

## SECTION 5 – LAND USE STANDARDS

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SECTION USERS GUIDE: This section contains general performance standards with which all development proposals submitted for approval pursuant to this Ordinance must comply.

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The purpose of the regulations contained in this section is to allow maximum utilization of land while insuring against adverse impacts on the environment, neighboring properties, and the public interest. This assurance is provided by separating the areas of the Town of Sebago into additional criteria specified in this Ordinance.

This regulatory approach has been termed “performance zoning” because it permits a use to be developed on a particular parcel only if the use on that parcel meets “performance” standards which have been enacted to insure against the use causing (or having the potential to cause) adverse impacts.

The following Land Use Standards shall govern all Land Use Permits issued by the Code Enforcement Officer and the Planning Board.

In reviewing applications submitted pursuant to this Ordinance, the Code Enforcement Officer or the Planning Board shall consider the following performance standards and make written findings that each applicable standard has been met prior to issuing final approval. In all instances, the burden of proof shall be upon the applicant.

### A. GENERAL STANDARDS

#### 1. ACCESSORY APARTMENTS

The purpose of the provisions concerning accessory apartments is to provide a diversity of housing for Town residents while protecting the single family character of residential neighborhoods. Accessory apartments may be utilized for rental purposes as well as in-law accommodations.

a. **Allowed areas** – Accessory apartments are allowed without an increase in the lot size requirement following site plan approval by the Planning Board in all districts where single-family dwellings are allowed.

b. **Site plan required** – Any request for an accessory apartment shall include a site plan showing the following:

1. Lot boundaries and dimensions at scale
2. Land use district
3. Date of plan
4. Property owner with deed reference
5. Lot area
6. Location and setback of all buildings
7. Rights of way, public and private
8. All easements
9. Street names
10. Sewerage facilities
11. Off-street parking spaces

- c. **Building plan required** – Any request for an accessory apartment shall include a building plan showing the following:
1. Separate floor layout of all finished levels
  2. All plumbing facilities, kind and location
  3. Use of all rooms
  4. All entrances/exits
  5. All partitions, temporary or permanent
  6. Location and type of all appliances
  7. Parking area
- d. **Subsurface waste water disposal** – Any request for an accessory apartment shall conform to all provisions of the Maine Subsurface Waste Water Disposal Rules and no dwelling that is served by an on-site wastewater disposal system shall be modified to create an accessory apartment until a site evaluation has been conducted by a licensed site evaluator which demonstrates that a new system can be installed to meet the disposal needs of both dwelling units.
- e. **Entrance** – The dwelling shall have only one front entrance and all other entrances shall be on the side or in the rear of the dwelling. An entrance leading to a foyer with entrances leading from the foyer to the two dwelling units is permitted.
- f. **Size** – After completion, the main dwelling unit shall have at least fifteen hundred (1500) square feet of floor area. The accessory apartment shall have at least five hundred (500) square feet of floor area but shall not exceed fifty (50) percent of the floor area of the main dwelling unit. Floor area measurements shall not include unfinished attic, basement or cellar spaces, nor public hallways or other common areas.
- g. **Number of units, connection to main unit** – Only one accessory apartment shall be permitted per lot. It shall be made part of the main residence or attached to the main residence by a fully enclosed breezeway not exceeding twenty (20) feet in length.
- h. **Prohibitions** – Accessory apartments shall not be permitted for any nonconforming structure or use, where the nonconformity is due to the use of the premises, as opposed to nonconforming dimensional requirements.

## 2. ACCESSORY USES AND STRUCTURES

An accessory use or structure shall not include any use injurious or offensive to the neighborhood as initially determined by the Code Enforcement Officer and/or Planning Board.

## 3. AGRICULTURAL MANAGEMENT ACTIVITIES

Agricultural practices shall be conducted in such a manner as to prevent soil erosion, sedimentation, and contamination or nutrient enrichment of surface waters.

#### **4. AIR POLLUTION**

Air pollution control and abatement shall comply with applicable minimum Federal and State requirements.

#### **5. BUFFERS**

Buffer strips may be required along property lines where the reviewing authority (Code Enforcement Officer or Planning Board) determines it desirable and necessary to accomplish the following:

- a. To shield incompatible uses from one another
- b. To block prevailing winds to stop wind borne debris from leaving development site
- c. To prevent any proposed lighting from interfering with residential properties or with safe driving
- d. To minimize visual impact of all exposed storage areas, sand and gravel extraction operations, timber harvesting operations, utility buildings and structures, automobile salvage and junkyards, parking areas, garbage collection areas, loading and unloading areas, and to preserve the rural character of Sebago.
- e. To protect and enhance scenic character and provide visual separation between Routes 11, 114 and 107 and non-residential uses. Such buffer strips shall be a minimum of fifty (50) feet in width, and shall consist of native vegetation, existing or proposed, with a minimum average height of three (3) feet. The property owner shall be responsible for maintaining this buffer strip.

#### **6. CAMPER/TRAILERS AND RECREATIONAL VEHICLES**

- a. Camper/trailers are considered structures for temporary occupancy and are prohibited from year round use.
- b. For the purpose of this section, year round will mean any occupancy greater than 180 days, in any 12 month period.
- c. Camper/trailers intending to be used as principle dwellings for periods greater than two weeks must be issued a Camper/Trailer Occupancy Permit.
- d. Septic systems and wells are not permitted to be attached to a camper/trailer. Commercially manufactured portable toilets, commonly referred to as "Porta Potties", may be permitted if they are regularly serviced. No sewage shall be permitted to be deposited upon the ground or into lakes, rivers, ponds, streams, or wetlands.
- e. EXCEPTION: This section shall not apply to the use and occupation of camper/trailers, recreational vehicles, and non-permanent structures which are located in a duly recognized campground.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN**

All proposed developments shall be in conformance with the Comprehensive Plan and Policy Statements of the Town contained within the Plan and in conformance with the provisions of all pertinent local ordinances and regulations, State laws and Federal regulations.

**8. CONSTRUCTION IN FLOOD HAZARD AREAS**

When any part of a development is located in a Flood Hazard Area as identified by the Federal Emergency Management Agency, and Town of Sebago Floodplain Management Ordinance, the plan shall comply with the provisions of Sebago's Floodplain Management Ordinance.

**9. CONVERSIONS**

Conversions of existing structures into multi-family units, in Districts permitting multi-family dwellings, may be permitted provided that:

- a. Off-street parking for two (2) vehicles per dwelling unit plus maneuvering space will be provided.
- b. Approval of conversion plans by local and state fire, electrical and plumbing inspector (s) is required prior to issuance of a land use permit.
- c. Each dwelling unit shall be at least three-hundred fifty (350) square feet in area for one (1) bedroom units, plus one-hundred and fifty (150) square feet for each additional bedroom.
- d. Each dwelling unit shall have its own toilet and kitchen facilities and no dwelling unit will share these facilities with any other dwelling unit.
- e. Each unit shall be provided with adequate rubbish disposal facilities.

**10. DUST, FUMES, VAPORS, GASES, ODORS, GLARE, AND EXPLOSIVE MATERIAL**

Emission of odors, dust, dirt, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation or property must comply with State and Federal standards.

**11. DRIVEWAYS**

A facility or means of connecting a residential or commercial property to streets, roads, or highways under the jurisdiction of the town.

**A. General Guidelines**

1. Any person, firm, or corporation desiring to construct a driveway on any public street in the Town of Sebago shall first obtain a driveway permit from the Code Enforcement Officer. All such permits are issued in accordance with 23 M.R.S.A. sec. 3354.
2. If needed, the owner is responsible for the first pipe, or culvert, and the first installation. The town will be responsible for future maintenance, providing the driveway intersects

and official town road. In most cases the culvert size shall be at least 15 inches in diameter and 20 feet in length.

3. Existing roadside drainage ditches shall not be altered or impeded by the applicant. Surface drainage shall be provided so that all surface water adjacent to the roadway shall be carried away from the road.
4. Because field conditions are highly variable, the guidance provided here may not always be completely applicable. Therefore variations from this guidance to meet field conditions are expected, and do not require a need for any type of exception or design waiver, and shall be determined by the Code Enforcement Officer.

## B. Recommended Design Criteria

1. Driveway placement should be such that drivers approaching from the main roadway will have sufficient sight distance to safely decelerate and complete an entry into the driveway. Also, the driveway placement should be such that an exiting driver will have sufficient sight distance to judge a safe gap in oncoming traffic.

Figure 11-1

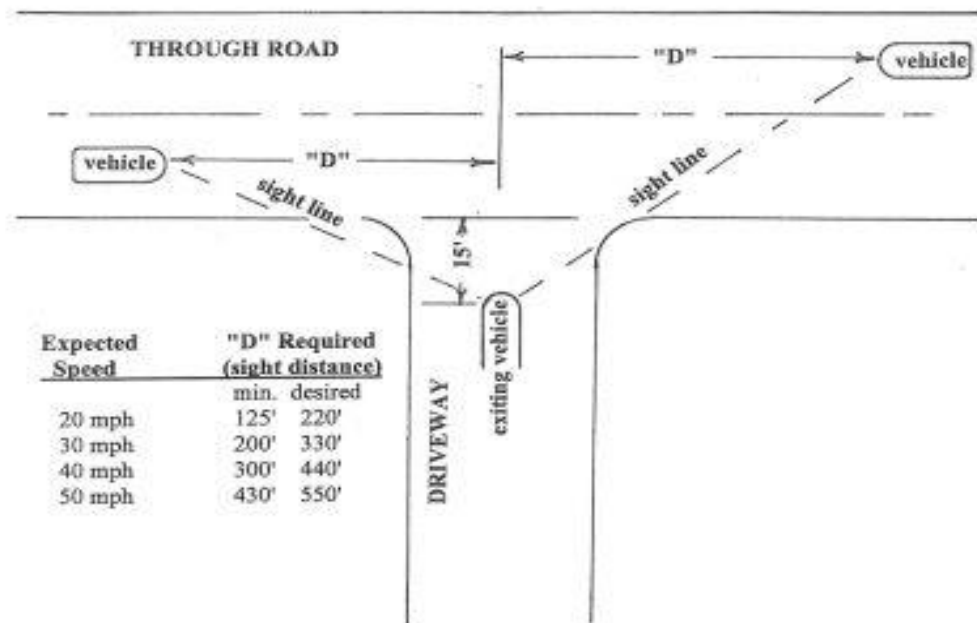
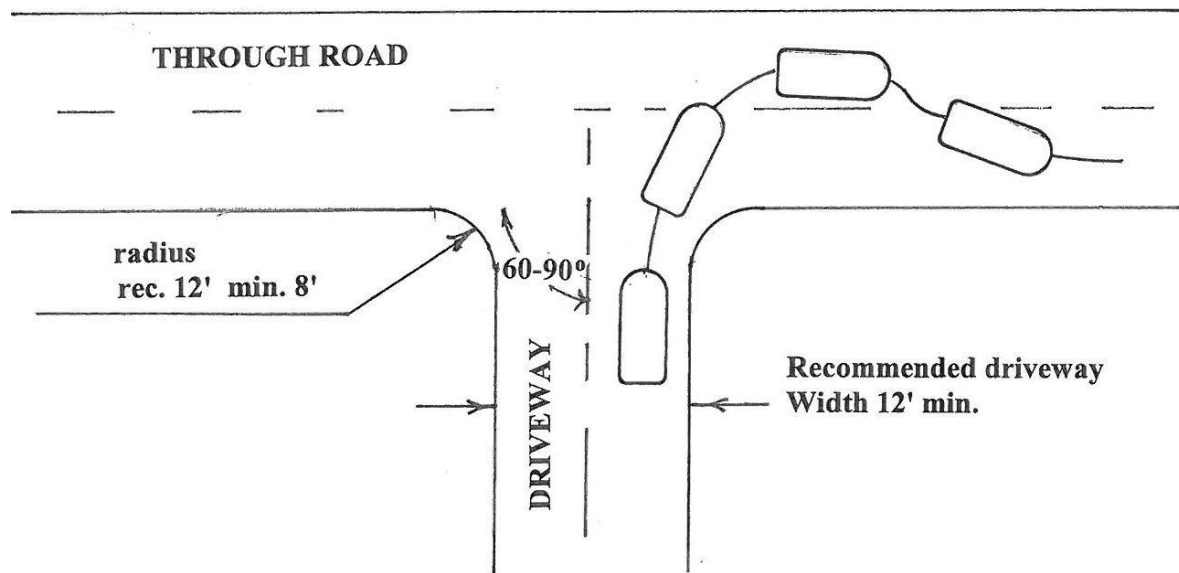


Figure 11-1 Recommended sight line distances

2. Entrance Angle and Radius:
  - a. Driveway alignments for the first 20 feet from the edge of the road should be as close to perpendicular as possible, but should not exceed 30 degrees from perpendicular.
  - b. Each driveway radius should accommodate the appropriate design vehicle. Driveway to roadway radiuses should be sufficient to allow vehicles to exit a driveway to the right without entering the oncoming traffic lane.

Figure 11-2



**Figure 11-2 Recommended entrance angle, and radius**

3. Suggested driveway width 14 feet.
4. Turnarounds should be provided so as to eliminate the need for backing into roadways.
5. Internal driveway radiuses, recommended 50 feet.
6. Bridges and culverts should be designed to support minimum loads of 50 thousand pounds (emergency vehicles).
7. Driveway Grades:  
Some significant factors to be considered in driveway profiles are abrupt grade changes, which cause vehicles entering and exiting to move at extremely slow speeds, this can create the possibility of rear end collisions, and potential vehicle damage, due to dragging of center or overhanging parts.
  - a. Ascending parcels.
    1. To minimize runoff into the roadway, driveway grades should not exceed 16 percent slope.
    2. Existing roadway shoulder cross slope shall extend, a minimum 5 feet into the driveway from the edge of roadway surface. There shall be an additional 15-20 foot transitional (not to exceed a 5 percent slope) area to provide a near level platform before entering the roadway.
  - b. Descending parcels.

1. Driveway grades should not exceed 16 percent slope.
2. Existing roadway shoulder cross slope shall extend, a minimum 5 feet into the driveway from the edge of the roadway surface. There shall be a 5 foot transitional up slope to create a drainage channel. Provide an additional level area of at least 10 feet, so as to create a platform from which to enter the roadway.

Figure 11-3

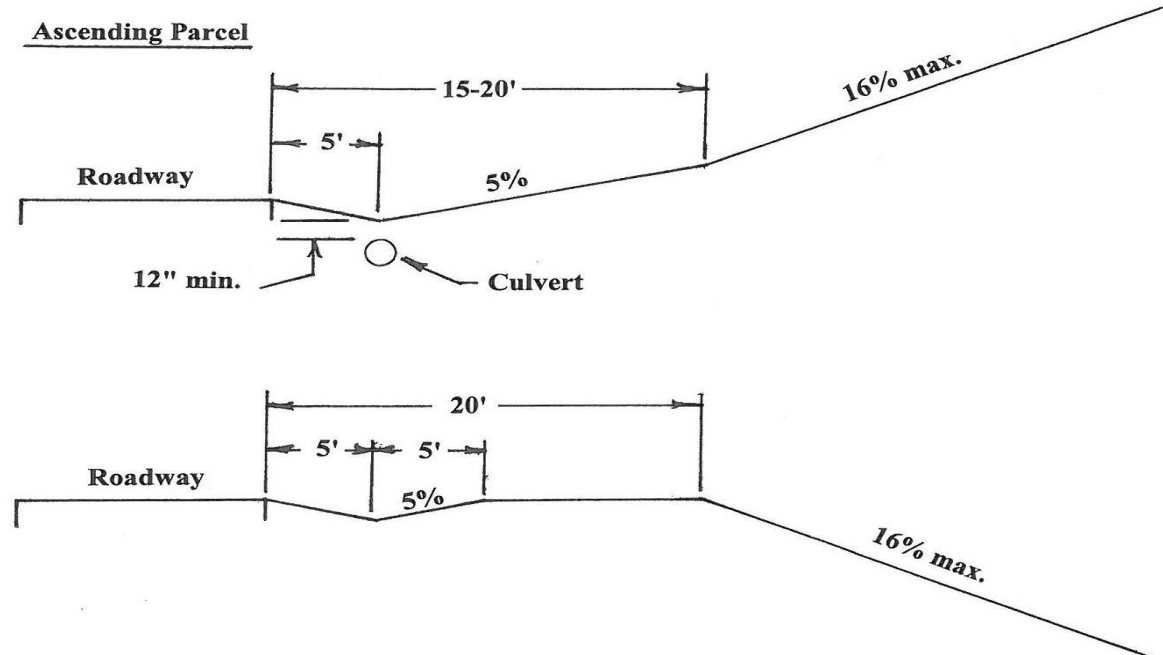


Figure 11-3 Recommended grade profiles

## 12. EROSION AND SEDIMENTATION CONTROLS

The following measures relating to conservation, erosion, and sediment control shall be included where applicable as part of all projects submitted for review and approval under this ordinance.

- a. Where an erosion and sedimentation control plan is required by the Planning Board, the procedures outlined in the erosion and sedimentation control plan, prepared and submitted by the applicant, shall be implemented during the site preparation, construction, and clean-up stages.
- b. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best management practices:
  1. Stripping of vegetation, soil removal and re-grading or other development shall be done in such a way as to minimize erosion.

2. Development shall preserve outstanding natural features, keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
3. The development shall not unreasonably increase the rate or volume of surface water runoff from the proposed site.
4. Whenever feasible, natural vegetation shall be retained, protected and supplemented.
5. The disturbed area and the duration of exposure shall be kept to a practical minimum.
6. Disturbed soils shall be stabilized as quickly as practicable.
7. Temporary vegetation or mulching shall be used to protect disturbed areas during development.
8. Permanent (final) vegetation and mechanical erosion control measures in accordance with the provisions of the Dept. of Environmental Protection's Best Management Practices for Erosion and Sedimentation Control or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends.
9. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, silt traps or other acceptable methods.
10. The top of the cut or the bottom of a fill section shall not be closer than ten (10) feet to an adjacent property, unless otherwise specified by the Planning Board.
11. During grading operations, methods of dust control shall be employed wherever practicable.
12. Whenever sedimentation is caused by stripping vegetation, re-grading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.
13. Maintenance of drainage facilities and watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

### **13. HOME OCCUPATIONS**

- a. The purpose of the Home Occupation provision is to permit the conduct of those businesses that are compatible with the Districts in which they are allowed. Home Occupations are limited to those uses which may be conducted within a residential dwelling without substantially changing the appearance or condition of the residence or accessory structure.
- b. Any home occupation or profession which is accessory to and compatible with a residential use may be permitted if:



1. It is carried out in a dwelling unit or in a structure customarily accessory to a dwelling unit.
  2. It is conducted only by a member or members of the family residing in the dwelling unit; and/or not more than one employee.
  3. It does not materially injure the usefulness of the dwelling unit or accessory structure for normal residential purposes.
- c. All home occupations shall conform to the following conditions:
1. The home occupation shall be carried on wholly within the dwelling or accessory structure.
  2. The home occupation shall be conducted by a member or members of the family residing in the dwelling unit, and/or not more than one employee.
  3. Exterior signs shall not be greater than 2 square feet, no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building.
  4. Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare, activity at unreasonable hours, shall not be permitted.
  5. The traffic generated by such home occupation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood.
  6. In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of the maximum number of users the home occupation may attract during peak operating hours.
  7. The home occupation may utilize:
    - a. Not more than twenty (20%) of the dwelling unit floor area provided that for the purposes of this calculation, unfinished basement and attic spaces are not included.
    - b. Basement spaces
    - c. One necessary structure. The floor area utilized in the accessory structure shall not exceed fifty (50%) of the total area of the dwelling unit.
    - d. Unfinished attic spaces to be used for storage only.
  8. Home occupations that involve use or storage of hazardous or leachable materials in excess of normal residential use are not permitted.

#### 14. INDUSTRIAL PERFORMANCE STANDARDS

The following provisions shall apply to all permitted industrial uses:

- a. **Danger** – No material which is dangerous due to explosion, extreme fire hazard, chemical hazard or radioactivity shall be used, stored manufactured, processed or assembled except in accordance with State and Federal codes and regulations.
- b. **Vibration** – With the exception necessarily involved in the construction or demolition of buildings, no vibration shall be transmitted outside the lot where it originates.
- c. **Wastes** – No offensive wastes shall be discharged or dumped into any river, stream, watercourse, storm drain, pond, lake or swamp. Industrial waste water may be discharged to municipal sewers, if applicable, only and in such quantities and quality as to be compatible with existing municipal facilities.
- d. **Noise** – Offensive noise shall not be transmitted beyond lot lines so as to cause disturbance to neighboring residential properties.

#### 15. JUNKYARDS

No junkyards as defined in this Ordinance shall be established, operated or maintained without first obtaining a non-transferable land use permit issued in accordance with State licensing and local requirements, and the following provisions:

- a. Junkyards shall be located a minimum of two hundred (200) feet from the edge of the right-of-ways, and shall be set back one hundred (100) feet from all side and rear lot lines.
- b. Junkyards shall be located a minimum of three hundred (300) feet away from any public park, facility or grounds.
- c. Junkyards shall be entirely screened from view by earth berms or fences which shall be well constructed and properly maintained at a minimum height of six (6) feet and sufficient to accomplish the complete screening from ordinary view.

In addition, the following provisions apply to the operation of junkyards:

- d. Upon arrival at the junkyard, all petroleum and other hazardous fluids shall be drained from all vehicles, and appropriate safety precautions, such as the removal of door and trunk locks, shall be removed to avoid injury and accidents.
- e. Tires shall be removed and disposed of within sixty (60) days at a duly licensed disposal facility. Proof of disposal shall be provided to the Code Enforcement Officer upon request.
- f. The complete processing of vehicles into salvage materials shall be accomplished within six (6) months.

- g. All junk and salvage materials shall be stored within the screened fenced areas and the operation shall be conducted in such a manner as to prevent unsightliness to the adjacent areas.
- h. No open burning of salvage materials or junk shall be permitted on the premises. Waste fluids and unusable materials shall be disposed of in a duly licensed disposal facility.
- i. The Planning Board and/or Code Enforcement Officer may recommend the application of more stringent restrictions and/or limitations, and stipulate reasonable conditions which shall be attached to the permit covering the operation and use of the junkyard prior to the issuance of the permit.

## **16. LANDSCAPING**

- a. The purpose of landscaping is to define, soften or screen the appearance of off-street parking areas or other uses from the public right-of-way and abutting properties, to enhance the physical design of the building(s) and site, and to minimize the encroachment of the proposed use on neighboring land uses. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping shall include trees, bushes, shrubs, ground cover, perennials, annuals, plants, grading and the use of building and paving materials in an imaginative manner.

When required by the Planning Board, the landscaping plan may, at the discretion of the Board, include major existing and proposed trees, shrubs, bushes, plant material, ground cover and natural features such boulders and rock outcroppings. It shall show present or proposed location and planting details. Applicant shall include in the plan proposed methods to protect existing trees and growth during and after construction. These may include fences, berms, curbing, tree walls and similar devices.

- b. The following criteria shall be followed:
  - 1. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. If a site includes a ridge or ridges above the surrounding areas and provides scenic vistas for surrounding areas, special attempts shall be made to preserve the natural environment of the skyline of the ridge. Existing vegetation and buffering landscaping are potential methods of preserving the scenic vistas.
  - 2. Landscaping should be provided in public areas, recreation sites and adjacent to buildings.
  - 3. Wherever possible, existing large trees should be saved. Maximum effort should be made to save clumps of trees rather than an individual one.
  - 4. Parking lots should be landscaped to provide buffering for adjacent properties. Sight vision, safety and appearance should be considered in determining landscaping plans.

5. Environmentally sensitive areas such as wetlands, steep slopes, flood plains and unique natural features shall be maintained and preserved to the maximum extent feasible. Natural drainage areas shall be preserved to the maximum extent feasible.

## 17. LIGHTING

- a. Adequate lighting shall be provided to ensure safe movement of persons and vehicles and for security purposes.
- b. The following criteria shall be followed:
  1. Directional or display lighting shall be arranged so as to minimize glare and reflection on adjacent properties and the traveling public.
  2. All lights shall be shielded away from residences and roads. All lighting shall be shielded to restrict the maximum apex angle of the cone of illumination to one-hundred-fifty (150) degrees.
  3. Direct or indirect light from the source shall not cause illumination in excess of 0.5 foot candles when measured in a residential district.
  4. The maximum height of freestanding lighting shall be the same as the principal building or not exceed thirty-five (35) feet.
  5. Lighting shall be located along streets, parking areas, at intersections and crosswalks and where various types of circulation systems merge, intersect or split.

## 18. MANUFACTURED HOUSING

- a. **Intent** – It is the intent of this Ordinance to provide a variety of housing alternatives to all economic levels within the community, while continuing to insure the minimum standards of health, safety, and welfare of the community. To this end, this ordinance allows the siting of all types of manufactured housing within designated areas of the Town regardless of their construction date or compliance with all standards of the Manufactured Home and Construction Safety Standards of the Dept. of Housing and Urban Development, adopted in 1976. The Town does hereby require however, that all manufactured housing sited within the Town of Sebago meet certain safety and design criteria.
- b. **Minimum Safety Standards** – All manufactured housing as defined in this ordinance, regardless of date of manufacture, and sited within the Town of Sebago after the effective date of this ordinance, shall meet or exceed the following minimum standards before a “Certificate of Occupancy” shall be issued by the Code Enforcement Officer in conformance with Section 6. I. of this Ordinance.
- c. **HUD Approval Sufficient** – All manufactured housing, as defined, constructed after July 1, 1976 and bearing the seal of the Department of Housing and Urban Development which certifies that the manufactured home was built pursuant to the provisions of the Manufactured Homes Construction and Safety Standards as revised shall be deemed to have fulfilled the requirements of this section.

- d. Minimum Electrical Safety Standards** – All manufactured housing shall meet the following minimum safety requirements for electrical installation and maintenance as provided for by the National Electrical Code as said code pertains to the following:

1. 100 Ampere Entrance required
2. Copper wiring required
3. Two means of grounding required
4. Ground faulting receptacles required

In addition, all electrical installation or modifications to existing manufactured housing shall be inspected by and certified by an electrician licensed by the State of Maine or the Municipal Code Enforcement Officer if duly appointed as electrical inspector.

- e. Minimum Fire Prevention Standards** – All manufactured housing shall meet the following minimum fire safety requirements as provided for by the National Electrical Code and the Manufactured Housing Construction Standards of 1976 established by the Dept. of Housing and Urban Development (HUD).

1. All homes shall contain at least one operable fire extinguisher which is readily accessible at all times.
2. All homes shall have at least one operable AC smoke detector located within the home and one operable smoke detector in each of the bedrooms.
3. The installation and maintenance of all heating systems including vents, chimneys, and encompassing secondary and tertiary as well as primary heating sources, shall meet the standards of NFPA 211.
4. All automatic dryers, whether electric or gas, must meet the venting requirements of the Manufactured Home Construction Standards of 1976 as established by HUD.
5. All manufactured homes must meet the requirements of the Manufactured Home Construction Standards of HUD, to wit, all manufactured homes shall provide for at least two means of egress from each bedroom, one of which must be directly to the outside of the home and may be accomplished by way of a window of suitable size which can be opened easily without tools, and two doors exiting directly to the outside of the home separated by distances as established by the standards.

- f. Minimum Plumbing Standards** – All manufactured housing shall meet the minimum standards of Maine's Subsurface Waste Water Disposal Rules.

- g. Minimum Design Standards** – All manufactured housing will be sited and maintained in such a manner as to blend harmoniously with other residential structures in close proximity. To this end all manufactured housing located within the Town of Sebago after the effective date of this ordinance shall:

1. Have and maintain external siding which is residential in appearance for the manufactured home as well as any additions or accessory structures located on the same lot.
2. Be located on a permanent foundation at a minimum of a gravel pad. Pad must be 8" compacted and the manufactured home must be blocked with 2x2 pressure treated at the blocking points unless otherwise specified by a duly adopted building code.
3. Permanent skirting shall be installed within thirty (30) days of siting.
4. Provide a safe means of egress and ingress to and from the manufactured home including stairs and handrails when applicable.

## **19. MINERAL EXPLORATION AND EXTRACTION**

The following requirements for mineral exploration and extraction activities, including the removal of topsoil, shall apply in all Districts:

- a. All exploration/extraction activities, including test pits and holes, shall be promptly capped, refilled, or secured by other equally effective measures so as to reasonably restore disturbed areas and to protect the public health and safety.
- b. No portion of any ground area disturbed by the extraction activity shall be closer than twenty-five (25) feet from a public roadway.
- c. Within two-hundred-fifty (250) feet of any water body, the extraction areas shall be protected from soil erosion by ditches, sedimentation basins, dikes, dams, or such other control devices which are effective in preventing sediments from being eroded or deposited into such water body.
- d. All natural vegetation screens of not less than fifty (50) feet in width shall be retained from any facility intended primarily for public use, excluding privately owned roads.
- e. If any mineral extraction operation located within seventy-five (75) feet of any property line or public roadway or facility intended primarily for public use, excluding privately owned roads, is to be terminated or suspended for a period of one year or more, the site shall be rehabilitated by grading the soil to a slope of 2 horizontal to 1 vertical, or level.
- f. Extraction operations (gravel pit, etc.,) shall not be permitted within one hundred (100) feet of any property line without a written agreement of consent between property owners.

## **20. MOBILE HOME PARK STANDARDS**

Notwithstanding other provisions of this Ordinance relating to bulk and use, the Planning Board, in reviewing submitted plans for proposed mobile home parks, may modify said provisions related to space, bulk and use to permit innovative approaches to environmental design in accordance with the following standards:

- a. There shall be compliance with all State and local codes and ordinances.

- b. All utilities shall be installed underground wherever possible. All substations, pumping stations, and meters shall be located and designed so as not to be unsightly or hazardous to the public.
- c. No mobile home shall be located closer than thirty (30) feet to a street or adjacent mobile home.
- d. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot, such access shall have a minimum of a fifty (50) foot right-of-way and twenty (20) foot road width. All park streets shall be well drained, maintained in good conditions, and adequately lighted at night.
- e. Dead end streets shall be limited in length to one thousand (1000) feet and at the closed end shall be provided with a turn around having a minimum radius of sixty-five (65) feet;
- f. Off-street parking in all mobile home parks shall be furnished at the rate of at least two (2) car spaces for each mobile home located on the mobile home lot.

## **21. OFF-STREET PARKING**

- a. Off-street parking, either by means of open air spaces or by garage space, in addition to being a permitted use, shall be considered as an accessory use when required or provided to serve conforming uses located in any District.
- b. Required off-street parking spaces shall be provided.
- c. The following minimum off-street parking requirements shall be provided and maintained in case of new construction, alterations and changes of use or as deemed appropriate by the Planning Board:
  - 1. Dwellings – Two (2) parking spaces for each dwelling unit
  - 2. Transient Accommodations:
    - a. Bed and Breakfast accommodations, motels, hotels, boarding houses, and inns with ten (10) rooms or less – Two (2) parking spaces plus one space for each guest room
    - b. Motels, hotels, boarding houses, and inns with more than ten (10) rooms – One (1) parking space for each guest plus one (1) space for each three (3) employees
  - 3. Schools – Five (5) parking spaces for each classroom plus one (1) space for each four (4) employees
  - 4. Hospitals (bed facilities only) – One (1) parking space for every three (3) beds, plus one (1) for each employee based on the expected average employee occupancy
  - 5. Theaters, churches, and other public assembly places – One (1) parking space for every four (4) seats or for every one hundred (100) square feet or major fraction thereof of assemblage space if no fixed assets

6. Retail Stores – One (1) parking space for every two hundred (200) square feet of retail area, plus one for every two employees, unless public parking is provided
7. Restaurants, eating and drinking establishments – One (1) parking space for every four (4) seats, plus one (1) for every two (2) employees, unless public parking is provided
8. Professional Offices and Public Buildings – One (1) parking space for every two hundred (200) square feet of gross leasable area, exclusive of cellar and bulk storage areas, unless public parking is provided
9. Other Commercial Recreation Establishments (mini-golf courses, etc.) – the number of spaces deemed appropriate by the Planning Board
10. Industrial – One (1) parking space for each 1.5 employees, based on the highest expected average employee occupancy, plus visitor and customer parking to meet the needs of specific operations

## **22. OFF-STREET LOADING**

Adequate off-street loading areas shall be provided for appropriate land uses. Loading areas cannot be included as parking spaces to meet parking requirements.

## **23. OIL AND CHEMICAL STORAGE**

- a. All storage of petroleum or liquid products shall be in conformance with the provisions of Title 38 MRSA, Section 560 et. seq. which, among other things, establishes a ten-year compliance schedule for the discontinuance and removal of non-conforming underground oil storage facilities and requires qualified personnel to oversee the removal of certain underground facilities, as well as compliance with any duly adopted building codes and ordinances of the Town of Sebago.
- b. When applicable, the applicant shall have the burden of proof to assure the Planning Board or Code Enforcement Officer that all provisions of the above statutes have been met before the issuance of any permits may take place.

## **24. OPEN SPACE REQUIREMENT**

Depending on the size and location of the proposed development, the Planning 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 at least one (1) acre in size and easily accessible from all lots within the subdivision.

## **25. OPEN SPACE DENSITY BONUS PROVISIONS**

If a project is a planned development or cluster development, the minimum lot area per dwelling unit may be reduced by the amount shown below within all district designations. In no case shall lots served by subsurface sewage disposal systems be less than twenty thousand (20,000) square feet.



- a. A density bonus of ten percent (10%), if ten percent (10%) to less than twenty-five percent (25%) of the site shall be permanently preserved as open space
- b. A density bonus of twenty percent (20%), if twenty-five percent (25%) to less than forty percent (40%) of the site shall be permanently preserved as open space
- c. A density bonus of thirty percent (30%), if forty percent (40%) or more of the site shall be permanently restricted as open space

## **26. PESTICIDE APPLICATION**

Pesticide application in any of the districts shall not require a permit provided such application is in conformance with applicable State and Federal statutes and regulations. Any pollutant introduced into the soil on the site shall not exceed a concentration in the ground water that is greater than the guidelines established for it in the safe Drinking Water Standard, EPA Health Advisory. Any violation of this standard shall be cause to order the immediate stop of the use or activity responsible for the contamination. The landowner shall be responsible for the cost of all remedial actions.

## **27. PREHISTORIC AND ARCHAEOLOGICAL RESOURCES**

Proposals submitted under this ordinance shall not negatively impact prehistoric and archaeological resources nor present any threat to those resources. It shall be the burden of the applicant to satisfy the reviewing authority that such threat does not exist as requested and when applicable.

## **28. REFUSE DISPOSAL**

- a. The applicant shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner.
- b. The impact of particular industrial or chemical wastes or by-products upon the sanitary facilities (in terms of volume, flammability or toxicity) shall be considered and the applicant may be required to dispose of such wastes elsewhere, in conformance with all applicable state and federal regulations. The applicant may be required to specify the amount and exact nature of all industrial or chemical wastes to be generated by the proposed operation.

## **29. SEWAGE DISPOSAL**

- a. Subsurface Sewage Disposal

No permit shall be issued for a project with subsurface sewage disposal unless:

- 1. There is an area of suitable soils, according to the Subsurface Waste Water Disposal rules, of sufficient size to accommodate the proposed system.
- 2. An acceptable plan to construct the absorption area is prepared in accordance with Maine's Subsurface Waste Water Disposal Rules.

3. In lieu of (1) and (2) above, the applicant demonstrates that any deficiencies of the soil for purposes of sewage disposal can and will be overcome by a suitable engineering solution.

No development shall be permitted which utilizes, for on-site subsurface sewage disposal purposes, any soil listed in the Soil Suitability Guide as having a very poor rating for the proposed use, unless the proposed sewage disposal system is approved under the Subsurface Waste Water Disposal Rules.

b. Septic Tank Pumping Requirement

1. Any septic tank located within two-hundred-fifty (250) horizontal feet from any lake, pond or stream that is subject to the Town's Shoreland Zoning Ordinance, and that is part of a subsurface waste water disposal system that is ten (10) years old or older, shall be pumped out at least once every five (5) years.
2. The Code Enforcement Officer may request any property owner subject to the requirements of this subsection to provide proof that the septic tank has been pumped within the past five (5) years. A copy of a receipt of services within the past five (5) years from any qualified septic tank pumping service shall be prima facie evidence that this requirement has been met.
3. The failure to comply with the five (5) year septic tank pumping requirement shall be deemed to be a violation of this Ordinance.

### **30. SIGNS**

- a. Conformance of Signs – No sign shall be erected, altered or maintained, within the limits of the Town of Sebago, Maine except in conformance with the provisions of this section.
- b. Signs Prohibited – No sign, whether new or existing, shall be permitted within the Town of Sebago, Maine which causes a traffic sight, health or welfare hazard, or results in a nuisance, due to illumination, placement, display, or obstruction to existing signs.
- c. Temporary Signs – The following temporary signs are permitted provided said signs conform to all standards of this section and all other municipal, federal, and state ordinances, statutes and/or regulations:
  1. Temporary Signs Giving Notice – Signs of a temporary nature, such as political posters, advertisements or charitable functions, notices of meetings, other non-commercial signs of a similar nature, are permitted for a period not to exceed thirty (30) days, provided that the person(s) who posted the signs shall be responsible for their removal.
  2. Temporary Yard Sale Signs – Temporary yard sale signs are permitted provided they do not exceed the size standards of Subsection e (Off Premise Signs) and provided they are removed within twenty-four (24) hours of completion of the sale. Yard sales

which extend for more than four (4) consecutive days are considered commercial use.

3. Temporary Agricultural Signs – Temporary agricultural signs are allowed in accordance with the appropriate season.
- d. Sign Requirements – All signs within the limits of the Town of Sebago shall meet the following requirements:
1. No sign shall project over a walkway or interfere in any way with the normal flow of foot or vehicular traffic. All freestanding signs shall be set back a minimum of eight (8) feet from property lines in all Districts.
  2. No sign shall contain, include, or be illuminated by flashing, blinking, intermittent, or moving lights.
  3. No sign shall exceed 15 feet in height.
  4. Signs may be illuminated only by shielded, non-flashing lights so as to effectively prevent beams of light from being directed at neighboring residential properties or any portion of the main traveled way of a roadway, or is of such low intensity or brilliance as not to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with the operation of the vehicles.
  5. Roof signs shall not extend more than two (2) feet above the roof line, not to exceed thirty-five (35) feet.
- e. Off Premise Signs – No off premise signs shall be erected or maintained in the Town of Sebago except when in conformance with Title 23 MRSA, Section 1901-1925, and the Maine Traveler Information Services Law. Off premises official business directional signs may be located in the Town of Sebago in such a location and in such a manner as allowed under Title 23 MRSA, Section 1901-1925 and under the rules and regulations of the Dept of Transportation of the State of Maine.
- f. Exempt Signs – The following signs are exempt from the provisions of this section except as otherwise provided for herein:
1. Traffic control signs, signals, and/or other devices regulating or enhancing public safety, erected by a governmental body

### 31. SITE CONDITIONS

- a. **Site to be safe and sanitary** – During construction, the site shall be maintained and left each day in a safe and sanitary manner, and any condition which could lead to personal injury or property damage shall be immediately corrected by the developer upon order of the Code Enforcement Officer or other authorized personnel. The developer shall make a provision for disposal of oil and grease from equipment and the site area should be regularly treated to control dust from construction activity.

- b. **Disposal of dead trees, litter, building materials** – Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris, and excess or scrap building materials shall be removed or destroyed immediately upon request and to the satisfaction of the Code Enforcement Officer prior to issuing an occupancy permit.
- c. **Changes in elevation** – No changes shall be made in the elevation or contour of the lot or site by the removal of earth to another lot or site other than as shown on an approved site plan. Minimal changes in elevations or contours necessitated by field conditions may be made only after approval by the Code Enforcement Officer.
- d. **Temporary improvements** – Prior to or during construction, the Code Enforcement Officer may require the installation or construction of improvements to prevent or correct temporary conditions on the site which could cause personal injury, damage to property or constitute a health hazard. These conditions may result from erosion and landslide, flooding, heavy construction traffic, creation of steep grades and pollution. Improvements may include berms, mulching, sediment traps, detention and retention basins, grading, plantings, retaining walls, culverts, pipes, guardrails, temporary roads and others measures appropriate to the specific conditions. All temporary improvements shall remain in place and in operation until otherwise directed by the Code Enforcement Officer.

## 32. SOILS

All land uses shall be located on soils in or upon which proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and similar intensive land uses shall require a soils report, prepared by a duly licensed individual as appropriate for the project.

## 33. STREETS

- a. **Classification** – In accordance with the Comprehensive Plan for the Town of Sebago and for the purposes of these standards, streets are classified by function as follows:

### 1. Major Streets

- a. Arterial streets – serve primarily as major traffic ways for travel between and through town.
- b. Collector streets – serve as feeder streets to arterial streets, as collectors of traffic from minor streets, and for circulation and access in commercial and industrial areas.

### 2. Minor Streets

- a. Local streets – which are used primarily for access to abutting residential, commercial or industrial properties.

**b. Layout**

1. Proposed streets shall conform, as far as practical, to the requirements of these standards.
2. All streets in the subdivision or development shall be so designed that, in the opinion of the Board, they shall provide safe vehicular travel while discouraging movement of through traffic.
3. The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing or planned streets, to topographical conditions, to public convenience and safety, and their appropriate relation to the proposed use of the land to be served by such streets. Grades of streets shall conform as closely as possible to the original topography within the limits of these standards.
4. Adequate off-street parking, suitably surfaced, shall be provided in connection with lots designed for commercial use.
5. Subdivisions or developments containing twenty (20) lots or more or having area in excess of thirty-five (35) acres shall have at least two (2) street connections with existing public streets or streets on an approved subdivision or development plan for which a bond has been filed.
6. Street and driveway entrances onto existing or proposed collector streets shall not exceed a frequency of one (1) per four hundred (400) feet of street frontage. Driveway and street entrances onto existing or proposed arterial streets shall not exceed a frequency of one (1) per thousand (1,000) feet of street frontage.
7. Minor streets in the subdivision or development shall be so laid out that their use by through traffic shall be discouraged.

**c. Design and Construction Standards**

1. All streets in a subdivision or development shall be designed and constructed to meet the following standards for streets according to their classification as determined by the Board.
2. Grades of all streets shall conform in general to the terrain, and shall not be less than one-half (1/2) of one percent (1%) nor more than six percent (6%) for collector streets, or eight percent (8%) for minor streets in residential subdivisions or developments, but in no case more than three percent (3%) within fifty (50) feet of any intersection.
3. All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Board so that clear visibility shall be provided for a distance of two hundred (200) feet.

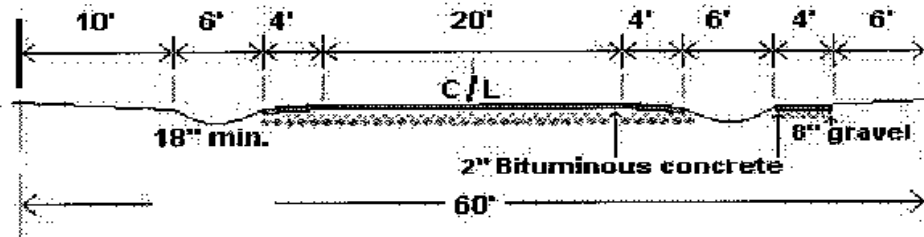
4. Intersections of streets shall be at angles as close to ninety (90) degrees as possible and in no case shall two (2) streets intersect at an angle smaller than sixty (60) degrees. To this end, where one street approaches another between sixty to ninety (60-90) degrees, the one street should be curved approaching the intersection.
5. Cross street intersection (four cornered) shall be avoided in so far as possible, except as shown in the Comprehensive Plan or at other important traffic intersections. A distance of at least two hundred (200) feet shall be maintained between center lines of offset intersecting streets.
6. Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrian and vehicular traffic. If directed, ground shall be excavated to achieve visibility.
7. A dead-end street or cul-de-sac shall not exceed one-thousand-two-hundred (1,200) feet in length and shall be provided with a suitable turn-around at the closed end having a minimum outside curb radius of sixty-five (65) feet.
8. All streets shall be provided with adequate drainage facilities to provide for the removal of storm water to prevent flooding of the pavement and erosion of adjacent surfaces.
9. Side slopes in cuts or fills shall not be steeper than three (3) feet horizontal and one (1) foot vertical, graded, loamed (2" to 4" compacted) as directed by the engineer appointed by the Board and seeded as required.
10. Streets shall be rough graded to the full width of the right-of-way.
11. All roadways with the subdivision or development shall be constructed according to the road specifications, herein contained, as overseen by the engineer appointed by the Board.

<b>Table 5-1</b> <b>Design and Construction Standards for Streets</b>		
<b>Item</b>	<b>Collector Street</b>	<b>Minor Street</b>
Minimum width right-of-way	60'	60'
Minimum width of pavement	22'	20'
Minimum grade	0.5%	0.5%
Maximum grade	6%	8%
Maximum grade at intersections	3% within 50' of intersection	
Width of shoulders	6'	4'
Minimum center-line radii on curves	200'	200'
Road base (minimum)	20"	20"
Upper base (minimum)	4"	2"
Bituminous paving (by MDOT specifications)	2 ½"	2"
Road crown (minimum)	2% slope	2% slope
Sidewalks		
Width (minimum)	4'	4'
Base course gravel	8"	8"
Surface bituminous hot top	2"	2"
Dead-end or cul-de-sac streets	Width 60'	
Radii of turn-around	Length 1200'	
	65'	

## ROAD DESIGN STANDARDS

### Minimum Requirements

#### Minor Streets



#### **WITHOUT SIDEWALKS**

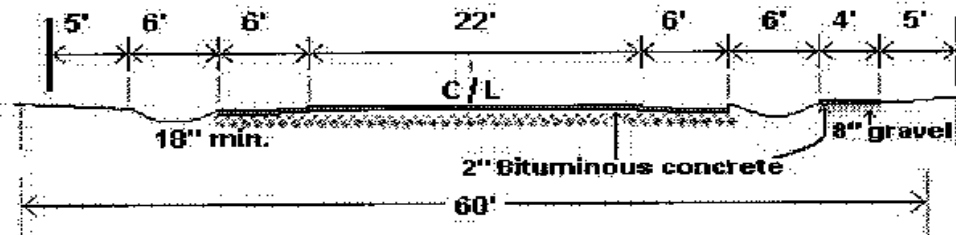
#### **WITH SIDEWALKS**

Roads must have a lower base of 20 inches of gravel with a top base of 2 inches of crushed gravel.

Sidewalks must have a base of 8 inches of gravel.

4 foot road shoulders must slope 1/4" per foot

#### Collector Streets



#### **WITHOUT SIDEWALKS**

#### **WITH SIDEWALKS**

Roads must have a lower base of 20 inches of gravel with a top base of 4 inches of crushed gravel.

Sidewalks must have a base of 8 inches of gravel.

6 foot road shoulders must slope 1/4" per foot

34. **TEMPORARY STORAGE** – Portable or mobile trailers, vans, and similar vehicles or temporary buildings may be used for storage, only upon approval of the Code Enforcement Officer and only for a temporary period not to exceed six (6) months. Such approval may be granted by the Code Enforcement Officer and may be extended for two (2) successive periods of (6) months each, if a finding can be made that the use:
- Does not diminish area requirements set forth for the District in which it is located.
  - There is a valid temporary need which cannot be met with the principal structure and that adequate economic hardship can be shown.
  - The initial approval, or any renewal, of the use will not in any way be detrimental to the neighboring properties including aesthetic appearance.
  - The use is not intended as a permanent or long term use.



- e. The use is not intended to circumvent building area limitations for the District in which it is located or prolong the use of facilities which have been outgrown.
- f. Will not be used as or intended for advertising for on-or-off premise purposes
- g. Is not intended for retail sales

The above provisions do not prohibit the use of such temporary facilities as construction or job site office or equipment storage facilities during construction provided that no advertising other than the contractors name shall be permitted and that such signs meet the sign requirements of this Ordinance.

### **35. TOPSOIL AND VEGETATION REMOVAL**

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

### **36. TRANSIENT ACCOMMODATIONS – “BED AND BREAKFAST”**

“Bed and Breakfast” accommodations shall be permitted in the private, year round residence of the host family who live on the premises provided that:

- a. The maximum number of guests at any time is twenty (20) persons
- b. The maximum number of guest rooms is five (5)
- c. Breakfast is the only meal provided by the host family.
- d. One (1) sign not to exceed four (4) square feet is permitted on the premises.
- e. The “Bed and Breakfast” operation shall not have any adverse effect on the neighbors.

### **37. TRANSIENT ACCOMMODATIONS – “RENTAL CABINS AND COTTAGES”**

To insure the health, safety, and welfare of guests and the occupants of neighboring properties, the following requirements shall be met:

- a. Each cabin or cottage site shall meet the minimum lot size requirements of a single family detached dwelling in the applicable District, provided that:
  - 1. The Planning Board may permit multiple rental cottages or cabins of less than six hundred (600) square feet on a single site when such multiple rental cottages or cabins are owned and operated under a single managing entity.
  - 2. Such multiple rental cottages or cabins comply with the standards of Maine’s Subsurface Wastewater Disposal Rules.

3. Sale of one or more of the individual units shall be prohibited unless such unit fully complies with the minimum lot size requirements for single family dwellings in the applicable district.
- b. A minimum of two hundred (200) square feet of off-street parking, plus maneuvering space, shall be provided for each cabin or cottage.
- c. Each cabin or cottage shall be set back a minimum of fifty (50) square feet from the exterior lot lines.
- d. Each cabin or cottage shall be provided with a safe and adequate means of sewage, garbage and rubbish disposal, water supply and fire protection.
- e. Adequate storm water drainage shall be provided for each cabin or Cottage site.
- f. Each cabin or cottage site shall be appropriately landscaped.

**38. VEHICULAR ACCESS** – All road entrances, curb cuts, and driveways shall be designed, considering land topography, street design, and existing and expected traffic patterns, so as to promote to the greatest extent possible, safe pedestrian and vehicular traffic and to protect public safety. Driveways and roads in multi-family housing projects shall be designed and laid out to provide for adequate traffic circulation and for access for emergency service vehicles to every housing unit on the premises.

- a. The proposed site layout shall ensure that vehicular and pedestrian traffic conditions shall not exceed reasonable limits for the neighborhood. Special consideration shall be given to the location, number and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, existing or proposed traffic signalization and pedestrian vehicular contacts. The Planning Board has the authority to determine the type of surface to be used on interior driveways and shall consider location and intensity of use when making its decision.
- b. The following criteria shall be followed, provided that where there is a conflict between these standards and the Maine Department of Transportation's Access Management Rules, the stricter provision shall apply:
  1. No access drive or driveway or other means of ingress and egress shall be located in any residential area to provide access to uses other than those permitted in such residential area.
  2. All entrance and exit driveways shall be located and designed in profile and grading to afford safety to traffic, provide for safe and convenient ingress and egress to and from the site and to minimize conflict with the flow of traffic.
  3. The dimensions of driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated to be attracted daily onto the land development for which a site plan is prepared.

4. Provision shall be made for convenient and safe emergency vehicle access to all buildings and structures at all times.
5. Any exit driveway or driveway lane shall be so designed in profile and grading and so located as to provide the following minimum sight distance measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle a minimum of ten (10) feet behind the curblin or edge of shoulder, with the height of the eye three and seventy-five hundredths (3.75) feet to the top of an object four and five-tenths (4.5) feet above the pavement.

Allowable Speed (miles per hour)	Required sight Distance (feet)
25	160
40	275
45	325
50	350
55	425

6. Where a site occupies a corner of two (2) intersecting roads, no driveway entrance or exit shall be located within fifty (50) feet of the point of tangency of the existing or proposed curb radius of that site.
7. No part of any driveway shall be located within a minimum of ten (10) feet of a side property line. However, the Planning Board may permit a driveway serving two (2) or more adjacent sites to be located on or within ten (10) feet of a side property line between the adjacent sites.
8. Where two (2) or more two-way driveways connect a single site to any one (1) road, a minimum clear distance of one hundred (100) feet measured along the right-of-way line shall separate the closest edges of any two (2) such driveways. If one driveway is two-way and one is a one-way driveway, the minimum distance shall be seventy-five (75) feet.
9. Angles
  - a. Two-way operation – Driveways used for two-way operation shall intersect the road at an angle of as near ninety degrees (90°) as site conditions will permit and in no case less than sixty degrees (60°).
  - b. One-way operation – Driveways used by vehicles in one (1) direction of travel (right turn only) shall not form an angle smaller than forty-five degrees (45°) with a road unless acceleration and deceleration lanes are provided.
10. Dimensions – The dimensions of driveways shall be designed to accommodate adequately the volume and character of vehicles anticipated to be attracted daily onto the land development for which a site plan is prepared. The required

maximum and minimum dimensions for driveways are indicated below. Driveways serving large volumes of daily traffic or traffic of over fifteen percent (15%) truck traffic shall be required to utilize high to maximum dimensions.

	One-Way Operation Driveways – *Width (feet)	Two-Way Operation Driveways – *Width (feet)
3 to 10 Dwelling Units	10-15	15-25
10 Dwelling Units or Over	15-25	20-35
Commercial and Industrial	15-30	25-35

\* All driveways shall be five (5) feet wider at the curbline, and this additional width shall be maintained for a distance of twenty (20) feet into the site.

12. Grades – Driveways shall not have a grade in excess of fifteen percent (15%) over the entire length. On arterials the grade shall no be more than five percent (5%) for the first twenty-five (25) feet from the road unless otherwise approved by the Planning Board. Driveways shall not be located where visibility is limited because of curves or topography.

39. **Quarrying** – Quarrying shall comply with the standards set forth in Section 5.A. 14, Industrial Performance Standards and Section 5.A. 19, Mineral Exploration and Extraction. Quarrying shall also comply with other Town Ordinances regulating such activity.