maintained as a permanent record.



2. The Code Enforcement Officer shall conduct on-site inspections to ensure 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.
3. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, 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.

#### **4.11 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.

#### **4.12 Fines**

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A., Section 4452

NOTE: Current penalties include fines of not less than \$100 or more than \$2,500 per violation for each day that the violation continues.

#### **4.13 Public Records**

The decisions of the Code Enforcement Officer, and the minutes and decisions of the Planning Board and the Board of Appeals are matters of public record, and shall be filed with the Town Clerk. Each denial of an application or an appeal shall be accompanied by an explanation of the reasons for the denial and by reference to the applicable provisions of this Ordinance.

## 4.14 Subdivisions

Until such time as the Town adopts a Subdivision Ordinance the Planning Board shall follow the procedures of 30 –A M.R.S.A. 4001-4007 in acting on subdivision proposals. All subdivisions shall meet all the requirements of this Ordinance.

## Section 5 Construction of Language and Definitions

### 5.1 Construction of Language

In this Ordinance, certain terms or words shall be interpreted as follows:

The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as individual; the present tense includes the future tense, the singular number includes the plural, and the plural includes the singular; the male gender includes the female gender; the word “shall” is mandatory, and the word “may” is permissive; the word “used” or “occupied” include the words “intended,” “designed,” or “arranged to be used or occupied”, the word “building” includes the word “structure”, the word “Lot” includes the words “plot” or “parcel”. In the case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text shall control. The reference to distance from any stream, other body of water, or wetland shall refer to the distance from the normal high water line. Terms not defined shall have customary dictionary meaning.

### 5.2 Definitions

In this Ordinance the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

**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.

**Agricultural Management Activities** –Land clearing, tilling, fertilizing, including spreading and disposal of manure and manure sludge, liming, planting, pesticide application, harvesting of cultivated crops, pasturing of livestock and other similar or related activities, but not the construction, creation or maintenance of land management roads.

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

**Basal Area** – the area of cross-section of a tree stem at four and a half (4.5) feet above ground level inclusive of bark

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

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

**Building** – A structure for the support, shelter or enclosure of persons, animals, goods or property of any kind.

**Bureau** – State of Maine Department of Conservation’s Bureau of Forestry.

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

**Canopy** – The more or less continuous cover formed by tree crowns in a wooded area.

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

**Code Enforcement Officer** – A person appointed by the Municipal Officers to administer and enforce this Ordinance. Reference to the Code Enforcement Officer may be construed to include Building Inspector, Electrical Inspector, and the like where applicable.

**Conditional Use** – A use permitted only after review and approval by the Planning Board. A Conditional Use is a use that would not be appropriate without restriction but which, if not controlled under the provisions of this Ordinance. Such uses may be permitted if specific provision of such Conditional Use is made in this Ordinance.

**Conditional Use Permit/Planning Board Permit** – A permit authorized by the Planning Board for a Conditional use. A Conditional use permit may be issued only after the applicant has followed the procedures of this Ordinance.

**Conforming Use** – A use of building, structures or land which complies with all applicable provisions of this Ordinance.

**DBH** – the diameter of a standing tree measured four and a half (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.

**District** – A specified portion of the municipality, delineated on the Official Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of the Ordinance.

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

**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.

**Dwelling** – A fixed structure, containing one or more residential dwelling units.

**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** – the construction, alteration or maintenance of gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are 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; additional hours of operation; 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 one-hundred (100) year flood without cumulatively increasing the water surface elevation by more than one (1) 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** – Forest management activities include timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, timber stand improvement, pruning, timber harvesting in areas other than Resource Protection, and other forest harvesting, regeneration of forest stands, and other similar or associated activities, but not the construction, creation, or maintenance of land management roads.

**Forested Wetland** – a freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet or taller).

**Foundation** – the supporting substructure of a building or other structure, excluding wooden sills and post supports, including basements, slabs, frost walls, or other base consisting of concrete, block, brick or similar material.

**Frontage Highway** – The horizontal distance between intersections of the side lot lines with the front lot lines.

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

Of ten (10) or more contiguous acres; or less than ten (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 ten (10) acres; and

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, inland waters and which cannot be located away from those waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aides, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site, and uses which primarily provide general public access to water bodies.

**Great Pond** – Any inland body of water which in a natural state has a surface area in excess of ten (10) 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 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

**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 Non-Conformity 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 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 material constructed for, or created by, the repeated passage of motorized vehicles and used primarily for agricultural or forest management activities, including associated log yards but not including skid trails, skid roads, and winter haul 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.

**Lot** – A parcel of land in single ownership, described on a deed, plot or similar legal document

**Lot Lines** – The lines bounding a lot as defined below.

**Front Lot Lines:** on an interior lot, the line separating the lot from the street; on a corner or through lot, the line separating the lot from either street

**Rear Lot Lines:** 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 the front lot line of least dimension.

**Side Lot Lines:** any lot line other than the front lot or rear lot line.

**Marina** – a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, boat and tackle shops and marine fuel service facilities.

**Market Value** – the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

**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.

**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.

**Multi-Unit Residential** – a residential structure containing three (3) or more residential dwelling units

**Native** – indigenous to the local forest

**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** – 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.

**On Premise Sign** - An accessory sign which directs attention to a business, profession, commodity, service, or entertainment carried on, sold, or offered on the same premises.

**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, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland -**

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

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

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

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



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

**Recent Flood Plain Soils** – the following soil series as described and identified by the National Cooperative Soil Survey:

Alluvial	Cornish	Charles
Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Podunk	Rumne	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 not 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 exclusive 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.

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

**Road** – a public or private way, as defined below, excluding driveways, consisting of a bed of exposed mineral soil, gravel, asphalt or other surfacing material constructed for the passage of vehicles to include:

\*Town Road: Strip of land held by the Town for the passage and use of the general public by vehicles and for which the Town has maintenance responsibility.

\*State Road: Road owned by the State for the passage and use of the general public by vehicles and for which the Town has maintenance responsibility.

\*Privately-Owned Road: A way that the general public has no right to pass over by vehicle and for which the Town has no maintenance responsibility.

\*Private Right-of-Way: Strip of land that the general public by way of legal easement has the right to pass over by vehicle and for which the Town has no maintenance responsibility.

\*(Updated town meeting March 1996)

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

A. In the case of electrical service

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

B. In the case of telephone service

1. The extension, regardless of length, will be made by the installation of telephone wires to existing telephone poles, or
2. 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.

**Setback from Lot Line** – The minimum horizontal distance from a lot line to the nearest part of a structure.

**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 within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river, or within two hundred and fifty (250) feet, horizontal distance 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 wetland.

**Significant River Segments** – See 38 MRSa 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 fifteen (15) minute series topographic map, to the point where the body of water becomes a river. Stream may also include those streams depicted on the official zoning map as stream protection district.

**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 guying anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

**Subdivision** – A division as defined in 30-A M.R.S.A. Section 4001.

**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.

**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 3.17, *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

**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 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 freshwater wetland, the upland edge is formed where the soils are not saturated for 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) feet tall or taller.

**Use** – The purpose for which land or a structure is arranged, designed, or intended, or for which land or a structure may be occupied.

**Vegetation** – all live trees, shrubs and other plants including without limitation, trees both over and under 4 inches in diameter, measured at four and a half (4 .5) feet above ground level.

**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 those 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 wetland.

**Woody Vegetation** – live trees or woody, non-herbaceous shrubs

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**Great Pond Shoreland Zoning Update by:**

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