

SPECIAL TOWN MEETING WARRANT

To: Bobbie Jo Wadsworth, Resident, in the Town of Sebago, in the County of Cumberland, State of Maine.

Greetings:

In the name of the State of Maine, you are hereby required by law to notify and warn the inhabitants of the Town of Sebago qualified by law to vote in Town affairs, to meet at the Town Hall in said Town of Sebago at 7:00 p.m., Tuesday, January 30, 2024, for a Special Town Meeting, to act on the following:

Article 1. To choose a Moderator to preside at said meeting.

Article 2. Shall an ordinance entitled "Amendments to the Land Use Ordinance of the Town of Sebago to Include the Services of a Town Planner, Increase Public Participation, and Make Other Administrative Improvements" be enacted?

(Copies of the proposed ordinance are available from the Town Clerk; a majority of the Selectmen so recommend).

Article 3. Shall an ordinance entitled "Amendments to the Shoreland Zoning Ordinance of the Town of Sebago to Include the Services of a Town Planner" be enacted?

(Copies of the proposed ordinance are available from the Town Clerk; a majority of the Selectmen so recommend).

Article 4. Motion to Adjourn

Given under our hand on 22nd JANUARY 2024, at Sebago, Maine.

Board of Selectmen:

Pierce Jr
 Bangh Line
 H. V. M.

A true copy attest:

Letitia M. Genest, Town Clerk.

Summary of Proposed Amendments to the Land Use Ordinance and the Shoreland Zoning Ordinance of the Town of Sebago

1. Role of Town Planner

The amendments include new definitions of “Town Planner” and “Code Enforcement Officer” in the Land Use and Shoreland Zoning Ordinances in order to clarify their respective roles. The Town Planner is charged with assisting the Planning Board in reviewing applications requiring Planning Board approval; the Code Enforcement Officer is charged with administering applications requiring approval by the Code Enforcement Officer and with overall enforcement of the ordinances.

The proposed amendments provide for the Town Planner to support the Planning Board in connection with Site Plan, Subdivision and Shoreland Zoning Permits. Under the proposed amendments, the Town Planner reviews applications to see if they include all required information before they are placed on the agenda of a Planning Board meeting. The Town Planner may also recommend that additional studies be conducted by the applicant or that an escrow account be established at the applicant’s expense to enable the Planning Board to retain independent consultants to assist the Planning Board in its review. The Planning Board is encouraged to seek the services of the Town Planner to assist the Board in its decision-making by preparing proposed findings of fact and conclusions of law for the Planning Board’s consideration.

2. Additional Public Notice and Participation

The proposed amendments provide additional public notice in connection with site plan applications for major developments and applications for subdivisions with five or more lots. Public notice is required before the Planning Board makes a completeness determination on such applications and the public is provided an opportunity to comment on whether an application is complete. The proposed amendments also require the Planning Board to conduct public hearings on site plan applications for major developments. Under the current ordinance, public hearings are required for all subdivision applications, but are optional for site plan applications.

3. Administrative Improvements

The amendments also correct a number of provisions in the Land Use Ordinance in order to improve the administration of the ordinance and reduce the likelihood of legal challenges. For example, Section 8 provides that review of a sketch plan and application for a subdivision, a site visit, and the conduct of a public hearing do not constitute “substantive review” for purposes of 1 M.R.S. § 302. The amendments provide for the Planning Board to adopt a vote to commence substantive review after the Planning Board determines that an application is complete. The amendments also remove duplicative provisions and change numerous references to the “Board of Selectmen” or “Selectmen” to the “Select Board”.

SECTION 1 – GENERAL PROVISIONS

A. TITLE

The Ordinance shall be known and cited as the Land Use Ordinance of the Town of Sebago, Maine, and will be referred to as “this Ordinance”.

B. AUTHORITY

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution, and the provisions of Title 30-A, Sections 3001, and 4352 of the Maine Revised Statutes Annotated.

C. PURPOSE

The purposes of this Ordinance are:

1. To implement the provisions of the Town Comprehensive Plan.
2. To encourage growth in the identified growth areas of the community and to limit growth in the rural areas.
3. To promote the health, safety, and general welfare of the residents of the community.
4. To encourage the most appropriate use of land throughout the community.
5. To promote traffic safety.
6. To provide safety from fire and other elements.
7. To provide an allotment of land area in new developments sufficient for adequate enjoyment and community life.
8. To conserve natural resources.

D. APPLICABILITY

The provisions of the Ordinance shall govern all land and all structures within the boundaries of the Town of Sebago, exclusive of the land and water area subject to the Town's Shoreland Zoning Ordinance.

If a proposed use is not covered by this or any other Town Ordinance, State and Federal Law may be applied.

E. CONFLICT WITH OTHER ORDINANCES

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

F. SEVERABILITY

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

G. EFFECTIVE DATE

The effective date of this Ordinance shall be the date ~~of~~of the adoption by the legislative body on

June 7, 2014. The effective date of any amendments to this Ordinance shall be the date of adoption of the amendments by the legislative body.

H. ANNUAL ADMINISTRATION REVIEW

The Code Enforcement Officer, Town Planner, Planning Board and Board of Appeals each shall report annually to the Town Manager and ~~Board of Selectmen~~Select Board on their respective experience with the administration of this Ordinance during the previous year. Their reports to the Manager and ~~Board of Selectmen~~Select Board shall include any recommended amendments they may have that would:

1. Enhance their ability to more effectively meet their respective administrative responsibilities under this Ordinance.
2. Enhance the implementation of the purposes of the Ordinance contained in subsection C, items 1-8 above.

I. AMENDMENTS

1. This Ordinance may be amended by majority vote of the ~~Legislative~~legislative body.
2. The ~~Board of Selectmen~~Select Board has the authority to review/adjust any and all fees as needed.

SECTION 6 – ADMINISTRATION AND ENFORCEMENT

SECTION USERS GUIDE: This section contains provisions for the administration of this Ordinance including specific provisions for certificates of compliance, conditions of approval, and public hearing.

A. CREATION OF ADMINISTERING BODIES AND AGENTS

1. **CODE ENFORCEMENT OFFICER** – The Code Enforcement Officer shall approve or deny those applications on of which he/she is empowered to act as provided in this Ordinance. Approval shall be granted only if the proposed use is in conformance with the provisions of this Ordinance. The Code Enforcement Officer shall be responsible for the enforcement of this Ordinance, including all requirements of permits issued by the Code Enforcement Officer and approvals granted by the Planning Board.

1.2. **TOWN PLANNER** – The Town Planner shall provide technical assistance and staff support to the Planning Board and, in appropriate circumstances, to the Board of Appeals. Such assistance by the Town Planner may include, without limitation, providing professional assistance in the Board's review of applications, recommending that additional studies and/or analysis be conducted at the expense of the applicant, and assisting the Board in the preparation of proposed findings of fact, conclusions of law, and conditions of approval.

2.3. **PLANNING BOARD** – The Planning Board of the Town of Sebago is hereby designated as the Planning Board, established in accordance with Article VIII, Pt 2, Section 1, of the Maine Constitution and Title 30-A MRSA, Section 3001. The Planning Board members shall be appointed by the Town of Sebago Select Boardmen.

The Planning Board shall approve, approve with conditions, or deny those applications on which it is empowered to act as stated in this Ordinance. Approval shall be granted only if the proposed use is in conformance with the provisions of this Ordinance.

3.4. **BOARD OF APPEALS** – The Board of Appeals for the Town of Sebago is hereby designated as the Board of Appeals heretofore, established in accordance with Article VIII, Pt 2, Section 1 of the Maine Constitution and with Title 30-A, MRSA, Section 4353. The Board of Appeals members shall be appointed by the Town of Sebago Select Boardmen.

B. APPROVAL REQUIRED

After the effective date of this Ordinance and any amendments thereto, no person shall engage in any activity requiring a permit or approval under this Ordinance without first obtaining the approval of the Planning Board or Code Enforcement Officer, as provided herein.

C. APPLICATION REQUIRED

1. Code Enforcement Officer Applicants

Applications for a Code Enforcement Officer Permit approval shall be submitted in writing, on forms provided by the Town, to the attention of the Code Enforcement Officer who shall oversee the Code Enforcement Officer permitting process and record keeping. The Code Enforcement Officer may require the submission of additional information deemed necessary to determine conformance of an application for a CEO permit with the provisions of this Ordinance.

2. Planning Board Applications

Applications requiring Planning Board approval shall be submitted in writing, on forms provided by the Town, to the attention of the Town Planner in accordance with Section 7.D.

3. Right, Title or Interest

Applicants shall provide information to show that the applicant has sufficient right, title or interest in the property where the proposed project is to occur. No application shall be considered complete until such time as this information is provided by the applicant. Where the sufficiency of the applicant's right, title or interest in the property is disputed, the Code Enforcement Officer or the Planning Board, as applicable, may undertake review of the applicant's right, title or interest in the property prior to determining that the application is complete.

D. CODE ENFORCEMENT OFFICER PERMIT AND PLANNING BOARD APPROVAL

A permit issued by the Code Enforcement Officer shall be required before beginning or undertaking any of the following activities:

1. ACTIVITIES REQUIRING CEO PERMIT

- a. **FLOOD HAZARD AREAS** – All construction or earth moving activities or other improvements within the one hundred (100) year flood plain designated on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency
- b. **NEW CONSTRUCTION** – New Construction of buildings or structures
- c. **ALTERATION** – Alteration on a building, structure, or land, or parts thereof, including, but not limited to:
 - 1. Interior renovations for change in use
 - 2. Enclosing open frame porch, for the creation of additional sleeping space or any activity which increases the amount of water used daily
 - 3. Creation of driveways
 - 4. Construction of decks and porches
- d. **PLACEMENT OF SIGNS** – Placement of signs, except temporary signs

- e. **MOVING OR DEMOLITION** – All buildings or structures which are removed from or moved onto, or moved around within a lot, or demolished.
 - 1. Permits will be granted to the owner of record or agent. The project is to be completed within six (6) months from issuance.
- f. **SECTION 4 – F (SCHEDULE OF USES)** – Any activity requiring Planning Board or CEO approval in accordance with the Land Use Ordinance Schedule of Uses.

2. PROCEDURE

- a. **APPLICATION** – All applications requiring a CEO permit or Planning Board approval shall be submitted with the applicable fee established by the Select Board, with appropriate fee, in writing to the Code Enforcement Officer on forms provided.
- b. **SUBMISSIONS** – All applications requiring a CEO permit or Planning Board approval shall be accompanied by a sketch plan, accurately drawn to scale and depicting actual dimensions or distances, as required below:
 - 1. The actual shape and dimensions of the lot for which a permit is sought
 - 2. The location and size of all buildings, structures, and other significant features currently existing on the lot, as well as all water bodies
 - 3. The existing and intended use of each building or structure
 - 4. Where applicable, the location of soil test pits, subsurface sewage disposal system, parking lots, driveways, signs, buffers, and private wells
 - 5. Such other information as may be reasonably required by the Code Enforcement Officer or the Town Planner, as applicable, to provide for the administration and enforcement of this Ordinance.
- c. **TO WHOM ISSUED** – No CEO permit shall be issued, or Planning Board approval granted, except to an applicant who has demonstrated right, title or interest in the property the owner of record or their authorized agent. Written proof of authorization shall be required.
- d. **COMPLIANCE WITH LAND USE ORDINANCE** – All activities undertaken pursuant to a permit issued under this Section shall comply with all applicable standards set forth in Section 5 of this Ordinance.
- e. **DEADLINE FOR DECISION** – The Code Enforcement Officer shall, within thirty (30) days of receipt of an application for a CEO permit; request additional information; issue a permit, if all proposed construction and uses meet the provisions of this Ordinance; refer the application to the Planning Board for their review; or deny the application. All decisions of the Code Enforcement Officer shall be in writing.

Commented [AKT1]: Shoreland zoning ordinance says 35 days

Administration and Enforcement

f. **COPIES** – One (1) copy of the application, with the permit or other written decisions of the Code Enforcement Officer, shall be returned to the applicant, and one (1) copy, with a copy of the permit or written decision shall be retained by the Code Enforcement Officer as a permanent public record.

g. **POSTING** – The applicant shall post any permit issued in a conspicuous location on the lot clearly visible from the street providing access to the property.

h. COMMENCEMENT AND COMPLETION OF WORK

1. ~~Construction and alteration activities on projects for which a permit has been granted under this Section shall commence within one (1) year of the date of issuance of the permit and shall be completed within twenty-four (24) months of that date.~~

2. ~~Activities which are not commenced or completed within the time limits provided above shall be subject to a new application and the permit issued under this Section shall be considered null and void.~~

3. ~~Activities may be extended for up to twelve (12) months by the Code Enforcement Officer, for good cause, if an application for extension is submitted not later than thirty (30) days prior to the expiration of the prior permit.~~

3. **APPEALS** – Appeals from decisions of the Code Enforcement Officer may be taken pursuant to the provisions of this Ordinance.

E. PLANNING BOARD ~~PERMIT REVIEW~~ AND PUBLIC NOTICE

1. ~~The Planning Board shall review all applications requiring Planning Board approval under applicable Land Use Permit applications pursuant to Section 4 subsection F (Schedule of Uses) and according to the Site Plan Review provisions of Section 7 (Site Plan Review). The Planning Board shall also review all subdivision applications pursuant to Section 8 (Subdivision Review).~~

2. ~~All public notices required under Section 7 and Section 8 shall include the name of the applicant, the address of the property, the nature of the project or development, and the time, date and place of the Planning Board meeting or public hearing.~~

F. OTHER PERMITS REQUIRED BEFORE ~~APPROVAL~~ COMMENCEMENT OF GROUND CLEARING OR CONSTRUCTION

An applicant shall not commence ground clearing or construction or otherwise begin work on any project requiring a permit or approval under this Ordinance until all other required local, state, and federal permits and approvals have been obtained. If changes to a site plan or subdivision plan approved by the Planning Board are subsequently required by a State or Federal permitting authority, those changes must be submitted to the Planning Board for approval, as an amendment

to the original plan approved by the Planning Board, prior to issuance of a building permit.
Applications for approval under this Ordinance will not be considered complete for processing until
all other required local, state, and federal permits have been secured and evidence that they have
been secured has been provided unless state or federal regulations require local approval first.

G. VIOLATIONS

Violations of the terms and conditions of this Ordinance shall be corrected within thirty (30) days of receipt of Notice of Violation, unless an extension of time is granted by the Code Enforcement Officer or Planning Board, said violation may void all permits.

H. COMMENCEMENT AND COMPLETION OF WORK

Construction and alteration activities for which approval has been granted under this Ordinance shall
commence within one (1) year of the date of issuance of the permit and shall be completed within
twenty-four (24) months of that date. Activities which are not commenced or completed within the
time limits provided above shall be subject to a new application and the permit issued under this
Section shall be considered null and void.

Construction and other activities for which a Planning Board approval has been granted under this
Ordinance, shall commence within one (1) year of the date of the Planning Board approval and shall
be completed within twenty-four (24) months of the date of Planning Board approval. A Planning
Board approval shall expire if these time limits are not met, provided that, for good cause shown, the
Planning Board may, at the time of initial approval or upon a subsequent request by the applicant
made prior to the expiration of the applicable time limit, grant an extension of one (1) additional year
to the commencement and/or completion date.

Construction and other activities, not requiring Planning Board approval, for which a Code
Enforcement Officer permit has been granted, shall commence within one (1) year of the date of the
CEO permit and shall be completed within twenty-four (24) months of the date of the CEO permit.

If such construction and other activities are not commenced or completed within the time limits
provided above, the Planning Board approval or CEO permit shall be null and void and a new
Planning Board approval or CEO permit shall be required, subject to the provisions of this Ordinance,
and any other requirements, then in effect.

I. CERTIFICATE OF OCCUPANCY REQUIRED

After a building, structure, or part thereof has been erected, altered, enlarged, or moved, pursuant to approval under this Ordinance, a Certificate of Occupancy shall be obtained from the Code Enforcement Officer for the proposed use before the same may be occupied or used. A Certificate of Occupancy is required for the following:

1. Activities granted approval under the provisions of this Ordinance
2. Any change in tenant housing

J. ENFORCEMENT

1. **NUISANCES** – Any violation of this Ordinance shall be deemed to be a nuisance.
2. **CODE ENFORCEMENT OFFICER** – 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/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct the violation, including discontinuance of illegal use of land, buildings, structures, and abatement of nuisance conditions. A copy of such notices shall be maintained as a permanent record.
3. **LEGAL ACTIONS** – When the above does not result in the correction or abatement of the violation or nuisance condition, the ~~Select Board on its own initiative, or, Select persons,~~ upon notice from the Code Enforcement Officer, ~~are~~ is hereby authorized and 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 the Ordinance in the name of the municipality.
4. **FINES** – Any person who continues to violate any provisions of this Ordinance after receiving notice of such violation shall be liable for civil penalty of a minimum of one hundred to two-thousand-five-hundred (\$100.00 - \$2500.00) for each violation. Each day the violation continues shall constitute a separate violation.
5. **LIABILITY** – Any property owner or authorized agent involved in any activity regulated by the provision of this Ordinance may be held liable for violating this Ordinance if the necessary permits for said activity have not been obtained or if work performed does not conform to all conditions of approval of the permit or the terms of this Ordinance.

K. APPEALS

1. **ADMINISTRATIVE APPEALS** – The Board of Appeals shall hear and decide appeals where it is alleged that there is any error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or the Planning Board in the administration of this Ordinance. When errors of administration procedures or interpretation are found, the case shall be remanded to the Code Enforcement Officer or Planning Board for correction.
2. **VARIANCES** – The Board of Appeals shall authorize variances upon appeal, within the limitations set forth in this Ordinance.
 - a. Dimensional variances may be granted only from dimensional requirements including frontage, lot area, lot width, height, and setback requirements.
 - b. Variances shall not be granted for establishment of any use otherwise prohibited by this Ordinance.
 - c. The Board shall not grant a variance unless it finds that:

Administration and Enforcement

1. The proposed structure or use would meet the performance standards of this Ordinance except for the specific provision which has created the non-conformity and from which relief is sought.
2. The strict application of the terms of this Ordinance would result in an undue hardship. The term "undue hardship" shall mean all of the following:
 - a. The land in question cannot yield a reasonable return unless a variance is granted.
 - b. The need for a variance is due to the circumstance of the property and not to the general conditions in the neighborhood.
 - c. The granting of a variance will not alter the essential character of the locality.
 - d. The hardship is not the result of action taken by the applicant or a prior owner.
- d. The Board may grant a variance to a property owner for the purpose of making that property accessible to a person with a disability who is living or regularly visits the property. The Board shall restrict any variance granted under this subsection solely to the installation of equipment of the construction of structures necessary for access to, or egress from, the property by the person with the disability.
- e. The Board may grant a variance to a property owner from a setback requirement only when strict application of the zoning ordinance to the petitioner and the petitioner's property would cause undue hardship. A variance under this section may not exceed twenty percent (20%) of a setback requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage (if applicable). If the petitioner has obtained the written consent of an affected abutting landowner, the twenty percent (20%) limitation may be extended. The term "undue hardship" for this section means:
 1. The need for a variance is due to the unique circumstances of the property and not to general conditions in the neighborhood.
 2. The granting of a variance will not alter the essential character of the locality.
 3. The hardship is not the result of action taken by the applicant or a prior owner.
 4. The granting of the variance will not substantially reduce or impair the use of abutting property.
 5. The granting of a variance is based upon demonstrated need, not convenience and no other feasible alternative is available.

3. APPEAL TO SUPERIOR COURT

An appeal may be taken within thirty (30) days after any decision is rendered by the Board of Appeals, by any party to Superior Court in accordance with State Law.

4. RECORDING OF VARIANCE

If the board grants a variance under this section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared in recordable form, the final written approval of the variance or the variance is null and void. A variance is not valid until recorded as provided in this section. The date of the final written approval shall be the date stated on the written approval.

L. SCHEDULE

All application fees for permits shall be paid to the Town of Sebago in accordance with the fee schedule as-established by the ~~Selectman~~ Select Board of the Town of Sebago. Fees shall be for the cost of processing the permits and shall not be refundable regardless of the final decision to issue or deny a permit. Advertising costs, technical or legal assistance and associated costs deemed necessary by the Town for review of applications shall be the responsibility of the applicant.

1. **PLUMBING PERMITS** – Fees for Plumbing Permits shall be pursuant to the established fee schedule of the Town ~~o~~Of Sebago.
2. **LAND USE PERMITS** – Fees for Land Use Permits shall be pursuant to the established fee schedule of the Town of Sebago.

SECTION 7 – SITE PLAN REVIEW

A. PURPOSES

The purposes of a site plan review are to:

1. Provide a level of municipal review that would not otherwise occur, of projects that potentially could impact the community.
2. Conserve the Town's natural beauty and visual character by ensuring that structures, signs and other developments are properly related to their sites and to surrounding sites and structures, especially in regard to the natural terrain and landscaping, and that the exterior appearances of structures, signs and other improvements are harmoniously related to their environment.
3. Sustain the comfort, health, tranquility and contentment of residents, and thus to promote and protect the health, welfare and safety of the Town of Sebago.
4. ~~The Committee shall vote to commence Substantive Review in accordance with Maine State 1M.R.S.A. §302.~~

B. APPLICABILITY

1. Site plan approval by the Planning Board in conformance with the criteria and standards of this Section, shall be required for uses in each district which specifically require Planning Board site plan approval, as set forth in Section 4 – F (Schedule of Uses); Once a property has been the subject of a site plan approval, any if there is a change of use of that property, shall be regardless of size, the new use is subject to site plan review.
2. No development shall take place within Sebago nor shall any land be cleared or altered, nor shall any watercourse be diverted or its channel or floodplain dredged or filled, nor shall any parking areas, accessory or otherwise, be constructed, installed or enlarged, nor shall any building permit, certificate of occupancy or other required permit be issued with respect to any such structures, land or parking area, except in accordance with any approval by the Planning Board of such development granted according to the requirements of this Ordinance.
3. Exempted from this Ordinance are:
 - a. Detached single and two-family dwellings and their accessory buildings and parking areas as permitted by applicable zoning regulations except that this exemption shall not apply to accessory apartments
 - b. Agricultural and forestry uses, other than the Village District
 - c. The construction of a parking area for less than three vehicles, and which is not for commercial use.
 - d. Interior improvements which meet code requirements

- e. External changes to a building which will close an existing entrance or create a new one or a building extension totaling less than one hundred (100) square feet of gross floor area.
4. Construction, site development and landscaping shall be carried out in accord with the plans, drawings, sketches and other documents approved by the Board, unless altered with Board approval.
5. Any approved subdivision consisting of single and two-family dwellings which complies with the Subdivision Ordinance of Sebago shall be deemed to satisfy the site plan criteria of this Section.
6. ~~Waiver — Where the Planning Board finds that, due to special circumstances of a particular Plan, the provisions of certain criteria and standards and the payment of specified fees are not requisite in the interest of public to the extent permitted by law.~~

C. CLASSIFICATION OF PROJECTS

Projects subject to site plan review shall be divided into two (2) classes, minor developments and major developments. Minor developments shall include those projects involving the construction or addition of less than five thousand (5,000) square feet of gross non-residential floor area, projects involving the installation of less than five thousand (5,000) square feet of impervious surfaces, projects involving the creation of less than five (5) dwelling units, projects involving the conversion of existing buildings or structures from one use to another use that requires site plan approval.

Major developments shall include projects involving the construction or addition of five thousand (5,000) or more square feet of gross non-residential floor area, projects involving the installation of five thousand (5,000) or more square feet of impervious surfaces, projects involving the creation of five (5) or more dwelling units, projects involving the establishment or expansion of a campground or mobile home park, projects involving extraction industries, other projects requiring review which are not classified as a minor development.

The Planning Board shall classify each project as a minor or major development. If the applicant is uncertain as to the classification of the project, he/she may request a determination.

If an applicant is uncertain as to the classification of the project, he/she may request a determination by the Town Planner prior to submission of the application.

D. ADMINISTRATION

The following procedures and requirements shall apply to all applications for site plan review unless waived by the Planning Board.

1. **PRE-APPLICATION MEETING** — Applicants are encouraged to schedule a meeting with the Planning Board, prior to a formal submission for review, so as to discuss their plans and gain an understanding of the review procedures, requirements and standards. The Planning Board may waive specific application submission requirements when an applicant can show that such requirements are not relevant to the proposed project.

2. **SUBMISSION OF APPLICATIONS TO TOWN PLANNER IN WRITING** -- All applications for Planning Board site plan approval shall be submitted to the Town made in writing to the attention of the Town Planner Code Enforcement Officer on forms provided for this purpose accompanied by the applicable fee established by the Select Board.

For major projects, applications for site plan approval shall not be submitted until a site inventory and analysis is first submitted to the Code Enforcement Officer and reviewed by the Planning Board. The Planning Board shall act on the completeness of the site plan inventory and analysis within thirty (30) days of its receipt.

The application shall be made by the owner of the property or his/her agent, as designated in writing by the owner.

The Code Enforcement Officer shall make an initial determination of the completeness of the application, which shall be subject to the determination of the Planning Board.

The Town Planner shall classify each project as a minor or major development. For projects that are classified as major developments, the applicant shall provide a site inventory analysis in accordance with Section 7.F before the application is placed on the agenda of a Planning Board meeting for a completeness determination. If the Town Planner determines that the application does not contain sufficient information for classification of the project as a minor or major development or for placement on the agenda of a Planning Board meeting for a completeness determination, the Town Planner shall give the applicant an indication of the additional information that will be required before the application will be placed on an agenda of the Planning Board.

3. **PLANNING BOARD COMPLETENESS DETERMINATION** -- If the Town Planner determines that an application contains all the documentation required by this Ordinance, the application shall be placed on the agenda of a Planning Board meeting for a completeness determination. For projects classified as major developments, the applicant shall mail notice of the Planning Board meeting by certified U.S. mail, return receipt requested, to the owners of abutting and nearby properties, as described in Section 7.G.3, at least ten (10) days prior to the meeting. The applicant shall cause notice of the meeting to be published in the Bridgton News at least seven (7) days prior to the meeting. The Town Clerk shall publish notice of the meeting on the Town's website at least seven (7) days prior to the meeting. Prior to making a completeness determination on a project classified as a major development, the Planning Board shall provide the public an opportunity to comment on whether or not the application is complete. If the Planning Board determines that an application is not complete, it shall provide the applicant with an indication of the additional information that will be required in order for the application to be placed on an agenda of a subsequent Planning Board meeting. The Planning Board shall have the authority to reclassify a project that the Town Planner has classified as a minor development to a major development. In that event, the Planning Board shall require the applicant to submit a site inventory analysis in accordance with Section 7. E, and to submit a revised list of abutting and nearby property owners as required for a major development by Section 7.G.3. Notice of any subsequent meeting of the Planning Board to review the application as a major development shall be given in accordance with the requirements of this section.

Commented [AKT1]: Need to discuss mailing notices prior to a completeness determination and who is responsible

FEES -- An application for site plan approval shall be accompanied by a fee of one hundred (100) dollars plus fifty (50) dollars per dwelling unit for residential projects or fifty (50) dollars per two thousand

(2,000) square feet of gross floor area or ground excavation for commercial, institutional, and industrial projects. This application fee shall be made by check payable to the Town of Sebago. This fee shall not be refundable.

4. **VOTE TO COMMENCE SUBSTANTIVE REVIEW** – Once the Planning Board has determined that an application is complete, it shall adopt a vote to commence substantive review either at the same or a subsequent meeting. Until such a vote has been taken, the Planning Board shall not engage in further discussion or review of the application.

PLANNING BOARD AGENDA – The completed application for site plan review, together with the documentation required in these regulations, shall be placed on the Planning Board's agenda for consideration at its next scheduled meeting.

However, any application which the Code Enforcement Officer initially determines to be incomplete shall not be placed on the agenda but shall be returned to the applicant by the Code Enforcement Officer with an indication of the additional information required. When this additional information has been supplied, the Code Enforcement Officer shall place the application on the Planning Board's agenda.

The Planning Board shall make a final determination of the completeness of the application. Within sixty (60) days of the receipt of a completed application, as determined by the Planning Board, the Board shall act to approve or disapprove the site plan as submitted or amended.

If the Board votes to disapprove an application, the owner or his authorized agent shall be notified in writing and the specific causes of disapproval shall be noted.

If the Board votes to approve the site plan application, the Code Enforcement Officer shall issue a building permit, provided that all other requirements of this Ordinance are met.

5. **PUBLIC HEARING** – Prior to taking final action on any site plan application classified as a minor development, the Planning Board may hold a public hearing on the project. The Planning Board must hold a public hearing on any project that has been classified as a major development either by the Town Planner or the Planning Board. When a public hearing is placed on an agenda of a Planning Board meeting, the applicant shall mail notice by certified mail to the owners of abutting and nearby properties in accordance with Section 7. G. 3. at least ten (10) days prior to the public hearing. The applicant shall also cause notice of the public hearing to be published in the Bridgton News at least seven (7) days prior to the hearing. The Town Clerk shall post a notice of the public hearing on the Town's website at least seven (7) days prior to the hearing. The applicant shall provide evidence to the Planning Board that the required notices have been mailed, and that the required notice has been published in the Bridgton News.
6. **FINAL DECISION BY THE PLANNING BOARD** – Within sixty (60) days of a vote by the Planning Board to commence substantive review, or if a hearing is held, within thirty (30) days of the close of the public hearing, the Planning Board shall vote to approve, approve with conditions, or deny the application. These time limits may be extended by the Planning Board with the agreement of the applicant. The Planning Board is encouraged to request the Town Planner to assist the Planning Board in preparing proposed findings of fact, conclusions of law and conditions of approval for consideration by the Planning Board. The Planning Board may permit the applicant and other

parties to submit proposed findings of fact, conclusions of law, and conditions of approval and to make legal argument prior to adopting a final vote. In any case, the written decision of the Planning Board should contain findings of fact, conclusions of law, and any conditions of approval imposed by the Planning Board. If the Planning Board votes to disapprove an application, the decision shall include the grounds for disapproval. The written decision of the Planning Board shall be provided to the applicant and the other parties to the proceeding. If the Planning Board votes to approve or approve with conditions, the Code Enforcement Officer shall issue a building permit for the development provided all other requirements of this Ordinance and other local, state and federal requirements are met.

7. PROFESSIONAL REVIEW

- a. **Professional services** – The Town Planner may recommend that the Planning Board establish an escrow account at the applicant's expense to enable the Planning Board to retain independent consultants to assist the Planning Board in its review of the application. The Planning Board may require that an expert consultant or consultants review one or more submissions of an application and report as to compliance or non-compliance with this Ordinance, and advise if necessary, of procedures which will result in compliance. The Planning Board consultant(s) shall estimate the cost of such review and the applicant shall deposit with the Town the full estimated cost which the Town shall place in an escrow account. The Town shall pay the consultant(s) from the escrow account and reimburse the applicant if funds remain after payments are completed. The consultant(s) shall be fully qualified to provide the required information, and shall be mutually acceptable to the Town and the applicant.
- b. **Additional studies** – The Planning Board may require the applicant to undertake any study which it deems reasonable and necessary to insure that the requirements of the Ordinance are met. The costs of all such studies shall be borne by the applicant.

8. **ACCESS TO THE SITE** – The Town shall have access to the site at all times to review the progress of the work and shall have the authority to review all records and documents related to the project.

9. **PUBLIC HEARING** – Prior to taking final action on any site plan review application, the Planning Board may hold a hearing to afford the public the opportunity to comment on the application. If a public hearing is held, abutting property owners shall be notified by certified, return receipt mail, at least ten (10) days prior to the meeting, by the applicant, of a pending application for site plan review. The hearing shall be advertised in the Bridgton News by the applicant, at least ten (10) days prior to the hearing, but not more than fourteen (14) days prior to the meeting.

The return receipt cards (or undeliverable letter) shall be provided to the Planning Board to match the abutters list submitted with the application. Copies of the advertisements shall also be provided to the Planning Board.

Notice shall be posted in three (3) prominent places in Sebago, by the Town Clerk, at least ten (10) days prior to the hearing. All of these notices shall indicate the physical address of the application, the nature of the application, and the time, date, and place of the hearing.

- 40.9. FINANCIAL GUARANTEE** – The Planning Board may require the applicant to show financial capacity to complete the development as approved and may require the posting, prior to final approval of any plan, of a bond, letter of credit or escrow agreement, in such amount as is approved by the Board as being reasonably necessary to ensure completion of all improvements required as conditions of approval of such plan, in such form as approved by the Planning Board.
- 41.10. CONDITIONS** – The Planning Board may attach reasonable conditions to site plan approvals to ensure conformance with the standards and criteria of this Ordinance.
- 42.11. BUILDING PERMIT** – One copy of the approved site plan shall be included in the application for a building permit. The applicant must comply with all other local, State and Federal requirements and receive all relevant approvals before any development activities may begin. The Building Inspector or Code Enforcement Officer shall issue a building permit if he/she determines that the application for building permit complies with the plan approved by the Board.
- 43.12. APPEALS** – An appeal from any decision order, relief, or denial of the Planning Board may be taken by any party to the Board of Appeals and then to Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80B8. Any such appeal shall be filed no later than thirty (30) days from the date of the final approval of the Planning Board.
- 44.13. VIOLATIONS** – Failure to comply with any conditions of the Site Plan approval Review, subsequent to approval of the Plan, or any specific activity violating the conditions of approval, shall be construed to be a violation of this Ordinance and shall be the grounds for revoking the approval, initiating legal proceedings to enjoin construction and/or applying a fine of not more than one hundred dollars (\$100) up to two thousand five hundred dollars (\$2500) for each day the violation continues to exist, after official notification by the Code Enforcement Officer.
- 14. EXPIRATION OF APPROVALS** – All site plan approvals shall expire if construction is not commenced and completed within the time limits established under Section 6. H. within one (1) year of the date of issuance unless work has commenced. If work is not completed within two years from the date of issuance, a new application must be made.

E. CONTENTS OF SITE INVENTORY AND ANALYSIS

The site inventory and analysis is intended to provide both the applicant and the Planning Board with an understanding of the site and the opportunities and constraints to its use created by both the natural environment and the built environment. Therefore, the submission requirements provide that both basic information about the site and an analysis of that information be submitted.

The site inventory and analysis submission shall contain, at a minimum, the following information:

1. **OWNERS** – The names and addresses of the owner of record and the applicant
2. **CONSULTANTS** – The names and addresses of all consultants working on the project
3. **SCALE PLAN** – Seven (7) 11" x 17" copies and two (2) 24" x 32" copies of an accurate scale plan of the parcel at a scale of not more than fifty (50) feet to the inch showing at a minimum:

- a. The name of the development, north arrow, date and scale
 - b. The boundaries of the parcel
 - c. The topography of the site at an appropriate contour interval (2 foot to 5 foot) depending on the nature of the use and character of the site
 - d. Major natural features of the site including wetlands, streams, ponds, flood plains, groundwater aquifers, significant wildlife habitats or other important natural features
 - e. Existing restrictions or easements on the site
 - f. The location and size of existing utilities or improvements servicing the site
 - g. Soils information if on-site sewage disposal is proposed. This information should be detailed enough to allow those portions of the site not suitable for on-site disposal systems to be identified.
4. **NARRATIVE** – Seven (7) copies of a narrative describing the existing conditions of the site, the proposed use and the constraints or opportunities created by the site. This submission should include any traffic studies, utility studies, market studies or other preliminary work that will assist the Planning Board in understanding the site and the proposed use.
 5. **SITE PLAN ANALYSIS** – Seven (7) copies of a site analysis plan at the same scale as the inventory plan highlighting the opportunities and constraints of the site. This plan should enable the Planning Board to determine which portions of the site are unsuitable for development or use, which portions of the site are unsuitable for on-site sewage disposal if public sewerage is not available, which areas of the site have development limitations (steep slopes, poor soils, wetlands, aquifers, wildlife habitat, scenic areas, flood plains, drainage, etc.) that must be addressed in the development plan, areas where there may be off-site conflicts or concerns (e.g., noise, lighting, traffic, etc.) and areas well suited to the proposed use.
 6. **SUMMARY NARRATIVE** – A summary narrative of the key constraints and opportunities that need to be addressed in the development plan.

F. REVIEW OF SITE INVENTORY AND ANALYSIS

The review of the site inventory and analysis shall be informational and shall not result in any formal approval or disapproval of the project by the Board. The Board shall review the submission to determine if the information provides a clear understanding of the site and the opportunities and constraints they create for its use and development. If additional information or analysis is required, the Board shall advise the applicant of this in writing. The outcome of the review process shall be a determination by the Board of the issues and constraints that must be addressed in the formal site plan review application.

G. SITE PLAN REVIEW APPLICATION

~~Applications for site plan review shall be submitted on application forms provided by the Town. The complete application form, required fees, and the required plans and related information shall~~

be submitted to the Code Enforcement Officer who shall forward it to the Chairman of the Planning Board. Site Plan applications. The submission shall contain at least the following exhibits and information:

1. **SIGNED COPY** – A fully executed and signed copy of the application for site plan review
2. **MAPS AND DRAWINGS** – One (1) original of all maps and drawings on durable, permanent transparency material
3. **WRITTEN MATERIALS** – ~~Eight (8)~~ Seven (7) copies of written materials plus ~~eight (8)~~ seven (7) sets of maps or drawings containing the information listed below. The written materials shall be contained in a bound report. The maps or drawings shall be at a scale sufficient to allow review of the items listed under approved criteria, but in no case shall be more than fifty (50) feet to the inch for that portion of the tract of land being proposed for development.

a. **General information**

1. Owner's name, address and signature and applicant's name and address if different
2. The name of the proposed development
3. Names and addresses of all abutting and nearby property owners within the following distances of the edge of the property lines as listed in the property tax records of the Town of Sebago:

a. For Minor Developments and Subdivisions with four (4) or fewer lots:

Village District – One-hundred-fifty (150) feet including abutters and owners of land located across streets, roads and rights-of-ways.

Rural Residential District – Two-hundred-fifty (250) feet including abutters located across streets, roads and rights-of-ways.

Rural District – Five hundred (500) feet including owners of land located across streets roads and rights-of-ways.

b. For Major Developments and Subdivisions with five (5) or more lots:

In all Districts – five hundred (500) feet including abutters and owners of land across streets, roads, and rights-of way.

- ~~3.4.~~ Sketch map showing general location of the site within the town
- ~~4.5.~~ Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.
- ~~5.6.~~ The tax map and lot number of the parcel or parcels

6.7. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.

7.8. The name, registration number and seal of the land surveyor, architect, engineer and/or similar professional who prepared the plan.

b. Existing conditions

1. Zoning classification(s) of the property and the location of zoning district boundaries if the property is located in two (2) or more zoning districts or abuts a different district
2. The bearings and distances of all property lines of the property to be developed and the source of this information
3. Location and size of any existing sewer and water mains, culverts and drains on the property to be developed and of any that will serve the development from abutting streets or land
4. Location, names, and present widths of existing streets and rights-of-ways within or adjacent to the proposed development
5. The location, dimensions and ground floor elevations of all existing buildings on the site
6. The location and dimensions of existing driveways, streets, parking and loading areas and walkways on the site
7. Location of intersecting roads or driveways within two hundred (200) feet of the site
8. The location of open drainage courses, wetlands, stands of trees, and other important natural features, with a description of such features to be retained
9. The direction of existing surface water drainage across the site
10. The location, front view and dimensions of existing signs
11. Location and dimensions of any existing easements and copies of existing covenants or deed restrictions

c. Proposed development activity

1. The location of all building setbacks, yards and buffers required by this Ordinance

2. The location, dimensions, and ground flood elevations of all proposed buildings on the site
3. The location and dimensions of proposed driveways, parking and loading areas, and walkways
4. The location and dimensions of all provisions for water supply and wastewater disposal
5. The direction of proposed surface water drainage across the site
6. Location, front view, and dimensions of proposed signs
7. Location and type of exterior lighting
8. Proposed landscaping and buffering
9. Copies of applicable State and Federal approvals and permits, provided however, that the Board may approve development plans subject to the issuance of specified State and Federal approvals and permits where it determines that it is not feasible for the applicant to obtain them at the time of site plan review.
10. A schedule of construction, including anticipated beginning and completion date

Space shall be provided on the plan for the signatures of the Planning Board and date, together with the following words, "Approved: Town of Sebago Planning Board."

The approved site plan application shall be recorded only if authorized by the Planning Board or if it is a combined application for site plan and subdivision approval.

4. **ADDITIONAL INFORMATION FOR MAJOR DEVELOPMENTS** – Applications for major developments shall include the following additional information:
 - a. **Topography** – Existing and proposed topography of the site at two (2) foot contour intervals, or such other interval as the Planning Board may determine.
 - b. **Storm water plan** – A storm water drainage plan showing:
 1. The existing and proposed method of handling storm water run-offs
 2. The direction of flow of the run-off through the use of arrows
 3. The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers
 4. Engineering calculations used to determine drainage requirements based upon the 25-year 24-hour storm frequency, if the project will significantly alter the

existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.

- c. **Ground water impact analysis** – A groundwater impact analysis prepared by a groundwater hydrologist for projects involving common onsite water supply or sewage disposal facilities with a capacity of two thousand (2,000) gallons per day.
- d. **Utility plan** – A utility plan showing provisions for water supply and wastewater disposal including the size and location of all piping, holding tanks, leach fields, etc. and showing the location and nature of any solid waste collection facility and all electrical, telephone, and any other utility services to be installed on the site.
- e. **Landscaping plan** – A landscaping plan keyed to the site plan and indicating the varieties and sizes of trees, shrubs, and other plants to be planted on the site and other landscaping arrangements.
- f. **Signs** – The location, size and character of all signs
- g. **Erosion control plan** – An erosion and sedimentation plan showing plans for before and after construction. Approval from the appropriate State or Federal Soil and Water Conservation agency in this area is required.
- h. **Lighting plan** – Lighting plans showing the location, type, radius and intensity in foot-candles of all exterior lighting
- i. **Traffic impact analysis** – A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent streets.
- j. **Water supply statement** – If a public water supply is to be used, a written statement from the Utility District as to the adequacy of the water supply in terms of quantity and pressure for both domestic and fire flows.
- k. **Streets and sidewalks** – The location, width, typical cross-section, grades and profiles of all proposed streets and sidewalks
- l. **Construction drawings** – Construction drawings for streets, sanitary sewers, water and storm drainage systems, designed and prepared by a professional engineer registered in the State of Maine.
- m. **Public use areas** – The location of any pedestrian ways, lots, easements, open spaces and other areas to be reserved for or dedicated to public use and/or ownership. For any proposed easement, the developer shall submit the proposed easement language with a signed statement certifying that the easement will be executed upon approval of the development. In the case of any streets or other ways dedicated to public ownership, the developer shall submit a signed statement that he will maintain such streets or ways year-round until they are accepted by the Town.

- n. **Covenants, deed restrictions** – A copy of such covenants or deed restrictions, if any, as are intended to cover all or part of the tract. Such covenants or deed restrictions shall be referenced on the plan.
- o. **Dedication and conveyance** – Written offers of dedication or conveyance to the municipality, in a form satisfactory to the Town Attorney, of all land included in the streets, highways, easements, parks, or other open space dedicated for public use, and copies of agreements or other documents showing the manner in which open spaces, title to which is reserved by the developer, are to be maintained.
- p. **Homeowner's association** – If the development is a condominium or a clustered development, evidence that all requirements relative to establishment of a homeowners' association or condominium owners' association have been met. If the development is a clustered development, evidence shall be presented that all other requirements of this Ordinance pertaining to clustered developments have been met. The submission shall include copies of the by-laws of any homeowners' or condominium association charged with maintaining common spaces and lands. Homeowners' associations or condominium documents shall clearly state that the association or condominium shall properly maintain private roadways serving the development after the developer has legally relinquished that responsibility and until such time as the Town may accept them as public ways.
- q. **Costs** – Cost of the proposed development and evidence of financial capacity to complete it. This evidence should be in the form of a letter from a bank or other source of financing indicating the name of the project, amount of financing proposed, the portion financed and interest in financing the project.

5. **5. Narrative** – A narrative and/or plan describing how the proposed development scheme relates to the site inventory and analysis if the application is for a major development.

6. **Waiver** -- The Planning Board may modify or waive any applicable submission requirement when the Board determines that such submission requirement (1) is not necessary for the Board to evaluate the application against the standards in Section 7; (2) will not adversely affect the general health, safety, or welfare of the Town; and (3) is not contrary to the purposes of this Ordinance.

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H. CRITERIA AND STANDARDS

All applications for Site Plan approval shall comply with the provisions and standards of Sections 4 (Schedule of Uses) and 5 (Land Use Standards), of this Ordinance. In addition, the following criteria and standards shall be utilized by the Planning Board in reviewing applications for site plan review. These standards are intended to provide a guide for the applicant in the development of the site and building plans as well as a method of review for the Board. The Planning Board may require an expert consultant or consultants to study and report as to compliance or non-compliance with these standards and to advise, if necessary, of procedures which will result in compliance. Such consultants shall be fully qualified to provide the required information and shall be mutually acceptable to the Town and the applicant. Costs shall be borne by the applicant.

The Planning Board may waive the criteria presented in this section upon a determination by the Planning Board that the criteria are not applicable to the proposed development or upon a determination by the

Planning Board that the application of these criteria are not necessary to carry out the intent of this Ordinance. The Planning Board shall approve the site plan unless the plan does not meet the intent of one (1) or more of the following criteria provided that the criteria were not first waived by the Planning Board.

The Planning Board in reviewing projects requiring Site Plan Approval under this Ordinance shall make positive written findings that the applicant has met its burden of demonstrating submitted clear and convincing evidence that:

1. **BUFFERS, SCREENING, LANDSCAPING, NATURAL FEATURES** – Adequate provision has been made with regard to buffers, screening, landscaping, and the preservation and enhancement of significant natural features.
2. **BURDEN ON MUNICIPAL SERVICES** – Adequate provision has been made to avoid any undue burden on municipal services.
3. **CONGESTION, UNSAFE CONDITIONS** – Any traffic increase attributable to the proposed project will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed development.
4. **GROUNDWATER PROTECTION** – The proposed site development and use shall not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems. Projects involving common on-site water supply or sewage disposal systems with a capacity of two thousand (2000) gallons per day or greater shall demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.
5. **HAZARDS/NUISANCES** – Adequate provision has been made to avoid any hazard to travel on public or private ways, or any glare or other nuisance to the use of adjoining public or private property.
6. **IMPACT ON NEIGHBORING PROPERTIES** – Adequate provision has been made to prevent any undue adverse effect upon adjacent or nearby properties.
7. **OFF-STREET PARKING AND LOADING** – Adequate provision has been made for off street parking and loading.
8. **OPEN SPACE**
 - a. Common open space areas shall be contiguous, where possible.
 - b. Common open spaces as shown on any approved development plan shall contain a notation that common open space areas shall not be further developed for any other use.
 - c. When reviewing the location and type of open space designated in an application, the Planning Board shall require:

1. Individual lots, buildings, streets, and parking areas shall be designed and situated:
 - a. to minimize alterations of the natural site
 - b. to avoid the adverse effects of shadows, noise and traffic on the residents of the site
 - c. to relate to surrounding properties and to improve the view from and of buildings
 2. Diversity and originality in lot layout and individual building, street, parking and lot layout shall be encouraged.
 3. Open space shall include irreplaceable natural features located on the tract (such as, but not limited to, stream beds, significant stands of trees, individual trees of significant size, and rock outcroppings).
 4. Open space intended for recreation or public use shall be determined by the size, shape, topographic and location requirements of the site.
9. **OUTDOOR DISPLAY/STORAGE** – Adequate provision has been made to locate and design proposed outdoor display and/or storage areas so as to avoid any safety hazard to vehicular and pedestrian traffic on and off the site.
10. **PROPER OPERATION OF PROPOSED USE** – Adequate provision has been made to assure the proper operation of the proposed business(es) or activity(ies) on the site through the provision of adequate and appropriate utilities, drainage, water supply, sewage disposal, solid waste disposal, access, parking and loading, and other necessary site improvements.
11. **PUBLIC HEALTH, SAFETY, WELFARE** – Adequate provision has been made to prevent any significant adverse effect upon the public health, safety, or general welfare of the neighborhood or community.
12. **SCENIC AREAS/NATURAL BEAUTY** – Adequate provision has been made, including, but not limited to modification of the proposed design of the site, timing of construction, and limiting the extent of filling or excavation, to protect to the maximum extent possible, the scenic or natural beauty of the area including scenic areas designated in the Comprehensive Plan, aesthetics, historic sites, archaeological resources, rare and irreplaceable natural areas, wildlife habitats including deer wintering areas identified in the Comprehensive Plan, existing uses, air quality, water quality, or other natural resources within the town or in neighboring towns.
13. **SHORELAND VEGETATION/VISUAL ACCESS** – Whenever a project is situated, in whole or in part, within two hundred fifty feet (250'), horizontal distance, of the normal high-water line of any great pond or river, or within two hundred fifty feet (250') horizontal distance, of the upland edge of a freshwater wetland, or within seventy five feet (75'), horizontal distance, of the normal high-water line of a stream, adequate provision has been made to conserve shoreland vegetation, visual points of access to waters as viewed from public facilities, and actual points of public access to waters.

14. **SOILS** – That the proposed project will be built on soil types which are suitable to the nature of the project and that adequate provision has been made to avoid erosion, contamination of ground or surface waters, interference with adjacent land, over-burdening of natural or artificial drainage systems, and/or any other adverse effects of inadequate drainage.
15. **SPECIAL FEATURES** – Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
16. **TRAFFIC MOVEMENT** – Adequate provision has been made for traffic movement of all types, including pedestrian, into, out of, and within the proposed project. The Board shall consider traffic movement both on-site and off-site in making its determination under this criterion.
17. **UTILITIES**
 - a. All utilities included in the site plan shall be reviewed as to their adequacy, safety and impact on surrounding properties. Storm drainage, sanitary waste disposal, solid waste collection and disposal, water supply, electricity and telephone services shall be reviewed.
 - b. The following criteria shall be followed:
 1. Emphasis shall be placed on the protection of floodplains; reservation of stream corridors; establishment of drainage rights-of-ways and the adequacy of the existing system; the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage; provide for treatment of effluent, and maintain an adequate supply of potable water at sufficient pressure.
 2. Whenever feasible, utility lines shall be installed underground.
 3. Any utility installations above ground shall be located so as to have a harmonious relationship with neighboring properties and the site.
18. **WASTE DISPOSAL** – The proposed development shall provide for adequate disposal of solid wastes and hazardous wastes.
 - a. All solid waste shall be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.
 - b. All hazardous wastes shall be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted
19. **OTHER LOCAL ORDINANCES** – The proposed development will comply with all applicable standards of this Ordinance and any other ordinances of the Town of Seabago.

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SECTION 8 – SUBDIVISION REVIEW

A. PURPOSE

The purpose of these standards shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community.

B. STATUTORY CRITERIA

In approving subdivisions within the Town of Sebago, Maine, the Planning Board shall evaluate the proposed subdivision. When reviewing a subdivision for approval, the Planning Board shall consider the following criteria set forth in M.R.S.A. Title 30-A, Section 4404, or as amended by State law, and, before granting approval, shall determine that:

1. **Pollution** – The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:
 - a. The elevation of the land above sea level and its relation to the flood plains
 - b. The nature of soils and subsoils and their ability to adequately support waste disposal
 - c. The slope of the land and its effect on effluents
 - d. The availability of streams for disposal of effluents
 - e. The applicable state and local health and water resource rules and regulations
2. **Sufficient water** – The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.
3. **Municipal water supply** – The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used.
4. **Erosion** – The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition may result.
5. **Traffic** – The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section.

6. **Sewage disposal** – The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.
7. **Municipal solid waste disposal** – The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized.
8. **Aesthetic, cultural and natural values** – The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas.
9. **Conformity with local ordinances and plans** – The proposed subdivision is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.
10. **Financial and technical capacity** – The subdivider shall have adequate financial and technical capacity to meet the standards of this section.
11. **Surface waters; outstanding river segments** – Whenever situated entirely or partially within the watershed of any pond or lake or within two-hundred-fifty (250) feet of any wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

Note: Subsection 11-A of the subdivision statute contains additional requirements for outstanding river segments, as defined in Section 4401, subsection 7. There are no outstanding river segments in Sebago.
12. **Ground water** – The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. **Flood areas** – Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the one hundred (100) year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the one hundred (100) year flood elevation.

14. **Freshwater wetlands** – All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.
15. **River, stream or brook** – Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, section 480-B, subsection 9.
16. **Storm water** – The proposed subdivision will provide for adequate storm water management.
17. **Spaghetti-lots prohibited** – No lot in any subdivision shall have a depth to width ratio greater than 5 to 1.
18. **Lake phosphorus concentration** – The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
19. **Impact on adjoining municipality** – For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
20. **Lands subject to liquidation harvesting** – Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that five (5) years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within five (5) working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within thirty (30) days of receipt of the municipal reviewing authority's request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a licensed forester.

For the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12, section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership. This subsection takes effect on the effective date of rules adopted pursuant to Title 12, section 8869, subsection 14.

C. AUTHORITY AND ADMINISTRATION

1. AUTHORITY

- a. These Standards have been prepared in accordance with the provision of the Maine Revised Statutes, Title 30-A, Sections 4401-4407, as Amended.
- b. These Standards shall be known and may be cited as "Subdivision Standards of the Town of Sebago, Maine".

2. ADMINISTRATION

- a. The Planning Board of the Town of Sebago, hereinafter called the Board, shall administer these Standards.
- b. The provisions of these Standards shall pertain to all land within the boundaries of the Town of Sebago, Maine.

D. GENERAL REQUIREMENTS

The Planning Board's review of applications for the subdivision of land shall be subject to the following general requirements. In all instances, the burden of proof shall be upon the person proposing the subdivision.

1. **PROCEDURES FOR SUBDIVISION REVIEW PLANNING BOARD REVIEW** – Applications for subdivision approval shall be submitted to the Town on forms provided by the Town to the attention of the Town Planner in accordance with Sections 8.E (Sketch Plan), 8.F (Preliminary Plan) and 8.G (Final Plan). In reviewing applications for the subdivision of land, the Board shall consider the following general requirements. In all instances, the burden of proof shall be upon the person proposing the subdivision.

2. **IMPACT ON SERVICES AND FACILITIES** – Any proposed subdivision shall be reviewed by the Board with respect to its effect upon existing services and facilities. The Final Plan shall include a list of the construction items that will be completed by the developer prior to the sale of lots and the list of construction and maintenance items that must be borne by the Town of Sebago, which shall include, but not be limited to:

Schools, including busing
Road maintenance and snow removal
Public safety and emergency protection

Subdivision Review

Recreation facilities
Solid waste disposal

The Board shall further require the developer to provide reasonable cost estimates to the town for the above services, and the expected tax revenue of the subdivision.

3. RETENTION OF PROPOSED PUBLIC SITES AND OPEN SPACES

- a. Depending on the size and location of the subdivision, the Board may require the developer to provide up to ten percent (10%) of his total area for recreation or other town purposes. It is desirable that areas reserved for recreation be a least one acre in size and easily accessible from all lots within the subdivision.
- b. Land reserved for park and/or recreational purposes shall be of a character, configuration and location suitable for the particular use intended. A site to be used for active recreation purposes, such as a playground or a playfield, should be relatively level and dry, have a total frontage on one or more streets of at least two hundred (200) feet, and have no major dimensions of less than two hundred (200) feet. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board may deem suitable and shall have no less than twenty-five (25) feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.
- c. Where the proposed subdivision is located on a lake, pond, river, or stream, a portion of the waterfront area, when feasible, shall be included in the reserved land.

- 4. LANDSCAPE PLAN** – The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible.

- 5. DRAINAGE EASEMENTS** – Where a subdivision is traversed by a natural water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction, or both, as will assure that no flooding occurs and all storm water can be disposed of properly, such easement or right of way shall be wide enough to accommodate the situation.

6. RESIDENTIAL LOT STANDARDS

- a. Lots shall meet or exceed the minimum requirements per residential dwelling unit set forth in Section 4 (Schedule of Uses), Paragraph G (Dimensional Requirements) of this Ordinance.
- b. If more than one residential dwelling unit is constructed on a single parcel, the minimum lot size requirement shall be met for each dwelling unit.
- c. A lot abutting a lake, pond, river or stream shall have a minimum shore frontage of 150 feet, measured in a straight line between the two points of intersection of the side lot lines with the shorelines at normal high water elevation. A lot abutting a street or highway shall have a minimum frontage on said street or highway that complies with Section IV, Paragraph G of this Ordinance, measured in a straight line between the two points of intersection of the side lot lines with the sideline of said street or highway.
- d. Structures shall not cover more than twenty percent (20%) of any lot.
- e. This section shall not apply to any lot which prior to March 15, 1975 was specifically described as an identifiable and separate lot either in the instrument conveying such lot to the then owner or in a valid and enforceable agreement for purchase and sale or was shown on a plan recorded in accordance with the law, prior to March 15, 1975; provided that on and after March 15, 1975 if two or more lots or combination of lots and portions of lots with continuous frontage are in single ownership at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the land involved shall be considered to be an individual parcel for the purpose of this Ordinance and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of parcel be made which leaves the remaining frontage or area below the requirements stated in this Ordinance.
- f. This Ordinance shall not apply to any structure in existence and in place on or before November 28, 1977, which then or therefore disposed of wastes by means of subsurface waste disposal, except that no person shall reduce the size of the lot upon which said structure is located to a size or frontage less than allowed by M.R.S.A. Title 12, § 4807-B. No lot shall be comprised of more than fifteen percent (15%) unusable land.

7. ~~PROCEDURES FOR SUBDIVISION REVIEW — An application for subdivision approval shall be submitted on a form prepared by the Board, to the Board at the same time that the Sketch Plan is submitted to the Board.~~

E. SKETCH PLAN

1. PROCEDURE

Subdivision Review

- a. **Sketch Plan and Application** – ~~IPrior to the inspection,~~ the subdivider shall submit ~~to the Board for informal discussion,~~ a Sketch Plan together with an Application for Subdivision Approval on a form provided by the Town to the attention of the Town Planner and other data relative to the proposed subdivision which may be of assistance to the Board in making its determination.
- b. **Fee** – The Sketch Plan and application shall be accompanied by the applicable a fee established by the ~~Select Board~~Board of Selectmen, payable by check to the Town of Sebago.
- c. **Dated Receipt** – Upon receiving an application, the ~~Board-Town~~ will issue to the applicant a dated receipt. Within thirty (30) days from receipt of an application, the ~~Town Planner Board~~ will notify the applicant in writing: whether additional information is required, in order to place the application on the agenda of a Planning Board meeting for a completeness determination. Upon receipt of such additional information, the Town Planner shall forward the application and Sketch Plan to the Planning Board for a determination whether the sketch plan and application are complete, either that the application is a complete application, or, if the application is incomplete, the specific additional material needed to make a complete application. After the municipal reviewing authority has determined that a complete application has been filed, it shall notify the applicant.
- ~~1. **Board Action** – The Board will within thirty (30) days of a public hearing or within sixty (60) days of receiving a completed application, if no hearing is held, or within such other time limit as may be otherwise mutually agreed to, issue an order denying or granting approval upon such terms and conditions as it may deem advisable to satisfy the requirements of this Ordinance and to satisfy any other regulations adopted by the Board, and to protect and preserve the public's health, safety and general welfare. In all instances the burden of proof shall be upon the person proposing the subdivisions. In issuing its decision, the Board will make findings of fact establishing that the proposed subdivision does or does not meet the foregoing criteria.~~
- d. **Notification of Planning Board Completeness Determination** – If the Town Planner determines that a Sketch Plan and application contain all the documentation required by this Ordinance, the Sketch Plan and application shall be placed on the agenda of a Planning Board meeting for a completeness determination. For subdivisions of five (5) or more lots, the applicant shall mail notice of the Planning Board meeting by certified U.S. mail, return receipt requested, to the owners of abutting and nearby properties described in Section 7.G.3 at least ten (10) days prior to the meeting. The Town Clerk shall publish notice of the meeting on the Town's website at least seven (7) days prior to the meeting. Prior to making a completeness determination, the Planning Board

shall provide the public with an opportunity to comment on whether the application is complete. If the Planning Board determines that an application is not complete, it shall provide the applicant with an indication of the additional information that will be required in order for the application to be placed on the agenda of a subsequent Planning Board meeting. If the Planning Board determines that a Sketch Plan and application are complete, it shall notify the applicant. Within thirty (30) days from the receipt of the Sketch Plan, the Board will notify the applicant in writing either that the Sketch Plan is complete or if the Sketch Plan is incomplete, the specific additional material needed to make a complete Sketch Plan.

d.e. **Vote to Commence Substantive Review** – Once the Planning Board has determined that a Sketch Plan and application are complete, it shall adopt a vote to commence substantive review, either at the same or a subsequent meeting. Until such a vote has been taken, the Planning Board shall not engage in further discussion or review of the application.

2. SUBMISSIONS

- a. **Streets, Lots, Data** – The Sketch Plan shall show, in simple sketch form, neatly done, on a topographic map, the proposed layout of streets and lots. The Sketch Plan shall include the existing topographic data listed below, and all other data as the Board determines is necessary for its consideration of the proposed Sketch Plan.
1. **Boundaries of Tract** – If the proposed subdivision is a portion of a larger tract then the boundary lines of the larger tract must be shown.
 2. **Easements** – location, width and purpose
 3. **Streets** – Streets adjacent to the proposed subdivision showing right-of-way width, location and name
 4. **Underground Structures** – Culverts and other underground structures within the tract and immediately adjoining thereto
 5. **Utilities** – Existing utilities on and adjacent to the tract
 - a. Electric and telephone poles
 - b. Location and size of any proposed community sewage disposal system
 - c. Location of any proposed community water system and location of water main
 - d. Type of land use on and adjacent to the tract

6. **Name** – Proposed name of the subdivision or identifying title
 7. **Misc.** – The date, north point, map scale, name and address of record owner and subdivider, and the names of adjoining property owners
 8. **Scale and Numbers of Copies** – The Sketch Plan shall be drawn to a scale of not less than one-inch equals 100 feet nor greater than one-inch equals 400 feet. At least seven copies shall be provided.
- b. **General Information** – General subdivision information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawing required above. This information shall include:
1. **Covenants** – Data on existing covenants
 2. **Descriptive Information** – Information describing the subdivision proposal such as:
 - a. Price range
 - b. Business areas
 - c. Proposed restrictions and conditions to be incorporated in the deed or otherwise recorded.
 3. Owners of nearby property – the names and addresses of the owners of abutting and nearby properties as described in Section 7.G.3.
 - ~~3. **Rights Not Vested** – The sketch plan, a pre-application meeting, the submittal, a review of the sketch plan, an on-site inspection or a Public Hearing shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1 M.R.S.A. §302~~ **Construction and effect of repealing or amending Acts** until the committee shall vote to commence Substantive Review.
 4. **Dead-End Streets**
 - a. Dead-end streets are defined as those that have a single outlet for vehicular traffic. A road system where the sole access is through a single intersection and where blockage of that intersection prevents access to the rest of the street. The point of terminus to determine the length of the dead-end street is that point furthest from the sole point of access and that serves three (3) dwellings or more.
 - b. Limiting new dead-end streets to a maximum length is an effective tool that can encourage compact development and help prevent habitat fragmentation.

- c. Maximum length of dead-end streets whether the streets meet the definition of major or minor streets shall not exceed 1500 feet, or the length required to serve up to 25 dwellings whichever comes first. The Planning Board may waive the maximum length required as stipulated if it finds that:
 - 1. Ten (10) dwellings or less will be served by the street,
 - 2. The road has a maximum length of two thousand feet (2000),
 - 3. The applicant has demonstrated that overall environmental impact by the development will not be reduced by the longer street.
- d. Any dead-end street in excess of one thousand (1000) feet in length shall meet mandatory requirements for the entire length of the dead-end street. Mandatory requirements shall include the placement of all utilities underground and a minimum pavement width of twenty-two (22) feet.
- e. The terminus of any dead-end street must have a cul-de-sac, with standards as listed in Sec. 5 table 5-1. Other types of turnarounds may be approved by the Planning Board after receiving a recommendation by the Fire/EMS Chief and the Public Works Director.
- f. Sebago has many pre-existing dead-end streets that predate any formal review process. This section is intended to identify those by name and to not preclude development of new dead-end extensions that would otherwise be prohibited: Peabody Pond Road, Anderson Road, Woods Road, Northwest River Road and Barker Pond Rd.

F. PRELIMINARY PLAN

1. PROCEDURE

- a. **Deadline for Submission** – Within six (6) months after receipt of a completed Sketch Plan by the Board, the subdivider shall submit a Preliminary Plan for the subdivision. to the Town to the attention of the Town Planner with the applicable fee established by the Select Board. Within thirty (30) days of receipt of the Preliminary Plan, the Town Planner shall notify the applicant if the Preliminary Plan is sufficient for placement on the agenda of a Planning Board meeting, and, if not, shall provide the applicant with an indication of the additional information that will be required. Upon a determination by the Town Planner that the Preliminary Plan contains all the documentation required by this Ordinance, the Preliminary Plan shall be placed on the agenda of a Planning Board meeting for a completeness determination and a public hearing. Failure to submit a Preliminary Plan within six (6) months de-se shall require re-submission of the Sketch Plan to the Board for review. The Preliminary

Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Board.

- b. **Fee** – The Preliminary Plan shall be accompanied by a fee established by the Select Board~~Board of Selectmen~~, payable ~~by check~~ to the Town of Sebago, ~~stating the specific purpose of the fee~~. In addition, the applicant shall pay into an escrow account such amount as may be required by the Planning Board~~a review fee established by the Board of Selectmen~~, to be deposited in an account by the Town. The review-escrow account funds shall be used by the Board to pay for professional reviews and advice relating to the developer's application. Whenever the balance in this special account shall be depleted by seventy-five percent (75%), the Board may notify the applicant of the expenditures and require an additional payment to be deposited as necessary. Until this balance is replenished, the Board shall take no further action on the subdivision. Any balance in the account remaining after all inspections are completed and the Planning Board renders its final decision on the application shall be returned to the applicant.
- c. **Board Meeting** – The subdivider, or his duly authorized representative, shall attend the Board meeting and public hearing~~meeting of the Board to discuss on~~ the Preliminary Plan.
- c.d. **Public Hearing** –When a public hearing on a Preliminary Plan has been placed on the agenda of a Planning Board meeting, the applicant shall mail notice by certified U.S. mail, return receipt requested, to abutting and nearby property owners in accordance with Section 7.G.3 at least ten (10) days prior to the public hearing. The applicant shall also cause notice of the public hearing to be published in the Bridgton News at least seven (7) days prior to the hearing. The Town Clerk shall post a notice of the public hearing on the Town's website at least seven (7) days prior to the hearing. The applicant shall provide evidence to the Planning Board that the required notices have been mailed and a copy of the notice published in the Bridgton News. The notification shall describe the subject matter of the public hearing. Failure to receive this notice shall not invalidate the proceedings herein prescribed.
- d.e. **Board Action on the Plan** – The Board shall, within thirty (30) days of the close of the public hearing, or within such other time limit as may be otherwise mutually agreed to, grant preliminary approval with or without modifications, or disapprove such Preliminary Plan. The reasons for any modification required or the grounds for disapproval shall be stated in the Board's decision and a copy will be provided to the subdivider. Within sixty (60) days after formal submission of a preliminary plan, the Board shall take action to give preliminary approval with or without modifications, or disapprove such preliminary plan. The reasons for any modification required or the grounds for any disapproval shall be stated upon the records of the Board and a copy will be provided to the subdivider.

e. ~~**Public Hearing** – The Board shall hold a public hearing with thirty (30) days of receipt of the preliminary plan, and shall cause notice of the date, time and place of such hearing to be given to the subdivider or his agent, and to be published in a newspaper of general circulation in the Town of Sebago, at least two times, the date of the first publication to be at least seven (7) days before the hearing. The Town Clerk shall give notice by mail of the public hearing to all owners of land abutting the proposed subdivision. Failure to receive this notice shall not invalidate the proceedings herein prescribed. The owners of the properties to be notified shall be considered to be the parties listed by the Board of Assessors as those against whom taxes are assessed. The notification shall describe the subject matter of the public hearing.~~

f. **Conditions** – When granting approval to a preliminary plan the Board shall state the conditions of such approval, if any with respect to:

1. **Required Changes** – The specific changes which it will require in the Final Plan.
2. **Required Improvements** – The character and extent of the required improvements for which waivers may have been requested and which, in its opinion, may be waived without jeopardy to the public health, safety and general welfare.
3. **Amount of Improvements or Bonds** – The amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the final subdivision plan. The decision of the Board, plus any conditions imposed shall be noted on three (3) copies of the preliminary plan by the Chairman of the Board in black ink. One copy shall be returned to the subdivider and the remaining two copies retained by the Board.

g. **Limitations of Preliminary Plan Approval** – Approval of a preliminary plan shall not constitute approval of the Final Plan, but rather it shall be deemed as an expression of approval of the design submitted on the preliminary plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Board upon fulfillment of the requirements of these standards and the conditions of the preliminary approval, if any. Prior to approval of the final subdivision plan, the Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at a public hearing.

2. SUBMISSIONS

a. **Location Map** – The preliminary plan shall be accompanied by a location map drawn at a scale of not over four hundred (400) feet to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The location map shall show:

1. **Area within 100 Feet** – All the area within one hundred (100) feet of any property line of the proposed subdivision showing:
 - a. All existing subdivision and approximate tract lines of acreage parcels together with names of the record owners of all parcels of land within such area.
 - b. The boundaries and designations of parks and other public spaces.
 - c. An outline of the proposed subdivision together with its street system and an indication of the future probable street system of the remaining portion of the tract, if the preliminary plan submitted covers only part of the subdivider's entire holding.
- b. **Preliminary Plan** – The subdivider shall submit seven (7) copies of each map or drawing, which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to a scale of not more than one hundred (100) feet to the inch (preferably forty (40) to the inch), showing or accompanied by the following information:
 1. **Sketch Plan Information** – All existing information provided as part of the Sketch Plan.
 2. **Acres** – Number of acres within the proposed subdivision.
 3. **Lots and Buildings** – Proposed lot lines with approximate dimensions, lot numbers, areas in square feet and suggested locations of buildings.
 4. **Easements and Watercourses** – Proposed easements and existing watercourses and proposed watercourses.
 5. **Contour Lines** – Contour lines at intervals of not more than five (5) feet or at such other intervals as the Board may require.
 6. **Roadway Cross Sections** – Typical cross sections of the proposed grading for roadway including width, type of pavement, elevations and grades.
 7. **Water Supply** – Connections with existing or proposed water supply or alternative means of providing water supply to the proposed subdivision.
 8. **Sewage Treatment System** – Connection with existing or proposed sanitary sewerage system or alternative means of treatment and disposal proposed.

9. **Private Sewage Disposal** – If a private sewage disposal system is proposed, location and results of tests to ascertain sub-surface soil and ground water conditions, depth to maximum ground water level, location and results of soil test. Location of test pits for subsurface wastewater disposal systems shall be dug in the area where this system would most likely be placed. At the option of the Board, an alternate test pit may be required.
10. **Drainage Plan** – Provisions for a drainage plan and certification by a professional engineer that the change in hydrologic conditions will not cause flood damage to public or private property.
11. **Bridges and Culverts** – Preliminary designs of any bridges or culverts which may be required.
12. **Temporary Markers** – The location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field.
13. **Parcels for Public Use** – All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
14. **Features to be Preserved** – The location of all natural features or site elements to be preserved.
15. **Soil Report** – A soils report identifying the soils boundaries and name in the proposed subdivision with the soils information superimposed upon the plot plan in accordance with the USDA Soil Conservation Service National Cooperative Soil Classification. A lot by lot soils suitability determination for house building with septic sewage disposal or, if appropriate, house building with public sewage disposal, shall be made in accordance with the Soil Suitability Guide for Land Use Planning in Maine and will accompany the plot plan soils study.
16. **Erosion Plan** – A soil erosion and sediment control plan shall be prepared in accordance with the guidelines of the Cumberland County Soil and Water Conservation Commission.
17. **Certification** – Certification by a registered professional engineer that all survey, deed and supporting information accurately reflects the true conditions existing on the proposed subdivision.

G. FINAL PLAN

1. PROCEDURE

a. **Deadline for Submission** – The subdivider shall, within six (6) months after the approval of the Preliminary Plan, file with the Town to the attention of the Town Planner an application for approval of the final subdivision plan in the form described herein with the applicable fee established by the Select Board. Within thirty (30) days of receipt of the Final Plan, the Town Planner shall notify the applicant if the Final Plan contains all of the documentation required by this Ordinance, and if not, shall provide the applicant with an indication of the additional information that will be required. Upon a determination by the Town Planner that the Final Plan contains all the documentation required by this Ordinance, the Final Plan shall be placed on the agenda of a Planning Board meeting for a completeness determination. The Planning Board may schedule a public hearing on the Final Plan. If a public hearing is scheduled, the applicant and the Town Clerk shall follow the same notice requirements as those required for the hearing on the Preliminary Plan under Section 8.F.1.d. If the Final Plan is not submitted to the Board within six (6) months after the approval of the Preliminary Plan, the Board may refuse ~~without prejudice~~ to act on the Final Plan and require resubmission of the Preliminary Plan. ~~All applications for Final Plan approval for subdivisions shall be accompanied by a fee established by the Board of Selectmen, payable by check to the Town of Sebago.~~

b. **Prior Approval of State Required** – If the proposed subdivision:

1. **Larger than 10 Acres** – Occupies a land area in excess of ten (10) acres, and/or
2. **60,000 square feet** – Involves a structure or structures, having in excess of sixty thousand (60,000) square feet of ground area coverage, and/or
3. **License** – Requires a license from the Maine Department of Environmental Protection under some other regulation such as waste discharge or air quality, and/or
4. **Other DEP Jurisdiction** – In any other way falls within the jurisdiction of and is subject to review by the State of Maine Department of Environmental Protection.

Then the approval of the State of Maine Department of Environmental Protection, if required, shall be secured in writing before official submission of the Final Plan.

c. **Water Supply System** – Water supply system proposals contained in the subdivision plan shall be approved in writing by:

1. **Servicing Water Department** – The servicing water department if existing or proposed public water service is to be used, or

2. **DHHS** – The State of Maine Department of Health and Human Services if the subdivider proposes to provide a central water supply system, or
3. **Engineer** – A civil engineer registered in the State of Maine if individual wells serving each building site are to be used. The Board may also require the subdivider to submit the results of water quality tests as performed by the State of Maine Department of Health and Human Services.

Such approval shall be secured before official submission of the Final Plan.

- d. **Sewage Disposal System** – Sewage disposal system proposals contained in the subdivision plan shall be properly endorsed and approval in writing by:

1. **Servicing District** – The servicing sanitary sewer district if existing or proposed public disposal systems are to be used, or
2. **DHHS** – The State of Maine Department of Health and Human Services if a separate central sewage collection and treatment system is to be utilized.
3. **Local Plumbing Inspector** – The local plumbing inspector if individual subsurface wastewater disposal systems are to be installed by the builder.

Such approval shall be secured before official submission of the Final Plan.

- e. **Board Action on the Plan** – The Board shall, within thirty (30) days of the close of a public hearing, or within sixty (60) days of the Planning Board determining that it has received a complete application, if no hearing is held, or within such other time limit as may be otherwise mutually agreed to, within sixty (60) days from the date of submission, approve, modify and approve, or disapprove the Final Plan. The reasons for any modification required or the grounds for disapproval shall be stated in the records of the Board's decision and a copy will be provided to the subdivider.

2. SUBMISSIONS

- a. **Final Plan** – The Final Plan shall be submitted with three Mylar originals and seven (7) copies (including one sepia print), of each map or drawing, together with two (2) copies of any attachments required for approval. All maps and drawings shall be printed or reproduced in the same manner as the preliminary plan. Space shall be reserved thereon for endorsement by all appropriate agencies. The Final Plan submissions must be received at the Town Office by the Planning Board at least two

weeks in advance of the meeting at which it is to be considered. The Final Plan shall show:

1. **Preliminary Plan Information** – All of the information presented on the preliminary plan, location map and any amendments thereto suggested or required by the Board.
 2. **Professional Credentials and Seal** – The name, registration number and seal of the land surveyor or engineer or planning consultant who prepared the plan.
 3. **Street Names and Walkways** – Street names and pedestrian ways
 4. **Bearings and Lengths of Lines** – Sufficient data to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Parting lines of all lands adjoining the subdivision shall be shown.
 5. **Street Data** – The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearing for each street.
 6. **Lot Numbers** – Lots within the subdivision numbered as prescribed by the Board.
 7. **Public Spaces** – All public open space for which offers of cession are made by the subdivider and those spaces to which title is reserved by him.
 8. **Reference Monuments** – Permanent reference monuments shown thus: "X". They shall be constructed and placed in accordance with specifications herein, and their location noted and referenced upon the Final Plan.
 9. **Landscaping Program** – The plan shall indicate the proposed landscaping program of the subdivider.
- b. **Additional Information** – There shall be submitted to the Board with the Final Plan:
1. **Offers of Cession and Agreements** – Written offers of cession to the Town of Sebago of all public open space shown on the plan, and copies of agreements or other documents showing the manner in which spaces, title to which is reserved by the subdivider, are to be maintained.

2. **Subdivision Roads to Remain Private** – Subdivision roads are to remain private unless accepted by the Town.
3. **Covenants, Restrictions, Conditions** – Written statement of covenants, restrictions and conditions to be incorporated in any deed or separate instrument to be recorded in the Cumberland County Registry of Deeds, having reference to any conveyance of land as delineated on said Final Plan by the subdivider.

3. **FINAL APPROVAL AND FILING**

- a. **Approval of All or a Portion of the Plan** – Upon completion of the requirements as set forth in Paragraphs E (Sketch Plan) and F (Preliminary Plan), the Board shall have the option under the guidelines of the Ordinance, of approving the Final Plan in its entirety or a portion of the Final Plan. The Mylar original of the Final Plan approved shall be properly signed by a majority of the members of the Board, using black ink.
- b. **Division of Plan into Sections** – In the event the Board exercises its option to approve only a portion of lots, the Board may permit the plan to be divided into one or more sections subject to any conditions of the plan. In this event, each section shall be considered an individual Final Plan. In these circumstances, application for Final Plan approval on the remaining sections of the plan must be made with two (2) years of approval of the first section or a period of time mutually agreed to by the Board and the subdivider.
- c. **Disposition of Signed Copies** – As each Final Plan has the approval entered upon it, one (1) copy of the plan shall be returned to the subdivider. The other copies shall be retained by the Board, two (2) copies of which shall be maintained in the subdivision plan file and the third copy given to the Town Clerk.
- d. **Recording** – Within ninety (90) days of Final Approval, the subdivider or his agent shall record the subdivision in the Cumberland County Registry of Deeds and shall submit a copy of the Plan to the Town, with a copy of the receipt for recording. Filing time extensions of up to two ninety (90) day periods may be granted by the Board with justification provided by the subdivider and accepted by the Board. Failure to comply with this requirement shall render the subdivision null and void.

4. **PLAN REVISIONS AFTER APPROVAL** – No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing on the plan, unless the plan is first re-submitted and the Board approves any modification. In the event that a Final Plan is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute

proceedings to have the plan stricken from the records of Selectmen and the Cumberland County Registry of Deeds.

5. **RESUBDIVISION** – There shall be no re-subdivision of any lot for a period for five (5) years from the date of approval of the Final Plan. After that period, any re-subdivision of a lot shown on an approved plan shall require Planning Board approval of an amendment to the prior plan. The developer shall note this restriction on all deeds.
6. **PUBLIC ACCEPTANCE OF STREETS, RECREATION AREAS** – The approval of the Board of the subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the Town of Sebago, Maine, of any street, easement, park, playground or other open space shown on said plan.

H. **PERFORMANCE GUARANTEES**

1. **REQUIREMENT** – The subdivider shall, in any amount set by the Board, file with the Town Clerk prior to the approval of the Final Plan, a performance guarantee in the form of a certified check payable to the Town of Sebago or a irrevocable letter of credit running to the Town of Sebago to cover the full costs of required improvements. Any such letter shall be satisfactory to the Board as to form, sufficiency, manner of execution and surety. The certified check or bond shall include an amount required for recreation land or improvements as specified.
2. **BOND TIME** – A period of two (2) years (or such period as the Board may determine appropriate, not to exceed three years) shall be set forth in the bond time within which required improvements must be completed.
3. **INSPECTION OF REQUIRED IMPROVEMENTS**
 - a. **Required Notification** – At least fourteen (14) days prior to commencing construction of required improvements, the subdivider shall notify in writing the Code Enforcement Officer and the Road Commissioner of the time when he proposes to commence construction of such improvements so that the Code Enforcement Officer and the Road Commissioner can cause inspection to be made to assure that all specifications and requirements shall be met during the construction of the required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.
 - b. **Payment of Inspection Fee** – If funds are not sufficient in the subdivision review account, at least five (5) days prior to commencing construction of required improvements the subdivider shall pay an inspection fee equal to the estimated cost of inspection by an engineer appointed by the Board payable by check to the Town of Sebago stating the purpose of the fee. If the actual cost exceeds the estimated costs, subdivider shall pay this difference at the completion of project.

If the actual cost is less than the fee deposited by the subdivider, this difference will be returned to the subdivider at the completion of the project.

- c. **Failure to Meet Construction Requirements** – If the inspector shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Board. The Board shall then notify the subdivider and if necessary, the bonding company and take all necessary steps to preserve the municipality's rights under the bond. No plan shall be approved by the Board as long as the subdivider is in default on a previously approved plan.
 - d. **Modification of Required Improvements** – If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the inspector that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the inspector may, upon written approval of the Board, authorize modifications, provided these modifications are within the spirit and intent of the Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The inspector shall issue an authorization under this section in writing and shall transmit a copy of such authorization to the Board at its next regular meeting.
 - e. **Two-Year Time Limit** – If substantial construction of at least ten percent (10%) of the estimated cost has not begun within two years from the approval date, the approval shall lapse and the applicant shall reapply to the Board for a new approval. Reapplication for approval shall state the reasons why construction was not begun and the reasons why the applicant will be able to begin the activity within two (2) years from the granting of a new approval, if granted. Reapplication for approval may include information submitted in the initial application by reference.
- 4. **RELEASE OF GUARANTEE** – Before the Board votes to release any guarantee of the subdivider, the Board shall determine that the subdivision requirements have been fulfilled. Such determination shall be a written certification presented to the Board from the following:
 - a. **Land Surveyor** – A registered land surveyor-acceptable to the Board and the subdivider, and paid for by the subdivider, that all permanent bounds or monuments on street lines and on lot lines (if such monuments are required) have been installed and are accurately in place in the location designated on the Final Plan.
 - b. **Release of Guarantee** – Upon completion of street construction, and prior to a vote of acceptance by the Planning Board as a completed project, a written certification signed by a professional engineer shall be submitted at the expense

of the applicant, certifying that the proposed project meets or exceeds the design and construction requirements of these regulations. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. "As built" plans shall be submitted prior to any final acceptance.

I. DESIGN STANDARDS AND SPECIFICATIONS

1. MONUMENTS

- a. Granite Monuments** – Granite monuments 4" in diameter or square, 3' long with a flat top shall be set at all street corners, at all points where the street line intersects the exterior of the subdivision, at angle points and points of curves in each street and at all corners and angle points of the subdivision boundaries. The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade.
- b. Iron Marker** – All other lot corners shall be marked with an iron rebar not less than 5/8" in diameter and 24" long and driven so as to be flush with the finished grade.

2. STREET SIGNS

- a. Requirements for Names** – Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality and shall be subject to the approval of the Board.
- b. Name Signs** – Street name signs shall be furnished and installed by the subdivider. The type, size and location shall be to the approval of the Board.

3. STREETS

[See Section 5 (Land Use Standards) – #32 (Streets)]

- 4. SIDEWALKS** – The Board may require the subdivider to install sidewalks at such locations as the Board may deem necessary. In the event the subdivider is required to install sidewalks, the installation shall be done at the subdivider's expense.

5. SURFACE DRAINAGE

- a. Drainage Easement** – Where a subdivision is traversed by a watercourse, drainage way or future sewer line or where the Board feels that surface water drainage to be created by the subdivision should be controlled for the protection of the subdivision and owners of property abutting it, there shall be provided an

easement or drainage right-of-way and culverts, catch basins or other means of channeling surface water within such subdivision and over the property of owners abutting upon it, of such nature, width and location as the Board deems adequate.

- b. Topsoil Requirement** – Topsoil shall be considered part of the subdivision. Except for surplus topsoil from roads, parking areas and building excavations, it is not to be removed from the site.
- c. Vegetation Requirement** – Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. The Board may require a developer to take measures to correct and prevent soil erosion in the proposed subdivision.

SECTION 9 – DEFINITIONS

A. CONSTRUCTION OF LANGUAGE

Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "lot" includes the word "plot;" the word "building" includes the word "structure;" "shall" is always mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

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

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual
2. The present tense includes the future tense, the singular number includes the plural and plural includes the singular
3. The word "shall" is mandatory
4. The word "may" is permitted
5. The words "used" or "occupied" includes the words "intended," "designed," or "arranged to be used or occupied"
6. The word "dwelling" includes "residence"

In the case of any difference or meaning or implication between the text of this Ordinance and any map or illustration, the text shall control.

Terms not defined shall have the customary dictionary meaning.

B. DEFINITIONS

For the purposes of interpreting this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein.

ABUTTING – Having a common border with, or being separated from such common border by an access easement or right-of-way.

ACCESS – A means of approach or entry to or exit from property.

ACCESSORY BUILDING – See "Structural Terms"

ACCESSORY STRUCTURE – See "Structural Terms"

ACCESSORY USE – A use customarily incidental and subordinate to the principal building or use and located on the same lot with such principal building or use

ACRE – A measure of land containing forty-three thousand, five hundred and sixty (43,560) square feet.

AGGRIEVED PERSON – A person whose interests are damaged or adversely affected by a decision, an action, or the failure to act by the Planning Board or Code Enforcement Officer

AGRICULTURAL ACTIVITY – Land clearing, tilling, fertilizing, including spreading and disposal of animal 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.

ALTERATION – As applied to a building or structure, a change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing height; or in moving from one location or position to another.

APARTMENT BUILDING – A building arranged, intended or designed to be occupied by three (3) or more families living independently of each other.

APPEAL – A means for obtaining review or a decision, determination, order or failure to act pursuant to the terms of this Ordinance as expressly authorized by this Ordinance.

AUTOMOBILE SALES – A lot arranged, designed or used for the storage and display for sale of any motor vehicle and where no repair work is done except minor incidental repair or automobiles or trailers displayed and sold on the premises.

AUTOMOBILE REPAIR SERVICE – A place where, with or without the attendant sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame, or fender, straightening and repair; over-all painting and undercoating or automobiles.

BED AND BREAKFAST – Accommodations provided for compensation as a business in the private year-round residence of the host family, consisting of a maximum of three guest rooms and 10 guests at any one time. Breakfast is the only meal, if any to be provided for compensation.

BILLBOARD – A structure, either free standing or attached to a building, the surface of which is available for hire for advertising purposes.

BUFFERS – Areas of land, together with specified types and amounts of planting thereon and any structures which may be required between land uses to eliminate or minimize conflicts between them.

BUILDING – See "Structural Terms"

BUILDING AREA – Total of areas taken on a horizontal plane at the main finished grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between exterior faces or walls.

BUILDING INSPECTOR – Shall mean the inspector of buildings for the Town of Sebago.

BUILDING FRONT LINE – The line that is parallel to the front line transecting that point in the building face which is closest to the front line. This face includes porches and steps.

CAMPER/TRAILERS, TRAVEL TRAILERS, MOTOR HOMES – A self contained mobile unit supported on its own wheels, or those of another vehicle designed to be used for travel, recreational and vocational uses, but not intended for permanent residence.

CAMPGROUND – Any land area specifically designed and developed, containing two or more individual campsites which accommodate the public seeking temporary camping accommodations for tents, recreational vehicles and/or towed travel trailers for compensation. Accessory uses include camper services and facilities such as shower and laundry facilities, electricity, fresh water, propane and gas sales, ice, outlet for camping supplies and equipment, recreational services etc.

CERTIFICATE OF OCCUPANCY – This is the official certification that a premises conforms to provisions of the Land Use Ordinance (and electrical code, plumbing code, Americans with Disabilities Act, Life Safety 101, NFPA 31, and the Maine Oil and Solid Fuel Board Regulations) and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless such a certificate is issued, a structure cannot be lawfully occupied.

CLUSTER DEVELOPMENT – The development, according to an approved plan, of a large tract land where three (3) or more buildings are constructed on lots smaller than normally required in the district where located, provided the overall density of the development of the tract does not exceed the density or requirements of the district, and land not built upon is permanently preserved as common "open space." The term also refers to the Planned Unit Development.

CODE ENFORCEMENT OFFICER [\(also referred to herein as the "CEO"\)](#) – A person employed by the Town of Sebago to administer [the CEO permitting process](#) and enforce this Ordinance.

COMPREHENSIVE PLAN – The Comprehensive Plan of the Town of Sebago, Maine

CONSTRUCTION DRAWINGS – Drawings showing the location, profile grades, size and type of drains, sewer and water mains, underground power and telephone ducts, pavements, cross-section of streets, miscellaneous structures.

COVERAGE – That percentage of the plot or lot area covered by the building area

DAY CARE CENTER – As defined in Title 22, MRSA, Section 1673, as a house or other place in which a person or combination of persons maintains or otherwise carries out a regular program, for consideration, for any part of the day, providing care and protection for three (3) or more children under the age of sixteen (16) unrelated to the operator, not to include nursery schools, summer camps, formal public or private schools, and further defined by the Department of Human Services as follows:

Day Care Center – A Day Care Facility as defined in State statutes for thirteen (13) or more children on a regular basis.

Day Care Home – A Day Care Facility as defined in State statutes for three (3) to twelve (12) children on a regular basis.

DEVELOPER – The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

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

DRAINAGE – The removal of surface or ground water from land by drains, grading or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development, and includes the means necessary for water-supply preservation or alleviation of flooding.

DWELLING UNIT – See “Structural Terms”

EASEMENT – Legally binding authorization by a property owner of the use by another and for a specified purpose of any designated part of his property.

EMERGENCY OPERATIONS – Emergency operations shall include 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 and livestock from the threat of destruction or injury.

ENGINEER – Professional engineer licensed by the State of Maine

ENLARGEMENT OR TO ENLARGE – An “enlargement” is an addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use.

ESSENTIAL SERVICES – The construction, alteration, maintenance of gas, electrical, communication facilities, steam, fuel or water transmission or distribution systems, collection supply or disposal systems. Such systems include towers (with exception of cellular towers), poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories. These systems are exempt from definition of a structure.

EXTENSION OR TO EXTEND – An increase in the amount of existing floor area used for an existing use within an existing building.

FAMILY – One (1) or more persons occupying a premise and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house or hotel as herein defined.

FINAL SUBDIVISION PLAN – The final drawing on which the subdivider's plan of the subdivision is presented to the Board for approval of which, if approved, shall be filed for record with the Town Clerk and Cumberland County Registry of Deeds.

FOREST MANAGEMENT TERMS:

1. Forest Management Activities – Timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, timber harvesting and other similar associated activities but not the construction or creation of roads.
2. Timber Harvesting – The cutting and removal of trees from their growing site, and the attendant operation of harvesting machinery, but not the construction of roads. Timber harvesting does not include the clearing of land for approved construction.

FRONTAGE – The portion of a lot's boundaries measured in lineal feet, which abuts a public right-of-way or access easement.

GARAGE, RESIDENTIAL – This is an accessory building for parking or temporary storage of automobiles of residential occupants of the premises, or a part of the residence usually occupying the ground floor area of principal one-or-two family dwellings. Not more than one (1) space may regularly be used by the private passenger automobile or persons not resident on the premises.

GROCERY STORE – A small neighborhood establishment retailing food and related commodities, as distinguished from a supermarket, defined as a "Major Retail Outlet".

GUEST ROOM – A room in a hotel, motel, tourist home or "bed and breakfast" residence offered to the public for compensation in which no provision is made for cooking.

HEIGHT OF BUILDING – The vertical measurement from grade to the highest point of the roof beams in flat roofs; to the highest point on the deck of mansard roofs; to a level midway between the level of the eaves and highest point of pitched roofs or hip roofs; or to a level two thirds of the distance from the level of the eaves to the highest point of gambrel roofs. For this purpose, the level of the eaves shall be taken to mean the highest level where the plane of roof intersects the plane of the outside wall on a side containing the eaves.

HOME OCCUPATION – An occupation or profession which is: customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; carried on by a member of the family residing in the dwelling unit and is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the residential character or appearance of such building.

INDUSTRY – The use of premises is for assembling, fabricating, finishing, manufacturing, packaging, or processing. These include but are not limited to assembly plants, laboratories, power plants, pumping stations and repair shops.

JUNKYARDS:

1. Automobile Graveyards – A yard, field, or other area used as a place of storage for three (3) or more unserviceable, discarded, worn-out or junked automobiles.
2. Junkyard – A yard, field, or other area used as a place of storage for discarded worn-out or junked plumbing, heating supplies, household appliances, furniture, scrap and junked lumber, old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and scrap iron, steel and other ferrous and non-ferrous material including garbage dumps, waste dumps and sanitary landfills.

3. Auto Recycling Business – An automobile recycling business is a business which purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts, rebuilding or repairing salvage vehicles for resale.

KENNEL (COMMERCIAL) – Any place in or at which any number of dogs or cats are kept for the purpose of sale or in connection with boarding, care, training, or breeding, for which a fee is charged.

KENNEL (NON-COMMERCIAL) – An accessory building to a residence designed or used for the accommodation of dogs or cats owned by the occupants of the residence.

LAND USE PERMIT – A permit used for proposed land use activity as defined in this Ordinance and issued by the Planning Board or Code Enforcement Officer in accordance with the provisions of this Ordinance.

LEGISLATIVE BODY – The registered voters of the Town of Sebago

LIGHT MANUFACTURING – The fabrication or processing of materials into a finished product. Fabrication relates to the stamping, cutting, or otherwise shaping of the processed materials into useful objects/products. Light manufacturing does not include the refining or other initial processing of basic raw materials such as metal ore, lumber or rubber.

LOADING SPACE – An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

LOT – A parcel of land undivided by any street or public road in single ownership occupied or capable of being occupied by one building and the accessory building or uses customarily incidental to it, including such open spaces as are required by this Ordinance, and having frontage upon an approved street.

LOT AREA – The area contained within the boundary lines of a lot.

LOT (CORNER) – This is a lot abutting two or more streets at their intersection.

LOT DEPTH – The mean horizontal distance between the front and rear lot lines measured within the lot boundaries.

LOT FRONTAGE – Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required by the Ordinance shall be provided, on at least one street.

LOT LINE – A line bounding a lot which divides one lot from another, or from a street or any other public or private space, as defined below:

1. Front Lot Line – In the case of a lot abutting only one street, the street line separating such lot from such street; in the case of a double frontage lot, each street line separating such lot from a street shall be considered to be the front lot line, except where the rear yard requirement is greater than the front yard requirement in which case one of two

opposing yards shall be a rear yard. In the case of a lot with no road frontage, the front lot line shall be considered to the lot line in front of the building.

2. **Rear Lot Line** – That lot line which is parallel to and most distant from the front lot line of the lot; in the case of an irregular, triangular or gore-shaped lot, a line twenty (20) feet in length, entirely within the lot, parallel and at a maximum possible distance from the front lot line shall be considered to be the rear lot line. In the case of lots that have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.
3. **Side Lot Line** – Any lot line other than a front or rear lot line.

LOT OF RECORD – Any validly recorded lot which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

LOT STANDARDS – The combination of controls which establishes the maximum size of a building and its location on the lot. Components of lot standards, also known as “space and bulk” regulations in size and height of building; location or exterior walls at all levels with respect to lot lines, streets and other buildings; building coverage; gross floor area of buildings in relation to lot area; open space (yard) requirements; and amount of lot area provided per dwelling unit.

MANUFACTURED HOUSING – A structural unit or units designed for occupancy and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site.

For the purposes of this Ordinance, three (3) types of manufactured housing will be referred to:

1. **NEWER MOBILE HOME** – Those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards and complies with the Manufactured Housing Construction and Safety Standards Act of 1974, et. seq., which in the traveling mode are fourteen (14) body feet or more in width and are seven-hundred-fifty (750) or more square feet and are constructed on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation.
2. **OLDER MOBILE HOMES** – Those units constructed before June 15, 1976, and not in compliance with the Manufactured Housing Construction and Safety Standards Act of 1974, which are constructed on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation, but does not include those smaller units commonly called “travel trailers”.
3. **MODULAR HOMES** – Those units which the manufacturer certifies are constructed in compliance with the State’s manufactured Housing Act and regulations, meaning structures transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained therein.

MARINA – A business establishment having frontage on navigable water within the Town and providing for off-shore mooring or docking facilities for boats and accessory services and facilities

such as boat sales, rental and storage, marine supplies and equipment, marine engine and hull repairs, construction and outfitting for pleasure craft, fuel and oil, electricity, fresh water, ice shower, laundry facilities, and on-premise restaurant.

MEDICAL CLINIC – This is an office building used by members of the medical profession for diagnosis and out-patient treatment.

MINERAL EXTRACTION – The removal of sand, gravel, bedrock or soil from its natural site of geologic deposition or formation; the screening, sorting, crushing or other processing of any part of the geologic material so removed; the storage of sand, gravel, crushed stone, or soil in stock piles or other forms.

MOBILE HOME – Mobile home shall mean a dwelling with a habitable floor area of at least seven-hundred-fifty (750) square feet and so constructed as to permit its being towed on a public street or highway.

MOBILE HOME PARK – Mobile home park shall mean a plot of land of at least twenty-five (25) acres laid out to accommodate two or more mobile homes and which for the purpose of this Ordinance shall be regarded as a subdivision and subject to all applicable State and local codes and ordinances. Not more than four (4) mobile homes per net residential acre shall be permitted in any mobile home park.

MOTEL – A building or group of detached or connected buildings designed or intended or used primarily for the providing of sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or tourist court with more than one unit or a motor lodge shall be deemed to be a motel.

MOTOR VEHICLE – This is any vehicle that is self-propelled and designed for carrying persons or property, or that is used for the transportation of persons.

MOTOR VEHICLE (UNSERVICABLE) – Any motor vehicle that is wrecked, dismantled, cannot be operated legally on any public highway, or that is not being used for the purposes for which it is manufactured.

MUNICIPAL FACILITIES – Buildings or land that are owned by a public entity and operated under its supervision for a public purpose.

MUNICIPALITY – Town of Sebago, Maine

NET RESIDENTIAL ACREAGE – The gross available acreage less the area required for streets or access and less the areas of any portions of the site which are unsuitable for development because of topography, natural drainage or subsoil conditions.

NET RESIDENTIAL DENSITY – Net residential density shall mean the number of dwelling units per net residential acre.

NON-CONFORMING USE – See "USE TERMS"

NORMAL MAINTENANCE AND REPAIR – Any work necessary to maintain or improve a structure to its original or previously improved state or condition. Normal maintenance and repair

shall not include reconstruction, change in design, change in structure, change in use, change in location, or change in size or capacity.

OFFICIAL SUBMISSION DATE – The time of submission of a Sketch Plan, Preliminary Plan or Final Plan complete and accompanied by any required fee and all data required by these Standards shall be considered the submission date.

OWNER – The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

PARCEL – The entire area of a tract of land before being divided by a development.

PARKING LOT – An open area other than a street used for the parking of more than four (4) automobiles and available for public use whether free, for compensation or an accommodation for clients or customers.

PARKING SPACE – Parking space shall mean an area of not less than 10'x20', exclusive of drives or aisles giving access thereto, accessible from streets or aisles leading to streets and usable for the storage or parking of passenger vehicles. Parking space or access thereto shall be construed as to be usable year round.

PERFORMANCE STANDARD – A criterion established to control the use of land and structures. The purpose of performance standards is to provide detailed regulations and restrictions by means of minimum criteria which must be met by users in order to protect neighbors from adverse impacts of adjoining land uses and to protect the general health, safety and welfare of the citizens of Sebago.

PRELIMINARY PLAN – A drawing submitted subsequent to the Sketch Plan indicating the layout of the subdivision and additional information as required under Article V of these Standards.

PROFESSIONAL OFFICE – This is an office of a professional such as an architect, accountant, dentist, doctor, lawyer, etc., but not including any manufacturing, commercial or industrial activity.

RESTAURANT – An establishment whose principal business is the sale of food and/or beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; and customers normally provided with an individual menu, are served their food and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; a cafeteria type operation where food and beverages generally are consumed within the restaurant building.

RETAIL ESTABLISHMENT – Any business, housed in a permanent structure, engaged primarily in the sale of goods and services to the ultimate consumer for direct consumption and/or use, but not for resale.

ROAD – A thoroughfare or way consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

PRIVATE ROAD – A thoroughfare or way designated for private use and maintained by a property owner or group of property owners.

PUBLIC ROAD – A public thoroughfare, way, or easement permanently established for passage of persons or vehicles.

RESUBDIVISION – The division of an existing subdivision or any change of lot size therein or the relocation of any street or lot in the subdivision.

SETBACK – The minimum distance required from the lot line to the nearest part of a structure.

SIGN – Any structure or part thereof attached thereto or painted or represented thereon, which shall display or include any letter, work, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. The word "sign" does not include the flag, pennant or insignia of any nation, state, city or other political unit, or any political, educational charitable, philanthropic, civic, professional, religious campaigns, drive, movement or event.

SKETCH PLAN – The drawings indicating the proposed layout of the subdivision and additional information as required under Article V or these Standards to be submitted to the Board for its consideration.

SPECIAL EXCEPTION – A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning districts as special exceptions, if specific provision for such special exception is made in this Zoning Ordinance.

STREET – A public way maintained by the Town of Sebago, or a private way not less than fifty (50) feet in width, and constructed according to the minimum standards as detailed in Section 5-32 (Land Use Standards – Streets) which affords the principal means of access to abutting properties and the existence of which is on record at the Cumberland County Registry of Deeds.

STRUCTURAL TERMS:

ATTIC – That part of a building which is immediately below, and wholly or partly within, the roof framing.

BASEMENT – The substructure of a building that is partially or wholly below ground level.

Building – Any roofed structure, maintained, or intended for use as a shelter or enclosure of persons, animals, goods or property of any kind. This term is inclusive of any use thereof. Where independent units with separate entrances are divided by walls, each unit is a building.

Building (Accessory) – A building which is:

1. Subordinate in area, extent and purpose to the principal building or use served
2. Located on the same lot as the principal building or use served except as otherwise expressly authorized by the provisions of this Ordinance
3. Customarily incidental to the principal building or use.

Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

Building (Principal) – A building (structure) in which is conducted or in which is intended to be conducted, the main or primary use of the lot on which it is located.

Dwelling – A building or portion thereof, used exclusively for residential occupancy, including single-family, two-family and multiple family dwellings.

Dwelling Unit/Apartment – A room or group of rooms designed and equipped exclusively for use as a living quarters for only one (1) family, including provisions for living, sleeping, cooking and eating.

Dwelling (Single Family Detached) – A dwelling designed for and occupied by not more than one (1) family and having no roof, wall or floor in common with any other dwelling unit. The term shall include manufactured and prefabricated homes.

Dwelling (Two Family) – A detached or semi-detached building used for residential occupancy by two (2) families living independently of each other.

Dwelling (Multiple Family) – A building or portion thereof used for residential occupancy by three (3) or more families living independently of each other and doing their own cooking in the building, including apartments, group houses and row houses.

Structure – Anything constructed or erected, the use of which requires permanent location on, above or below the surface of the land, including a patio or deck. See “Essential Services”

SUBDIVIDER – Assessed owner or owners of land to be subdivided

SUBDIVIDERS AGENT – This is a person who has written authorization to act for the assessed owner or owners of land to be subdivided.

SUBDIVISION – A subdivision shall mean a division of a tract or parcel of land as defined in Title 30-A M.R.S.A., Section 4401, or as amended by State Law. The term subdivision shall also include mobile home parks, condominiums, and a lot of 40 or more acres shall be counted as a lot.

TOWN PLANNER – A person with a background and expertise in municipal planning contracted with or employed by the Town of Sebago to provide professional assistance to the Planning Board, Code Enforcement Officer, Board of Appeals, Ordinance Review Committee and Select Board on

applications, ordinance changes, and other municipal planning matters falling within their respective jurisdictions. The Town Planner shall be appointed by the Town of Sebago Select Board for a specific term or for an indefinite term as determined by the Select Board. The Select Board may initially determine, and modify from time to time, the job description of the Town Planner in the best interest of the Town of Sebago and consistent with the provisions of this Ordinance.

TRAILER – Trailer shall mean any vehicle used or so constructed as to permit its being used as a conveyance on the public streets and highways and duly licensed as such, and constructed in such a manner as will permit occupancy thereof as a temporary dwelling for one or more persons, and which cannot readily be connected to a common sewer and water service. This definition shall apply whether the trailer is placed on a foundation or not.

TRANSIENT – A non-resident person residing within the Town of Sebago less than thirty (30) days.

UNUSABLE LAND – This is an environmentally sensitive area which if disturbed or destroyed, can adversely affect unique ecological balances in the environment. Although specific areas required a case by case analysis, the following factors may be included in the determination of unusable land.

1. Areas of slope in excess of twenty-five percent (25%)
2. Areas of very poorly drained soils, experiencing year round water within fifteen (15) inches of the surface as identified by the most current version of the "Soil Survey; Cumberland County, Maine, Soil Conservation Service".
3. Any area identified as a wetland area as identified by the State of Maine in accordance with Title 38 M.R.S.A. § 480.
4. Any area within the one hundred (100) year flood boundary as delineated on the Flood Insurance Rate Map of the National Flood Insurance Program.
5. Unique wildlife areas as identified in the review process.

USE – The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Accessory Use – A use subordinate to a permitted use located on the same lot, and customarily incidental to the permitted use.

Principal Use – The specific primary purpose for which land is used.

Conforming (Permitted) Use – A use which may be lawfully established in a particular district, provided it conforms to all the requirements, standards and regulations of such district.

Non-Conforming Use – A use which does not conform to the provisions of this Ordinance.

Open Space Use – A use which does not disturb the existing state of the land except to restore the land to a natural condition.

VARIANCE – A variance is a relaxation of the terms of this Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance will result in unnecessary or undue hardship.

As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the particular zone or adjoining zone.

WAREHOUSE AND STORAGE FACILITY – A structure for the storage of merchandise or commodities, including bulk storage and bulk sales outlet.

WHOLESALE BUSINESS ESTABLISHMENT – Any business, housed in a permanent structure, engaged in the sale of goods in large amounts to retailers or jobbers, rather than directly to customers.

YARD – Commonly considered the area of land on a lot not occupied by buildings. In site and subdivision requirements, the minimum distance required for the placement of any part of a building or specified structure from a lot boundary.

Section 1: Purposes

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

Section 2: Authority

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

Section 3: Applicability

This Ordinance applies to all land areas within two hundred-fifty (250) feet, horizontal distance, of the

- normal high-water line of any great pond or river,
- upland edge of a freshwater wetland,
- and within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

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

Section 4: Effective Date

A. Effective Date of Ordinance and Ordinance Amendments

This Sebago Shoreland Zoning Ordinance, which was adopted by the municipal legislative body on May 25, 2010, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection, hereinafter referred to as the Commissioner. A certified copy of the Sebago Shoreland Zoning Ordinance or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment within forty-five (45) days of his/her receipt of the Ordinance or Ordinance Amendment, it shall be automatically approved. Upon approval of this Ordinance, the "Shoreland Zoning Ordinance" previously adopted on March 2, 1991 is hereby repealed.

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

B. Repeal of Municipal Timber Harvesting Regulation

The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. section 438-B (5), at which time the State of Maine Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in the Shoreland Zone. On the date established under 38 M.R.S.A. 438-B (5), the following provisions of this Ordinance are repealed:

8.B.1. Article 7, Land Use Table of Permitted Uses, repeal the row labeled "Timber Harvesting" only.

8.B.1.A Article 11.R Timber Harvesting, repeal entire section.

8.B.1.B Article 2.B repeals definitions of the following terms:

Basal area, residual
Harvest area
Residual stand

NOTE: The statutory date established under 38 M.R.S.A. section 438-B(5) is the effective date of state-wide timber harvesting standards. That date is "the first day of January of the 2nd year following the year in which the Commissioner of Conservation determines that at least 252 of the 336 municipalities identified by the Commissioner of Conservation as the municipalities with the highest acreage of timber harvesting activity on an annual basis for the period 1992-2003 have either accepted the state-wide standards or have adopted an ordinance identical to the state-wide standards." 38 M.R.S.A. section 438-B(5) further provides that "the Commissioner of Conservation shall notify the Secretary of State in writing and advise the Secretary of the effective date of the state-wide standards."

Section 5: Availability

A certified copy of the 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 a reasonable cost at the expense of the person making the request. Notice of availability of the Ordinance shall be posted.

Section 6: Severability

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

Section 7: Conflicts with Other Ordinances

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

Section 8: Amendments

- A. On petition, or on their own motion, the Selectmen shall present warrants for consideration by the Town to amend, supplement, or repeal the regulations and provisions of this Ordinance.
- B. The Selectmen shall refer proposed amendments to the Planning Board for a report thereon at least ~~ten-fourteen~~ (1014) days before the date of public hearing that shall be called to consider the proposed amendment or amendments.
- C. The Selectmen shall fix the time and place of the public hearing on the proposed amendment or amendments and cause notice to be given in accordance with the laws of the State of Maine.
- D. This Ordinance may be amended, after a report on the proposed amendment(s) by the Planning Board and a public hearing by a majority vote of the legislative body.
- E. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

Section 9: Districts and Zoning Map

A. Official Shoreland Zoning Map

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

- 1. Resource Protection
- 2. Limited Residential
- 3. Stream Protection

B. Scale of Map

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

C. Certification of Official Shoreland Zoning Map

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

D. Changes to the Official Shoreland Zoning Map

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

Section 10: Interpretation of District Boundaries

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

Section 11: Land Use Requirements

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

Section 12: Non-Conformance

A. Purpose

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

B. General

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 the Ordinance.

Repair and Maintenance:

This Ordinance allows the normal upkeep and maintenance of non-conforming use and structures including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

C. Non-Conforming Structures

1. Expansions:

All new principal and accessory structures, excluding functionally water dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in Section 15(B)(1). A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for the new structure if such an addition or expansion does not increase the nonconformity of the structure and is in accordance with subparagraphs (a) and (b) below.

- a. Expansion of any portion of a structure within twenty-five (25) feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited even if the expansion will not increase the nonconformity with the water body, tributary stream or wetland setback requirements. Expansion of an accessory structure that is located closer to the normal high-water line of a body of water, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement.
- b. Notwithstanding paragraph (a), above, if a legally existing nonconforming principal structure is entirely located less than twenty-five (25) feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1).
 - i. The maximum total footprint for the principal structure may not be expanded to a size greater than eight hundred (800) square feet or thirty percent (30%) larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than fifteen (15) feet or the height of the existing structure, whichever is greater.
- c. All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1) or Section 12(C)(1)(a), above.
 - i. For structures located less than seventy-five (75) feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than one thousand (1,000) square feet or thirty percent (30%) larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than twenty (20) feet or the height of the existing structure, whichever is greater.
 - ii. For structures located less than one hundred (100) feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond

classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than fifteen hundred (1,500) square feet or thirty percent (30%) larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than twenty-five (25) feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than seventy-five (75) feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(C)(i), above.

iii. In addition to the limitations in subparagraphs (i) and (ii), for structures that are legally nonconforming due to their location within the Resource Protection District when located less than two hundred-fifty (250) feet from the normal high-water line of a water body, tributary stream, or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than fifteen hundred (1,500) square feet or thirty percent (30%) larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be greater than twenty-five (25) feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than seventy-five (75) feet from the normal high-water line of a body of water, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.

d. An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the Registry of Deeds, within ninety (90) days of approval. The recorded plan must show the existing and proposed footprint of the nonconforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the municipal review authority.

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, or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

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

vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation.

Replanting shall be required as follows:

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

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be 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 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 (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance, with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(2) above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by fifty (50%) percent 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 if a permit is obtained, from the Code Enforcement Officer within one year of such damage, destruction, or removal.

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

4. Change of Use of a Non-Conforming Structure:

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

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

D. Non-Conforming Uses

1. Expansions:

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

2. Resumption Prohibited:

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

3. Change of Use:

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

E. Non-Conforming Lots

1. Non-Conforming Lots:

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

2. Contiguous Built Lots:

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

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

3. Contiguous Lots – Vacant or Partially Built:

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

This provision shall not apply to two (2) or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on March 2, 1991 the effective date of this Ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

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

Section 13: Establishment of Districts

A. Resource Protection District

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

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

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

2. Flood-plains along rivers and flood-plains along artificially formed great ponds along rivers, defined by the 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-plains soils. This district shall also include one hundred (100) year flood-plains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.
3. Areas of two (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 or coastal wetland as defined, and which are not surficially connected to a water body during the period of normal high-water.
5. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

B. Limited Residential District

The Limited Residential District includes those areas suitable for residential and recreation development. It includes areas other than those in the Resource Protection District, or Stream Protection District.

C. Stream Protection District

The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater or coastal wetland. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

Section 14: 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 Shoreland Zoning Map.

Key to Table 1:

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

No – Prohibited

PB – Allowed with permit issued by the Planning Board

CEO – Allowed with permit issued by the Code Enforcement Officer

LPI – Allowed with permit issued by the Local Plumbing Inspector

Abbreviations:

RP – Resource Protection

LR – Limited Residential

SP – Stream Protection

Table 1 – Permit Stipulations: (See Chart on Pages 14 & 15 16)

1. In RP not allowed within seventy-five (75) feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.
2. Requires permit from the Code Enforcement Officer if more than one hundred (100) sq. ft. of surface area, in total, is disturbed.
3. In RP not allowed in areas so designated because of wildlife value.

4. Provided that a variance from the setback requirement is obtained from the Board of Appeals.
5. Functionally water-dependent uses and uses accessory to such water dependent uses only.
6. See further restrictions in Section 15-L-2.
7. Except when area is zoned for resource protection due to flood-plain criteria in which case a permit is required from the PB.
8. Except as provided in Section 15(H)(4).
9. Single family residential structures may be allowed by special exception only according to the provisions of Section 16(E), Special Exceptions. Two family residential structures are prohibited.
10. Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.
11. Excluding bridges and other crossings not involving earthwork, in which case no permit is required.
12. Permit not required but must file a written "notice of intent to construct" with CEO.

42.13. Town Planner to determine if uses are similar.

Table 1– Land Uses in the Shoreland Zone

	SP	RP	LR
Non-intensive recreational use not requiring structures such as hunting, fishing and hiking	Yes	Yes	Yes
Motorized vehicular traffic on existing roads and trails	Yes	Yes	Yes
Forest management activities except for timber harvesting & land management roads	Yes	Yes	Yes
Timber harvesting	Yes	CEO	Yes
Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO 1	Yes
Fire prevention activities	Yes	Yes	Yes
Wildlife management practices	Yes	Yes	Yes
Soil and water conservation practices	Yes	Yes	Yes
Mineral exploration	No	Yes 2	Yes 2
Mineral extraction including sand and gravel extraction	No	PB 3	PB
Surveying and resource analysis	Yes	Yes	Yes
Emergency operations	Yes	Yes	Yes
Agriculture	Yes	PB	Yes
Aquaculture	PB	PB	PB

Principal structures and uses:			
A. One and two family residential, including driveways	PB 4	PB 9	CEO
B. Multi-unit residential	No	No	PB
C. Commercial	No	No 10	No 10
D. Industrial	No	No	No
E. Governmental and institutional	No	No	PB
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB 4	PB	CEO
Structures accessory to allowed uses	PB 4	PB	CEO
Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland			
A. Temporary	CEO 11	CEO 11	CEO 11
B. Permanent	PB	PB	PB
Conversions of seasonal residences to year-round residences	LPI	LPI	LPI
Home occupations	PB	PB	PB
Private sewage disposal systems for allowed uses	LPI	LPI	LPI
Essential services	PB 6	PB 6	PB
A. Roadside distribution lines (34.5kV and lower)	CEO 6	CEO 6	Yes 12
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	PB 6	PB 6	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB 6	PB 6	PB
D. Other essential services	PB 6	PB 6	PB
Service drops, as defined, to allowed uses	Yes	Yes	Yes
Public and private recreational areas involving minimal structural development	PB	PB	PB
Individual, private campsites	CEO	CEO	CEO
Campgrounds	No	No 7	PB
Road construction	PB	No 8	PB
Land management roads	Yes	PB	Yes
Parking facilities	No	No 7	PB
Marinas	PB	No	PB
Filling and earth moving of < 10 cubic yards	CEO	CEO	Yes
Filling and earth moving of > 10 cubic yards	PB	PB	CEO
Signs	Yes	Yes	Yes
Uses similar to allowed uses	CEO 13	CEO 13	CEO 13
Uses similar to uses requiring a CEO permit	CEO 13	CEO 13	CEO 13
Uses similar to uses requiring a PB permit	PB 13	PB 13	PB 13

Section 15: Land Use Standards

All land use activities within the shoreland zone shall conform to the following provision, if applicable.

A. <u>Minimum Lot Standards:</u>		Area (sq. ft.)	Shoreland Frontage (ft.)
1.	a. Residential per Dwelling Unit	40,000	200
	b. Public and private Recreational Facilities.	40,000	200
	c. Governmental, Institutional, Commercial or Industrial per Principal structure.	60,000	300
2.	Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.		
3.	Lots located on opposite sides of a public or private road shall be considered each a separate tract, or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.		
4.	The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.		
5.	If more than one residential dwelling unit, principal, governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.		

B. Principal and Accessory Structures

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

In addition:

- a. The water body, tributary stream, or wetland setback provisions shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
 - b. On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the Code Enforcement Officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.
- 4. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, 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.
 - 5. The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one (1) 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. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.
 - 6. The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed.
 - 7. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
 - a. The site has been previously altered and an effective vegetated buffer does not exist;
 - b. The wall(s) is (are) at least twenty-five (25) feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
 - c. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetation plantings;

- d. The total height of the wall(s), in the aggregate, is (are) no more than twenty-four (24) inches;
- e. Retaining walls are located outside of the one hundred (100) year flood-plain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.
- f. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
- g. A vegetated buffer area is established within twenty-five (25) feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
 - i. The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
 - ii. Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
 - iii. Only native species may be used to establish the buffer area;
 - iv. A minimum buffer width of fifteen (15) feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
 - v. A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer;

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

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

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

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
2. The location shall not interfere with existing developed or natural beach areas.
3. The facility shall be located so as to minimize adverse effects on fisheries.
4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf shall not be wider than six (6) feet for non-commercial uses.
5. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.
6. New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.
7. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
8. Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

D. Campgrounds

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

1. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

E. Individual-Private Campsites

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

1. One campsite per lot existing on the effective date of the Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
2. When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.
3. Campsite placement of any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
4. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicles 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.
5. 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.
6. 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.
7. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. Commercial and Industrial Uses

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

1. Auto washing facilities
2. Auto or other vehicle service and/or repair operation, including body shops.
3. Chemical and bacteriological laboratories
4. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms.

5. Commercial painting, wood preserving, and furniture stripping
6. Dry cleaning establishments
7. Electronic circuit assembly
8. Laundromats, unless connected to a sanitary sewer
9. Metal plating, finishing, or polishing
10. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
11. Photographic processing
12. Printing

G. Parking Areas

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

H. Roads and Driveways

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

1. Roads and driveways shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river that flows to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant

that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream or wetland. On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

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

2. Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body, tributary stream or wetland.
3. New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
4. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(Q).
5. Road and driveway grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.
6. In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least fifty (50) feet plus two (2) times the average slope, in width between the outflow point of the ditch or culvert and the normal high waterline of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
7. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

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

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

- b. Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.
 - c. On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.
 - d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.
8. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

I. Signs

The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, and Limited Residential.

1. Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.
2. Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.
3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
4. Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
5. Signs relating to public safety shall be allowed without restriction.

6. No sign shall extend higher than twenty (20) feet above the ground.
7. Signs may be illuminated only by shielded, non-flashing lights.

J. Storm Water Runoff

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

K. Septic Waste Disposal

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

L. Essential Services

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

M. Mineral Exploration and Extraction

Mineral exploration to determine the nature of extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above

limitation. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures, to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions

1. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (M)(4) below.
2. No part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.
3. Developers of new gravel pits along Significant River Segments shall demonstrate that no reasonable mining site outside the shoreland zone exists. When gravel pits must be located within the zone, they shall be set back as far as practicable from the normal high-water line and no less than seventy-five (75) feet and screened from the river by existing vegetation.
4. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

NOTE: The State of Maine Solid Waste Laws, 38 M.R.S.A., section 1301 and the solid waste management rules, Chapters 400-419 of the Department of Environmental Protection's regulations may contain other applicable provisions regarding disposal of such materials.

- b. The final graded slope shall be two and one-half to one (2.5:1) slope or flatter.
 - c. Top soil or loam shall be retained to cover all disturbed land areas which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
5. In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

N. Agriculture

1. All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).
2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

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

4. There shall be no new tiling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies and coastal wetlands; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.
5. Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, of other water bodies and coastal wetlands, nor; within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

O. Timber Harvesting

1. In a Resource Protection District abutting a great pond, timber harvesting shall be limited to the following:
 - a. Within the strip of land extending seventy-five (75) feet, horizontal distance, inland from the normal high-water line, timber harvesting may be conducted when the following conditions are met:
 - i. The ground is frozen;
 - ii. There is no resultant soil disturbance;

- iii. The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the seventy-five (75) foot strip of land;
 - iv. There is no cutting of trees less than six (6) inches in diameter; no more than thirty (30%) percent of the trees six (6) inches or more in diameter, measured at four and one half (4½) feet above ground level, are cut in any ten (10) year period; and a well-distributed stand of trees and other natural vegetation remains; and
 - v. A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.
 - b. Beyond the seventy-five (75) foot strip referred to in Section 15(O)(1)(a) above, timber harvesting is permitted in accordance with paragraph 2 below except that in no case shall the average residual basal area of trees over four and one half (4½) inches in diameter at four and one half (4½) feet above ground level be reduced to less than thirty (30) square feet per acre.
2. Except in areas as described in Section 15(O)(1)(a) above, timber harvesting shall conform with the following provisions:
- a. Selective cutting of no more than forty (40%) percent of the total volume of trees four (4) inches or more in diameter measured at four and one half (4½) feet above ground level on any lot in any ten (10) year period is permitted. In addition:
 - i. Within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA, or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clear cut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.
 - ii. At distances greater than one-hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clear cut openings greater than ten thousand (10,000) square feet in the forest canopy. Where such openings exceed five thousand (5,000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clear cut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.
 - b. Timber harvesting operations exceeding the forty (40%) percent limitation in Section 15(O)(2)(a) above, may be allowed by the Planning Board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The Planning Board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the Planning Board's decision

- c. No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary system shall be removed.
- d. Timber harvesting equipment shall not use stream channels as travel routes except when:
 - i. Surface waters are frozen; and
 - ii. The activity will not result in any ground disturbance.
- e. All crossing of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
- f. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil re-vegetated.
- g. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10%) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10%) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty-five (25) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

P. Clearing or Removal of Vegetation for Activities Other than Timber Harvesting.

- 1. In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 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 cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

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

- a. There shall be no cleared opening greater than 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.
- b. Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(P)(2)(b) a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of twenty-four (24) or more in each twenty-five (25) foot by fifty (50) foot rectangular (1250 square feet) area as determined by the following rating system.

Diameter of Tree at Four and One Half (4½) Feet Above Ground Level

<u>Inches</u>	<u>Points</u>
2 to < 4 inches	1 point
4 to < 8 inches	2 points
8 to < 12 inches	4 points
12 inches or greater	8 points

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

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

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

Thus, the twenty-five (25) foot by fifty (50) foot plot contains trees worth thirty-six (36) points. Trees totaling twelve (12) points, (36-24 = 12) may be removed from the plot provided that no cleared openings are created.

The following shall govern in applying this point system:

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

- iv. Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance.
- v. Where conditions permit, no more than fifty (50%) percent of the points on any twenty-five (25) foot by fifty (50) foot rectangular area may consist of trees greater than twelve (12) inches in diameter.

For the purposes of Section 15(P)(2)(b) "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 1/2) feet above ground level for each twenty-five (25) foot by fifty (50) foot rectangle area. If five (5) saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until five (5) 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 four and one half (4 1/2) feet above ground level may be removed in any ten (10) year period.

- c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and forest duff layer, shall not be cut, covered or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2)(a) above.
- d. Pruning of tree branches on the bottom one third (1/3) of the tree is allowed.
- e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new growth is present.

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

- 3. At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40%) percent of the volume of trees four (4) inches or more in diameter, measured four and one half (4 1/2) feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40%) percent calculation. For the purpose of these standards, volumes 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 zone, or ten thousand (10,000) square feet, whichever is greater, including land previously cleared.

4. Legally existing non-conforming cleared openings may be maintained, but shall not be enlarged except as allowed by this Ordinance.
5. Fields and other cleared openings, which have reverted to primarily shrubs, trees, or other woody vegetation, shall be regulated under the provisions of Section 15(P).

Q. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal

1. Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
 - a. Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4 1/2) feet above ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.
 - b. Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4 1/2) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement of native tree species is required, unless there is new tree growth already present. New tree growth must be near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4 1/2) feet above ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4 1/2) feet above ground level.
 - c. The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as removal does not result in creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during growing season.
 - d. The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.
 - e. The Code Enforcement Officer may require more than a one-for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4 1/2) feet above the ground level.
2. Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

- a. Within the shoreland buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:
 - i. The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;
 - ii. Stumps from storm-damaged trees may not be removed;
 - iii. Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third ($1/3$) of the tree; and
 - iv. If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seeding per eighty (80) square feet of lost canopy.
- b. Outside of the shoreland buffer, if the removal of storm-damaged trees exceed forty (40%) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half ($4\frac{1}{2}$) feet above ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

R. Exemptions to Clearing and Vegetation Removal Requirements

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 15(P), provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

1. The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 15(P) apply;
2. The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of Section 15(B) are not applicable;
3. The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;
4. The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of Section 15(N) are complied with;
5. The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation

activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant to 38 M.R.S.A. section 343-E, and that is located along:

- a. A coastal wetland; or
 - b. A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A. section 465-A.
6. The removal of non-native invasive vegetation species, provided the following minimum requirements are met:
- c. If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that the wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;
 - d. Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and
 - e. If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.

NOTE: An updated list of non-native invasive vegetation is maintained by the Department of Agriculture, Conservation and Forestry's Natural Areas Program: http://www.maine.gov/dacf/mnap/features/invasive_plants/invasives.htm

7. The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

S. Revegetation Requirements

When revegetation is required in response to violations of the vegetation standards set forth in Section 15(P), to address the removal of non-native species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

1. The property owner must submit a revegetation plan, prepared with and signed by a qualified professional that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.

2. Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed:
3. If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or vegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or permit application.
4. Revegetation activities must meet the following requirements for trees and saplings:
 - a. All trees and saplings removed must be replaced with native noninvasive species;
 - b. Replacement vegetation must at a minimum consist of saplings;
 - c. If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;
 - d. No one species shall make up fifty (50%) percent or more of the number of trees and saplings planted;
 - e. If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees or saplings in the same area where trees and saplings were removed, then trees or saplings must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
 - f. A survival rate of at least eighty (80%) percent of planted trees or saplings is required for a minimum five (5) year period.
5. Revegetation activities must meet the following requirements for woody vegetation under three (3) feet in height:
 - a. All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;
 - b. Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of storm water;
 - c. If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;
 - d. No one species shall make up fifty (50%) percent or more of the number of planted woody vegetation plants; and

- e. Survival of planted woody vegetation and vegetation under three (3) feet in height must be sufficient to remain in compliance with the standards contained within this chapter for a minimum of five (5) years.
6. Revegetation activities must meet the following requirements for ground vegetation and ground cover:
- a. All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of storm water;
 - b. Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of storm water; and
 - c. Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with standards contained within this chapter for a minimum of five (5) years.

T. Erosion and Sedimentation Control

- 1. All activities which involve filling, grading, excavation or other similar activities, which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - a. Mulching and re-vegetation of disturbed soil;
 - b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches;
 - c. Permanent stabilization structures such as retaining wall or riprap.
- 2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
- 3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
- 4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases, permanent stabilization shall occur within nine (9) months of the initial date of exposure.

In addition:

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

U. Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by State-certified professionals. Certified persons may include Maine Certified Soil Scientist, 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 counter act soil limitations where they exist.

V. 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.

W. 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 16: Administration

A. Administering Bodies and Agents

1. Code Enforcement Officer

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

2. Town Planner

A Town Planner shall be appointed by the Select Board, and contracted with or employed by the Town of Sebago.

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~~2-3.~~ Board of Appeals

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

~~3-4.~~ Planning Board

A Planning Board shall be created in accordance with the provisions of State Law.

B. Permits Required

After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring 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 non-conforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

1. A permit is not required for the replacement of an existing road culvert as long as:

- a. The replacement culvert is not more than twenty-five (25%) percent longer than the culvert being replaced;
- b. The replacement culvert is not longer than seventy-five (75) feet; and
- c. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the water-course.

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

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

C. Permit Application

1. Every applicant for a CEO permit shall submit a written application to the Code Enforcement Officer and every applicant for a Planning Board permit shall submit a written application to the attention of the Town

~~Planner, including~~ Each application shall include a scaled site plan, on a form provided by the municipality, ~~to the appropriate official as indicated in Section 14.~~

2. All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
3. All applications shall be dated, and the Code Enforcement Officer or ~~Planning Board, as appropriate~~ the Town Planner, as applicable, shall note upon each application the date and time of its receipt.
4. If the property is not served by a public sewer, a valid plumbing permit, or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.
5. When an excavation contractor will perform an activity that requires or results in more than one (1) cubic yard of soil disturbance, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure proper erosion and sedimentation practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, state and federal employees engaged in projects associated with that employment.

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D. Procedure for Administering Permits

Within thirty-five (35) days of the date of receiving a written application, the Planning Board, ~~after review by the Town Planner, or the~~ Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, ~~shall provide the applicant with an indication of the additional information that will be required in order for the application to be determined to be complete. that specified additional material is needed to make the application complete.~~ The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 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 the

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

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

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

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all waste water;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to inland waters.
6. Will protect archaeological and historic resources as designated in the comprehensive plan;
7. Will avoid problems associated with flood-plain development and use; and
8. Is in conformance with the provisions of Section 15, Land Use Standards.

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

E. Special Exceptions

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

1. There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
2. The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.

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

- a. Located on natural ground slopes of less than twenty (20%) percent; and
- b. Located outside the floodway of the one hundred (100) year flood-plain along rivers and artificially formed great ponds along rivers and outside velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the one hundred (100) year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance.

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

4. The total ground-floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of fifteen hundred (1,500) square feet. This limitation shall not be altered by variance.
5. All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than seventy-five (75) feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

F. Expiration of Permit

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

G. Installation of Public Utility Service

A public utility, water district, sanitary district or any utility company of any kind may install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

H. Board of Appeals

1. Powers and Duties of the Board of Appeals. The Board of Appeals shall have the following powers:
 - a. Administrative Appeals:

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

b. Variance Appeals:

To authorize variances upon appeal, within the limitations set forth in this Ordinance.

3. Variance Appeals

Variances may be granted only under the following conditions:

- a. Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
- b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
- c. The Board shall not grant a variance unless it finds that:
 - i. The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and
 - ii. The strict application of the terms of this Ordinance would result in undue hardship.

The term "undue hardship" shall mean:

- a. That the land in question cannot yield a reasonable return unless a variance is granted;
 - b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - c. That the granting of a variance will not alter the essential character of the locality; and
 - d. That the hardship is not the result of action taken by the applicant or a prior owner.
- d. Notwithstanding Section 16(H)(2)(c)(ii) above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the

construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

- e. The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- f. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.
- g. A copy of all variances granted by the Board of Appeals shall be submitted to the Department of Environmental Protection within fourteen (14) days of the decision.
- h. Pursuant to 30 M.R.S.A. 4392, the certificate of Variance Approval granted by the Board shall be registered at the Registry of Deeds within ninety (90) days after the date of the decision. Failure to register the certificate within that time will cause the variance to be invalid. Proof of registration shall be required prior to the issuance of a building permit.

3. Administrative Appeals

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

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

4. Appeal Procedure

a. Making an Appeal

- iii. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
 - ii. Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:
 - a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.
 - b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
 - iv. Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
 - iv. The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.
- b. Decision by Board of Appeals
 - i. A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.
 - ii. The person filing the appeal shall have the burden of proof.
 - iii. The Board shall decide all administrative appeals and variance appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
 - iv. The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given the Planning Board, Code Enforcement Officer, and the municipal officers.
- c. 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.
- d. Reconsideration

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

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

I. Enforcement

1. Nuisances

Any violation of this Ordinance shall be deemed to be a nuisance.

2. Code Enforcement Officer

- a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
- b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
- c. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.

3. Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer or on their own initiative, are hereby directed to institute any and all actions and

proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

4. Fines

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

NOTE: Current penalties include fines of not less than one hundred (\$100) dollars nor more than twenty-five hundred (\$2,500) dollars per violation for each day that the violation continues. However, in a Resource Protection District the maximum penalty is increased to five thousand (\$5,000) dollars (38 M.R.S.A. section 4452).

Section 17: Definitions

Accessory Structure or Use – A use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Aggrieved Party – An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture – The production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and greenhouse products. Agriculture does not include forest management and timber harvesting activities.

Aquaculture – The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Basal Area – The area of cross-section of a tree stem at four and one half (4 1/2) feet above ground level and 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 watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Bureau – State of Maine Department of Conservation's Bureau of Forestry

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

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

Code Enforcement Officer (also referred to herein as the "CEO") – A person employed by the Town of Sebago to administer the CEO permitting process and enforce this Ordinance.

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

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

DBH – The diameter of a standing tree measured four and one-half (4 1/2) feet from ground level.

Development – A change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

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

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

Disruption of Shoreline Integrity – The alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted

soil, and abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions.

Driveway – A vehicular access-way less than five hundred (500) feet in length serving two (2) single-family dwellings or one (1) two-family dwelling, or less.

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

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

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

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

Family – One or more persons occupying a premises and living as a single housekeeping unit.

Floodway – The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 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.

Footprint – the entire area of ground covered by the structures on the premises, including cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks

Forest Management Activities – Timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

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

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

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

Freshwater Wetland – Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. Of ten (10) or more contiguous acres; or of 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
2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Functionally Water-Dependent Uses – those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that cannot be located away from these waters. The uses include, but are not limited to, commercial and recreational fishing and boating facilities, finfish and shellfish processing, port facilities, shipyards and boat building facilities, marinas, waterfront dock and channels, shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters. Recreational boat storage buildings are not considered to be functionally water-dependent use.

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 M.R.S.A. Article 4-A Section 465-A. This classification includes some, but not all impoundments of river that are defined as great ponds.

Ground Cover – Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Harvest Area – The area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a

harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than ten (10) acres within the area affected by a harvest.

Height of a Structure – The vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

Home Occupation – An occupation or profession which is customarily conducted on or in a residential structure or property and which is:

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

Increase in Non-Conformity of a Structure – Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the non-conformity 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 non-conformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in non-conformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing non-conforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

Individual Private Campsite – An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which includes site improvements which may include but not be limited to gravel pads, parking areas, fire places, or tent platforms.

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

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

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

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

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

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

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

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

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

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

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

Native – Indigenous to the local forests.

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

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

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

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

Normal High-Water Line (non-tidal waters) – That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

NOTE: As of December 6, 2004 through various studies, the Department of Environmental Protection evaluated the Normal High-Water Level (NHWL) of Sebago Lake to be 266.5' (feet) (above mean sea level).

Outlet Stream – any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

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

Piers, Docks, Wharfs, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line or Within a Wetland –

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

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

Recreational Facility – A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

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

Replacement System – a system intended to replace:

1. An existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or
2. Any existing overboard wastewater discharge.

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

Residual Basal Area – The average of the basal area of trees remaining on a harvested site.

Residual Stand – A stand of trees remaining in the forest following timber harvesting and related activities.

Riprap – Rocks, irregularly shaped, and at least six (6) inches on 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 for a watershed of twenty-five (25) square miles to its mouth.

Road – A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

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

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

2. In the case of telephone service

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

Setback – The nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

Shore Frontage – The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Shoreland Zone – The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within two hundred and fifty (250) feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

Shoreline – The normal high-water line, or upland edge of a freshwater or coastal

wetland. **Significant River Segments** – See 38 M.R.S.A. Section 437

Skid Road or skid Trail – A route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

Slash – The residue, e.g., treetops and branches, left on the ground after a timber harvest.

Stream – A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent, highest resolution version of the website of the United States Geological Survey on the website if the United States Geological Survey or the national map to the point where the stream becomes a river or where the stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

Structure – Anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structures does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.

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 wastewater 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 water waste disposal system, or any municipal or quasi-municipal sewer or wastewater 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 primary purpose of selling or processing forest products. “Timber Harvesting” does not include the cutting or removal of vegetation within the shoreland zone when associated with any other land use activities. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15(P), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

Timber harvesting and related activities – timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

Town planner – A person with a background and expertise in municipal planning contracted with or employed by the Town of Sebago to provide professional assistance to the Planning Board, Code Enforcement Officer, Board of Appeals, Ordinance Review Committee and Select Board on applications, ordinance changes, and other municipal planning matters falling within their respective jurisdictions. The Town Planner shall be appointed by the Town of Sebago Select Board for a specific term or for an indefinite term as determined by the Select Board. The Select Board may initially determine, and modify from time to time, the job description of the Town Planner in the best interest of the Town of Sebago and consistent with the provisions of this Ordinance.

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Tributary Stream – Means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term “stream” as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

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

Upland Edge of a Wetland – The boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

Vegetation – All live trees, shrubs, and other plants including without limitation, trees both over and under four (4) inches in diameter, measured at four and one half (4½) feet above ground level.

Velocity Zone – An area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Volume of a Structure – The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Water Body – Any great pond, river, or stream

Water Crossing – Any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Wetland – A freshwater or coastal wetland.

Windfirm – The ability of a forest stand to withstand strong winds and resist windthrow, wind rocking, and major breakage.

Woody Vegetation – Live trees or woody, non-herbaceous shrubs.