

Land Use Ordinances

For The Town Of

Washburn



Prepared By:
Northern Maine
Development Commission

Table of Contents

Page

| | | |
|------------------|--|-----------|
| Section 1 | Legal Status Provisions | 1 |
| 1.1 | Authority | 1 |
| 1.2 | Title | 1 |
| 1.3 | Jurisdiction | 1 |
| 1.4 | Conflict with Other Laws | 1 |
| 1.5 | Separability | 1 |
| 1.6 | Repeal of Prior Ordinances | 1 |
| 1.7 | Effective Date | 1 |
| 1.8 | Availability | 1 |
| Section 2 | Purpose | 2 |
| Section 3 | Official Washburn Zoning Map | 3 |
| 3.1 | Official Washburn Zoning Map | 3 |
| 3.2 | Certification of Zoning Map | 3 |
| 3.3 | Changes of the Official Washburn Zoning Map | 3 |
| 3.4 | Replacement of Official Washburn Zoning Map | 3 |
| | Washburn Zoning Map | 4 |
| Section 4 | Establishment of Districts | 6 |
| 4.1 | Zoning Districts | 6 |
| 4.2 | Rules Governing District Boundaries | 7 |
| 4.3 | Lots Divided by District Boundaries | 7 |
| Section 5 | District Regulations | 8 |
| 5.1 | Basic Requirement | 8 |
| 5.2 | Land Use Requirements | 8 |
| 5.3 | District Regulations | 8 |
| | Residential Land Uses | 9 |
| | Commercial Land Uses | 10 |
| | Industrial Land Uses | 11 |
| | Outdoor and Resource Based Land Uses | 12 |
| | Institutional Land Uses | 13 |
| 5.4 | Dimensional Requirements | 14 |
| | Dimensional Requirements Chart | 15 |
| Section 6 | Non-Conformance | 16 |
| 6.1 | General | 16 |
| 6.2 | Non-Conforming Use | 16 |
| 6.3 | Non-Conforming Structures | 17 |
| 6.4 | Non-Conforming Lots of Record | 18 |
| 6.5 | Vested Rights | 19 |
| Section 7 | Performance Standards | 20 |
| 7.1 | Animal Husbandry | 20 |
| 7.2 | Apartments Accessory to Commercial Uses | 20 |
| 7.3 | Archaeological Sites | 20 |
| 7.4 | Elder Cottage Housing Opportunity (ECHO) Units | 20 |
| 7.5 | Glare | 21 |
| 7.6 | Lot Served by Non-Conforming Rights-of-Way | 21 |
| 7.7 | Manufactured Housing/Mobile Homes | 22 |
| 7.8 | Mineral Exploration and Extraction | 25 |
| 7.9 | Rear Lots | 27 |
| 7.10 | Renting Rooms and Apartments | 27 |
| 7.11 | Satellite Receiving Dish | 28 |
| 7.12 | Signs | 28 |

| | | |
|-------------------|--|-----------|
| 7.13 | Soil Erosion Control..... | 30 |
| 7.14 | Soils..... | 31 |
| 7.15 | Swimming Pools..... | 31 |
| 7.16 | Temporary Dwellings..... | 31 |
| Section 8 | Site Design Review..... | 32 |
| 8.1 | Purposes for Site Design Review..... | 32 |
| 8.2 | Applicability of Site Design Review..... | 32 |
| 8.3 | Site Design Approval..... | 32 |
| 8.4 | Site Design Notification..... | 33 |
| 8.5 | Site Design Fees and Guarantees..... | 33 |
| 8.6 | Site Design Application and Review Process..... | 34 |
| 8.7 | Site Design Application Requirements..... | 34 |
| 8.8 | Site Design Criteria and Standards..... | 36 |
| 8.9 | Site Design Technical Standards..... | 38 |
| | A. Off-Street Parking and Loading..... | 43 |
| | B. Access Management..... | 43 |
| | C. Road Design and Construction Standards..... | 46 |
| | Road Design Standards..... | 49 |
| | Washburn Road Design and Construction Standards..... | 51 |
| | Road Construction Standards..... | 52 |
| | D. Exterior Lighting..... | 53 |
| | E. Buffers and Screening..... | 55 |
| | F. Multi-Family Dwellings..... | 56 |
| | G. Automobile Graveyards and Junkyards..... | 56 |
| | H. Bed & Breakfast..... | 57 |
| | I. Campgrounds and Tenting Grounds..... | 59 |
| | J. Home Occupations..... | 59 |
| | K. Hotels/Motels and Inns..... | 61 |
| | L. Kennels and Veterinary Hospitals..... | 62 |
| | M. Landscaping..... | 63 |
| | N. Recreational and Amusement Facility..... | 63 |
| | O. Restaurants..... | 63 |
| | P. Schools, Churches, Fraternal Organizations, and Non-Profit Clubs..... | 64 |
| 8.10 | Conditional Approvals for Site Design..... | 65 |
| 8.11 | Revisions to Approved Site Designs..... | 65 |
| 8.12 | Post Approval Submissions..... | 65 |
| Section 9 | Administration, Enforcement, and Penalties..... | 66 |
| 9.1 | Permit Not Required..... | 66 |
| 9.2 | Fees..... | 66 |
| 9.3 | Permit Application..... | 66 |
| 9.4 | Certificate of Occupancy Required..... | 66 |
| 9.5 | Code Enforcement Officer..... | 67 |
| 9.6 | Legal Action and Violations..... | 68 |
| 9.7 | Penalties..... | 68 |
| Section 10 | Board of Appeals..... | 69 |
| 10.1 | Establishment and Organization..... | 69 |
| 10.2 | Proceedings of the Board of Appeals..... | 69 |
| 10.3 | Powers and Duties of the Board of Appeals..... | 69 |
| 10.4 | Variances..... | 69 |
| 10.5 | Appeal Procedure..... | 70 |
| 10.6 | Decisions of the Board of Appeals..... | 72 |
| 10.7 | Stay of Proceedings..... | 72 |
| Section 11 | Amendments..... | 73 |
| 11.1 | Initiation..... | 73 |

| | | |
|-------------------|-------------------------------|-----------|
| 11.2 | Procedure..... | 73 |
| 11.3 | Adoption..... | 73 |
| Section 12 | Definitions..... | 74 |
| 12.1 | Construction on Language..... | 74 |
| 12.2 | Definitions..... | 74 |

The Zoning Ordinance for the Town of Washburn

Section 1 Legal Status Provisions.

1.1 Authority.

This Ordinance has been adopted in accordance with the provisions of Article VIII-A of the Maine Constitution; the provisions of MRSA Title 30-A, Section 3001 (Home Rule); and the State's Growth Management Law MRSA Title 30-A, Section 4311 et seq.; as may be amended.

1.2 Title.

This Ordinance and the accompanying Official Washburn Zoning Map shall be known as and may be cited as the "*Zoning Ordinance for the Town of Washburn.*"

1.3 Jurisdiction.

The provisions of this Ordinance shall govern all land and all structures within the boundaries of the Town of Washburn.

1.4 Conflict with Other Laws.

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation, or statute, the provision imposing the greater restriction upon the use of land, buildings, or structures shall control.

1.5 Separability.

Should any section or part of a section or any provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

1.6 Repeal of Prior Ordinances.

All prior Zoning Ordinances for the Town, except for the Town's Shoreland Zoning Ordinance which shall remain in effect, are repealed as of the effective date of this Ordinance.

1.7 Effective Date.

This Ordinance shall take effect and be in force from the date of its adoption.

1.8 Availability.

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

Section 2 Purpose.

The purpose of this Ordinance is to:

- a. protect the health, safety, and general welfare of the residents of the Town of Washburn;
- b. encourage appropriate use of land throughout the Town;
- c. promote traffic safety;
- d. provide safety from fire and other elements;
- e. provide adequate light and air;
- f. prevent overcrowding of real estate;
- g. prevent housing development in unsuitable areas;
- h. provide an allotment of land area in new developments sufficient for all the requirements of community life;
- i. conserve natural resources and town character;
- j. provide for adequate public services as an integral part of a comprehensive plan for Town development;
- k. protect archaeological and historic resources, freshwater wetlands, fish spawning grounds, aquatic life, bird and other wildlife habitat, and buildings and lands from flooding and accelerated erosion;
- l. conserve shore cover, natural beauty and open space, and visual as well as actual points of access to inland waters;
- m. prevent and control water pollution; and
- n. anticipate and respond to the impacts of development in shoreland areas.

Section 3 Official Washburn Zoning Map.

3.1 Official Washburn Zoning Map.

Districts are located and bounded as shown on the Official Washburn Zoning Map which is a made a part of this Ordinance. There may for purpose of clarity, necessitate by reasons of scale on the map, be more than one Official Washburn Zoning Map. The minimum scale for the Official Washburn Zoning Map shall be no less than 1 inch = 2000 feet.

3.2 Certification of Zoning Map.

The Official Washburn Zoning Map is certified by the attested signature of the Town Clerk under the following words: "This is the Official Washburn Zoning Map referred to in Section 3.2 of the Zoning Ordinance of the Town of Washburn," together with the date of the adoption of this Ordinance. The official copy shall be located in the office of the Town Clerk.

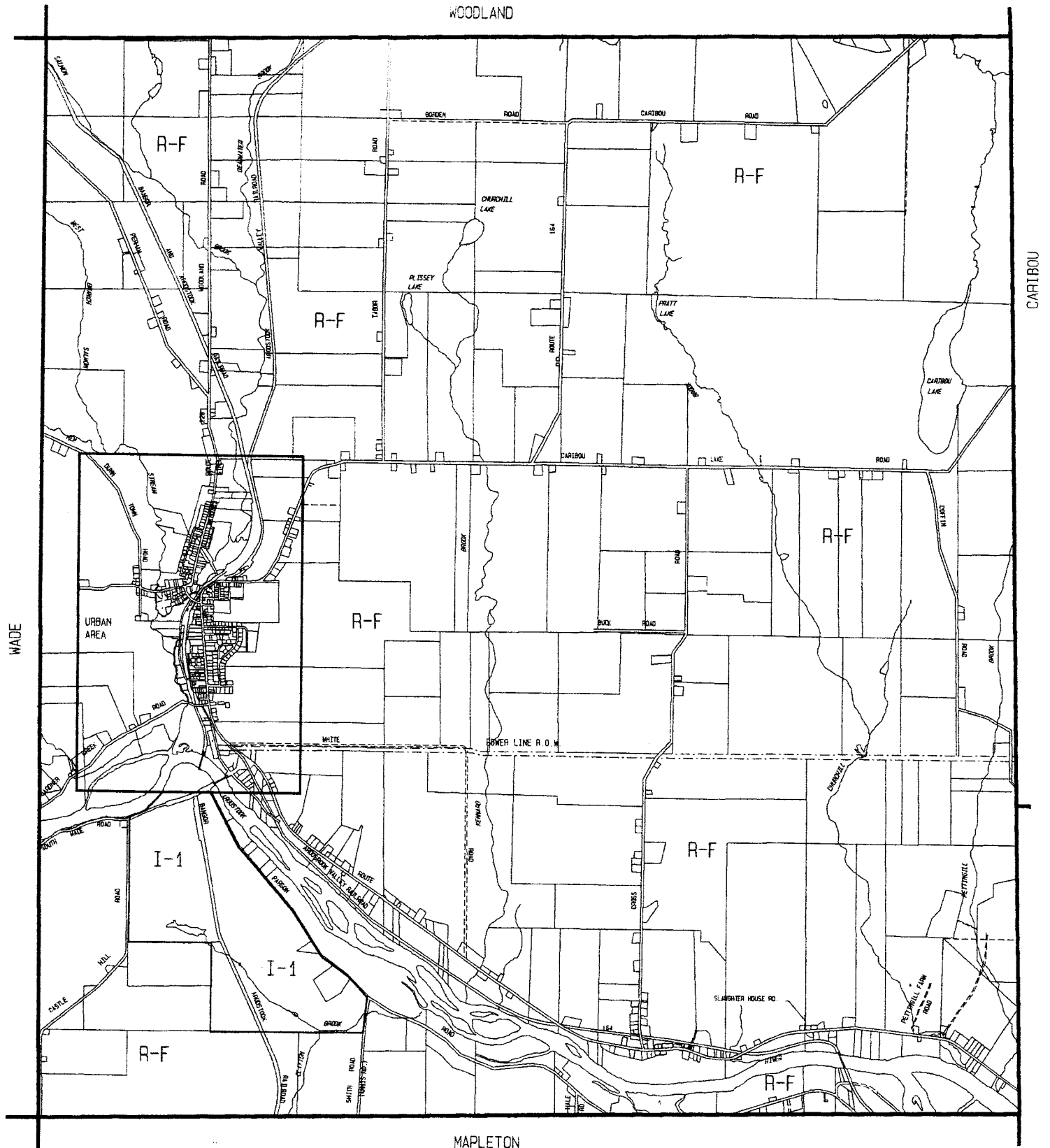
3.3 Changes of the Official Washburn Zoning Map.

If changes are made in the district boundaries, or other matter portrayed on the Official Washburn Zoning Map, such changes shall be made on the Official Washburn Zoning Map within 14 days after the amendment has been adopted together with an entry on the Official Washburn Zoning Map as follows:

"On ____ by official action of the Town, the following change(s) was (were) made: (insert brief description of the nature of change)." Immediately beneath the entry the Town Clerk shall place their signature.

3.4 Replacement of Official Washburn Zoning Map.

In the event that the Official Washburn Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions the Town Council shall adopt a new Official Washburn Zoning Map.



NOTE: FOR FURTHER INFORMATION REFER TO THE URBAN AREA ZONING MAP

LEGEND:

1-1 GENERAL INDUSTRIAL DISTRICT
R-F RESIDENCE AND FARMING DISTRICT

SCALE:

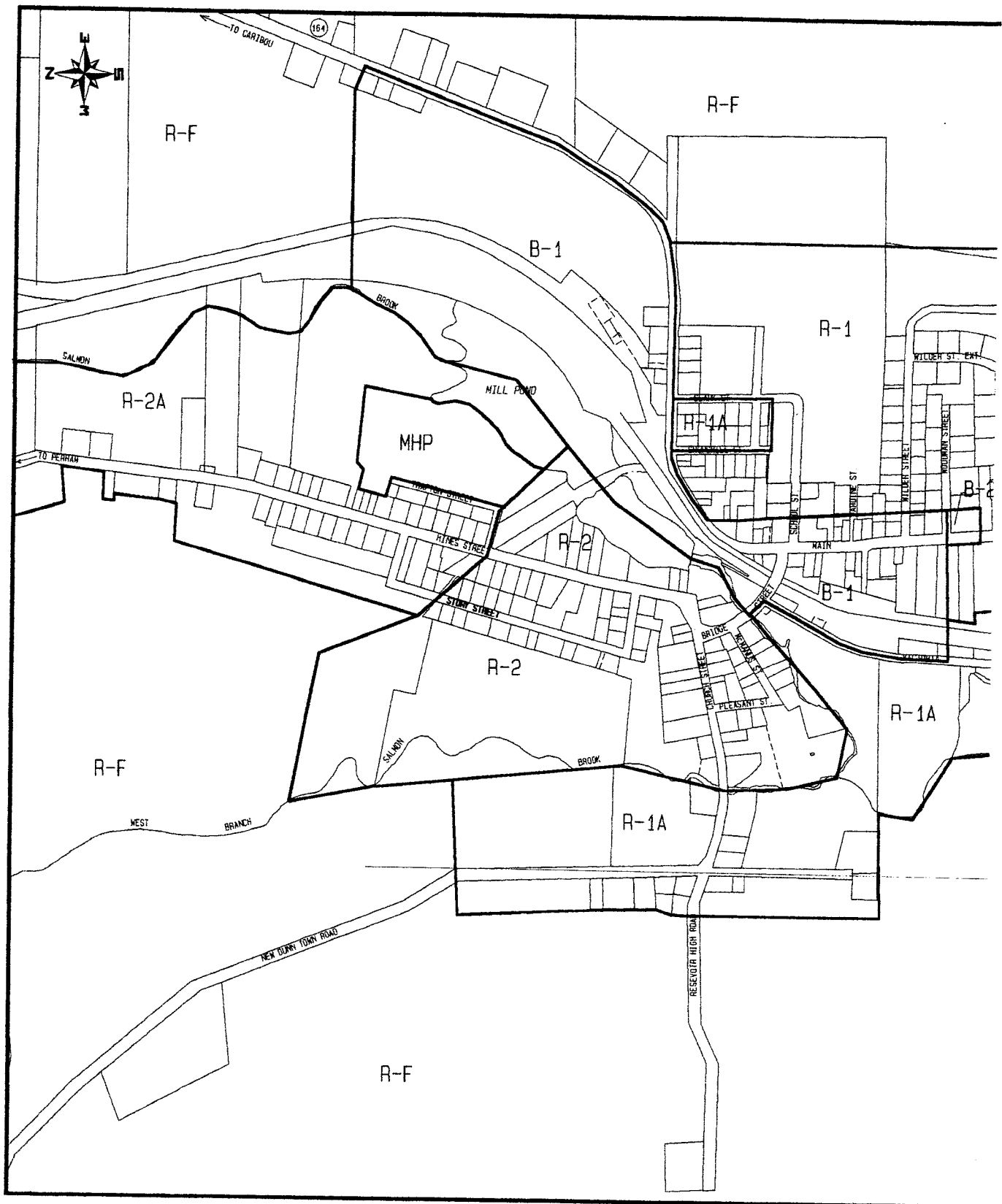


NOTE 1 THIS MAP IS INTENDED FOR PLANNING PURPOSES ONLY AND SHOULD NOT BE USED FOR CONVEYANCES.
2 THE DEPICTION OF THE LOT LINE BOUNDARIES ON THIS OFFICIAL COMPREHENSIVE PLAN MAP FOR THE TOWN OF WASHBURN, MAINE IS MERELY ILLUSTRATIVE OF THEIR GENERAL LOCATION.
3 THIS MAP IS BASED ON THE USGS 7.5' QUADRANGLE PROVISIONAL MAP WITH ADDITIONAL INFORMATION DERIVED FROM THE TOWN OF WASHBURN, MAINE TAX MAP SET.

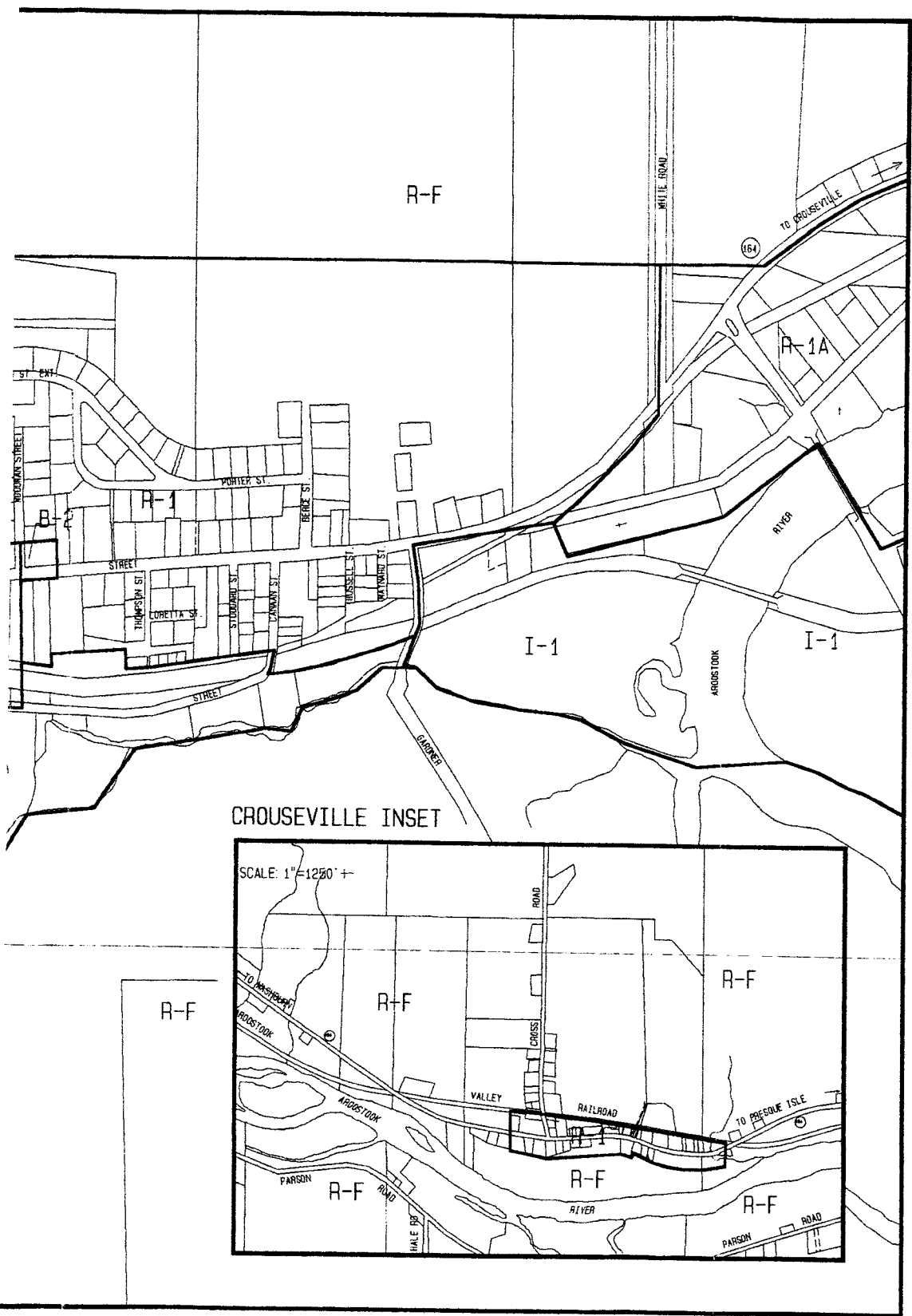


WASHBURN
OFFICIAL ZONING MAP

DATE: 3/94 REVISED: 4/12/95



| LEGEND: | |
|---------|---|
| — | ZONING BOUNDARIES |
| R-1 | SINGLE FAMILY RESIDENTIAL DISTRICT |
| R-1A | SINGLE FAMILY RESIDENTIAL DISTRICT (MANUFACTURED HOUSING) |
| R-2 | GENERAL RESIDENTIAL DISTRICT |
| MHP | MOBILE HOME PARK |
| R-2A | GENERAL RESIDENTIAL DISTRICT (MANUFACTURED HOUSING) |
| B-1 | GENERAL BUSINESS DISTRICT |
| B-2 | LIMITED BUSINESS DISTRICT |
| I-1 | GENERAL INDUSTRIAL DISTRICT |
| R-F | RESIDENCE AND FARMING DISTRICT |



1000



WASHBURN
OFFICIAL ZONING MAP
 (URBAN AREA)
 DATE: 3/94 REVISED: 4/11/95

Section 4 Establishment of Districts.

4.1 Zoning Districts.

A. For the purposes of this Ordinance, Washburn is hereby divided into the following Zoning Districts:

1. The Residential District contains four (4) zones.
 - a. The **R-1** zone is established for low density single-family dwellings, together with recreational, educational, and religious facilities which encourage the development of a well-rounded neighborhood living.
 - b. The **R-2** zone is established for medium density residential structures, including multi-family dwellings, together with recreational, educational, and religious facilities which will encourage the development of a well-rounded neighborhood living.
 - c. The **R-1-A** and **R-2-A** zones allow for the use of individual manufactured housing.
2. The **R-F** District is established as a zone in which the principal use of the land is for agriculture, forestry, rural type residential, and customary associated uses. Included in this zone are certain uses unsuited to the more densely developed, urbanized areas of Town. Large lot, with ample space between buildings, are required to reduce fire hazards, and also to provide sufficient area for both private water supply and septic disposal on the same lot. Other purposes of this zone include conservation of natural resources, reduction of soil erosion, and encouragement of appropriate recreational use of the land.
3. The Business District contains two (2) zones.
 - a. The **B-1** District is established as a zone in which the principal use of the land is for commercial uses to which the public requires direct and frequent access. The District is intended to encourage the concentration of commercial development to the mutual advantage of both consumers and merchants, and thus to promote convenience and prosperity.
 - b. The **B-2** zone is established to create a "harmonious" transitional zone between the **B-1** Business zone and the **R-1** residential zone.
4. The **I-1** District is established as a zone in which the principal use of the land is for industry and associated uses. Certain open areas favorably situated with respect to transportation and containing other factors conducive to industrial development are also included. This is for the purpose of reserving land suitable for the expansion of existing industry, the location of new industry, and to enhance economic development and employment opportunities.

B. For the purposes of this Ordinance, Washburn hereby has a Special Protection Overlay District for the sand and gravel aquifers. The following overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning grounds, fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and areas of natural beauty; and to protect and maintain the quality of surface and ground waters. The overlay District shall be superimposed over underlying District and land uses are subject to **both** the standards in the underlying and the overlay District.

Sand and Gravel Aquifer Overlay District

- a. This District includes sand and gravel aquifers of 50 or more gallons per hour, as identified on the Maine Geological Survey, "*Hydrogeologic Data for Significant Sand and Gravel Aquifers*", map nos. 75-78, inclusive, latest edition, as well as, a 250' buffer drawn around the known boundaries of these aquifers (buffers shall be updated as the aquifer mapping is updated).
- b. No fuel or chemical tank or other toxic or hazardous materials shall be permitted on the aquifer or within the 250' buffer.

- c. No new automobile service station, or expansion of an existing automobile station, shall be permitted on the aquifer or within the 250' buffer.
- d. All new agricultural land uses, on the aquifer and within a 500' buffer, for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, and stables shall be subject to the approval of the Planning Board. Such approval shall be granted upon showing that such uses shall not cause groundwater contamination or contaminate or disturb the normal course of surface water run-off.
- e. All construction or activity involving the displacement of soil within the 250' buffer shall follow soil erosion control measures as outlined in the SCS Best Management Practices.
- f. Existing unvegetated openings should be documented by the CEO and reviewed by the Planning Board for possible revegetation.
- g. No vehicles carrying pesticides, fertilizers, or other toxic or hazardous chemicals shall pump water from this District. Penalties of heavy fines and suspension of licenses shall be imposed for handling potentially toxic or hazardous chemicals within the District or for the contamination of any waters within the District.

4.2 Rules Governing District Boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the Official Washburn Zoning Map the following rules shall apply.

- A. Boundaries indicated as approximately following the center lines of roads, highways, alleys, railroad rights-of-way, rivers, or streams shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following Town limits shall be construed as following such limits.
- D. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline.
- E. Sources for the exact delineation of the Special Flood Hazard areas shall be the Washburn Flood Insurance Map.
- F. Sources for the exact delineation of the Aquifer Protection District shall be the Maine Geological Survey, "*Hydrogeologic Data for Significant Sand and Gravel Aquifers*", map nos. 75-78, inclusive, latest edition.
- G. Boundaries indicated as parallel to or extensions of features indicated in subsections A through D above shall be construed as being parallel to or extensions of such features. Distances not specifically indicated on the Official Washburn Zoning Map shall be determined by the scale of the map.
- H. Where physical or cultural features existing on the ground are at variance with those shown on the Official Washburn Zoning Map, or other circumstances not covered by subsections A through G above, the Board of Appeals shall interpret the district boundaries.

4.3 Lots Divided by District Boundaries.

When a lot of record is divided by a use district zoning boundary, other than the boundary to an overlay zone, the following rules shall apply:

- A. On lots of two (2) acres or less in area, the lot shall be used as if the entire lot were in the district which comprises the larger portion.
- B. On lots larger than two (2) acres, the district regulations shall be followed in each portion.

Section 5 District Regulations.

5.1 Basic Requirement.

Permitted Uses and Uses requiring Site Design Review in all districts shall conform to all applicable specifications and requirements. A Plumbing Permit, Building Permit, and/or Certificate of Occupancy shall be required for all buildings, uses of land and buildings, and sanitary facilities, according to the provisions of this Ordinance.

5.2 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, moved, or altered and no new lot shall be created unless in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

5.3 District Regulations.

Land uses in conformance with the provisions of this Ordinance are shown in the following table.

Key:

- YES Permitted Use
- NO Not Permitted
- PB Planning Board Review
- CEO Code Enforcement Officer Review and Permit
- LPI Local Plumbing Inspector Review and Permit
- X Footnotes (i.e.: additional requirements)

Residential Land Uses

| Use and/or Structure | R-1 | R-1-A | R-2 | R-2-A | R-F | B-1 | B-2 | I-1 |
|--|-------|-------|-----|-------|-------|-----|-----|-----|
| Congregate Housing | PB2 | PB2 | PB2 | PB2 | PB2 | PB2 | PB2 | NO |
| Conversion of Seasonal to Year-round | CEO | CEO | CEO | CEO | CEO | CEO | CEO | NO |
| Duplex | CEO | CEO | CEO | CEO | CEO | PB | PB | NO |
| Home Occupation | PB2 | PB2 | PB2 | PB2 | PB2 | PB2 | PB2 | PB2 |
| Mobile Home | NO | CEO | NO | CEO | CEO | NO | NO | PB1 |
| Mobile Home Park | NO | PB2,4 | NO | PB2,4 | PB2,4 | NO | NO | NO |
| Modular Home | CEO | CEO | CEO | CEO | CEO | PB | PB | PB1 |
| Multi-Family Dwelling | NO | NO | PB2 | PB2 | NO | PB2 | PB2 | NO |
| Residential Cluster Development | PB2,4 | PB2,4 | NO | NO | PB2,4 | NO | NO | NO |
| Single Family Dwelling | CEO | CEO | CEO | CEO | CEO | PB | PB | PB1 |
| Swimming Pool | CEO | CEO | CEO | CEO | CEO | CEO | CEO | NO |
| Private Sewage Disposal System for Allowed Use | LPI | LPI | LPI | LPI | LPI | LPI | LPI | LPI |
| Structure Accessory to Allowed Use | CEO | CEO | CEO | CEO | CEO | CEO | CEO | CEO |
| Use Similar to Allowed Use | YES | YES | YES | YES | YES | YES | YES | YES |
| Use Similar to Not Permitted | NO | NO | NO | NO | NO | NO | NO | NO |
| Use Similar to Use Requiring CEO Permit | CEO | CEO | CEO | CEO | CEO | CEO | CEO | CEO |
| Use Similar to Use Requiring Planning Board Approval | PB | PB | PB | PB | PB | PB | PB | PB |

- 1 Except when a residential use is accessory to the industrial use, such as, a caretaker's dwelling.
- 2 Requires Site Design Review by the Planning Board.
- 4 Requires parcels to be ten acres or more.

Commercial Land Uses

| Use and/or Structure | R-1 | R-1-A | R-2 | R-2-A | R-F | B-1 | B-2 | I-1 |
|--|-----|-------|-----|-------|-----|-------|-------|-------|
| Agricultural Related Sales and Service | NO | NO | NO | NO | PB2 | PB2 | PB2 | PB2 |
| Amusement Facility | NO | NO | NO | NO | PB2 | PB2 | PB2 | NO |
| Auction Barn and Antique Sales | NO | NO | NO | NO | PB2 | PB2 | PB2 | NO |
| Auto Body Shop | NO | NO | NO | NO | NO | PB2 | NO | PB2 |
| Auto Car Wash | NO | NO | NO | NO | NO | PB2 | NO | PB2 |
| Auto Repair and/or Sales | NO | NO | NO | NO | NO | PB2 | NO | PB2 |
| Automobile Graveyard | NO | NO | NO | NO | PB2 | NO | NO | PB2 |
| Bed and Breakfast | PB2 | PB2 | PB2 | PB2 | PB2 | PB2 | PB2 | NO |
| Building Materials - Retail Sales | NO | NO | NO | NO | PB2 | PB2 | NO | PB2 |
| Business, Medical, Professional Office | NO | NO | NO | NO | NO | PB2 | PB2 | PB2 |
| Campground | NO | NO | NO | NO | PB2 | NO | NO | NO |
| Commercial Cluster Development | NO | NO | NO | NO | NO | PB2,4 | PB2,4 | PB2,4 |
| Communication Tower | NO | NO | NO | NO | PB2 | NO | NO | PB2 |
| Commercial Recreation | NO | NO | PB2 | PB2 | PB2 | PB2 | PB2 | NO |
| Convenience Store | PB2 | PB2 | PB2 | PB2 | PB2 | PB2 | PB2 | NO |
| Firewood Processing | NO | NO | NO | NO | PB2 | NO | NO | PB2 |
| Funeral Home | NO | NO | NO | NO | NO | PB2 | PB2 | NO |
| Gas Service Station | NO | NO | NO | NO | NO | PB2 | NO | PB2 |
| Hotel/Motel | PB2 | PB2 | PB2 | PB2 | NO | PB2 | PB2 | NO |
| Indoor Theater | NO | NO | NO | NO | NO | PB2 | PB2 | NO |
| Junkyard | NO | NO | NO | NO | PB2 | NO | NO | PB2 |
| Kennel and/or Stable | NO | NO | NO | NO | PB2 | NO | NO | NO |
| Publishing, Printing | NO | NO | NO | NO | NO | PB2 | PB2 | PB2 |
| Restaurant | NO | NO | NO | NO | NO | PB2 | PB2 | NO |
| Retail Business | NO | NO | NO | NO | NO | PB2 | PB2 | PB2 |
| Service Business | NO | NO | NO | NO | NO | PB2 | PB2 | PB2 |
| Shopping Center | NO | NO | NO | NO | NO | PB2 | NO | NO |
| Signs | PB2 | PB2 | PB2 | PB2 | PB2 | PB2 | PB2 | PB2 |
| Veterinary Hospital | NO | NO | NO | NO | PB2 | PB2 | PB2 | PB2 |
| Wholesale Business | NO | NO | NO | NO | NO | PB2 | PB2 | PB2 |
| Private Sewage Disposal System for Allowed Use | LPI | LPI | LPI | LPI | LPI | LPI | LPI | LPI |
| Structure Accessory to Allowed Use | PB | PB | PB | PB | CEO | CEO | CEO | CEO |
| Use Similar to Allowed Use | YES | YES | YES | YES | YES | YES | YES | YES |
| Use Similar to Not Permitted | NO | NO | NO | NO | NO | NO | NO | NO |
| Use Similar to Use Requirin CEO Permit | CEO | CEO | CEO | CEO | CEO | CEO | CEO | CEO |
| Use Similar to Use Requiring Planning Board Approval | PB | PB | PB | PB | PB | PB | PB | PB |

2 Requires Site Design Review by the Planning Board.

4 Requires parcels to be ten acres or more.

Industrial Land Uses

| Use and/or Structure | R-1 | R-1-A | R-2 | R-2-A | R-F | B-1 | B-2 | I-1 |
|--|-----|-------|-----|-------|-----|-----|-----|-------|
| Abattoir | NO | NO | NO | NO | PB2 | NO | NO | PB2 |
| Airport | NO | NO | NO | NO | PB2 | NO | NO | PB2 |
| Bulk Grain Storage | NO | NO | NO | NO | CEO | PB2 | NO | PB2 |
| Bulk Oil and/or Gas Terminal | NO | NO | NO | NO | NO | NO | NO | PB2 |
| Commercial Recycling | NO | NO | NO | NO | NO | PB2 | NO | PB2 |
| Demolition and/or Waste Disposal | NO | NO | NO | NO | NO | NO | NO | PB2 |
| Light Industrial Cluster Development | NO | NO | NO | NO | NO | NO | NO | PB2,4 |
| Light Manufacturing | NO | NO | NO | NO | NO | PB2 | NO | PB2 |
| Sawmill | NO | NO | NO | NO | PB2 | NO | NO | PB2 |
| Trucking and/or Distribution Terminal | NO | NO | NO | NO | NO | PB2 | NO | PB2 |
| Warehousing and Storage | NO | NO | NO | NO | NO | PB2 | NO | PB2 |
| Private Sewage Disposal System for Allowed Use | LPI | LPI | LPI | LPI | LPI | LPI | LPI | LPI |
| Structure Accessory to Allowed Use | NO | NO | NO | NO | PB2 | PB2 | PB2 | PB2 |
| Use Similar to Allowed Use | YES | YES | YES | YES | YES | YES | YES | YES |
| Use Similar to Not Permitted | NO | NO | NO | NO | NO | NO | NO | NO |
| Use Similar to Use Requiring CEO Permit | CEO | CEO | CEO | CEO | CEO | CEO | CEO | CEO |
| Use Similar to Use Requiring Planning Board Approval | PB | PB | PB | PB | PB | PB | PB | PB |

- 1 Except when a residential use is accessory to the industrial use, such as, a caretaker's dwelling.
- 2 Requires Site Design Review by the Planning Board.
- 3 A CEO permit is required if more than 10 cubic yards is moved or filled in shoreland areas as defined.
- 4 Requires parcels to be ten acres or more.

Outdoor and Resource Based Land Uses

| Use and/or Structure | R-1 | R-1-A | R-2 | R-2-A | R-F | B-1 | B-2 | I-1 |
|---|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| Agriculture | NO | NO | NO | NO | PB5 | NO | NO | NO |
| Agriculture Products Process and Storage | NO | NO | NO | NO | PB2 | NO | NO | PB2 |
| Cemetery | NO | NO | NO | NO | PB2 | NO | NO | NO |
| Clearing of vegetation for approved construction and other allowed use. | YES | YES | YES | YES | YES | YES | YES | YES |
| Confined Feeding Operation | NO | NO | NO | NO | PB2 | NO | NO | PB2 |
| Farm Stand | PB2 | PB2 | NO | NO | YES | PB2 | PB2 | NO |
| Filling and Earth Moving <10 Cubic Yards. | YES | YES | YES | YES | YES | YES | YES | YES |
| Filling and Earth Moving 10-1,000 Cubic Yards. | YES ³ | YES ³ | YES ³ | YES ³ | YES ³ | YES ³ | YES ³ | YES ³ |
| Filling and Earth Moving >1,000 Cubic Yards. | PB2, 3 | PB2, 3 | PB2, 3 | PB2, 3 | PB2, 3 | PB2, 3 | PB2, 3 | PB2, 3 |
| Forest Management | PB2 | PB2 | NO | NO | YES | PB2 | PB2 | YES |
| Golf Course | NO | NO | NO | NO | PB2 | PB2 | NO | NO |
| Gravel and/or Stone Storage | NO | NO | NO | NO | PB2 | PB2 | NO | PB2 |
| Gravel Pit, Quarry, and/or Mineral Extrc | NO | NO | NO | NO | PB2 | PB2 | PB2 | PB2 |
| Private Campsite | NO | NO | NO | NO | YES | NO | NO | NO |
| Mineral Exploration | NO | NO | NO | NO | PB2 | PB2 | PB2 | PB2 |
| Park and/or Recreat'n | PB2 | PB2 | PB2 | PB2 | PB2 | PB2 | PB2 | PB2 |
| Parking Facility | YES | YES | YES | YES | YES | YES | YES | YES |
| Road and/or Driveway Construction | YES | YES | YES | YES | YES | YES | YES | YES |
| Septage Disposl Site | NO | NO | NO | NO | PB2 | NO | NO | NO |
| Sludge Spreading | NO | NO | NO | NO | PB2 | PB2 | PB2 | PB2 |
| Timber Harvesting | YES | YES | YES | YES | YES | YES | YES | YES |
| Private Sewage Disposal System for Allowed Use | LPI | LPI | LPI | LPI | LPI | LPI | LPI | LPI |
| Structure Accessory to Allowed Use | CEO | CEO | CEO | CEO | CEO | CEO | CEO | CEO |
| Use Similar to Allowed Use | YES | YES | YES | YES | YES | YES | YES | YES |
| Use Similar to Not Permitted | NO | NO | NO | NO | NO | NO | NO | NO |
| Use Similar to Use Requiring CEO Permit | CEO | CEO | CEO | CEO | CEO | CEO | CEO | CEO |
| Use Similar to Use Requiring Planning Board Approval | PB | PB | PB | PB | PB | PB | PB | PB |

2 Requires Site Design Review by the Planning Board.

3 A CEO permit is required if more than 10 cubic yards is moved or filled in shoreland areas as defined.

5 Must comply with performance standards on lots of five acres or less.

Institutional Land Uses

| Use and/or Structure | R-1 | R-1-A | R-2 | R-2-A | R-F | B-1 | B-2 | I-1 |
|--|-----|-------|-----|-------|-----|-----|-----|-----|
| Church, Synagogue, Parish House | PB2 | PB2 | PB2 | PB2 | PB2 | NO | PB2 | NO |
| Clinics and/or Hospital | PB2 | PB2 | PB2 | PB2 | PB2 | PB2 | PB2 | NO |
| Community Center | PB2 | PB2 | PB2 | PB2 | PB2 | PB2 | PB2 | PB2 |
| Day Care | PB2 | PB2 | PB2 | PB2 | PB2 | PB2 | NO | NO |
| Day Care Center | PB2 | PB2 | PB2 | PB2 | NO | PB2 | PB2 | PB2 |
| Fire and/or Police Station | PB2 | PB2 | PB2 | PB2 | NO | PB2 | PB2 | NO |
| Government Office | NO | NO | NO | NO | PB2 | PB2 | PB2 | NO |
| Group Home, Hospice, Nursing Home | NO | NO | PB2 | PB2 | PB2 | NO | NO | NO |
| Municipal Recycling | NO | NO | NO | NO | PB2 | PB2 | PB2 | PB2 |
| Museum and/or Library | PB2 | PB2 | PB2 | PB2 | PB2 | PB2 | PB2 | NO |
| Nursery School | PB2 | PB2 | PB2 | PB2 | PB2 | NO | NO | NO |
| Pre-School | PB2 | PB2 | PB2 | PB2 | PB2 | NO | NO | NO |
| Private and/or Semi-Public Club | NO | NO | NO | NO | PB2 | PB2 | PB2 | NO |
| Public and/or Private School | PB2 | PB2 | PB2 | PB2 | PB2 | PB2 | PB2 | NO |
| Public Utility Facility | PB2 | PB2 | PB2 | PB2 | PB2 | PB2 | PB2 | PB2 |
| Private Sewage Disposal System for Allowed Use | LPI | LPI | LPI | LPI | LPI | LPI | LPI | LPI |
| Structure Accessory to Allowed Use | PB2 | PB2 | PB2 | PB2 | PB2 | PB2 | PB2 | PB2 |
| Use Similar to Allowed Use | YES | YES | YES | YES | YES | YES | YES | YES |
| Use Similar to Not Permitted | NO | NO | NO | NO | NO | NO | NO | NO |
| Use Similar to Use Requiring CEO Permit | CEO | CEO | CEO | CEO | CEO | CEO | CEO | CEO |
| Use Similar to Use Requiring Planning Board Approval | PB | PB | PB | PB | PB | PB | PB | PB |

2 Requires Site Design Review by the Planning Board.

5.4 Dimensional Requirements.

Lots and structures in all districts shall meet or exceed the following minimum requirements. Height requirements do not apply to barns, barn silos, flagpoles, chimneys, transmission towers, steeples, windmills, or similar structures usually erected at a greater height than the principal building, however such accessory structures or appurtenances require a lot line setback distance of no less than its height.

Dimensional Requirements Schedule for the Town of Washburn

| District (Symbol as used on Zoning Map) | Permitted Use | Minimum Lot Size | Minimum Lot Width at ROW | Maximum Building Coverage | Maximum Height *** | Principal Structure Minimum Yard Setback | |
|---|----------------------------------|---|--------------------------------|---------------------------------|--------------------------|---|---------------------------|
| | | | | | | Front | Each Side |
| Residential (R-1) | See: Section 5 Land Use Table | 12000 SF per Dwelling Unit | 100' | <30% | 35' | 40' * 30' ** | 10' |
| Residential (R-1-A) | See: Section 5 Land Use Table | 12000 SF per Dwelling Unit | 100' | <30% | 35' | 40' * 30' ** | 10' |
| Residential (R-2) | See: Section 5 Land Use Table | 7500 SF First Dwelling Unit 5000 SF for Each Additional Dwelling Unit | 75' 100' | <30% | 45' | 40' * 25' ** | 10' |
| Residential (R-2-A) | See: Section 5 Land Use Table | 7500 SF First Dwelling Unit 5000 SF for Each Additional Dwelling Unit | 75' 100' | <30% | 45' | 40' * 25' ** | 10' |
| Business (B-1) | See: Section 5 Land Use Table | For Residential Uses: 7500 SF First Dwelling Unit 5000 SF for Each Additional Dwelling Unit | 50' | <30% | 50' | 10' | None 10' if provide |
| Business (B-2) | See: Section 5 Land Use Table | For Residential Uses: 7500 SF First Dwelling Unit 5000 SF for Each Additional Dwelling Unit | 50' | <30% | 35' | 25' | 10' |
| Industrial (I) | See: Section 5 Land Use Table | unspecified | 50' | <30% | 60' | 40' * 30' ** | 25' |
| Residential Farming (R-F) | See: Section 5 Land Use Table | 1 Acre 43560 SF | 200' | <30% | 50' | 40' * 30' ** | 10' |

* Minimum front yard setback on a major street.

** Minimum front yard setback on all other streets.

*** The height limits of this ordinance shall not apply to church spires, belfreys, cupolas, domes, monuments, water towers, transmission towers, silos, chimneys, conveyors, derricks, radio and television towers, and similar structures not intended for human occupancy.

| Structure Yard Setbacks | | Maximum Lot Width to Depth Ratio | Accessory Building | | | Minimum Off-Street Parking Space | Minimum Off-Street Loading Space | Signs Permitted |
|--------------------------|------|----------------------------------|--------------------|------------------------------|---------------|----------------------------------|----------------------------------|-------------------|
| Each Side | Rear | | Maximum Height | Minimum Distance In Feet To: | | | | |
| | | | | Side Lot Line | Rear Lot Line | | | |
| 10' | 10' | 1:5 | 35' | 10' | 10' | See: Section 8.9 | See: Section 8.9 | See: Section 7.12 |
| 10' | 10' | 1:5 | 35' | 10' | 10' | See: Section 8.9 | See: Section 8.9 | See: Section 7.12 |
| 10' | 10' | 1:5 | 35' | 10' | 10' | See: Section 8.9 | See: Section 8.9 | See: Section 7.12 |
| 10' | 10' | 1:5 | 35' | 10' | 10' | See: Section 8.9 | See: Section 8.9 | See: Section 7.12 |
| None: 10' if provided | 10' | 1:5 | 35' | 10' | 10' | See: Section 8.9 | See: Section 8.9 | See: Section 7.12 |
| 10' | 10' | 1:5 | 35' | 10' | 10' | See: Section 8.9 | See: Section 8.9 | See: Section 7.12 |
| 25' | 25' | 1:5 | 25' | 10' | 25' | See: Section 8.9 | See: Section 8.9 | See: Section 7.12 |
| 10' | 10' | 1:5 | 35' | 10' | 10' | See: Section 8.9 | See: Section 8.9 | See: Section 7.12 |

silos.

Section 6 Non-Conformance.

6.1 General.

- A. Continuance, Enlargement, Reconstruction: Any non-conforming use, non-conforming structure, or non-conforming lot of record may continue to exist but may not be extended, reconstructed, enlarged, or structurally altered except as specified below.
- B. Transfer of Ownership: Non-conforming structures, non-conforming lots of record, and non-conforming uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
- C. Restoration or Replacement: This Ordinance allows the normal upkeep and maintenance without the need for a permit of non-conforming uses and structures; repairs, renovations, or modernizations which do not involve expansion of the non-conforming use or structure and the value of which is less than 25 percent of the market value of the structure before the repair is started, except for the willful destruction by act of the owner or their agent; and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require. Any non-conforming use or structure which is hereafter damaged or destroyed by fire or any cause other than the willful act of the owner or their agent, may be restored or reconstructed within one (1) year of the date of said damage or destruction, provided that:
1. The non-conforming dimensions of any restored or reconstructed structure shall not exceed the non-conforming dimensions of the structure it replaces;
 2. Any non-conforming structure shall not be enlarged except in conformity with this Ordinance and the State of Maine Subsurface Wastewater Disposal Rules; and
 3. Any non-conforming use shall not be expanded in area.
- D. Shoreland Areas: In designated shoreland areas, any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed by more than 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 one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board 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. Any non-conforming structure which is damaged or destroyed by 50 percent or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit, from the code enforcement officer. In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Planning Board shall consider, in addition to the criteria in paragraph B above, the physical condition and type of foundation present, if any, 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 amount and type of vegetation to be removed to accomplish the relocation.

Nothing in this section shall prevent the demolition of the remains of any building so damaged or destroyed.

6.2 Non-Conforming Use.

- A. Resumption Prohibited: A lot, building, or structure in or on which a non-conforming use is discontinued for a period exceeding one (1) year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use, even if the owner has not intended to abandon the use.
- B. A Structure Non-Conforming As To Use: Except for single-family dwellings, a building or structure, non-conforming as to use, shall not be enlarged unless the non-conforming use is terminated. Except in a Resource Protection district, single family dwellings, which are non-conforming uses, may be enlarged as long as the dimensional requirements of the district in which they are located are met. A non-conforming use of part of a

building or structure shall not be extended throughout other parts of the building or structure unless those parts of the building or structure were manifestly arranged or designed for such use prior to the adoption of this Ordinance, or of any amendment making such use non-conforming.

- C. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use is equally or more appropriate to the district than the existing non-conforming use, and the impact on adjacent properties is less adverse than the impact of the former use as determined by the Board of Appeals. The case shall be heard as an administrative appeal. The determination of appropriateness shall require written findings on the probable changes in traffic (volume and type), parking, noise, potential for litter, wastes or by-products, fumes, odors, or other nuisances likely to result from such change of use. The Performance Standards in Section 7 of this Ordinance shall apply to such requests to establish new non-conforming uses.
- D. Use of Land: A non-conforming use of land may not be extended into any part of the remainder of a lot of land. A non-conforming use of land which is accessory to a non-conforming use of a building shall be discontinued at the same time the non-conforming use of the building is discontinued.

In the case of earth removal operations, the removal of earth may not be extended as a non-conforming use beyond the required set-back lines of the specific lot upon which such operations were in progress when such use became non-conforming, as required by the performance standards for extractive industries. Adjacent lots in the same or different ownership shall not be eligible for exemption under the non-conforming use provisions unless earth removal operations were in progress on these lots before these provisions were enacted.

The provision of required off-street parking for an existing non-conforming use shall not be considered the expansion of the use.

6.3 Non-Conforming Structures.

- A. Expansions: A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure.

Further Limitations:

1. After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland, as defined herein, that portion of the structure shall not be expanded in floor area or volume, by 30 percent or more, during the lifetime of the structure. For the purpose of this subsection, a non-habitable basement or portion thereof shall not be considered in determining floor area or volume.
- B. Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided that such enlargement does not further reduce setbacks. Within 250 feet horizontal distance of the normal high water line of a great pond, river, or upland edge of a wetland or 75 feet horizontal distance from a stream, as defined herein, the construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion provided that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the same permitting authority as that for a new structure, basing its decision on the criteria specified in subsection D. Relocation, below; that the completed foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the interior height of the basement to be increased by more than three (3) additional feet.
 - C. No structure which is less than the required setback from the normal high-water line of a water body, tributary stream or upland edge of a wetland, shall be expanded toward the water body, tributary stream, or wetland, as defined herein.
 - D. Relocation:
 1. 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 same permitting authority as that for a new structure 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.

2. In determining whether the building relocation meets the setback to the greatest practical extent, the permitting authority 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 within 250 feet of the normal high water line of a great pond, river, or upland edge of a wetland and 75 feet horizontal distance from a stream, the type and amount of vegetation to be removed to accomplish the relocation shall be considered.

E. Reconstruction or Replacement:

1. Any non-conforming structure which is located less than the required setback from the normal high water line of a water body, tributary stream, or upland edge of a wetland and which is damaged or destroyed by fire, lightning, wind or other natural disaster by more than 50 percent of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced in compliance with all local and state regulations or codes provided that a permit is obtained within two (2) years of the date of said damage, destruction, or removal and provided that such reconstruction or replacement is in compliance with the water setback to the greatest practical extent as determined by the same permitting authority as that for anew structure 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.
2. In addition, the provisions of the Floodplain Management Ordinance for the Town of Washburn, Maine, shall be met. Any non-conforming structure which is damaged or destroyed by 50 percent or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit, from the Code Enforcement Officer.
3. Any non-conforming structure which is located more than the required setback from the normal high water line of a water body, tributary stream, or upland edge of a wetland and which is damaged or destroyed by fire, lightning, wind or other natural disaster, it may be rebuilt provided that construction is commenced within two (2) years after the destruction of the building or structure. In addition, the provisions of the Floodplain Management Ordinance for the Town of Washburn, Maine, shall be met.

F. Discontinuance: Discontinuance of the use of a legally existing non-conforming structure shall not constitute abandonment of the structure. Conforming use of the structure may be commenced at any time.

G. Lack of Required Parking or Loading Space: A building or structure which is non-conforming as to the requirements for off-street parking and/or loading space shall not be enlarged, added to, or altered unless off-street parking and/or loading space is provided to bring parking and/or loading space into conformance with the requirements of this Ordinance for both the addition or alteration and for the original building or structure, or a variance is obtained.

6.4 Non-Conforming Lots of Record.

- A. Vacant Lots: A vacant non-conforming lot may be built upon provided that such lot is in separate ownership and not contiguous with any other vacant lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can be met. Variance of setback or other requirements not involving area or width shall be obtained only by action of the Board of Appeals.
- B. Built Lots: A non-conforming lot that was built upon prior to the enactment or subsequent amendment of this Ordinance is subject to the following restrictions. The structure(s) may be repaired, maintained, or improved, and may be enlarged in conformity with all dimensional requirements of this Ordinance except lot area, lot width, or lot frontage. If the proposed enlargement of the structure(s) cannot meet the dimensional requirements of this Ordinance a variance shall be obtained from the Board of Appeals.

C. Contiguous Built Lots: If two (2) 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 principle use exists on each lot, the non-conforming lots may be conveyed separately or together, providing the State of Maine Minimum Lot Size Law and State of Maine Subsurface Wastewater Disposal Rules are complied with. If two (2) or more principal uses existed on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot.

D. Contiguous Lots - Vacant or Partially Built: If two (2) 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 those lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if two (2) or more of the lots are vacant or contain only an accessory structure, the lots shall be combined to the extent necessary to meet the dimensional standards, except where rights have vested, or the lots have frontage on parallel roads and state laws are complied with.

6.5 Vested Rights.

Non-conforming use rights cannot arise by the mere filing of a notice of intent to build, an application for building permits, or an application for required state permits and approvals. Such rights arise when substantial construction of structures and development infrastructure improvements for Town approved subdivisions began prior to or within twelve (12) months of the adoption of this Ordinance, or in the case of pending applications when substantial review of an application has commenced. Such construction must be legal at the time it is commenced and the owner must be in possession of an in compliance with all validly issued permits, both state and local.

Section 7 Performance Standards.

7.1 Animal Husbandry.

Where permitted animal husbandry shall meet the following standards:

- A. Uncovered manure shall be kept 150 feet from the nearest dwelling and 300 feet from any well, other than the applicant's, and from any body of water.
- B. All paddocks, pastures, barnyards, or other enclosures shall be adequately fenced to contain livestock, animals, or fowl.

7.2 Apartments Accessory to Commercial Uses.

- A. Purpose. The purpose of these standards is to allow the development of residential dwelling units as an accessory use in commercial structures while ensuring a suitable residential environment.
- B. General Requirements. The Planning Board may allow up to two (2) residential dwelling units, without subdivision approval, in a commercial structure provided the following are met:
 1. The residential dwelling units shall be clearly incidental to the principal commercial nature of the structure.
 2. Each dwelling unit shall be provided two (2) off-street parking spaces separate from customer parking.
 3. Subsurface sewage disposal shall be provided that complies with the State of Maine Subsurface Wastewater Disposal Rules.
 4. Each dwelling unit shall have access to and use of a minimum of 400 cubic feet of private storage space within the individual dwelling unit or in common storage facilities.
 5. Primary access to the residential dwelling unit shall not be via the commercial space.
 6. All provisions of the Town Building Code, if applicable, and the National Fire Protection Association (NFPA) Life Safety Code 101, fourth edition.

7.3 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 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.

7.4 Elder Cottage Housing Opportunity (ECHO) Units.

- A. Purpose. The purpose of these standards is to provide for the temporary habitation of a dwelling unit, to be occupied by an older person(s), on lots where single-family dwellings exist, except in the Resource Protection Districts, so that adult children may care for aging parents or certain persons with a disability as defined by MRSA 5, Section 4553.
- B. General Requirements: The construction or placement of a temporary "ECHO" unit on a lot which a single-family dwelling is located may be allowed by a permit granted by the Code Enforcement Officer regardless of a non-conforming lot size and frontage if the following are met:
 1. The owner of the principal structure must reside in either the principal structure or the "ECHO" unit.
 2. The owner of the principal structure shall be related to occupants of the "ECHO" unit by blood, marriage, or adoption.

3. The occupants of the "ECHO" unit or the principal structure must be at least 62 years of age or be unable to live independently due to a disability.
4. The number of occupants of the "ECHO" unit shall be limited to two (2) persons.
5. All zoning setbacks and lot coverage requirements contained within this Ordinance shall be met. Wherever possible, the unit shall be placed to the side or rear of existing structures.
6. There shall be a separation of a minimum of fifteen (15) feet between the principal dwelling and the "ECHO" unit.
7. The maximum size of the temporary "ECHO" unit shall be 600 square feet of living space and shall be limited in size to accommodate two (2) bedrooms. Newer mobile homes shall be allowed as "ECHO" units.
8. The subsurface sewage disposal system on the property shall be functioning properly and be of sufficient size to accommodate the additional flow. In addition, there shall be sufficient land area for an expansion or replacement system which is in compliance with the State of Maine Subsurface Wastewater Disposal Rules, if needed.
9. Proper ingress and egress shall be provided to an "ECHO" unit.
10. Prior to the issuance of a building permit for the placement or construction of an "ECHO" unit by the Code Enforcement Officer, the owner of the property shall sign a binding agreement limiting the approval of an "ECHO" unit for the purposes set forth in this subsection and that "ECHO" unit must be removed within ninety (90) days from the date of occupancy cessation or when no qualified person lives within.

7.5 Glare.

Lighting may be used which serves security, safety, and operational needs, but which does not directly or indirectly produce deleterious effects on abutting properties or which would impair the vision of a vehicle operator on adjacent roadways. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings. Direct or indirect illumination shall not exceed 0.5 foot-candles upon abutting residential properties.

7.6 Lot Served by Non-Conforming Rights-of-Way.

A lot of record which could otherwise be legally built upon, but which is served by a right-of-way which does not comply with Section 7, Rear Lots, herein, may nevertheless be used for a single-family dwelling with Planning Board approval. This provision shall not be interpreted to allow lots created after the effective date of this Ordinance to not have to comply with Section 7, Rear Lots, herein. The Planning Board shall require the following before approval may be granted:

- A. A copy of the deed or other legal instrument which grants use of the right-of-way and the description of the right-of-way;
- B. An agreement between those who share use of the right-of-way which sets forth adequate maintenance provision for the right-of-way;
- C. The names and addresses of all other granted use of the right-of-way;
- D. Assurance in such form as the Planning Board may require that all other applicable state laws and regulations and local ordinances will be complied with; and
- E. A statement in recordable form signed by the applicant that if conversion of summer camps or the erection of new dwellings accessed by the unaccepted right-of-way occurs, those persons owning property on the unaccepted right-of-way shall continue to assume responsibility for maintaining and plowing the access road and that,

because the private access road is not constructed to Town road standards, the travel of personal, service, emergency, and maintenance vehicles over the access road may be hindered. Nothing contained within shall be construed as requiring the Town to provide additional services to properties on unaccepted rights-of-way not already receiving those services or to accept such rights-of-way as public roads.

7.7 **Manufactured Housing/Mobile Homes.**

- A. All manufactured housing/mobile home units to be relocated within the Town from outside of the Town shall be placed on a permanent foundation, have residential siding, and a pitched roof covered with shingles or other materials approved by the Code Enforcement Officer. These design requirements shall not be applied to prevent relocation of units within the Town constructed prior to June 15, 1976 that were legally sited in Town as of August 4, 1988.
- B. Mobile Home Parks: Mobile home parks must comply with the standards of the Maine Manufactured Housing Board. Any mobile home park application shall meet the requirements for a residential subdivision, unless otherwise provided in this Section, and shall conform to all applicable state and local laws and regulations. The Town shall require each lot in a mobile home park be provided with the following minimal dimensional requirements:
 1. Lots served by a public wastewater disposal system.
 - a. Minimum lot area: 7500 SF
 - b. Minimum lot width: 75 feet
 2. Lots served by individual subsurface wastewater disposal systems.
 - a. Minimum lot area: 20,000 SF
 - b. Minimum lot width: 100 feet
 3. Lots served by a central subsurface wastewater disposal system approved by the Maine Department of Human Services.
 - a. Minimum lot area: 12,000 SF
 - b. Minimum lot width: 75 feet
 - c. The overall density of the mobile home park served by a central system shall not exceed one dwelling unit per 20,000 SF of total park area.
 4. Minimum Setbacks.
 - a. Structures shall not be located less than 15 feet from any mobile home park individual lot line.
 - b. Mobile homes in a mobile home park adjacent to a public road shall be set back from the road a distance equal to the set back requirements for other residential development in that district.
 - c. No mobile home park lot may have direct vehicular access onto a state or Town-maintained road.
 5. A 50 foot wide buffer strip shall be provided along all property lines that:
 - a. abut residential land which has a gross density of less than half of that proposed in the mobile home park; or
 - b. abut residential land that is zoned at a density of less than half of that proposed in the mobile home park.
 - c. In addition, no structures, roads, or utilities may be placed in the buffer strip except that they may cross a buffer strip to provide services to the mobile home park.
 6. No mobile home park lot may be sold or conveyed unless such lot sold meets the lot size and dimensional requirements of the district in which it is located.

C. The following standards shall apply to all manufactured housing built before June 15, 1976, or not built according to the National Manufactured Housing Construction and Safety Standards Act of 1974, US Code, Title 42, Chapter 70, to be located on an individual lot or in a mobile home park in the Town.

1. Exit Facilities - Exterior Door.

- a. Required egress doors shall not be located where a lockable interior door must be used in order to exit.
- b. Homes shall have a minimum of two (2) exterior doors not less than 12' from each other as measured in any straight line direction regardless of the length of the travel between doors. One of the required doors must be accessible from the doorway of each bedroom without traveling more than 35'.
- c. All exterior swinging doors shall provide a minimum of 32" wide by 74" high clear opening. All exterior sliding glass doors shall provide a minimum of 32" wide by 72" high clear opening. Locks shall not require the use of a key from the inside.

2. Exit Facilities - Egress Windows and Devices.

Homes shall have the following emergency egress facilities:

- a. Every room designed expressly for sleeping purposes, unless it has an exit door, shall have at least one outside window or approved exit device. If an exit window or device is installed, it shall be listed in accordance with procedures and requirements of NFPA Life Safety Code 101, fourth edition.
- b. The bottom of the window opening shall not be more than 44" above the floor.
- c. Locks, latches, operating handles, tabs, and any other window, screen or storm window devices, which need to be operated in order to permit exiting, shall not be located in excess of 54" from the finished floor.

3. Interior Doors.

Each interior door, when provided with a privacy lock, shall have a privacy lock that has an emergency release on the outside to permit entry when the lock has been locked by a locking knob, lever, button or other locking devices on the inside.

4. Fire Detection Equipment.

- a. At least one operating smoke detector shall be installed in the home in the following locations:
 1. A smoke detector shall be installed on any wall in the hallway or space communicating with each bedroom area between the living area and the first bedroom door, unless a door separates the living area from that bedroom area, in which case the detector shall be installed on the living area side and bedroom side. Homes having bedroom areas separated by any one or combination of communication areas such as kitchen, dining room, living room, or family room (but not a bathroom or utility room) shall have at least one detector protecting each bedroom area.
 2. When located in hallways, the detector shall be between the return air intake and the living area.
 3. The smoke detector shall not be placed in a location which impairs its effectiveness.
 4. Smoke detectors shall be labeled as conforming with the requirements of Underwriters Laboratory Standards No. 217, Third Edition, 1985.
 5. Each smoke detector shall be installed in accordance with its listing. The top of the detector shall be located on a wall 6" to 12" below the ceiling. However, when a detector is mounted on an interior wall below a sloping ceiling, it shall be located 6" to 12" below the intersection on the connecting exterior wall and the sloping ceiling (cathedral ceilings).

5. Flame Spread. (from the NFPA Life Safety Code 101, fourth edition)

- a. Ceiling interior finish shall not have a flame spread rating exceeding 75.
- b. Walls or ceilings adjacent to or enclosing a furnace or water heater shall have an interior finish with a flame spread rating not to exceed 25. Sealants and other trim material 2" or less in width used to finish adjacent surfaces within this space are exempt if supported by framing members or by materials having a flame spread rating not exceeding 25.
- c. Exposed interior finishes adjacent to the cooking range shall have a flame spread rating not exceeding 50.
- d. Kitchen cabinet doors, countertops, back splashes, exposed bottoms, and end panels shall have a flame spread rating not exceeding 200.
- e. Finish surfaces of plastic bathtubs, shower units, and tub or shower doors shall not exceed a flame spread rating of 200.
- f. No burner of a surface cooking unit shall be closer than 12" horizontal to a window or an exterior door.

6. Kitchen Cabinet Protectors.

- a. The bottom and sides of combustible kitchen cabinets over cooking ranges, to a horizontal distance of 6" from the outside edge of the cooking range, shall be protected with at least 5/16th" thick gypsum board or equivalent limited combustible material. One-inch nominal framing members and trim are exempted from this requirement. The cabinet area over the cooking range or cook tops shall be protected by a metal hood with not less than a 3" eyebrow projecting horizontally from the cabinet face. The 5/16th" thick gypsum board or equivalent material which is above the top of the hood may be supported by the hood. A 3/8th" enclosed air space shall be provided between the bottom surface of the cabinet and the gypsum board or equivalent material. The hood shall be at least as wide as the cooking range.
- b. The metal hood shall not be required if there is an oven installed between the cabinet and the range.
- c. Ranges shall have a vertical clearance above the cooking top of not less than 24" to the bottom of combustible cabinets.

7. Carpeting.

Carpeting shall not be used in a space or compartment designed to contain only a furnace and/or water heater. Carpeting may be installed in other areas where a furnace or water heater is installed, provided that it is not located under the furnace or water heater.

8. Roof Loads.

All homes with roofs added after construction shall require a Maine Registered Professional Engineer to inspect the roof to determine that the roof can withhold seventy (70) pounds per square foot.

9. Heating and Fuel Burning System.

A person holding a master license issued by the State of Maine Oil and Solid Fuel Examining Board shall inspect and certify that the heating and fuel system meets the requirements of NFPA-31 Installation of Oil Burning Equipment as adopted by the Board, or other applicable standards.

10. Electrical System.

A person holding a master license issued by the State of Maine Electricians Examining Board shall inspect and certify that the electrical system is safe and meets the requirements of the National Electrical Code in affect at the time the home was constructed.

7.8 Mineral Exploration and Extraction.

A. Mineral Exploration.

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

B. Mineral Extraction.

1. Any extraction operation that requires a permit from the Maine Department of Environmental Protection (MDEP) under the Site Location of Development Act shall obtain written approval from the MDEP and the Planning Board.
2. Any mineral extraction activity of less than five (5) acres and/or any mineral extraction activity which will remove more than 1000 cubic yards of product within 12 successive months shall require a permit from the Planning Board.

C. Submission Requirements.

The following submission requirements shall apply to any mineral extraction activity of less than five (5) acres and/or any mineral extraction activity which will remove more than 1000 cubic yards of product within 12 successive months.

1. Existing and proposed limits of the excavation, clearly delineated.
2. Entrance and exit locations.
3. Slopes and vegetation for protecting adjacent structures.
4. Plan(s) and schedule for reclamation. 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 subsection E, below.
5. Location of any significant wildlife habitats as designated by the Maine Department of Inland Fisheries and Wildlife and areas listed under the Maine Department of Economic and Community Development's, Natural Areas Program.

D. Review Criteria and Standards.

The following criteria and standards shall apply to any mineral extraction activity of less than five (5) acres and/or any mineral extraction activity which will remove more than 1000 cubic yards of product within 12 successive months.

1. The area of a working pit shall not exceed four (4) acres
2. Existing vegetation within a buffer strip shall not be removed. If vegetation within the buffer strip has been removed or disturbed by activities related to the operation of the extraction operation, that vegetation

must be reestablished as soon as practicable. A buffer strip of not less than seventy-five (75) feet shall be maintained between the location of any extraction of materials and all property lines.

3. A 300 foot separation shall be maintained between any area to store petroleum products and any private drinking water wells.
4. A 200 foot separation shall be maintained between any excavation and any private drinking water supply in existence prior to that excavation.
5. A 1000 foot separation shall be maintained between any excavation and any public drinking water supply.
6. Petroleum products shall not be stored in the pit.
7. There shall be no storage or dumping on the pit of any substances or materials that could produce harmful leachate.
8. No oiling of access and haul roads is permitted.
9. Excavation shall not occur within five (5) feet of the seasonally high water table.
10. Excavation activities shall not occur below road level within 25 feet of a road right-of-way and shall maintain a 2.5:1 slope away from the right-of-way, except that excavation activities may occur below road level within 25 feet of a private road right-of-way with the written permission of the owner.
11. No part of any extraction operation, including drainage and run-off control features, shall be permitted within one hundred (100) feet of the normal high water line of a Great Pond, and within seventy-five (75) feet of the normal high water line of any other waterbody, tributary stream, or the upland edge of a wetland.
12. Erosion and sedimentation control for access roads shall be conducted according to best management practices for the control of erosion and sediment adopted by the MDEP.
13. There may not be more than two (2) acres of stockpiles within the working pit at any time.
14. Noise levels shall not exceed applicable noise limits as adopted by the MDEP.
15. The hours of operation at the site shall conform to the time between sunrise and sunset as determined at the NOAA station in Caribou, Maine.
16. In keeping with the purposes of this Ordinance, the Planning Board may impose other conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

E. Reclamation.

Within twelve (12) months of the completion of extraction operations, or the expiration of a CEO permit, or which operations shall be deemed complete when less than one thousand (1000) cubic yards of materials are removed in any consecutive twelve (12) month period, the site shall be reclaimed in accordance with a plan approved by the CEO. The affected land must be restored to a condition that is similar to or compatible with the conditions that existed before excavation. Such plan shall include:

1. A vegetative cover by seeding shall be established within one year of the completion of excavation. Vegetative cover shall be declared acceptable after one year if: (1) the planting of trees and shrubs results in a permanent stand or stand capable of regeneration and succession, sufficient to ensure a 75 percent survival rate; and (2) the planting of all materials results in permanent 90 percent ground coverage.
2. All structures and facilities shall be removed and, once no longer in productive use, all access roads, haul roads, and other support roads shall be reclaimed.

3. The final graded slope shall be two to one (2.5:1) slope or flatter.
4. Reclamation of the pit shall not be made with any substance or material that could either have a harmful leachate or create an impermeable base.
5. All affected lands shall be reclaimed within one (1) year.

7.9 Rear Lots.

Rear lots may be developed for single-family or duplex use if they are or can be provided with a right-of-way, which complies with the following provisions:

- A. If a rear lot is accessible only by a legally enforceable right-of-way, it may be used if the following conditions are met:
 1. The right-of-way shall be conveyed by deed recorded in the Aroostook County Registry of Deeds to the owner of the back lot and shall be a minimum of 50 feet in width.
 2. Except for lots recorded on the effective date of this Ordinance, the right-of-way deed must be recorded in the Aroostook County Registry of Deeds at the time the back lot is first deeded out as a separate parcel.
 3. Creation of the right-of-way to serve the rear lot shall not create a nonconforming front lot by reducing such lot's required road frontage below the minimum, or, if the front lot is already nonconforming, with respect to road frontage, reduce its road frontage at all.
 4. The right-of-way may serve only one single-family or two-family dwellings unless the following provisions are met:
 - a. The right-of-way may serve two single-family dwellings if a driveway meeting the standards contained in the Town's road construction standards is built.
 - b. The right-of-way may serve more than two dwellings provided the applicable provisions of the Town's road construction standards and subdivision ordinance are met.
 5. If the right-of-way is brought up to standards as set forth in the Town's road construction standards, further dwellings may be constructed on a back lot with Planning Board approval, provided all other space and dimensional requirements are met for each such dwelling.
 6. Each single-family or duplex dwelling on a back lot shall be located within an area large enough to hold a circle with a minimum diameter equal to the required road frontage as required for a single family dwelling in the District.

7.10 Renting Rooms and Apartments.

- A. The renting of rooms and apartments is an accessory use in a single family dwelling, the renting of rooms or a single apartment in a dwelling shall be permitted provided the following conditions are all satisfied:
 1. There shall be no new external construction to increase the size of the structure to accommodate the accessory use.
 2. The water and sewage facilities meet all existing laws and codes.
 3. The building is owner-occupied.
- B. One non-illuminated sign, no larger than two (2) square feet in area may be erected on the premises, only during times when a vacancy exists.

7.11 Satellite Receiving Dish.

No satellite receiving dish greater than 24" in diameter may be located between a building and a public road unless the building is greater than 150 feet from the road. In the case where no other location for the satellite receiving dish can be established on the lot except for between a building and a public road, the Code Enforcement Officer shall be contacted by the land owner for a site inspection and to review any options.

7.12 Signs.

A. General Requirements.

1. All proposed business, commercial, industrial, and home occupation signs shall be approved by the Planning Board and meet the standards contained within this Ordinance.
2. Existing non-conforming signs shall not be replaced by another non-conforming sign. Existing non-conforming temporary signs shall be removed within six (6) months of the adoption of this Ordinance, with future use directed by Temporary Signs, below.
3. The sale of real estate may be advertised by non-illuminated temporary signs, no larger than six (6) square feet in area. Each broker or person advertising the sale shall be permitted only one sign on any premises. All such signs shall be removed upon the transfer of ownership.
4. Rental vacancies may be advertised with a non-illuminated sign on the rental property and be no larger than two (2) square feet in area. Such sign shall be erected only during such time as the rental property is vacant.
5. Except for MDOT approved off-premise signs governed by MRS 23, Section 1901 et seq., signs shall be placed on the same lot as the use of the activity they are advertising, relate to the premises on which they are located, and shall only identify the occupant of such premises or advertise the service available within said premises. There shall be no temporary promotion signs, banners, streamers, or placards erected, suspended, posted, or affixed in any manner outdoors or on the exterior of the premises except as provided in this Ordinance. Product advertising is prohibited except where the product is generic to the business.
6. No sign shall be erected adjacent to any roadway in such a manner as to obstruct clear and free vision, or where, by reason of its position, shape, color, or wording the sign may interfere with or obstruct the view of, or be confused with any authorized traffic sign, signal, or device or otherwise constitute a hazard to pedestrian or vehicular traffic.
7. Signs for home occupations may display one non-illuminated sign, not exceeding twelve (12) square feet in area. Said sign must not detract from the character of the residence or the neighborhood.
8. Signs are permitted and may be used to convey the inhabitants' names, the property name, and safety and caution messages. Such signs shall not be placed on the roof of the building and shall be no larger than two (2) square feet.
9. Educational and religious uses may display one illuminated or non-illuminated sign for each building. No such sign shall be larger than thirty-two (32) square feet in area.
10. Other non-residential uses may display one non-illuminated sign, not exceeding thirty-two (32) square feet in area.
11. Signs relating to trespassing and/or hunting shall be permitted without restriction as to number, provided that no such sign shall exceed two (2) square feet in area.
12. No freestanding sign shall extend higher than twenty (20) feet above the ground.
13. Signs must be kept clean, legible, and free from all hazards such as, but not limited to, faulty wiring, loose fastenings, or deterioration, and must be maintained at all times in such condition so as not to be

detrimental to the public health or safety, detract from the physical appearance and the natural beauty of the community, or constitute a distraction or obstruction that may impair traffic safety.

14. All free standing signs shall meet the following setback standards.

- a. A minimum of five (5) feet from the outer edge of the right-of-way of any public or private road.
- b. All signs shall be setback a minimum of five (5) feet from side and rear lot lines.

B. In Industrial Districts only the following signs shall be permitted.

1. On each premises there is permitted one sign affixed to the exterior of a building facing the road for each road which borders the lot on which the building is located, for each occupancy therein; and
2. One free-standing sign limited in number to one per building, except that, where one occupant occupies more than one building per lot or a combination of lots mutually adjoining and in common ownership, only one free-standing sign facing the road for each road which borders the lot on which the building is located, shall be permitted. The top edge of any such free-standing sign shall not be higher than 20 (20) feet vertical measure above the grade of the road nearest the sign support(s). For traffic safety, where vision may be obscured entering a public road, the whole of the sign board or display elements of any free-standing sign shall be either below three (3) feet in height or above ten (10) feet in height above the road grade. A free-standing sign may be located within the front yard space, but shall not be closer than ten (10) feet to the road right-of-way, and be no closer than twelve (12) feet to either of the lot side lines. Where an existing principal building is within fifteen (15) feet of the road right-of-way, a free-standing sign may be located within ten (10) feet of the road right-of-way.
3. No sign shall have a signboard area (or display area, if no signboard) exceeding ninety-six (96) square feet. The gross area is the measure of the area within a line connecting and completely enclosing the extreme most points of the sign.

C. In Commercial Districts only the following signs shall be permitted.

1. On each premises there is permitted one sign facing the road for each road which borders the lot on which the building is located, attached to the building for each occupancy.
 - A. If attached to the structure by way of a frame or bracket, which overhangs a pedestrian walkway or public sidewalk, it shall not extend beyond five (5) feet of the structure face to which attached and have a vertical height clearance between the sign bottom and/or sidewalk/pedestrian walkway of ten (10) feet.
 - B. If the proposed sign is to be attached to the structure without the use of overhanging frames or brackets, the "wall sign" shall not extend or project more than twelve (12) inches from the structure surface. Cut out letters should not project more than six (6) inches from the building wall.
 - C. No sign shall have a signboard area (or display area, if no signboard) exceeding sixty-four (64) square feet. The gross area is the measure of the area within a line connecting and completely enclosing the extreme most points of the sign.

D. Sign Exceptions.

Nothing within this Ordinance shall prohibit the use of the following signs or signs exempted under MRSA 23, Section 1913-A:

1. Flags and insignia of any government.
2. Legal notices, identification, information, or directional signs erected or required by governmental bodies.
3. Signs directed and guiding traffic and parking on private property, but bearing no advertising matter or commercial identification.
4. Barber poles.
5. Signs painted, stamped, perforated, or stitched or otherwise applied to the valence of an awning or canopy.
6. Farm signs on farm structures indicating the owner or name of the farm.

E. Prohibited Signs.

The following signs are prohibited:

1. Billboards.
2. Off-premise signs.
3. Sign(s) erected on utility owned poles.
4. Sign(s) mounted or painted on a vehicle for advertising purposes, parked, and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in the normal day-to-day operations of that business.
5. Flashing sign(s).
6. Sign(s) mounted or painted on a stationary vehicle for advertising purposes, parked, and visible from the public right-of-way, except signs relating to the sale of the vehicle or signs identifying the related business when the vehicle is being used in the normal day-to-day operations of that business. For the purpose of this section, a stationary vehicle means any vehicle not registered and inspected as required by Maine law.
7. Sign(s) located so that it interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public roads or private roads.
8. Signs relating to any businesses which has been out of business for more than 365 days. The owner of the property or their agent shall be responsible for removing such sign.

F. Temporary Signs.

Temporary signs for special events may be posted upon written permit from the Code Enforcement Officer. The Code Enforcement Officer shall only grant such a permit after presentation of evidence that the authorities controlling the proposed location of the sign have approved its posting. A temporary sign shall be posted for a period not to exceed twenty (20) days. The applicant shall remove said signs upon termination of the permit. Street banners shall be not be larger than two (2) feet in height and fifty (50) square feet in area. Permits for hanging banners across a public way shall be issued only upon the indication to the Code Enforcement Officer of complete liability in writing by the person, firm, or corporation hanging the banner for any damage resulting from the placement of said banner. Such liability shall be acknowledged upon the application for the permit. No temporary sign, other than a banner, shall be larger than six (6) square feet per side.

G. Political Signs.

Political signs, not exceeding thirty-two (32) square feet in total area for single faced signs, or sixteen (16) square feet on each side of double-faced signs, are permitted, provided that:

1. Such signs shall not be erected more than thirty (30) days prior to the election to which they pertain; and
2. Such signs are removed within seven (7) days after the election to which they refer.

7.13 Soil Erosion Control.

Erosion of soil and sedimentation of water sources and water bodies shall be minimized by the following erosion control management practices:

- A. The stripping of vegetation, removal of soil, regrading, or other development of the site shall be accomplished by limiting the duration of exposure and area of the site to be disturbed. Dust control methods shall be employed during dry conditions.
- B. Temporary vegetation, mulching, and/or siltation fabrics shall be used to protect critical areas during the development, or other methods determined acceptable by the Planning Board.
- C. Permanent vegetation and/or other erosion control measures should be installed prior to completion of the construction, but no later than six (6) months after completion of the construction.

- D. Permanent soil erosion control measures for all slopes, channels, ditches, or any disturbed land area shall be completed within fifteen (15) calendar days after final grading has been completed. When it is not possible or practical to permanently stabilize disturbed land, temporary erosion control measures shall be implemented and maintained within thirty (30) calendar days of the exposure of soil, until at which time permanent soil erosion control measures for all slopes, channels, ditches, or any disturbed land area can be completed.
- E. All earth changes shall be designed, constructed, and completed in such a manner so that the exposed area of any disturbed land shall be limited to the shortest period of time possible.

7.14 Soils.

No land uses shall be permitted in any area where the soil is rated severe or very severe for the proposed activity, according to the Aroostook County Soil Survey of the USDA Soil Conservation Service, unless satisfactory evidence is presented to the Code Enforcement Officer or Planning Board, within the application for a permit, that construction methods shall overcome any pertinent soil inadequacies.

7.15 Swimming Pools.

- A. Swimming pools installed after the effective date of this Ordinance shall require a permit issued by the Code Enforcement Officer.
- B. All swimming pools shall meet structure setback requirements for the District they are to be located in.
- C. Enclosures of swimming pools shall comply with the provisions of Title 22, MRSA Section 1632.

7.16 Temporary Dwellings.

- A. Purpose: To provide for the temporary habitation of one dwelling during the construction or renovation of a second dwelling on lots, except within the Shoreland and Resource Protection Districts.
- B. General Requirements: The Code Enforcement Officer may issue a Temporary Dwelling Permit for the purpose of the owner residing in one dwelling while a new dwelling is constructed or an existing dwelling is renovated, only if all of the following are met:
 - a. The temporary structure to be resided in during the construction or renovation of the second (primary) structure shall be connected to an approved subsurface sewage disposal system.
 - b. All zoning setbacks and lot coverage requirements of this ordinance shall be met.
 - c. The owner must reside in one of the structures during construction or renovations.
 - d. The structure which is not to be the principle residence shall be resided in for not more than eighteen (18) months from the date of the issuance of the permit for the construction of the primary residence.
 - e. Within eighteen (18) months from the date of the issuance of a permit in the case of a mobile home it shall be removed from the lot and other structures shall be converted to an accessory structure or removed.
 - f. Prior to the issuance of a building permit for the construction and renovation on a lot where a temporary residential structure will be located, the owner shall sign a binding agreement with the Town of Washburn that the provisions of this section shall be complied with.

Section 8 Site Design Review.

8.1 Purposes for Site Design Review.

The purposes of this section are:

- A. To provide for the Town review of projects that could impact on the environment and the community;
- B. To promote and protect the health, welfare, and safety of the residents of Washburn;
- C. To provide local protection from those particular nuisances which are not governed by state law or regulation;
- D. To balance the rights of landowners to use their land with the corresponding right of abutting or neighboring landowners to live without undue disturbance from nuisances such as noise, smoke, dust, odor, glare, traffic, stormwater runoff, or the pollution of ground or surface waters;
- E. To reduce the off-site problems associated with development, thereby decreasing the cost of maintaining or improving Town services;
- F. To conserve's the Town's natural beauty and visual character by ensuring that structures, signs, and other improvements and uses of land are sited and developed with due regard to the aesthetic qualities of the natural terrain and that proper attention is given to exterior appearances of structures, signs, other improvements, and uses of land; and
- G. To implement the policies and strategies of the comprehensive plan.

8.2 Applicability of Site Design Review.

- A. Site Design Review by the Planning Board in conformity with the criteria and standards of this section shall be required for the following:
 - 1. Uses in each District which require Site Design Review as identified in Section 5, District Regulations, of this Ordinance;
 - 2. A change in use when the new use is subject to Site Design Review;
 - 3. The construction of a multi-family residential dwelling, commercial building, industrial building, or other non-residential building;
 - 4. The addition(s) to a multi-family residential dwelling, commercial building, industrial building, or other non-residential building, having a total gross floor area in excess of one thousand (1000) square feet cumulatively within a three (3) year period;
 - 5. The construction or alteration of any parking area(s) to include a change of ten (10) or more parking spaces;
 - 6. The construction of any impervious surface in excess of two thousand (2000) square feet cumulatively within a three (3) year period;
 - 7. The alteration of a water course, ditch, or swale;
 - 8. The change of use of any portion of any existing building or structure in excess of one thousand (1000) square feet cumulatively within any three (3) year period;
 - 9. The change in on-site vehicle access of any existing parking lot or driveway; or
 - 10. Filling, grading, or excavation projects which move in excess of one thousand (1000) cubic yards of materials;

Notwithstanding the above:

1. Single-family and two-family (duplex) residential dwelling development, including their basement excavations, and farm structures are exempt from the requirements of this Ordinance.
2. In addition, the following activities are exempt: repairs, replacement, and/or normal maintenance not requiring structural elements, decorative changes in existing structures or buildings, provided that the activity is in conformance with federal, state, and/or local laws and does not involve any other physical modifications or changes requiring a permit under this Ordinance.

8.3 Site Design Approval.

- A. All development projects defined shall require the approval of the Planning Board as provided by this Ordinance.
- B. A public hearing may be scheduled for any application if the proposed development poses the potential for significant impacts to Town facilities or natural resources. Said hearing shall be conducted prior to final action by the Planning Board on the application.
- C. All site design approvals shall expire within one (1) year of the date of final Planning Board approval, unless work thereunder is commenced and 30 percent of the approved plan is completed and an extension is approved by the Planning Board for an additional year. If work is not completed within two (2) years from the date of final Planning Board approval, the existing application will be reviewed. There will be no additional charge.
- D. In the event that a site design is recorded with the Registry of Deeds without approval of the Planning Board, the design shall be considered null and void, and the Planning Board shall institute proceedings to have the design stricken from the records of the Registry of Deeds. Any site design not recorded in the Registry of Deeds within ninety (90) days of the date of final approval of the Planning Board shall become null and void.
- E. The approval by the Planning Board of a site design shall not be deemed to constitute or be evidence of any acceptance by the Town of any road, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the Town, approval of the design shall not constitute an acceptance by the Town of such areas. The Planning Board shall require the design to contain appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Town officers covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.
- F. Site Design approval is not required for the normal and customary practices and structures associated with agriculture as defined in this Ordinance and sand and gravel pits approved or established prior to March 10, 1990.

8.4 Site Design Notification.

- A. The Town Clerk shall notify all abutting property owners, to include those property owners directly across any public way, of the property involved, and such other property owners as the Planning Board may deem necessary. It shall be the responsibility of the applicant to supply the names and mailing addresses of the abutting or other identified property owners. Failure to provide full documentation could delay the application. The notice shall include a description of the nature of the applicant's proposal and the time and place of the Planning Board meeting or the public comment time period required.
- B. The Town Clerk shall notify the identified property owners of the site design review request at least ten (10) days before the first meeting and first public hearing, if a public hearing is necessary, where the application will be discussed. The Planning Board shall make its decision on the application in open session within thirty (30) days after the date the Planning Board has determined that the application is complete.
- C. The agenda of Planning Board meetings shall be published in the Star Herald at least seven (7) days before the date of the meeting and displayed in two (2) places of general public access. The agenda notice shall include a brief description of the application and the Ordinance(s) by which the proposal is to be reviewed.

8.5 Site Design Fees and Guarantees.

- A. The Planning Board may require that an expert consultant(s) 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 consultant shall estimate the cost of such review, the final amount shall be approved by the Town Council, 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 from the escrow account. If the balance in the escrow account is drawn down by 75 percent, the Board shall notify the applicant and require an additional amount. Any balance in the account remaining after a final decision on the application has been rendered shall be returned to the applicant. The consultants shall be fully qualified to provide the required information and shall be mutually acceptable to the Town and the applicant.
- B. At the time of approval of the application for site design review, the Planning Board may require the applicant to tender either a certified check payable to the "Town of Washburn", an irrevocable letter of credit from a lending institution, or a performance bond payable to the "Town of Washburn" issued by a surety company in an amount adequate to cover the total costs of all required improvements, taking into account the time-span of the bond and the effects of inflation upon costs. The conditions and amount of the guarantee shall be reasonably necessary to ensure the completion of all improvements required as condition of approval of the application, in such form as approved by the Planning Board and the Town. The Town shall have access to the site to review the progress of the work and shall have the authority to review all records and documents related to the project.
- C. The developer shall provide a one year defect bond upon completion of all public improvements. The amount of the defect bond shall be ten percent (10%) of the amount of those public improvements approved as part of the site design. The bond shall be placed in an account in the Town's name. The bond, including accrued interest, remaining in the account and which has not been spent or appropriated shall be returned to the applicant within three-hundred and sixty (360) days from date of final Planning Board approval.
- D. Irrespective of any other provision of this Ordinance, the Planning Board shall not consider an application complete if the applicant fails to pay any of the fees, bonds, or guarantees, or appeals any fee, bond, or guarantee determination. If the applicant appeals the payment of any fees, bonds, or guarantees to the Board of Appeals, the Board shall decide whether the fee, bond, or guarantee is reasonable for the purpose found necessary by the Planning Board. The fee, bond, or guarantee shall be placed into an appropriate account in the Town's name. The money, including any accrued interest, remaining in the account and which has not been spent or appropriated, shall be returned to the applicant within thirty (30) days after the Planning Board issues its final decision on the proposal.

8.6 Site Design Application and Review Process.

- A. A person informed by the Code Enforcement Officer or Planning Board that they require Site Design Review approval shall file a Site Design Review application with the Code Enforcement officer on forms provided for the purpose. It shall be the responsibility of the applicant to demonstrate that the proposed use meets all of the design criteria and standards of Section 8.8, herein.
- B. All applications shall be made by the owner of the property or their agent, as designated in writing by the owner. A site design application must be diligently pursued from the date of submission.
- C. The Code Enforcement Officer shall make an initial determination of the completeness of the application, which shall be subject to the final determination of the Planning Board. Any application which the Code Enforcement Officer initially determines to be incomplete shall not be passed on to the Planning Board, but shall be returned to the applicant by the Code Enforcement Officer with a written notice of the additional information required. The written notice shall set forth those items which need to be submitted and that the applicant will have one hundred and twenty (120) days to complete the application. If the applicant fails to submit any item specified within the one hundred twenty (120) days of the date of said notice from the Code Enforcement Officer, the application shall expire and shall be deemed null and void. Nothing in this section shall prevent the Code Enforcement Officer from requiring additional information as otherwise permitted or required by the terms of this Ordinance. At such time that the additional information has been supplied, the Code Enforcement Officer shall pass the application on to the Planning Board for review and final determination of completeness.

- D. Applications shall *not* be considered as having pending status and shall be subject to changes in local, state, or federal laws until the time they have been determined to be complete final applications by the Planning Board.
- E. 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 cost of all such studies shall be borne by the applicant.
- F. The following application process shall be followed to facilitate site design review.

1. Site Design Review Application Process.

- a. Upon receipt of an application for site design review from the Code Enforcement Officer, the Planning Board shall schedule the development for concept or final plan review at the next available Planning Board meeting. The Planning Board may advise the applicant whether concept plan review is appropriate prior to submission of a final plan; however, the applicant shall determine whether to seek concept or final plan review prior to submitting an application for final plan review. Neither concept or final plan review shall occur unless there is evidence that the required public notice has been given and the material required by Section 8.7(B) or Section 8.7(C) of this Ordinance is filed with the Planning Board in a timely manner. The application is distributed to the appropriate Town departments. Final determination as to the completeness of applications for concept plan and final plan review shall be made by the Planning Board.

b. Concept Plan Review.

Concept plan review is intended to provide the applicant with an opportunity to discuss the proposed development; obtain the Planning Board's comments prior to expending significant resources in furtherance of specific development plans; and gain an understanding of the review procedures, requirements, and standards. The Planning Board may identify issues that are to be addressed in the final plan application. No decision is made during concept plan review.

c. Final Plan Review.

Within 30 days after determining that an application is a complete, the Planning Board may conduct a public hearing on the proposed development, if the development poses the potential for significant impacts to Town facilities or natural resources, unless either the applicant or the Planning Board determines that additional workshops are necessary. The Planning Board shall issue a written decision approving, approving with conditions, denying, or tabling the final plan,. If the Planning Board tables the item, an additional public hearing must be held. If the Planning Board shall vote to approve the site design application, the Code Enforcement Officer shall issue a permit, provided that all other requirements of the Ordinance are met.

d. Statement of Findings.

All findings and decisions by the Planning Board denying or conditionally approving any site design shall be made in writing or reduced to writing within thirty (30) days of the decision and shall state the reason(s) sufficient to appraise the applicant and any interested member of the public of the basis for the decision. The Planning Board's decisions regarding site designs are appealable by the applicant or an abutter to the Board of Appeals. Site design decisions of the Board of Appeals are appealed to the Superior Court.

e. Applications Requiring Other Public Agency Review.

- 1. The Planning Board may approve complete final applications subject to the condition that all necessary permits be received from agencies such as, but not limited to, the Army Corps of Engineers, Maine Department of Environmental Protection, Maine Department of Transportation, or Maine Department of Human Services. However, the Planning Board may require that approvals required by state or federal law be submitted to the Town prior to final approval upon

finding that the permits from state or federal agencies may have a significant effect on the site design application.

2. The Planning Board may request copies of the application to be forwarded to other Town committee(s). The comments of the committee(s) are advisory to the Planning Board and shall pertain to the application's conformance with the review criteria of this Ordinance. The Planning Board may postpone final decisions regarding the application until such time as the comment from the Town committee(s) has been submitted.

8.7 Site Design Application Requirements.

A. Required Number of Copies.

Final application for Site Design Review shall consist of five (5) copies of the required information. The applications are to be submitted to the Code Enforcement Officer no later than twenty-one (21) days prior to the meeting at which the item is to be heard.

B. Concept Site Design Plan.

1. The Planning Board may review applications as concept site design plans. These are applications that do not meet the final plan requirements. At a minimum, concept plan applications shall include the following information:

a. Concept Site Design Requirements.

1. Name and address of the owner of record and developer (if different);
2. Name of the proposed development;
3. Names and addresses of all abutting property owners and property owners directly across any public way, and others indicated by the Planning Board as being impacted;
3. Names and addresses of all consultants working on the project;
4. Graphic scale and north arrow;
5. 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;
6. Location and dimensions of any existing or proposed easements and copies of existing covenants or deed restrictions;
7. Name, registration number, and seal of the land surveyor, architect, engineer, and/or similar professional who prepared the plan;
8. All property boundaries, land area, and zoning designations of the site, regardless of whether all or part is being developed at this time;
9. Size, shape, and location of existing and proposed buildings on the site including dimensions of the buildings and setbacks from property lines;
10. Location and layout design of vehicular parking, circulation areas, loading areas, and walkways including curb cuts, driveways, parking space and vehicle turn around area dimensions;
11. Location and names of roads and rights-of-way within and within 200' adjacent to the proposed development;
12. Proposed finish grades and graphic arrows indicating the direction of storm water runoff;

13. Conceptual treatment of on and off site storm water management facilities;
14. Location and sizes of existing and proposed sewer and water services including connections;
15. Conceptual treatment of landscaping buffers, screens, and plantings;
16. Location of outdoor storage areas, fences, signs (front view and dimensions) , advertising features, and solid waste receptacles;
17. Context map illustrating the area surrounding the site which will be affected by the proposal including all roads, sidewalks, intersections, storm water drainage ways, sanitary sewer lines and pump stations, nearby properties and buildings, zone districts, and geographic features such as, but not limited to, wetlands, natural features, historic sites, flood plains, significant scenic areas, and significant wildlife habitats as provided in the Comprehensive Plan; and
18. Plans for all proposed exterior lighting including the location, type of light, radius of light, manufacturer's specifications sheet, and the ground level intensity in footcandles.

b. Project Description.

The project description is to describe the proposal, its scheme of development, and proposed land uses. The project description shall also include estimates from qualified professionals as to the anticipated gallons per day of wastewater, the number of vehicles entering and leaving the site during the day (and at peak traffic hours), the increased amount of storm water runoff, and the rate of the storm water runoff of the post-development site.

C. Final Site Design Plan.

The final site design plan application shall include all information required in Section 8.7(B), above and in addition shall require the following information:

- a. Boundary Survey: Prepared by a licensed Maine surveyor indicating the boundaries, permanent markers, and encumbrances of the site.
- b. Storm Water Management Plan: Prepared by a Maine licensed professional engineer analyzing the proposal's impact on existing storm water facilities and watersheds. The storm water management plan shall include a map of all watersheds significantly impacted by the proposal and identify all areas of existing or anticipated flooding, locations of existing and proposed culverts, pipes, detention ponds, and flow restrictions to be affected by the proposal. The storm water management plan shall comply with the review criteria found in this Ordinance.
- c. Finish Grading Plan: Prepared by a Maine licensed professional engineer or landscape architect indicating the final grading of the site, the amount of fill to be imported to or exported from the site, and graphic arrows indicating the direction of storm water run off.
- d. Site Improvement Details: Including sufficient information to enable the creation of an itemized cost estimate for all required on/or off site improvements.
- e. Building Elevations: Scale plans of exterior building surfaces including materials, doorways, and advertising features.
- f. Additional Information: Additional information as deemed necessary to review the proposal's conformance with the site design review criteria and technical standards. Additional information may address items such as, but not be limited to, traffic, wetlands, environmental analyses, or the interpretation of the data by Town consultants. Additional information shall be financed pursuant to the consulting fees of this Ordinance.

- g. General topography of the site.
- h. High intensity soils classifications of the soils located on the site.
- i. A copy of any variances granted or deed restrictions on the subject use or property. Such variances and/or restrictions shall be noted on the final (recording) copy of the plan.

D. Waiver of Required Information

The Planning Board may waive the submittal of required application materials for developments upon finding that the specific information is unnecessary in order to review the application's conformance with this Ordinance. Such waiver(s) shall be noted on the final (recording) copy of the plan.

E. Final Copies of the Plan

The applicant shall submit three (3) signed copies of the final approved plan to the Code Enforcement Officer. One copy shall be retained by the Planning Board as part of its permanent records. One copy shall be forwarded to the Tax Assessor. One copy shall be forwarded to the Code Enforcement Officer.

8.8 Site Design Criteria and Standards.

The following criteria and standards shall be utilized by the Planning Board in reviewing applications for site design approval. It should be noted that these design criteria and standards do not apply to mobile home park developments. The standards are not intended to discourage creativity, invention, or innovation. 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 action 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 design unless the plan does not meet the intent of the following criteria.

- A. Conformance with Comprehensive Plan: The proposed development shall be located and designed in such a manner as to be in conformance with the Town's comprehensive plan.
- B. Traffic: The proposed development will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways, public roads or pedestrian walkways existing or proposed. Vehicular access to the site shall be on roads which have adequate capacity to accommodate the additional traffic generated by the development. The Planning Board may require mitigation when the proposed development is anticipated to result in a decline in service, below Level of Service "C", of nearby roadways or intersections. Levels of service are defined by the Highway Capacity Manual, Special Report #209, published by the Research Board, National Research Council, Washington DC, 1985. If an existing intersection is functioning at a Level of Service of "D" or lower prior to the development, the project shall not reduce the current level of service. A copy of the application shall be provided to the appropriate Town authority(s), and to the Maine Department of Transportation if on a state maintained road, for timely review and comment. The Planning Board may approve a development not meeting this requirement if the applicant demonstrates that:
 - 1. A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or
 - 2. The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will guarantee the completion of the improvements within one (1) year of project approval.
- C. Site Access: Vehicular access to the development shall provide for safe and convenient access and shall be in conformance with the Technical Standards of this Ordinance. A copy of the application shall be provided to the appropriate Town authority(s), and to the Maine Department of Transportation if on a state maintained road, for timely review and comment.
- D. Parking and Vehicle Circulation: The proposed plan provides for adequate parking and vehicle circulation and shall be in conformance with the Technical Standards of this Ordinance. A copy of the application shall be

provided to the appropriate Town authority(s) for timely review and comment. The layout of the site shall provide for the safe movement of passenger, service, and emergency vehicles throughout the site.

1. Projects shall provide a clear route for delivery vehicles with appropriate geometric design to allow turning and backing for vehicles expected to use the facility.
2. Clear routes of access shall be provided and maintained for emergency vehicles to all portions of the site and shall be posted with appropriate language.
3. The layout and design of dedicated parking areas provided on-site or within a reasonable walking distance from the site shall provide for safe and convenient circulation of vehicles throughout the lot, shall prohibit vehicles from backing out onto a road.
4. All roads and accessways shall be designed to follow the topographic and natural features of the site. The road network shall provide for vehicular and pedestrian safety, all season emergency access, snow storage, delivery and collection services.

E. Pedestrian Circulation: The development plan shall provide for a system of pedestrian circulation within the development. This system shall connect with existing sidewalks if they exist in the vicinity of the project. The pedestrian network may be located either in the road right-of-way or outside of the right-of-way in open space or recreation areas. The system shall be designed to link residential units with recreational and commercial facilities, other common facilities, school bus stops, existing sidewalks in the neighborhood, and shall be in conformance with the Technical Standards of this Ordinance. A copy of the application shall be provided to the appropriate Town authority(s) for timely review and comment.

F. Site Conditions:

1. During construction, the site shall be maintained and left each day in a safe and sanitary manner. The site area shall be regularly sprayed to control dust from construction activity.
2. 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.
3. No changes in elevation shall be made of any lot or site by the removal of earth to another lot or site other than as shown on an approved site design plan. Minimal changes in elevations or contours necessitated by field conditions may be made only after approval has been obtained from the Code Enforcement Officer.

G. Open Space:

1. Common open space shall be contiguous, where possible.
2. Common open space 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.
3. When reviewing the location and type of open space designated in an application, the Planning Board shall require:
 - a. Individual lots, buildings, roads, and parking areas shall be designed and situated:
 1. to minimize alterations of the natural site;
 2. to avoid the adverse effects of shadows, noise, and traffic on the residents of the site; and
 3. to relate to the surrounding properties, to improve the view from and of buildings.
 - b. Diversity and originality in lot layout and individual building, road, parking, and lot layout shall be encouraged.

- c. 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).
 - d. Open space intended for recreation or public use shall be determined by the size, shape, topographic, and location requirements of the site.
- H. Sanitary Sewage: A sanitary sewer system shall be installed at the expense of the developer, or, if in the opinion of the Planning Board, service by a sanitary sewer system is not feasible, the Board may allow individual underground wastewater disposal systems to be used. The proposed development will not cause an unreasonable adverse effect to the Town sewerage treatment facilities and will not aggravate an existing unhealthy situation. A copy of the application shall be provided to the sewer authority for timely review and comment.
 - 1. Upstream sewage flows shall be accommodated by an adequately sized system through the proposed development for existing conditions and potential development in the upstream area or areas tributary to the proposed development.
 - 2. When not serviced by a public sewerage system, the approval of a application shall be subject to presentation of a completed site evaluation form (HHE-200) which evidences adequate soil conditions for on-site wastewater disposal. All individual on-site systems shall be designed by a Maine licensed soil evaluator in full compliance with the Maine State Plumbing Code, as amended. Upon the recommendation of the local Plumbing Inspector, the Planning Board may require the location on the individual lots of reserve areas for replacement systems.
- I. Water: The development shall be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water. The proposed development will not cause the depletion of local water resources or be inconsistent with the service plan of the Washburn Water District. A copy of the application shall be provided to the water district for timely review and comment.
- J. Emergency Vehicle Access: All site design applications shall be reviewed by the Fire Chief or their designee and shall receive the approval for conformance with applicable technical standards. The proposed development shall be located and designed in such a way as to provide and maintain convenient and safe access and response time for emergency vehicles or mitigates inadequate access or response time by providing adequate safety features as part of the proposed development.
- K. Waste Disposal: The proposed development shall provide for adequate disposal of solid wastes and hazardous wastes. A copy of the application shall be provided to the solid waste coordinator for timely review and comment.
 - 1. All solid waste shall be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.
 - 2. All hazardous waste shall be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted.
 - 3. All commercial and industrial developments shall devote floor space suitable to accommodate a container designed to hold at least two (2) cubic yards of recyclable materials such as, but not limited to, office paper and corrugated cardboard. The floor space requirement shall be met for every 2,500 square feet of floor area.
- L. Buffering: The proposal provides for adequate on-site buffering in the vicinity of property boundaries, when required. On-site buffering is required:
 - 1. wherever commercial, industrial, or other non-residential development is proposed adjacent to or across a road from residential or agricultural uses or districts; and
 - 2. as required by the Technical Standards of this Ordinance.

- M. Natural Areas: The proposal does not cause significant adverse impacts to natural resources or areas such as wetlands, significant geographic features, significant wildlife and marine habitats, and natural fisheries. A copy of the application shall be provided to the Maine Department of Inland Fisheries and Wildlife, the Maine Department of Economic and Community Development's, Maine Natural Areas Program, and to the local office of the Maine Department of Environmental Protection for timely review and comment. The proposal shall be consistent with the recommendations of the Departments.
- N. Exterior Lighting: All exterior lighting shall be designed to encourage energy conservation and efficiency, to ensure the safe movement of people and vehicles, to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public and shall be in conformance with the Technical Standards of this Ordinance.
- O. Storm Water Management: The plan provides for adequate storm water management facilities. The removal of storm water will not adversely affect neighboring properties, and that there is no adverse downstream impact. Proposed storm water detention facilities and calculations shall provide for the control of twenty-five year storm frequency rates. On-site absorption shall be utilized to minimize discharges whenever possible. The design, construction, and maintenance of private facilities are not anticipated to cause the expenditure of additional Town resources for maintenance of private storm water management facilities. Maintenance responsibilities shall be reviewed to determine their adequacy. Emphasis shall be placed on the protection of floodplains and wetlands; preservation of stream corridors; establishment of drainage rights-of-way; and the adequacy of the existing system; and the need for improvements, both on and off site, to adequately control the rate, volume, and velocity of storm drainage.
- P. Erosion and Sedimentation Control: The proposed development includes adequate measures to control erosion and sedimentation and will not contribute to the degradation of nearby streams, water courses, or lowlands by virtue of soil erosion or sedimentation. The erosion control measures are to be in conformance with the most current standards of the Maine Soil and Water Conservation Commission. The following measures shall be included where applicable as part of any site design review and approval.
1. Stripping of vegetation, regarding or other development shall be done in such a way as to minimize erosion.
 2. Development shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with the topography so as to create the least amount of erosion potential, and so as to adequately handle surface water run-off.
 3. The disturbed area and the duration of exposure of the disturbed area shall be kept to a practical minimum.
 4. Disturbed soils shall be stabilized as quickly as practical.
 5. Temporary vegetation, mulching, or other acceptable measures shall be used to protect exposed critical areas during development.
 6. The permanent (final) vegetation and mechanical erosion control measure shall be installed as soon as practical on the site.
 7. Until the disturbed area is stabilized, sediment in the run-off water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable measures.
 8. Whenever sedimentation is caused by stripping vegetation, regarding 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 their expense as quickly as possible.
 9. Any activity on a stream, watercourse, or swale or upon a floodway or right-of-way shall comply with the local shoreland zoning ordinance and the state's Natural Resources Protection Act, Title 38 MRSA, Sections 480A-480S. Any such activity shall be conducted in such a manner so as to maintain as nearly as

possible the present state of the stream, watercourse, swale, floodway, or right-of-way for the duration of the activity and shall be returned to its original or equal condition after such activity is completed.

10. Maintenance of drainage facilities or 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.
- Q. Buildings: The bulk, location, and height of proposed buildings or structures will not cause health or safety problems to existing uses in the neighborhood, including without limitation those resulting from any substantial reduction in light and air or any significant wind impact.
- R. Existing Landscaping: The landscape shall be preserved in its natural state, insofar as practicable, by minimizing to the greatest extent feasible any disturbance or destruction of significant existing vegetation, including mature trees over four (4) inches in diameter measured at 4.5 feet from ground level, soils, and significant vegetation buffers. If a site includes a ridge or ridges above the surrounding areas and provides for 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 scenic vistas.
- S. Infrastructure: The proposed development shall be designed so as to be consistent with off premises infrastructure, such as but not limited to, sanitary and storm sewers, wastewater treatment facilities, roadways, sidewalks, trail systems, and street lights, existing or planned by the Town.
- T. Advertising Features: The size, location, design, color, texture, material, and lighting of all permanent signs and outdoor lighting fixtures shall not detract from the design of proposed buildings or neighboring properties and shall be in conformance with the Technical Standards of this Ordinance.
- U. Design Relationship to Site and Surrounding Properties: The proposed development provides a reasonably unified response to the design constraints of the site and is sensitive to nearby developments by virtue of the location, size, design, and landscaping of buildings, driveways, parking areas, storm water management facilities, utilities storage areas, and advertising features.
- V. Scenic Vistas and Areas: The proposed development shall not result in the loss of scenic vistas or visual connection to scenic areas as identified in the Town's comprehensive plan.
- W. Utilities: Utilities such as natural gas, propane, electric, telephone, and cable TV services located above ground shall be located so as not to be unsightly or hazardous to the public and shall be landscaped or otherwise buffered so as to screen the components from public view. The underground placement of utilities is encouraged.
- X. Mineral Exploration: Mineral exploration to determine the nature and extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance. A permit from the Planning Board shall be required for mineral exploration which exceeds the above limitations.
- Y. Technical Standards: The proposed development meets the requirements of the Site Design Technical Standards and the Performance Standards of this Ordinance, except as may be waived by the Planning Board.
- Z. Phosphorus Export: Proposed development within the watershed of a lake or pond shall be designed to limit phosphorous runoff. The Planning Board shall keep an accurate record of permits issued by watershed using an appropriate record keeping system, and shall review actual development rates and recommend adjustments at five year intervals, subject to a reasonable appropriation by the Town to conduct such an assessment, or the availability of adequate state or regional grant programs or technical assistance programs. Phosphorus export from a proposed development shall be calculated according to the procedures defined in "*Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*", (Maine DEP et. al., 1989, as amended). Phosphorus control measures shall meet the design criteria contained in "*Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*", (Maine DEP et. al., 1989, as amended). The Planning Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimizing road lengths, and shall encourage the use of non-structural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.

8.9 Site Design Technical Standards.

The following technical standards shall apply to all site designs, provided, where the Planning Board finds that due to special circumstances of a particular plan, the provision of certain required standards which are not requisite in the interest of public health, safety, and general welfare, may waive such requirements. It should be noted that the following technical standards do not apply to mobile home park developments.

A. Off-Street Parking and Loading.

1. General.

- a. A permitted use in any district shall not be extended, and no structure shall be constructed or enlarged, unless off-street automobile parking space is provided in accordance with the requirements of this section.
- b. All parking spaces shall be 9 feet x 18 feet.
- c. Parking areas with more than two (2) parking spaces shall be arranged so that it is not necessary for vehicles to back into the road.
- d. Required off-street parking for all land uses should be located on the same lot as the principal building or facility.
- e. The joint use of a parking facility by two or more principal buildings or uses may be approved as an administrative appeal by the Board of Appeals where it is clearly demonstrated that said parking facilities would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees on such establishments.
- f. Parking spaces shall be provided as required and made available for use prior to the issuance of the Certificate of Occupancy.

2. Additional Requirements for Commercial and Industrial Establishments.

- a. Access points from a public road to commercial and industrial operations shall be so located as to minimize traffic congestion and to avoid generating traffic on local access roads of a primarily residential character.
- b. All parking areas, driveways, and other areas serving ten (10) or more vehicles shall be paved with bituminous concrete or an equivalent surfacing over a gravel sub-base at least 12" in thickness, and shall have appropriate bumper or wheel guards where needed.
- c. All driveway entrances and exits shall be kept free from visual obstructions higher than three (3) feet above road level for a distance of 25 feet measured along the intersecting driveway and road lines in order to provide visibility for entering and leaving vehicles.
- d. Loading facilities shall be located entirely on the same lot as the building or use to be served so that trucks, trailers, and containers for loading or storage shall not be located upon any Town way.
- e. The following minimum off-street loading bays or berths should be provided, if required, and maintained in the case of new construction, alterations, and changes of use:
 1. Retail, office, consumer services, wholesale, warehouse, and industrial operations with a gross floor area of more than 5,000 square feet require the following:

| | | | |
|---------|----|------------|--------|
| 5,001 | to | 20,000 SF | 1 bay |
| 20,001 | to | 50,000 SF | 2 bays |
| 50,001 | to | 100,000 SF | 3 bays |
| 100,001 | to | 150,000 SF | 4 bays |
| 150,001 | to | 300,000 SF | 5 bays |

2. Each 150,000 square feet over 300,000 square feet requires (1) additional bay. No loading docks should be located to face any road frontage. Provision for handling all freight shall be on those sides of any buildings which do not face on any road or proposed roads.
- f. Off-street parking and loading spaces, where not enclosed within a building, shall be effectively screened from view by a continuous landscaped area not less than six (6) feet in height and fifteen (15) feet in width along exterior lot lines adjacent to residential properties, except that driveways shall be kept open to provide visibility for entering and leaving. No off-street parking and loading shall be permitted within the front setback or any setback adjoining a public road, except as specifically authorized in this Ordinance.
3. Parking Lot Design Criteria (except for single-family and duplex residential use).
 - a. Vehicular Entrance and Exit.
 1. Entrances and exists should be clearly identified by the use of signs, curb cuts, and landscaping.
 2. Entrance/exit design shall be in conformance with the standards contained within this Ordinance.
 - b. Interior Vehicular Circulation.
 1. Major interior travel lanes should be designed to allow continuous and uninterrupted traffic movement.
 2. Access to parking stalls should not be from major interior travel lanes and shall not be immediately accessible from any public way.
 3. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.
 4. Parking aisles should be oriented perpendicular to stores or businesses for easy pedestrian access and visibility.
 5. Enclosures, such as guardrails, curbs, fences, walls, and landscaping, should be used to identify circulation patterns of parking areas and restrict driving movements diagonally across parking aisles, but not to reduce visibility of oncoming pedestrians and vehicles.
 6. Entrance/exits shall be designed to allow adequate stacking of vehicles without blocking interior vehicle circulation lanes.
 7. All parking spaces and access drives shall be at least five (5) feet from any side or rear lot line, except for the additional requirements in buffer yards.
 8. Aisle Width and Parking Angle: The width of all aisles and parking angles providing direct access to individual parking stalls shall be in accordance with the requirements below. Only one-way traffic shall be permitted in aisles serving single-row parking spaces placed at an angle other than ninety (90) degrees.

| Parking Angle (degrees) | Aisle Width (feet) |
|----------------------------|--------------------|
| 0 (parallel parking) | 12 |
| 30 | 12 |
| 45 | 13 |
| 60 | 18 |
| 90 (perpendicular parking) | 25 |

9. Parking areas shall meet the shoreline setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities, in Districts other than the General Business and Industrial Districts, may be reduced to no less than fifty (50) feet from the normal high-water line or upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists.
 10. Parking areas in the Shoreland Areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, and where feasible, to retain all runoff on-site.
 11. In paved parking areas painted stripes shall be used to delineate parking stalls. Stripes should be a minimum of 4" in width. Where double lines are used, they should be separated a minimum of 12" on center.
 12. In aisles utilizing diagonal parking, arrows should be painted on the pavement to indicate traffic flow.
 13. Bumpers and/or wheel stops shall be provided where overhang of parked cars might restrict traffic flow on adjacent through roads, restrict pedestrian movement on adjacent walkways, or damage landscape materials.
4. Required Parking Spaces.
- a. Parking spaces should be provided to conform with the number required in the following schedule:

| <u>Activity</u> | <u>Minimum Required Parking</u> |
|--------------------------------------|--|
| Residential | |
| with 2 or more bedrooms | 2 spaces per dwelling unit. |
| with 1 bedroom | 1.5 spaces per dwelling unit. |
| Elderly Housing | 1 space per dwelling unit. |
| Tourist home, Boarding, Lodging | 1 space per room/unit rental and for each |
| House, Hotel, Motel, or Inn | employee on the largest shift. |
| Hotel, Motel, Inn | 1 space for |
| Church | 1 space per three seats based upon max. seating capacity. |
| Schools | |
| Primary | 1.5 spaces per classroom. |
| Secondary | 8 spaces per classroom. |
| Post-Secondary | 1 space for each student and 1 space for each faculty and staff member. |
| Child Care Facility | 1 space for every 4 children facility is licensed to care for. |
| Private Clubs or Lodges | 1 space per every seventy-five (75) SF of floor space. |
| Theater, Auditorium, Public Assembly | |
| Areas | 1 space per three seats based upon max. seating capacity. |
| Funeral Homes | 1 space for every 100 square feet of floor space. |
| Medical Care Facilities | 1 space for every three (3) beds and every two (2) employees on the maximum working shift. |

| | |
|--|--|
| Offices, Banks | 1 space for every 150 square feet of floor space. |
| Medical Offices (MD's, OD's) | 10 spaces for each doctor, dentist, or other medical practitioner. |
| Veterinarian Clinic, Kennel | 5 spaces/veterinarian. |
| Retail and Service Businesses | 1 space for every 150 sq. ft. of floor space. |
| Barber/Beauty Shop | 3 spaces/chair. |
| Restaurant | 1 space per three seats based upon max. seating capacity. |
| Industrial Businesses | 1 space/employee on the maximum working shift. |
| Warehouse, Wholesale | 1 space/500 sq. ft. floor area business. |
| Flea Market | 3 spaces/table. |
| Mixed Use | Total of individual uses. |
| Automobile Repair Garage and Repair Gasoline Filling Stations | 5 spaces for each bay or area used for work. |
| Library, Museum, Art Gallery | 1 space for each 150 sq. ft. of floor space. |
| Commercial Recreation Facility, Fitness Area | 1 space for each 100 sq. ft. of floor area. |
| Motor Vehicle Sales | 1 space reserved for customers per thirty vehicles displayed on the lot. |

Notes

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

B. Access Management.

1. General.

- a. These standards shall apply to vehicular access into a proposed development. In a residential subdivision these accesses may be roads or access to individual lots. In non-residential development the access may be a driveway into a parking lot or a road into the development. If the access to the residential subdivision and the non-residential development is a road, the Washburn Road Design and Construction Standards shall be met. Where there is a conflict between standards, the stricter or more stringent shall apply.
 - b. Where a lot has frontage on two or more roads, the access to the lot shall be provided to the lot across the frontage and to the road where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.
 - c. Accessways to non-residential subdivisions or to multifamily developments shall be designed to avoid queuing of entering vehicles on any road. Left lane storage capacity shall be provided to meet anticipated demand. A warrant analysis to determine the need for a left-turn storage lane shall be done, if necessary.
2. Sight Distances. Access should be designed in profile and grading and located to provide the required sight distance measured in each direction. Sight distances should be measured 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 10 feet behind the curbline or edge of shoulder, with the height of the eye 3.5 feet, to the top of an object 4.5 feet above the pavement. The required sight distances are listed below for various designed speed limits. Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

Sight Distances*

| Design Speed (MPH) | Minimum** (feet) | Desired*** (feet) |
|-----------------------|---------------------|----------------------|
| 25 | 175 | 250 |
| 30 | 210 | 300 |
| 35 | 245 | 350 |
| 40 | 280 | 400 |
| 45 | 315 | 450 |

* Required exiting sight distance for a standard passenger vehicle to safely enter onto a 2-lane roadway from a complete stop, allowing approaching vehicles to adjust speed to avoid a collision.

** Approximately equivalent to 1.5 times the average stopping distance on wet pavement, 3% downgrade, as documented by AASHTO, 1990.

*** Ten times the design speed.

3. Vertical Alignment. Access shall be flat enough to prevent the dragging of any vehicle undercarriage. Accesses shall slope upward or downward from the gutter line on a straight slope of 3 percent or less for at least 75 feet. Following this landing area, the steepest grade on the access shall not exceed 8 percent.
4. Design Standards. New access design shall be based on the estimated volume using the access classification defined below. Traffic volume estimates should be as defined in the Trip Generation Manual, latest edition, published by the Institute of Transportation Engineers.

- a. Low Volume Access: Less than 50 vehicle trips per day.
- b. Medium Volume Access: 50 or more vehicle trips per day.

a. Low Volume Accesses.

1. Skew Angle. Low volume access shall be two-way operation and shall intersect the road at an angle as nearly 90 degrees as development conditions permit, but in no case less than 75 degrees.
2. Curb Radius. The curb radius shall be between 10 feet and 25 feet, with a preferred radius of 20 feet.
3. Curb-Cut Width. On a two-way access the curb-cut width shall be between 40 feet and 54 feet with a preferred width of 40 feet.
4. Access Width. The width of the access shall be between 20 feet and 24 feet, with a preferred width of 20 feet.

b. Medium Volume Accesses.

1. Skew Angle. Medium volume access shall be either one-way or two-way operation and shall intersect the road at an angle as nearly 90 degrees as development conditions permit, but in no case less than 75 degrees.
2. Curb Radius. Curb radii will vary depending if the access has one-way or two-way operation. On one-way accesses, the curb radii shall be 30 feet for right turns into and out of the development, with a 5 foot radius on the opposite curb. On a two-way access the curb radii shall be between 25 feet and 40 feet, with a preferred radius of 30 feet.
3. Curb-Cut Width. On a two-way access the curb-cut width shall be between 74 feet and 110 feet with a preferred width of 86 feet. On a one-way access the curb-cut width shall be between 46 feet and 70 feet with a preferred width of 51 feet.

4. **Access Width.** On a two-way access the width shall be between 24 and 30 feet, with a preferred width of 26 feet, however where truck traffic is anticipated, the width may be no more than 30 feet. On a one-way access the width shall be between 16 feet and 20, with a preferred width of 20 feet.

Design Standards

Preferred Dimension in ()

| | Skew Angle | Curb Radii | Curb-Cut Width | Access Width |
|----------------------|-------------------|---|-----------------------|---------------------------|
| Low Volume Access | 90 degrees | 10-25' (20') | 40-54' (40') | 20-24' (20') |
| Medium Volume Access | | | | |
| Two-Way Access | 90 degrees | 25-40' (30') | 74-110' (86') | 24-26' (26') ¹ |
| One-Way Access | 90 degrees | 30' for right turns 5' on the opposite | 46-70' (51') | 16-20' (16') |

¹ Where truck traffic is anticipated the width should be no more than 30 feet.

5. Access Location and Spacing.

- a. Minimum Corner Clearance. Corner clearance shall be measured from the point of tangency for the corner to the point of tangency for the access. In general the maximum corner clearance should be provided as practical based on site constraints. Minimum corner clearances are listed below based upon access volume and intersection type.

Minimum Standards for Corner Clearance

| Driveway Type | <u>Minimum Corner Clearance (feet)</u> | |
|---------------|--|---------------------------|
| | Intersection Signalized | Intersection Unsignalized |
| Low Volume | 150 | 50 |
| Medium Volume | 150 | 50 |

If based on the above criteria, full access to the site cannot be provided on either the major or minor roads, the site shall be restricted to partial access. Alternately, construction of a shared access drive with an adjacent parcel is recommended.

- b. Access Spacing. Accesses and road intersections shall be separated from adjacent accesses and property lines as indicated below, in order to allow roads to effectively serve their primary function of conducting through traffic. This distance shall be measured from the access point of tangency to the access point of tangency for spacing between accesses and from the access point of tangency to a projection of the property line at the edge of the roadway for access spacing to the property line. Where two (2) or more two-way driveways connect a single development 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 (1) driveway is two-way and one (1) is a one-way driveway, the minimum distance shall be seventy-five (75) feet.

Minimum Access Spacing

| Access Type | Minimum Spacing to Property Line (Dpl) ¹ (feet) | Minimum Spacing to Adjacent Access by Access Type ² (Dsp) ³ | |
|---------------|--|---|---------------|
| | | Low (feet) | Medium (feet) |
| Low Volume | 5 | - | - |
| Medium Volume | 10 | - | 75 |

1 Dpl measured from point of tangency of driveway to projection of property line on road-way edge.
 2 For two or more driveways serving a single parcel, or from a proposed driveway from an existing driveway.
 3 Dsp measured from point of tangency of driveway to point of tangency of adjacent driveway.
 * Low volume driveways are not permitted in combination with other driveway types on a single lot.

- c. Shared Driveways. No part of any driveway shall be located within a minimum of five (5) 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 five (5) feet of a side property line between the adjacent sites. Proof of easement shall be provided by the applicant to the Planning Board.

6. Number of Accesses.

The maximum number of accesses onto a single road is controlled by the available site frontage and the table above. In addition, the following criteria shall limit the number of accesses independent of frontage length.

- a. No low volume traffic generator shall have more than one two-way access onto a single roadway.
- b. No medium volume traffic generator shall have more than two two-way accesses or three accesses in total onto a single roadway.

7. Construction and Materials/Paving.

- 1. All accesses entering a curbed road shall be curbed with materials matching the road curbing. Sloped curbing is required around all raised channelization islands or medians.
- 2. All commercial and industrial accesses regardless of access volume shall be paved with bituminous concrete pavement within 30 feet of the roadway right-of-way.
- 3. Dust control shall be approved by the Code Enforcement Officer prior to being applied and shall be applied at time of construction with either calcium chloride, or an approved alternative, by being mixed with the gravel or sprayed on at completion of the access.
- 4. As a means of prolonging the life of a driveway and creating a pervious surface, 4 oz. woven or unwoven stabilization geo-textile may be used, as can properly constructed geo-web and blocks, grass paving rings, or other similar devices approved by the Code Enforcement Officer.

C. Road Design and Construction Standards.

1. General Requirements.

- 1. The Planning Board shall not approve any development unless proposed roads are designed in accordance with the specifications contained herein. Approval of the final plan by the Planning Board shall not be deemed to constitute or be evidence of acceptance by the Town of Washburn of any road or easement.

2. Applicants shall submit to the Planning Board, as part of the final plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed roads and existing roads within 300 feet of any proposed intersections. The plan view shall be at a scale of one inch equals no more than fifty feet (1"=50'). The vertical scale of the profile shall be one inch equals no more than five feet (1"=5'). The plans shall include the following information:
 - a. Date, scale, and North point, indicating, magnetic or true.
 - b. Intersections of the proposed road with existing roads.
 - c. Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, and curbs.
 - d. Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
 - e. Complete curve data shall be indicated for all horizontal and vertical curves.
 - f. Turning radii at all intersections.
 - g. Centerline gradients.
 - h. Size, type, and locations of all existing and proposed overhead and underground utilities, to include but not be limited to electricity, telephone, lighting, and cable television.
3. Upon receipt of plans for a proposed public road the Planning Board shall forward one copy to each Selectmen and the highway foreman for review and comment. Plans for roads which are not proposed to be accepted by the Town shall be sent to the highway foreman for review and comment.
4. Where the applicant proposes improvements within existing public roads, the proposed design and construction details shall be approved in writing by the highway foreman or the Maine Department of Transportation, as appropriate.
5. Where the development roads are to remain private roads, the following words shall appear on the recorded plan.

"All roads in this development shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town of Washburn, until they meet the Washburn Road Design and Construction Standards."
6. Where topographic and other site conditions allow, provision shall be made for road connections to adjoining lots of similar existing or potential use within areas of the Town designated as growth areas in the comprehensive plan; or in non- residential development when such access shall:
 - a. Facilitate fire protection services as approved by the Fire Chief; or
 - b. Enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a public road.
7. Site Conditions.
 - a. During construction, the development shall be maintained and left each day in a safe and sanitary manner. The roads shall be regularly sprayed to control dust from construction activity.
 - b. Following road construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire road right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.
8. Curbs. Curbs shall be installed within all subdivisions, at the discretion of the Planning Board. Granite curbing shall be installed on a thoroughly compacted gravel base of six (6) inches minimum thickness. Bituminous curbing shall be installed on the base course of the pavement. The specified traveled way width above shall be measured between the curbs.

9. Sidewalks. Sidewalks shall be installed within all developments within the designated growth area in the comprehensive plan. Where sidewalks exist adjacent to a proposed development outside of the growth area, sidewalks shall be installed connecting to existing sidewalks. Where installed, sidewalks shall meet these minimum requirements.

1. Location. Sidewalks shall be located a minimum of five (5) feet from the curb facing or edge of shoulder if the road is not curbed.

2. Bituminous Sidewalks.

a. The "subbase" aggregate course shall be no less than twelve (12) inches thick after compaction.

b. The hot bituminous pavement surface course shall be MDOT plant Mix Grade D constructed in one (1) lift no less than two (2) inches thick after compaction.

3. Portland Cement Concrete Sidewalks.

a. The "subbase" aggregate course shall be no less than twelve (12) inches thick after compaction.

b. The Portland Cement concrete shall be reinforced with six (6) inch square, W 2.0 wire mesh and shall be no less than four (4) inches thick.

10. Road Names and Signs.

Roads which join and are in alignment with roads of abutting or neighboring properties shall bear the same name. Names of new roads shall not duplicate, nor bear phonetic resemblance to the names of existing roads within the Town, and shall be subject to the approval of the Planning Board. No road name shall be the common given name of a person. The developer shall reimburse the Town for the costs of installing road name, traffic safety, and control signs.

2. Road Design Standards.

1. These design guidelines shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances associated with the road, and shall be met by all roads within a development, unless the applicant can provide clear and convincing evidence that an alternate design will meet good engineering practice.

2. Reserve strips controlling access to roads shall be prohibited except where their control is definitely placed with the Town.

3. Where a development borders an existing narrow road (not meeting the width requirements of the standards for roads contained herein), or when the development indicates plans for realignment or widening of a road that would require use of some of the land in the development, the plan shall indicate reserved areas for widening or realigning the road marked "*Reserved for Road Realignment (Widening) Purposes.*" When such widening or realignment is included in the Town's Capital Investment Plan, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the Town or state.

4. The following road design and construction standards shall apply according to road classification:

Washburn Road Design and Construction Standards.

| | Collector | Residential Local | Private |
|--|---------------------------------------|----------------------|----------|
| a. minimum width of ROW | 50' | 50' | 50' |
| b. minimum paved width | 24' | 20' | 18' |
| c. minimum shoulder width (each side) | 4' | 4' | 3' |
| d. curbing (if required) | vertical | vertical | none |
| e. curb reveal | 7" | 7" | - |
| f. minimum roadway grade | 0.5% | 0.5% | 0.5% |
| g. maximum roadway grade | 6.0% | 8.0% | 8.0% |
| h. maximum shoulder grade | - | 5.0% | - |
| i. drainage ditch angle ratio: (maximum) | | | |
| shoulder to ditch bottom | 3:1 | 3:1 | 3:1 |
| ditch bottom to ROW | 2:1 | 2:1 | 2:1 |
| j. minimum distance ditch bottom to sub-base bottom | 12" | 12" | 12" |
| k. maximum grade intersections | 3% within 75 feet of the intersection | | |
| l. minimum angle intersections (degrees) | 90 | 75 | 75 |
| m. minimum center line radii on curves | 280' | 280' | 175' |
| n. minimum tangent length between reverse curves | 200' | 100' | 100' |
| o. minimum sidewalk; width | 5' | 5' | - |
| bituminous surface | 2" | 2" | 2" |
| crushed base course | 2" | 2" | 2" |
| gravel sub-base course | 12" | 12" | 12" |
| Portland cement concrete | | | |
| reinforced with 6" square #10-wire mesh | 4" | 4" | 4" |
| sand base if cement used | 6" | 6" | 6" |
| p. minimum road base: (after compaction) | | | |
| aggregate subbase (max. size stone 6") | 24" | 24" | 24" |
| crushed aggregate base (if necessary), | 3" | 3" | 3" |
| q. hot bituminous pavement: | | | |
| surface course | 1.00" | 0.75" | 0.75" |
| base course | 1.75" | 1.75" | 1.75" |
| r. minimum road crown | 0.25":1' | 0.25":1' | 0.50":1' |
| s. property line radii (intersections) | 10' | 10' | 10' |
| t. curb radii intersections | 30' | 20' | - |
| u. minimum distances between intersections: | | | |
| same side | 400' | 300' | 300' |
| opposite sides | 250' | 200' | 200' |

5. The centerline of the roadway shall be the centerline of the right-of-way.

6. Dead End Roads. In addition to the design and construction standards above, dead-end roads shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii:

Property line: 60 ft.;
 Outer edge of pavement: 50 ft.; and
 Inner edge of pavement: 30 ft.

Where the cul-de-sac is in a wooded area prior to development, a stand of trees shall be maintained within the center of the cul-de-sac. The Planning Board may require the reservation of a twenty (20) foot easement in line with the road to provide continuation of pedestrian traffic or utilities to the next

road. The Planning Board may also require the reservation of a fifty (50) foot easement in line with the road to provide continuation of the road where future subdivision is possible.

7. Grades and Intersections.

- a. Grades of all roads shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.
- b. All changes in grade shall be connected by vertical curves in order to provide the sight distances contained in, Sight Distances, above.
- c. Cross (four-cornered) road intersections shall be avoided insofar as possible or at other important traffic intersections. A minimum distance of 125' feet shall be maintained between centerlines of residential/local roads and 200' feet between collectors or a collector and minor road.

3. Road Construction Standards.

- 1. The minimum thickness of material shall meet the specifications in the table below, after compaction.

| <u>Road Materials</u> | <u>Minimum Requirements</u> | | |
|--|-----------------------------|--------------------|----------------|
| | <u>Collector</u> | <u>Residential</u> | <u>Private</u> |
| Aggregate Sub-base Course (Max. sized stone 4") | | | |
| Without base gravel | 24" | 24" | 15" |
| With base gravel | 20" | 18" | 12" |
| Crushed Aggregate Base Course | 3" | 3" | 3" |
| Hot Bituminous Pavement | | | |
| Total Thickness | 3.00" | 3.00" | N/A |
| Surface Course | 1.25" | 1.25" | N/A |
| Base Course | 1.75" | 1.75" | N/A |
| Surface Gravel | N/A | N/A | 3" |

2. Preparation.

- a. Before any clearing has started on the right-of-way, the center line and side lines of the new road shall be staked or flagged at fifty (50) foot intervals.
- b. Before grading is started, the entire area within the right-of-way necessary for traveled way, shoulders, sidewalks, drainageways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders, and tree stumps shall be removed from the cleared area.
- c. All organic materials or other deleterious material shall be removed to a depth of two (2) feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two (2) feet below the subgrade of the roadway. On soils which have been identified as not suitable for roadways, either the subsoil shall be removed from the road site to a depth of two (2) feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below, or a MDOT approved stabilization geotextile may be used.
- d. Except in a ledge cut, side slopes shall be no steeper than a slope of three (3) feet horizontal to one foot vertical, and shall be graded, loamed, limed, fertilized, and seeded according the specifications

of the erosion and sedimentation control plan. Where a cut results in exposed ledge a side slope no steeper than four (4) feet vertical to one foot horizontal is permitted.

- e. All underground utilities shall be installed prior to paving to avoid cuts in the pavement.

3. Bases and Pavement.

a. Bases/Subbase.

- 1. The aggregate subbase course shall be sand or gravel of hard durable particles free from vegetative matter, lumps, or balls of clay and other deleterious substances. The gradation of the part that passes a three (3) inch square mesh sieve shall meet the following grading requirements:

Percentage by Weight Passing

| Sieve Designation | Square Mesh Sieves |
|-------------------|--------------------|
| 1/4 inch | 25-70% |
| No. 40 | 0-30% |
| No. 200 | 0-7% |

Aggregate for the subbase shall contain no particles of rock exceeding four (4) inches in any dimension.

- 2. If the aggregate subbase course is found to be not fine-gradeable because of larger stones, then a minimum of three (3) inches of aggregate base course shall be placed on top of the subbase course. The aggregate base course shall be screened or crushed gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a 3 inch square mesh sieve shall meet the following grading requirements:

Percentage by Weight Passing

| Sieve Designation | Square Mesh Sieves |
|-------------------|--------------------|
| 1/2 inch | 45-70% |
| 1/4 inch | 30-55% |
| No. 40 | 0-20% |
| No. 200 | 0-5% |

Aggregate for the base shall contain no particles of rock exceeding two (2) inches in any dimension.

b. Pavement Joints.

Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.

c. Pavements.

1. Minimum standards for the base layer of pavement shall be the MDOT specifications for plant mix grade B with an aggregate size no more than 1 inch maximum and a liquid asphalt content between 4.8 percent and 6.0 percent by weight depending on aggregate characteristics. The pavement may be placed between April 15 and November 15, provided the air temperature in the shade at the paving location is 35°F or higher and the surface to paved is not frozen or unreasonably wet.
2. Minimum standards for the surface layer of pavement shall be the MDOT specifications for plant mix grade C or D with an aggregate size no more than 3/4 inch maximum and a liquid asphalt content between 5.8 percent and 7.0 percent by weight depending on aggregate characteristics. The pavement may be placed between April 15 and October 15, provided the air temperature in the shade at the paving location is 50°F or higher.

d. Surface Gravel.

Private rights-of-ways need not be paved and may have a gravel surface. Surface gravel shall be placed on top of the aggregate subbase, shall have no stones larger than two (2) inches in size, and meet the following gradation:

Percentage by Weight Passing

| Sieve Designation | Square Mesh Sieves |
|-------------------|--------------------|
| 2 inch | 95-100% |
| 1/2 inch | 30-65% |
| No. 200 | 7-12% |

D. Exterior Lighting.

1. Style: The style of the light and light standard shall be consistent with the architectural style of the principal building.
2. Maximum Height: The maximum height of free standing lights shall be the same as the principal building, but not to exceed twenty-five (25) feet.
3. Lights at Property Boundaries: Where lights along property lines will be visible to adjacent residents, the lights shall be appropriately shielded.
4. Lighting of Parking Areas: The Planning Board shall determine the necessity for lighting of parking areas. All parking areas to be lighted shall provide a minimum of three (3) footcandles at intersections and a total average illumination of one and one-half (1.5) footcandles throughout the parking areas as required. Such lighting shall be shielded in such a manner as not to create a hazard or nuisance to the adjoining properties or the traveling public.
5. Required Light Levels:
 - a. Parking lots: An average of one and one-half (1.5) footcandles throughout.
 - b. Intersections: Three (3) footcandles.
 - c. Maximum at property lines: One (1.0) footcandle.
 - d. In residential areas: Average of six-tenths (0.6) footcandle.

E. Buffers and Screening.

1. A landscaped buffer strip of no less than fifteen (15) feet in width and six (6) feet in height shall be provided to minimize the visual impact of adverse characteristics such as, but not limited to, storage areas, parking spaces, driveways, loading areas, exposed machinery, sand and gravel extraction operations, and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse, and to protect abutting residential properties from the intrusion of noise, light, and exhaust fumes from such non-residential buildings and uses. The buffer areas shall be maintained and vegetation replaced to ensure continuous year round screening.
2. Where no natural vegetation or berms can be maintained, or due to varying site conditions, the landscaping may consist of fences, walls, tree plantings, hedges, or combinations thereof.
3. Any abutting residential property shall be effectively screened by a continuous landscaped area no less than six (6) feet in height along lot lines adjacent to the residential properties, except that driveways shall be kept open to provide visibility for entering and leaving.
4. Buffering shall be sufficient to minimize the impacts of any kind of potential use such as: loading and unloading operations, outdoor storage areas, vehicle parking, waste collection and disposal areas.
5. Where a potential safety hazard to small children would exist, physical screening / barriers shall be used to deter entry to such premises.
6. There shall be no paving, parking, or structures located in the buffer area.
7. The Planning Board may allow a buffer area of less width when site conditions, such as natural features, vegetation, topography, or site improvements, such as additional landscaping, berming, fencing, or low walls, make a lesser area adequate to achieve the purposes of this Ordinance.

F. Multi-Family Dwellings.

1. In Districts where permitted, multi-family development may be allowed by the granting of subdivision approval by the Planning Board in accordance with the Town Subdivision Ordinance, the following, and other provisions of this Ordinance.
2. Dimensional requirements for all multi-family development shall meet or exceed the following:
 - a. The number of multi-family dwelling units allowed in a District shall be calculated using the following:

| District | Square Footage (SF) per Dwelling Unit |
|-----------------|--|
| R-2 | 7500 SF first dwelling unit, 5000 SF every dwelling unit thereafter. |
| R-2-A | 7500 SF first dwelling unit, 5000 SF every dwelling unit thereafter. |
| B-1 | 7500 SF first dwelling unit, 5000 SF every dwelling unit thereafter. |
| B-2 | 7500 SF first dwelling unit, 5000 SF every dwelling unit thereafter. |

- b. Street frontage for four (4) units or less shall be not less than the required frontage for a single-family dwelling. Street frontage for more than four (4) units shall be not less than twice what is required for a single-family dwelling.
 - c. Within the area regulated by Title 38 MRSA Section 435 et seq., (Mandatory Shoreland Zoning Act) lot area and shore frontage shall be equal to that required for the equivalent number of single-family dwelling units.

3. Water Supply. The applicant shall demonstrate the availability of adequate supply and quality of water for both domestic and fire fighting purposes. The Planning Board may require the construction of fire ponds and dry hydrants as it deems necessary.
4. Storage Areas. It shall be the responsibility of the owner to provide for storage areas for rubbish disposal and/or recyclables pick-up, snow removal, and site maintenance. All outdoor storage areas for waste or recyclable collection shall be enclosed by a wooden or masonry screen at least six (6) feet in height.
5. Buffer Area. A 25 foot wide landscaped or natural vegetative buffer shall be provided and maintained along all property boundaries.
6. Drainage. Stormwater and surface drainage systems shall be designed in accordance with the standards contained in the Town Subdivision Ordinance.
7. Access, Circulation, and Parking.
 - a. The proposed development shall provide for safe access to and from public or private roads. Safe access shall be assured by providing an adequate number and location of access points, with respect to sight-distances, intersections, schools, and other traffic-generators. All corner lots shall be kept clear from visual obstructions.
 - b. The proposed development shall not have an unreasonable adverse impact on the public road system, and shall assure safe interior circulation within its site, by separating pedestrian and vehicular traffic and by providing adequate off-street parking and turn-around areas.
8. Recreation and Open Space. All multi-family developments of six (6) dwelling units or more shall provide a play area no smaller than 1000 SF. Any development in which occupancy is restricted to the elderly need not provide a play area, but space shall be provided for outdoor recreation.

G. Automobile Graveyards and Junkyards.

1. Administration.
 - a. This section of the Ordinance shall be administered by the Planning Board. No automobile graveyard or junkyard permit shall be issued unless the provisions of this Ordinance are complied with. The Planning Board may attach reasonable conditions to any permit issued to insure compliance with the performance standards and other requirements of this Ordinance.
 - b. Permits shall be renewed annually to remain valid and expire on December 31st of each year. Once the site design is approved it does not have to be resubmitted unless there are to be changes to the site. The Town officers shall annually inspect, or cause to be inspected, the site to ensure that the provisions of this Ordinance and state law are complied with.
 - c. A fee established by the Town of \$50 shall be submitted with the permit application, plus the cost of posting and publishing the notice of public hearing required below.
 - d. The Town may require that an escrow account of \$500 be established by the applicant in the name of the "Town" for the purposes of obtaining independent verification of application data, if necessary. If the balance in the account shall be drawn down by 75 percent, the Town shall notify the applicant and require that the account balance be reestablished by the applicant to the escrow account's indicated amount. The Town shall continue to notify the applicant and require additional payments into the account, as necessary. Any balance remaining in the account after final determination has been made, shall be returned to the applicant.
 - e. Upon receipt of a final application the Town Council, on the recommendation of the Planning Board, shall hold a public hearing in accordance with Title 30-A, MRSA, Section 3754.

2. Applicability.

This section of the Ordinance shall apply to the zoning districts where automobile graveyards and junkyards are permitted and existing as non-conforming automobile graveyards or junkyards, regardless of their zoning district. Automobile graveyards and junkyards area prohibited in the remaining districts.

3. Requirements for New Automobile Graveyards and Junkyards.

- a. Permit Required: No person may establish, operate, or maintain an automobile graveyard or junkyard without first obtaining a nontransferable permit from the Planning Board. At the time of filing an application for a permit under this Ordinance, the applicant shall present either a permit from the Maine Department of Environmental Protection (DEP) or a letter from the DEP stating that a permit is not required.
- b. Submission Requirements: Any application for an automobile graveyard or junkyard permit shall contain the following information:
 1. The applicant shall submit a site design drawn to a scale not to exceed 1"=100', on which is shown:
 - a. the boundary lines of the property;
 - b. the exact location of any existing and proposed junkyard or automobile graveyard and their distances to nearby roads and property lines;
 - c. the soils as reflected from a high intensity soils survey;
 - d. the location of on-site septic system(s) and drinking water supplies;
 - e. topographic contours at intervals of 10';
 - f. the location of any sand and gravel aquifer or aquifer recharge area, as mapped by the Maine Geological Survey, "*Hydrogeologic Data for Significant Sand and Gravel Aquifers*", map nos. 75-78, inclusive, or a licensed geologist;
 - g. the location of any residences, schools, churches, cemeteries, public parks, beaches, and playgrounds within 500 feet of the area where cars or junk will be placed;
 - h. the location of any waterbodies or inland wetlands areas on the property and/or within 200 feet of the property lines;
 - i. the boundaries of any 100-year floodplain; and
 - j. the location of all roads within 1000' of the site.
 2. The names and addresses of all abutting or impacted property owners, as determined by the Planning Board.
 3. The name(s) and address(es) of the person(s) or entity(ies) who will operate the site.
 4. The height and material used in any existing and proposed screening.

4. Performance Standards for all Automobile Graveyards and Junkyards.

The following performance standards shall be required of all automobile graveyards and junkyards:

- a. The junkyard or automobile graveyard must be screened from ordinary view from any road, as required by statute. The site of the automobile graveyard or junkyard shall have an effective visual screen no less than six (6) feet in height, and be built in accordance to the Maine Department of Transportation's rules issued pursuant to Title 30-A, MRSA, Section 3759. A plan for visual screening shall be submitted to the Planning Board for approval in conjunction with the application for a permit.
- b. No vehicle or junk shall be stored within 300 feet of any waterbody or inland wetland.
- c. No vehicle or junk shall be stored within 500 feet of any (residences), private well, school, church, cemetery, public playground, public beach, or public park.

- d. No vehicles or junk shall be stored over a sand and gravel aquifer or aquifer recharge area as mapped by the Maine Geological Survey, "*Hydrogeologic Data for Significant Sand and Gravel Aquifers*", map nos. 75-78, inclusive, latest edition, or by a licensed geologist.
- e. No vehicles or junk shall be stored within the 100-year flood plain.
- f. Upon receiving a motor vehicle, the battery shall be removed, and the engine lubricant, transmission fluid, brake fluid, and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable federal and state laws, rules, and regulations regarding disposal of waste oil and hazardous materials. No discharge of any fluids from any motor vehicle or junk shall be permitted into or onto the ground.
- g. There will be no disposal or release to the environment of any solid, special, or hazardous wastes;
- h. There will be no open burning of any substances;
- i. All vehicles or junk shall be located no closer than 100 feet from all property lines.
- j. To reduce noise, all dismantling, crushing, and other activities shall be done between 7 AM and 9 PM, Mondays through Saturdays.
- k. All federal and state hazardous waste laws and regulations shall be complied with.
- l. In all instances the burden of proof shall be upon the applicant for the permit.
- m. Any automobile graveyard or junkyard in existence on the date of adoption this Ordinance, may remain in operation on the current parcel of land, providing it meets all pertinent statutory and Ordinance requirements.
- n. Any automobile graveyard or junkyard shall not expand unless all statutory and requirements of this Ordinance are met.

H. Bed & Breakfast.

- 1. There shall be no less than one parking space for each rental room in addition to the spaces required for the dwelling unit.
- 2. There shall be one bathroom provided for every four (4) rental rooms, in addition to the bathroom for the dwelling unit.
- 3. Each rental room shall have not less than ten by twelve (10 X 12) feet horizontal dimensions.
- 4. Each rental room shall be equipped with an approved smoke detector electrically wired.

I. Campgrounds and Tenting Grounds.

Campgrounds shall conform to the minimum requirements imposed under state licensing procedures and the following (in cases of possible conflict, the stricter rule shall apply):

- 1. General.
 - a. A campground must be constructed on at least 10 acres of land, and all camping units or structures shall be located at least 100 feet from any property line and 200 feet from any resident (except residences belonging to the campground owners).
 - b. Campsites shall be laid out and screened in such a manner that none are within view from public roads, navigable rivers, existing residences or approved subdivision lots. Any combination of evergreen

planting, landscaped earthen berms, or solid fencing may be used to achieve this screening standards, when campsites would otherwise be visible from the locations described above.

- c. No trailers other than recreational vehicles or utility trailers as defined herein, shall be permitted within any campground, temporarily or otherwise. No camping unit shall be stored or exhibited for sale for commercial purposes within the park.
- d. Tent sites and sites for recreational vehicles (RV's) shall be laid out so that the density of each developed acre of land does not exceed the standards below (in terms of sites per acre of land, excluding circulation roads:) 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.

| | Non-Shoreland | Shoreland Areas |
|------------|---------------|-----------------|
| Tent sites | 14 per acre | 8 per acre |
| RV sites | 11 per acre | 7 per acre |

- e. The minimum frontage of a campsite along any shoreline of a waterbody shall be 100 feet. The minimum setback from the normal high-water line shall be 100 feet for all recreational vehicles, tents, or other vehicles and temporary or permanent structures.
- f. No campsite shall be located within a Resource Protections District or within the 100 year floor plain.

2. Parking and Circulation.

- a. A minimum of three hundred (300) square feet of off-street parking plus maneuvering space shall be provided for each recreational vehicle, tent, or shelter site. Recreational vehicles shall be parked in spaces so that:
 - 1. there shall be a minimum of 50 feet between vehicles; and
 - 2. there shall be a minimum of 75 feet between all recreational vehicles and tents, and all public rights-of-way located inside the boundaries of the campground.
- b. Vehicular access shall be provided onto a gravel or hard-surface and be designed and constructed according to the Town of Washburn Road Design and Construction Standards, contained within this Ordinance, adequate for the volume and type of traffic likely to be generated. Grades and sight distances shall be observed in designing all intersections.

3. Health and Safety.

- a. Each recreational vehicle, tent, or shelter site shall be provided with a picnic table and trash receptacle. The park management shall dispose of refuse from said containers by transporting the refuse in a closed truck or in enclosed containers or bags to an approved disposal area at least once every three (3) days.
- b. A campground shall provide water and sewerage systems, sanitary stations, and convenience facilities in accordance with the regulations of the State of Maine Wastewater Disposal Rules and the Internal Plumbing Code. In no case shall less than one toilet and lavatory be provided for each sex for every ten camping and tent sites. All recreational vehicle sites shall be equipped with water and sewage hook-ups, and connected to approved distribution or disposal systems.
- c. Fire extinguishers capable of dealing with electrical and wood fires shall be kept in all service buildings. A suitable ingress and egress shall be provided so that every campground may be readily serviced in emergency situations. 24-hour emergency communication service (e.g. telephones) shall be provided.

4. Planning and Review.

- a. Roads, parking, campsites, and required facilities shall be planned in accordance with the basic principles outlined below, and shall be shown on the proposed plan which is submitted for review and approval as a Conditional Use:
 1. A logical sequence of entry and circulation should be created: entrance, administration and storage, parking, campsites, toilets and laundry, playing fields, or shoreline.
 2. Campsites should be clustered in groups according to intensity of use (low density, medium density, etc.) and also related to common support service areas (laundries, play areas, etc.) serving a number of campsite clusters. The purpose is to minimize road length, increase accessibility, and preserve open space.
 3. Footpaths and roads should follow "desire lines" of pedestrian and vehicular movement between campsites and all jointly used facilities. Parking areas may be grassed, reinforced with open concrete blocks.
 4. Access roads shall be laid out as loops to the greatest extent practicable, although "cul-de-sacs" or "dead-ends" may be allowed to serve up to twenty campsites.
- b. A soil erosion and sedimentation control plan approved by the County Soil and Water Conservation District shall be submitted. In addition to data on soils, slopes and drainage, a vegetation map showing the following items may be required:
 1. The major types of vegetation should be identified and described (as to age, height, openness or density, and pattern, either natural or reforested).
 2. New planting should be selected to provide screening and shelter, to tolerate existing and proposed site conditions, and to blend compatibly with existing natural vegetation.
 3. All vegetative clearing should avoid creating straight line edges between open land and surviving stands.
 4. Areas of activity and/or traffic should be sited to avoid wildlife areas (such as thickets for birds and small mammals, or deer yards and trails).

J. Home Occupations.

1. The use of a dwelling unit or property for a home occupation shall be clearly incidental to and compatible with the residential use of the property and surrounding residential uses.
2. There shall be no change in the outside appearance of the building or premise that shall cause the premise to differ from its residential character by use of colors, materials, construction, lighting, sounds, or noises.
3. Exterior storage of materials and any other exterior evidence of home occupation shall be located and screened so as not to detract from the residential character of the principal building.
4. Exterior display, except for the RF District, shall be limited to no more than two (2) single items representative of products sold or manufactured on premises, regardless of the number of articles which are sold or manufactured.
5. The following requirements shall be satisfactorily demonstrated to the Planning Board and/or the Code Enforcement Officer before a permit is issued:
 - a. The home occupation shall employ no more than two (2) persons other than family members residing in the residence.

- b. The home occupation shall be carried on wholly within the principal or accessory structure.
 - c. The home occupation shall not occupy more than 35 percent of the total floor area of the structure (excluding basement floor area).
 - d. Objectionable noise, vibrations, smoke, dust, electrical disturbance, odors, heat, glare, or other nuisance shall not be detectable beyond the property line of the regulated activity.
 - e. In addition to the off-street parking provided to meet the normal requirements of the dwelling, off-street parking shall be provided for the vehicles of each employee and the vehicles of users of the home occupation as provided for in this Ordinance. If additional parking spaces are to be provided, they should be located to the rear or side yard of the principal structure, but not within the required yard setbacks.
 - f. No traffic shall be generated by such home occupation in a volume greater than would normally be expected during the peak hour.
 - g. The sale of products shall be limited to normal business hours and to those items which are crafted, assembled, or substantially altered on the premises, to catalog items ordered off the premises by customers, and to items which are accessory and incidental to a service which is provided on the premises.
 - h. Signs shall be permitted and must meet the standards for "Signs" contained within this Ordinance.
 - i. The home occupation shall not use utilities beyond that normal for residential properties.
 - j. The home occupation shall not involve the use of heavy commercial vehicles for delivery from or to the premises.
6. Should all of the above conditions not be maintained on a continual basis once the permit has been issued, the Planning Board, upon the advice of the Code Enforcement Officer, shall schedule a public hearing to determine whether the permit should be rescinded.
7. All other applicable Performance and Technical standards of this Ordinance shall also be observed.

K. Hotels/Motels and Inns.

For traffic safety on and immediately adjoining each motel, hotel, or inn and to assure health, safety, and welfare of occupants and of the neighborhood generally, the following land, space, building, traffic, utility, and service design requirements shall be complied with. For the purposes of this section, the terms hotel, motel, and inn are used interchangeably.

- 1. A green space, not less than twenty (20) feet wide, shall be maintained open and green with grass, bushes, flowers, or trees all along each side lot line, the rear lot line, the front line of such lot, except for entrance and exit driveways. The green space shall not be used for automobile parking.
- 2. If cooking or eating facilities are provided in hotel rental units, each rental unit shall be considered a dwelling unit and the hotel shall be required to meet all the standards for multifamily developments in this Ordinance, including the residential density requirements of the appropriate district.
- 3. Each motel rental unit shall contain not less than two hundred (200) square feet of habitable floor area enclosed by walls and roof, exclusive of any adjoining portions of roofed or covered walkways. Each motel rental sleeping room shall not be less than twelve by fifteen (12X15) feet horizontal dimensions, exclusive of bath. Each rental unit shall include private bathroom facilities.
- 4. On each hotel lot, one apartment may be provided for a resident owner, manager, or other responsible staff person.

5. Hotel building construction plans shall be reviewed and approved by the Fire Chief.
6. Recreational vehicle parking stalls shall be designed to accommodate the traveling public with a minimum stall width of eleven (11) feet and stall depth of twenty-three (23) feet. Angled parking stall width and depths shall be increased by 10 percent and 25 percent above the parking standards contained in this Ordinance.
7. No building shall be closer than fifty (50) feet from a property line.

L. Kennels and Veterinary Hospitals.

1. Structures or pens for housing or containing the animals shall be located not less than one hundred (100) feet from the nearest residence, other than the owners', existing at the time of permit.
2. All pens, runs, or kennels, and other facilities shall be designed, constructed, and located on the site in a manner that will minimize the adverse effects upon the surrounding properties. Among the factors that shall be considered are the relationship of the use to the topography, natural and planted horticultural screening, the direction and intensity of the prevailing winds, the relationship and location of residences and public facilities on nearby properties, and other similar factors.
3. The owner or operator of a kennel shall maintain the premises in a clean, orderly, and sanitary condition at all times. No garbage, offal, feces, or other waste material shall be allowed to accumulate on the premises. The premises shall be maintained in a manner that they will not provide a breeding place for insects, vermin, or rodents.
4. Temporary storage containers for any kennel, or veterinary wastes containing or including animal excrement, shall be kept tightly covered at all times, and empties no less frequently than once every four (4) days. Such containers shall be made of steel or plastic to facilitate cleaning, and shall be located in accordance with the setbacks required for outdoor runs.
5. If outdoor dog "runs" are created, they shall be completely fenced in, and shall be paved with cement, asphalt, or a similar material to provide for cleanliness and ease of maintenance.
6. Any incineration device for burning excrement-soaked waste papers and/or animal organs or remains shall be located a minimum distance of 400 feet from nearest residence other than the applicants, and shall have a chimney vent not less than 35 feet above the average ground elevation. The applicant shall also provide evidence that they have obtained approval from the Maine Department of Environmental Protection for the proposed incinerator, and that it meets state standards for particulate emissions, flue gas temperature, and duration of required flue temperatures.

M. Landscaping.

The landscape shall be preserved in its natural state insofar as practical, by minimizing tree removal and grade changes in keeping with the general appearance of neighboring developed areas. Landscaping shall be designed to soften, screen, or enhance the physical design of structures and parking areas to avoid the encroachment of the proposed use on abutting land uses. All parking lots shall be landscaped along the property boundaries with shrubbery, trees, and other landscape materials. Large parking lots shall provide one 2 1/2" caliper shade tree per 20 parking spaces (6 trees per acre) located at representative points throughout the lot.

N. Recreational and Amusement Facility.

All recreation and amusement facilities shall meet the provisions below:

1. There shall be provided adequate off-street parking for the anticipated maximum attendance.
2. Containers and facilities for rubbish collection and removal shall be provided and maintained.

3. Adequate screening, buffer area, or landscape provisions shall be built, planted, or maintained, to protect adjacent residences from adverse noise, light, dust, smoke, and visual impact.
4. The proposed use shall not create a traffic hazard. The Washburn Police Department shall review the location and site design and provide its comments to the Planning Board.

O. Restaurants.

1. The application for a permit shall state the maximum seating capacity of the restaurant. Any expansion or enlargement over the stated capacity shall require a new permit.
2. Any restaurant located within 500 feet of an existing public sewer line shall connect with the sewer system at the expense of the owners. When subsurface wastewater disposal is proposed, completed soil evaluation forms (HHE-200) shall be submitted. All proposed subsurface disposal systems shall meet the Maine State Subsurface Wastewater Disposal rules.
3. All parking and loading facilities shall be located to the side or rear of the building, and shall be screened from abutting residences within 200 feet. Screening shall be comprised of a continuous landscaped area not less than eight (8) feet in width, containing evergreen shrubs, trees, fences, walls, berms, or any combination, forming a visual barrier not less than six (6) feet in height.
4. Restroom facilities for the patrons shall be provided on the premises.
5. No building shall be closer than fifty (50) feet from a property line.

P. Schools, Churches, Fraternal Organizations, and Non-Profit Clubs.

Public and private schools, churches, fraternal organizations, and non-profit clubs shall meet the following provisions:

1. A green strip, suitably landscaped, at least twenty (20) feet wide shall be provided along all property lines, except where driveways enter and exit.
2. No building shall be closer than fifty (50) feet from a property line.
3. When adjacent to residences within 200 feet, parking areas and outdoor activity areas shall be effectively screened from view by a continuous vegetative barrier or stockade fence not less than six (6) feet in height.

8.10 Conditional Approvals for Site Design.

A. The Planning Board may impose any condition upon approval of any site design for the following reasons:

1. To minimize or abate, to the extent feasible, any adverse impact of the proposed development on the value or utility of other private property, or on public property or facilities; or
2. To bring the development into compliance with the requirements of the Review Criteria and the Technical Standards of this Ordinance; or
3. To mitigate any other adverse effects of the proposed development.

B. Such conditions may include, but are not limited to, the imposition of a time limit for the conditional use; the employment of specific engineering, construction, or design technologies, modes of operation, or traffic patterns; and may also include the construction of on or off site improvements including, without limitation, roads, intersection improvements, sidewalks, sewers, and drainage courses. All such conditions shall be consistent with the purposes set forth in this Ordinance.

8.11 Revisions to Approved Site Designs.

The site shall be developed and maintained as depicted in the approved site design and the written submission of the applicant. Modification of any approved site design shall require the prior approval of a revised site design by the Planning Board pursuant to the terms of this Ordinance. Any such parcel lawfully altered prior to the effective date of this Ordinance shall not be further altered without approval as provided herein. Modification or alteration shall mean and include any deviations from the approved site design, including but not limited to, topography, vegetation, and impervious surfaces shown on the site design. Field changes for site designs may be made by the CEO and are limited to minor variations necessary to deal with unforeseen difficulties that arise during the course of construction involving such technical detail as utility location and substitution of equivalent plantings and shall not include any substantial alteration of the approved plan or change any condition imposed by the Planning Board.

8.12 Post Approval Submissions.

Following site design approval and prior to issuance of any permit, the developer shall submit copies of the contract plans and specifications, in reproducible form, showing the design of all infrastructure improvements, including without limitation all roads, sewers, drainage structures, and landscaping, to the Code Enforcement Officer for review and approval for compliance with the Town's construction standards. Thereafter, all departures from such plans may be approved by the CEO as "field changes", subject to Section 8.12, above. Nothing herein shall diminish the obligation of the developer to supply plans or specifications as provided in this Ordinance.

Section 9 Administration, Enforcement, and Penalties.

9.1 Permit Not Required.

Only the following activities shall not require a building permit: repairs, replacement, and/or normal maintenance not requiring structural elements, decorative changes in existing structures or buildings, provided that the activity is in conformance with federal, state or local laws and does not involve any other physical modifications or changes requiring a permit under this Ordinance.

9.2 Fees.

The municipal officers, on the advice of the Planning Board and Code Enforcement Officer, shall annually set the amount of all fees required by this Ordinance. The fees are based on the Town's actual costs to administer and enforce this Ordinance.

9.3 Permit Application.

- A. Any person requesting a permit or informed by the Code Enforcement Officer or Planning Board that they require a permit, shall file an application, and any required fee, with the Code Enforcement Officer on forms provided for the purpose by the Town Office or Code Enforcement Officer. It shall be the responsibility of the applicant to demonstrate that the proposed development meets all applicable standards.
- B. All applications shall be made by the owner of the property or their agent, as designated in writing by the owner. An application should be diligently pursued from the date of submission.
- C. Applications shall *not* be considered as having pending status and shall be subject to changes in local, state, or federal laws until the time they have been determined to be complete final applications.
- D. The Code Enforcement Officer shall make an initial determination of the completeness of the application.
 - 1. If the permit to be issued is from the Code Enforcement Officer, the CEO shall make a determination of the completeness of the application.
 - 2. If the permit to be issued is from the Planning Board, the Planning Board shall make a final determination of the completeness of the application. Upon receipt of an application from the Code Enforcement Officer, the Planning Board shall schedule the application to be reviewed for completeness at the next available Planning Board meeting. Review shall not occur unless there is evidence that the required public notice has been given and the material required is filed with the Planning Board in a timely manner. Within 30 days of determining that an application is a complete, the Planning Board may conduct a public hearing on the application, if the application poses the potential for significant impacts to municipal facilities or natural resources, unless either the applicant or the Planning Board determines that additional workshops are necessary.
- E. Any application which the Code Enforcement Officer initially determines to be incomplete shall be returned to the applicant by the Code Enforcement Officer with a written notice of the additional information required. The written notice shall set forth those items which need to be submitted and that the applicant will have one hundred and twenty (120) days to complete the application. If the applicant fails to submit any item specified within the one hundred twenty (120) days of the date of said notice from the Code Enforcement Officer, the application shall expire and shall be deemed null and void. Nothing in this Section shall prevent the Code Enforcement Officer from requiring additional information as otherwise permitted or required by the terms of this Section. At such time that the additional information has been supplied, the Code Enforcement Officer shall either; in the case of a CEO permit, determine that the application is complete, or in the case of a Planning Board permit, pass the application on to the Planning Board for review and final determination of completeness.
- F. The Code Enforcement Officer or Planning Board may request copies of the application be forwarded to other Town department(s) or committee(s). The comments of the department(s) or committee(s) are advisory to the Planning Board and shall pertain to the application's conformance with the review criteria of this Ordinance.

The Code Enforcement Officer or Planning Board may postpone the final decision regarding the application until such time as the comment from the Town department(s) or committee(s) has been submitted.

- G. Within 30 days of the Code Enforcement Officer's determination that they have a complete application for a CEO issued permit; or, in the case of a Planning Board permit, within 30 days of the final public hearing date, or from the date of determination by the Planning Board that an application is complete and there is no need for a public hearing on the application; a written decision indicating all findings either approving, approving with conditions, denying, or tabling the application, shall be drafted within ten (10) days of the decision stating the reason(s) therefore sufficient to appraise the applicant and any interested member of the public of the basis for the decision. If an application is tabled, an additional public hearing shall be held. If the application is approved, the Code Enforcement Officer shall: issue a permit within ten (10) days of the application approval, provided that all applicable federal, state, and local laws are met; notification shall be given to the Tax Assessor; and a copy of the application/permit shall be kept in a permanent file.
- H. Approval may be given to complete applications subject to the condition that all necessary permits be received from agencies such as, but not limited to, the Army Corps of Engineers, Maine Department of Environmental Protection, Maine Department of Transportation, or Maine Department of Human Services. However, the Code Enforcement Officer or Planning Board may require that approvals required by state or federal law be submitted to the Town prior to final approval upon finding that the permits from state or federal agencies may have a significant effect on the application.
- I. The decision regarding the application is appealable by the applicant or an abutter to the Board of Appeals. Application decisions of the Board of Appeals are appealed to the Superior Court.
- J. Following the issuance of a permit, if thirty (30) percent of the permitted construction is not completed within twelve (12) months of the date of the permit, the permit shall lapse and become null and void and all fees shall be forfeited. Thereafter, no further work on such construction can be made until a new application and fee has been made and approved by the Code Enforcement Officer or Planning Board, whomever made the decision on the initial application.
- K. No public utility, water district, sanitary district, or any utility company of any kind may install services to any new structure 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 Town officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.
- L. The Code Enforcement Officer shall not issue any permit if they have knowledge that a particular structure would be located in an unapproved subdivision, and/or if they have knowledge that the structure would be in violation of a particular state law for which the Town has enforcement responsibilities, or local ordinance. In denying any permit under these circumstances, the Code Enforcement Officer shall state in writing the reasons for the denial.

9.4 Certificate of Occupancy Required.

- A. A certificate of occupancy issued by the Code Enforcement Officer is required in advance of the use or occupancy of:
 - 1. Any lot, or change of the use thereof.
 - 2. A structure hereafter erected or a change in the use of an existing structure.
- B. No certificate of occupancy shall be issued unless the lot or building or structure complies with all the provisions of this Ordinance. A record of all certificates of occupancy shall be kept on file in the office of the Code Enforcement Officer, and a copy shall be furnished, on request, to any person having a proprietary or tenancy interest in the structure or land involved. A duplicate copy shall be filed in the office of the tax assessor and the certificate of occupancy shall state specifically the uses which is permits.

- C. All construction or alterations to the site performed under the authorization of permits or certificates of occupancy issued for development within the scope of this Ordinance shall be in conformance with the approved final plan or an amendment.

9.5 Code Enforcement Officer.

- A. It shall be the duty of the Code Enforcement Officer (CEO) to enforce the provisions of this Ordinance. If the CEO shall find that any provision of this Ordinance is being violated, the CEO shall notify the applicant in writing indicating the nature of the violations and ordering the action necessary to correct it. The CEO shall send a copy of such notice to the Town Officers and said notice shall be maintained as part of the permanent record. The failure of the CEO to follow the notice procedure set forth within this subsection shall not prevent the Town Officers from taking any legal action to enforce this Ordinance and to pursue all available legal remedies, including without limitation, injunctive relief, fines, and attorney fees. The CEO shall have the authority to issue a stop work order upon a finding that work has been commenced or completed prior to receipt of all approvals required by this Ordinance or contrary to the terms of an approved site design. The CEO shall order the removal of illegal buildings, structures, additions, materials, or work being done, or shall take any other action authorized by this Ordinance to insure compliance with, or to prevent violation of, its provisions. Any construction or site work not in conformity with an approved site design shall constitute a violation of this Ordinance. Work shall recommence only after such order has been lifted.
- B. The CEO shall maintain the current addresses and phone numbers of federal or state agencies with which an applicant may want to check to determine what other laws apply to a proposed development. In addition, the CEO shall maintain a current file of all pertinent local statutes, ordinances, regulations, codes, and plans relating to land-use regulation including local subdivision plans. The CEO 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 the CEO shall submit a summary of such record for the shoreland areas as defined to the Director of the Bureau of Land Quality Control within the Maine Department of Environmental Protection.
- C. The CEO shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to approval. The CEO may enter any property at reasonable hours and enter any structure with the consent of the property owner, occupant, or agent, to inspect the property or structure for compliance with the laws or ordinances set forth in this section. If consent is denied they should obtain an administrative warrant before entering the property. The CEO may revoke a permit after proper notification and an opportunity for a hearing if it was issued in error or if based on erroneous information.

9.6 Legal Action and Violations.

When any violation of any provision of this Ordinance shall be found to exist, the Town Officers, upon notice from the CEO, are hereby authorized 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 Town. The Town 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 Town 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.

9.7 Penalties.

Any person, firm, or corporation being the owner, contractor, or having control or use of any structure or premises who violates any of the provisions of this Ordinance shall upon conviction be fined in accordance with provisions of 30-A MRSA §4452. Each day such a violation is permitted to exist after notification shall constitute a separate offense. Fines shall be payable to the Town.

Section 10 Board of Appeals.

10.1 Establishment and Organization.

A Board of Appeals is hereby established which shall consist of five (5) members and two (2) associate members. The term of office of a member or associate is three (3) years serving staggered terms. A Town officer or their spouse may not be a member or associate member of the Board of Appeals. When a regular member of the Board is unable to act because of interest, physical incapacity, or absence, an associate member shall act in their stead. Members of the Board of Appeals shall be appointed by the Town officers. When there is a permanent vacancy, the Town officers shall appoint a new member to serve for the remainder of the unexpired term. Members of the Board of Appeals may be removed from office by the Town officers for cause upon written charges and after public hearing. The Board of Appeals shall elect a chairperson and secretary from its own membership.

10.2 Proceedings of the Board of Appeals.

The Board of Appeals shall adopt rules necessary to the conduct of its affairs, in keeping with the provisions of this Ordinance and Title 30-A, MRSA, §2691. Meetings shall be held at the call of the chairperson and at such other times as the Board may determine. The chairperson, or in their absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or of absence or failure to vote, and shall keep records of its examinations and other official actions, all of which shall be a public record and be filed in the Town offices. A quorum shall consist of three (3) members.

10.3 Powers and Duties of the Board of Appeals.

The Board of Appeals shall have the following powers:

A. Administrative Appeals.

To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Code Enforcement Officer or Planning Board in the administration of this Ordinance, provided that the Board of Appeals shall have no jurisdiction to review the merits of an approval or denial by the Planning Board nor to consider the imposition of conditions of approval or the failure to impose one or more conditions. When errors of administrative procedures or interpretation are found, the case shall be remanded to the Code Enforcement Officer or Planning Board for correction.

B. Variances. To authorize variances upon appeal in specific cases, but only within the limitations set forth in this Ordinance.

C. Interpretations of the Ordinance.

10.4 Variances.

Variances may be permitted only under the following conditions:

A. Dimensional variances may be granted only for dimensional requirements, including, but not limited to, height, minimum lot size, frontage, structure size, setbacks, percent of lot coverage, impervious surfaces, and open space requirements.

B. Variances cannot, under any circumstances, be obtainable for establishment of any uses otherwise prohibited.

C. The Board shall not grant a variance unless it finds that all of the following criteria are met:

1. That the land in question cannot yield a reasonable return unless a variance is granted. Such hardship may be found by the Board of Appeals where this Ordinance, as applied to the applicant's property, substantially destroys or decreases the value of the property in question for any permitted use to which the land or property can reasonably be put; and

2. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and
 3. That the granting of a variance shall not alter the essential character of the locality; and
 4. That the hardship is not the result of action taken by the applicant or a prior owner. Mere inconvenience to the property owner shall not satisfy this requirement. Financial hardship alone, personal hardship, or pleading that a greater profit may be realized from the applicant's property were a variance granted shall be sufficient evidence of unnecessary hardship.
- D. The Board may grant a setback variance of up to 20 percent of the required setback for a year-round, owner occupied, single family residence if the owner meets all of the following hardship criteria:
1. That the land in question cannot yield a reasonable return unless a variance is granted. Such hardship may be found by the Board of Appeals where this Ordinance, as applied to the applicant's property, substantially destroys or decreases the value of the property in question for any permitted use to which the land or property can reasonably be put; and
 2. That the granting of the variance shall not alter the essential character of the locality; and
 3. That the hardship is not the result of action taken by the applicant or a prior owner; and
 4. That the granting of the variance shall not substantially reduce or impair the use of the abutting property; and
 5. That the granting of the variance is based on a demonstrated need, not a convenience, and no other feasible alternative is available.
- E. A disability variance may be granted by the Board of Appeals to a property owner for the purpose of making that property accessible to a person with a disability who is living on the property. 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 property 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 on the property. For the purposes of this subsection, a disability shall have the same meaning as a physical or mental handicap under Title 5 MRSA §4553.
- F. The Board of Appeals shall limit any variances granted as strictly as possible in order to preserve the terms of the ordinance as much as possible, and it may impose such conditions to a variance as it deems necessary, to this end.
- G. A copy of all variances granted in Shoreland Areas by the Board of Appeals shall be submitted to the Department of Environmental Protection within fourteen (14) days of the Board's decision.
- H. If the Board of Appeals 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 granting, shall be prepared in a recordable form by the Board of Appeals. This certificate must be recorded in the Aroostook County Registry of Deeds by the applicant within ninety (90) days of the date of the final written approval of the variance or the variance is void. The variance is not valid until recorded as provided in this subsection. For the purpose of this subsection, the date of the final written approval shall be the date stated on the written approval.

10.5 Appeal Procedure.

- A. Making an Appeal.
 1. An appeal may be taken to the Board of Appeals by an aggrieved person from any decision of the Code Enforcement Officer or the Planning Board. Such appeal shall be taken within thirty (30) days of the

decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

2. Such appeal shall be made by filing with the Board of Appeals a written notice of appeal, specifying the grounds for such appeal. For a variance appeal the applicant shall submit:
 - a. A sketch drawn to scale showing lot lines, location of existing building, and other physical features pertinent to the variance request.
 - b. A concise written statement stating what variance is requested and why it should be granted.
3. Upon being notified of an appeal, the Code Enforcement Officer shall transmit to the Board copies of all the papers specifying the record of the decision appealed from. Each appeal shall be accompanied by a fee to cover advertising and administrative costs. If the actual cost of advertising and notification exceeds the fee paid, the applicant shall pay the balance. The Board of Appeals shall hold a public hearing on the appeal within forty-five (45) days.

B. Procedure on Appeal.

1. At least ten (10) days prior to the date of the hearing on such appeal, the Board shall cause to be published in the Star Herald a notice which includes:
 - a. The name of the person appealing.
 - b. A brief description of the property involved.
 - c. A brief description of the decision appealed from, or the nature of a variance appeal.
 - d. The time and place of the Board's hearing.
2. At least ten (10) days prior to the date set for hearing, the Board shall also cause the Town Clerk to give similar written notice to:
 - a. All property owners of record whose properties abut the affected property.
 - b. The person making the appeal, and
 - c. The Planning Board, the Code Enforcement Officer, and any other parties of record.
3. Failure of the appellant to receive a notice sent by the Town in accordance with this Section does not invalidate an Ordinance or any provision of an Ordinance. However, any person entitled to receive a notice of a zone change under this Section who does not receive such a notice may appeal the decision of the Town to adopt the zoning ordinance to the Superior Court within thirty (30) days after the date of adoption of the zoning ordinance. The Superior Court may invalidate a zoning ordinance or any provision of a zoning ordinance, if the appellant was entitled to receive a notice under this Section, that the Town failed to send a notice as required, that the appellant had no knowledge of the proposed zoning change, and that the appellant was materially prejudiced by that lack of knowledge.

C. Hearings.

1. The Board may receive any oral or documentary evidence, but shall provide as a matter of policy for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. Every party shall have the right to present their case or defense by oral or documentary evidence to submit rebuttal evidence and to conduct such cross-examinations as may be required for a full and true disclosure of the facts.
2. The appellant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairperson.
3. At any hearing, a party may be represented by agent or attorney. Hearings shall not be continued to other times except for good cause. For example, if the Board of Appeals determines that the appeal before it was inappropriately classified the Board shall give the applicant the opportunity to amend the application and

continue the hearing until the public has been properly notified of the appeal's reclassification and of the time and place when the hearing shall continue. An additional fee may be charged for a continued hearing.

4. The Code Enforcement Officer or their designated assistant shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material deemed appropriate for an understanding of the appeal.
5. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record.
6. The record may be kept open after the hearing by order of the Chairperson until a date established by the order.

10.6 Decisions of the Board of Appeals.

- A. In deciding any appeal, the Board of Appeals may:
 1. Interpret the provisions of the Ordinance called into question;
 2. Approve the issuance of a special exception or conditional use permit in strict compliance with the Ordinance, except that an appeal from the granting or denial of such a permit shall be taken to Superior Court; and
 3. Grant a variance in strict compliance with Section 10.4, Variances, above.
- B. The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Code Enforcement Officer, or to decide in favor of the applicant on any matter on which it is required to pass under this Ordinance, or to affect any variation in the application of this Ordinance.
- C. The Board shall decide all appeals in an open session of the Board within thirty (30) days after the hearing, and shall issue a written decision on all appeals.
- D. All decisions shall become a part of the record and shall include a statement of findings and conclusions, as well as the reasons or basis therefore, upon all the material issues of fact, law, or discretion presented, and the appropriate order, relief, or denial thereof. Notice of any decision shall be mailed or hand delivered to the petitioner, their representative or agent, the Planning Board, agency or office, the Code Enforcement Officer, and the Town officers within seven (7) days of the decision date.
- E. Upon notification of the granting of an appeal by the Board of Appeals, the Code Enforcement Officer shall immediately issue a Permit in accordance with the conditions of the approval, unless the applicant's proposal requires Site Design Review.
- F. Appeals may be taken within forty-five days from any decision of the Board of Appeals to Superior Court.
- G. Any Board of Appeals reconsideration of an original decision must be reconsidered and the proceedings completed within thirty (30) days of the vote on the original decision.

10.7 Stay of Proceedings.

An appeal stays all legal proceedings related to the action appealed from unless the officer or Board from whom the appeal is taken certifies to the Board of Appeals, after the notice of appeal has been filed with the officer or Board, that by reason of facts stated in the certificate a stay would, in the officer or Board's opinion, cause irreparable harm to property or create a threat to the life or health of any person including the appellant. In such case, the officer or Board, if legally authorized by state law or local ordinance, may seek injunctive relief or, in appropriate cases, refer the matter to the Town officers for prosecution.

continue the hearing until the public has been properly notified of the appeal's reclassification and of the time and place when the hearing shall continue. An additional fee may be charged for a continued hearing.

4. The Code Enforcement Officer or their designated assistant shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material deemed appropriate for an understanding of the appeal.
5. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record.
6. The record may be kept open after the hearing by order of the Chairperson until a date established by the order.

10.6 Decisions of the Board of Appeals.

- A. In deciding any appeal, the Board of Appeals may:
 1. Interpret the provisions of the Ordinance called into question;
 2. Approve the issuance of a special exception or conditional use permit in strict compliance with the Ordinance, except that an appeal from the granting or denial of such a permit shall be taken to Superior Court; and
 3. Grant a variance in strict compliance with Section 10.4, Variances, above.
- B. The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Code Enforcement Officer, or to decide in favor of the applicant on any matter on which it is required to pass under this Ordinance, or to affect any variation in the application of this Ordinance.
- C. The Board shall decide all appeals in an open session of the Board within thirty (30) days after the hearing, and shall issue a written decision on all appeals.
- D. All decisions shall become a part of the record and shall include a statement of findings and conclusions, as well as the reasons or basis therefore, upon all the material issues of fact, law, or discretion presented, and the appropriate order, relief, or denial thereof. Notice of any decision shall be mailed or hand delivered to the petitioner, their representative or agent, the Planning Board, agency or office, the Code Enforcement Officer, and the Town officers within seven (7) days of the decision date.
- E. Upon notification of the granting of an appeal by the Board of Appeals, the Code Enforcement Officer shall immediately issue a Permit in accordance with the conditions of the approval, unless the applicant's proposal requires Site Design Review.
- F. Appeals may be taken within forty-five days from any decision of the Board of Appeals to Superior Court.
- G. Any Board of Appeals reconsideration of an original decision must be reconsidered and the proceedings completed within thirty (30) days of the vote on the original decision.

10.7 Stay of Proceedings.

An appeal stays all legal proceedings related to the action appealed from unless the officer or Board from whom the appeal is taken certifies to the Board of Appeals, after the notice of appeal has been filed with the officer or Board, that by reason of facts stated in the certificate a stay would, in the officer or Board's opinion, cause irreparable harm to property or create a threat to the life or health of any person including the appellant. In such case, the officer or Board, if legally authorized by state law or local ordinance, may seek injunctive relief or, in appropriate cases, refer the matter to the Town officers for prosecution.

Section 11 Amendments.

11.1 Initiation.

A proposal for an amendment to this Ordinance may be initiated by:

- A. The Planning Board, by majority vote of the Board;
- B. The Town officers, through a request to the Planning Board;
- C. An individual, through a request to the Planning Board; or
- D. A written petition of a number of voters equal to at least ten percent (10%) of the voters in the last gubernatorial election.

11.2 Procedure.

- A. Any proposal for an amendment shall be made to the Planning Board in writing stating the specific changes requested. When a change in zoning boundaries is proposed, the application shall state the nature, extent, and location of the boundary change proposal, and shall be accompanied by a scale drawing showing the areas to be changed, with dimensions. When an amendment is proposed by other than the Town officers or the Planning Board, a fee shall accompany the proposal to cover the costs of hearings and advertisements.
- B. Within thirty (30) days of receiving an amendment, the Planning Board shall hold a public hearing on the proposed amendment, and unless the amendment has been submitted by the Town officers or by a petition the Board, shall vote whether to forward the amendment to the Town officers. The Board shall make a written recommendation regarding passage to the Town officers prior to any action on the amendment by the Town officers.
- C. The Town officers shall hold a public hearing on the proposed amendment. Notice of the hearing shall be posted and advertised in a newspaper of general circulation in the Town at least seven (7) days prior to the hearing. The notice shall contain the time, date, and place of hearing, and sufficient detail about the proposed changes as to give adequate notice of their content. If the proposed changes are extensive, a brief summary of the changes, together with an indication that a full text is available at the Town Clerk's office shall be adequate notice.
- D. Copies of amendments applicable to shoreland areas, attested, and signed by the Town Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the appropriate municipal 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 the his receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the Town of Washburn within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

11.3 Adoption.

Any amendment to this Ordinance shall be adopted by the appropriate municipal body.

Section 12 Definitions.

12.1 Construction on Language.

- a. In the interpretation and enforcement of this Ordinance, all words other than those specifically defined in the Ordinance, shall have the meaning implied by their context in the Ordinance or their ordinarily accepted meaning. In the case of any difference of meaning or implication between the text of this Ordinance and any map, illustration, or table, the text shall control.
- b. The word "person" includes firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity.
- c. The present tense includes the future tense, the singular number includes the plural, and the plural numbers includes the singular.
- d. The word "shall" is mandatory, the word "may" is permissive.
- e. The words "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- f. The word "Town" shall mean the Town of Washburn, Maine.

12.2 Definitions.

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

Abandonment: The stopping of an activity, use, business, in addition to: actions taken by a property owner or agent that removes the major portion of materials, goods, equipment, facilities, or parts thereof necessary for the operation of the activity, use, or business. Also, contains the element of abandoned and/or change to a less intensive use of the property/structure.

Accessory Use or Structure: A use or structure which is customarily and in fact both incidental and subordinate to the principal use of the structure. The term "incidental" in reference to the principal use or structure shall mean subordinate and minor in significance to the principal use or structure. Accessory uses, when added together, shall remain secondary to the principal use of the lot. In shoreland areas, 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.

Agent: Anyone having written authorization to act in behalf of a property owner, signed by the property owner.

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.

Agricultural Products, Processing, and Storage: Establishments engaged in the manufacturing, processing, and/or packaging of foods, dairy products, commercial composting, and storage of such products.

Agricultural Sales and Service: The use of buildings or land for the sale of equipment or products or services to those engaged in agriculture.

Agriculture: The production, keeping, or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products.

Alteration: Any change, addition, modification, or combination thereof in construction, other than cosmetic or decorative, or any change in the structural members of buildings such as bearing walls, columns, beams, or girders.

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

Animal Husbandry: The keeping of any domesticated animals other than customary household pets.

Apartment: A room or group of rooms designed and equipped exclusively for rental use by one family as a habitation and which contains independent living, cooking, sleeping, bathing, and sanitary facilities. The term does not include recreational vehicles or hotel/motel units.

Aquifer: A geological unit in which porous and permeable conditions exist and thus are capable of yielding usable amounts of water.

Aquifer Recharge Area: An area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater.

Area of Special Flood Hazard: The land in the floodplain having a one percent or greater chance of flooding in any given year.

Automobile Graveyard: A yard, field, or other area used as a place of storage, other than temporary storage by an establishment or place of business which is engaged primarily in doing auto body repair work for the purpose for making repairs to render a motor vehicle serviceable, for three (3) or more unserviceable, discarded, worn out or junked motor vehicles, bodies, or engines thereof are gathered together including, but not limited to, automobiles, trucks, and/or tractors.

Automobile Repair Garage: 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 under-coating of automobiles.

Automobile Service Station: A place where gasoline, or any other automobile engine fuel (stored only in underground tanks), kerosene, or motor oil and lubricants or grease are retailed directly to the public on the premises; including storage of unlicensed vehicles and not including body, frame or fender straightening and repair.

Average Daily Traffic (ADT): The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

Babysitting: Taking care of a child or children for a short period of time while the parents are away, usually for compensation.

Base Flood: Means the flood having a one percent chance of being equaled or exceeded in any given year, alternately referred to as the 100 year flood.

Basement: The enclosed area underneath a structure, typically having a masonry floor and walls which comprise the structure's foundation. The clear height up to the joists supporting the floor directly above is four (4) feet or greater.

Bed and Breakfast: Any dwelling in which 1-5 transient lodging or boarding and lodging rooms are provided and offered to the public for compensation at a daily rate. This dwelling shall also be the full-time, permanent residence of its owner. There shall be no provision for cooking in any of the individual guest rooms.

Billboard: A sign, structure, or surface which is available for advertising purposes for goods or services rendered off the premises.

Boarding (Lodging) Facility: Any residential structure where lodging is provided to three (3) or more boarders with or without meals are provided for compensation for a period of at least one week, and where a family residing in the building acts as proprietor or owner. There shall be no provision for cooking in any individual guest room.

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.

Building: Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or personal property.

Building Height: The vertical distance measured between the average finished grade of the ground at the front of a building and the highest point of the roof, not including chimneys, spires, towers, or similar accessory structures.

Bulk Grain Storage: Establishments primarily engaged in the warehousing and storage of grain for resale or own use other than normal storage associated with on-site consumption.

Business Directional Sign: A sign erected and maintained in accordance with the Maine Traveler Information Services Act, 23 MRSA §1901, et. seq. which points the way to public accommodations and facilities or other commercial facilities.

Business, Commercial, or Industrial Sign: An attached or freestanding structure which directs attention to a business or profession conducted on that premises.

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 for which a fee is charged.

Canopy Sign: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

Cemetery: Property used for the interring of the dead.

Certificate of Compliance: A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of the Floodplain Management Ordinance.

Change of Use: A change from one category in the land use table to another or the addition of a new category of use to an existing use.

Changeable Copy Sign: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable sign for purposes of this Ordinance. A sign on which the copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy for the purposes of this Ordinance.

Child Day Care Facility: Any dwelling, building, or portion thereof licensed as such by the Maine Department of Human Services.

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

Clinic: An establishment where patients are accepted for treatment by a group of physicians practicing medicine, either medical or dental, together, but shall not offer domicilliary arrangements.

Club: Any voluntary association of persons organized for social, religious, benevolent, or academic purposes; whose facilities are open to members and guests including fraternities, sororities, and social organizations.

Club, Private: Any building or rooms, which serves as a meeting place for an incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational, or like activities, operated for the benefit of its members and not for the general public.

Club, Recreational: Any building or land which serves as a meeting place or recreation area for an incorporated or unincorporated association or group operated for the benefit of its members and guests and not open to the general public, and not engaged in activities customarily carried on by a business for monetary gain.

Cluster Development: A development designed to promote the creation of open space by a reduction in dimensional and area requirements of individual lots.

Code Enforcement Officer (CEO): A person appointed by the Town Officers to administer and enforce this Ordinance. Reference to the Code Enforcement Officer may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector, and the like, where applicable.

Commercial Composting: The processing and sale of more than 1000 cubic yards of compost per year.

Commercial Recreation: Any commercial enterprise which receives a fee in return for the provision of some recreational activity, including but not limited to: racquet clubs, health facility and amusement parks, but not including amusement centers.

Commercial Use: Commercial shall include the use of lands, buildings, or structures, other than home occupations, the intent and result of which activity is the production of income from the buying and selling of goods and services, exclusive of rental of residential buildings and dwelling units.

Common Driveway: A vehicle accessway serving two or more dwelling units.

Community Center: A building which provides a meeting place for local, non-profit community organizations on a regular basis. The center shall not be engaged in activities customarily carried on by a business.

Complete Application: An application shall be considered complete upon submission of the required fee, a signed application, and all information required by the appropriate ordinance, except as validly waived by the vote of the Planning Board to waive the submission of required information.

Confined Feeding Operations: Specialized livestock production enterprises with confined beef cattle and hog feeding and poultry and egg farms and accessory structures. These operations have large animal populations restricted to small areas.

Conforming: A building, structure, use of land, or portion thereof, which complies with all the provisions of the appropriate ordinance.

Congregate Housing: A multi-family development with central dining facilities serving functionally impaired persons.

Conservation Easement: A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open space values of real property; assuring its availability for agricultural, forest, recreational, or open space use; protecting natural resources; or maintaining air and water quality.

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

Crawl Space: A space, usually about two (2) feet high, provided in a building in order to enable access to plumbing, wiring, and/or equipment.

Deck: An uncovered structure with a floor, elevated above ground level.

Decorative Changes: Repainting or re-siding; removing or replacing trim, railings, or other non-structural architectural details; or the addition, removal, or change of location of windows and doors.

Deer Wintering Areas: Areas used by deer during the winter for protection from deep snows, cold winds, and low temperatures, as identified by the Maine Department of Inland Fisheries and Wildlife.

Demolition Waste Disposal: A facility including a landfill operated by a public, quasi-public, or private entity which purpose is to dispose of useless, unwanted, or discarded solid material with insufficient liquid content to be free flowing, including by way of an example, and not by limitation to, rubbish, garbage, scrap metals, junk, refuse, inert material, landscape refuse, and demolition debris. The definition does not, however, include commercial hazardous waste disposal facilities or recycling of products.

Density: The number of dwelling units per acre of land.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and roads.

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

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

Direct Watershed: That portion of the watershed which does not first drain through an upstream lake.

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

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

Drive-Up Facility: An establishment that, by design of physical facilities or by service, encourages customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises while remaining in the vehicle. Such as, but not limited to, Automated Teller Machines (ATMs) and car hops.

Driveway: A vehicular access-way less than five hundred (500) feet in length serving two (2) lots or less.

Duplex: See: Dwelling, Two-Family Dwelling

Dwelling: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters. The term shall include mobile homes, but not recreational vehicles.

1. Single-Family Dwelling: A building containing only one (1) dwelling unit for occupation by not more than one (1) family.
2. Two-Family Dwelling: A building containing only two (2) dwelling units for occupation by not more than two (2) families.
3. Multi-Family Dwelling: A building containing three (3) or more dwelling units, such buildings being designed for residential use and occupancy by three (3) or more families living independently of one another; with the number of families not exceeding the number of dwelling units.

Dwelling Unit: A room or suite of rooms designed and equipped exclusively for use by one family as a habitation and which contains independent living, cooking, sleeping, bathing and sanitary facilities. The term includes manufactured housing, but not recreational vehicles or hotel/motel units.

"ECHO" Unit: A small (not more than 560 square feet of living space) detached temporary residential structure placed or constructed to the side or rear of an existing single family dwelling to be occupied by one or two people who are: (a) 62 years of age or older or (b) disabled, who are related by birth, marriage, or adoption to the occupants of the principal residence, and who benefit from living close to family.

Elderly Housing Complex: A dwelling complex that is occupied by a minimum of ten (10) persons, 62 years of age or older, and/or handicapped persons, as a residential living environment with other persons 62 years of age or older and/or handicapped persons.

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

Essential Services: The construction, alteration or maintenance of gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may also include drains, conduits, 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.

Excursion Service: A water-borne transport service established to ferry tourists and other persons non-resident to the place of destination. This term shall also include sight-seeing and other recreational river cruises where there may not be a specific point of destination.

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 weeks or months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use, or the provision of additional seats or seating capacity.

Exterior Walls: Siding materials such as clapboards, shingles, and shakes, including synthetic or metal siding manufactured to closely resemble clapboards, shingles, and shakes. This term shall also include masonry, wood board-and-batten, and "Texture 1-11" exterior plywood and artificial masonry, or fake board-and-batten made from metal or plastic.

Family: One or more persons occupying a dwelling unit and living as a single housekeeping unit.

Farm Stand: A structure designed, arranged, or used for the display and sale of agricultural products primarily grown or produced on the premises upon which the stand is located. A farm stand may be located on premises that the products are not grown upon, provided such premise is owned by the operator.

Fence: Any artificially constructed barrier of any material, or combination thereof, erected to enclose or screen areas of land. To further distinguish types of fences: (a) a boundary fence encloses a parcel of property; and (b) a privacy fence blocks part or all of the property from the view of the neighbors. Privacy fences may be solid and taller than other types of fences.

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

Final Plan: The final drawings on which the applicant's plan of subdivision is presented to the Planning Board for approval and which, if approved, shall be recorded at the Aroostook County Registry of Deeds.

Flag: Any fabric or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Flag Lot: Lots with less frontage on the road that is normally required in the zoning ordinance. The "panhandle" is an access corridor to a lot(s) located behind lots with normally required road frontage.

Flashing Sign: Any sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying degrees of light intensity, shows motion, or creates the illusion of motion or revolves in a manner to create the illusion of being on or off.

Floating Slab: A reinforced concrete slab which is designed to withstand pressures both from below and above.

Flood Insurance Rate Map: The official map on which the Dept. of Housing and Urban Development or the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to Washburn.

Floodplain: The lands adjacent to a body of water which have been or may be covered by the base flood.

Floodplain Soils: The following soil series as described and identified by the SCS in the Soil Survey for Aroostook County, Maine:

| | | | |
|----------|--------|---------|----------|
| Alluvial | Hadley | Medomak | Winooski |
|----------|--------|---------|----------|

Floor Area, Gross: The sum, in square feet, of all the floor areas of all roofed portions of a building with walls four (4) feet or greater in height, as measured from the exterior faces of the exterior walls.

Floor Area, Net: The total of all floor areas of a building, excluding the following: non-habitable spaces, stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and floors below the first or ground floor, except when used for human habitation or service to the public.

Floor Area Ratio: A ratio derived by dividing footprint of a building by the area of the lot.

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

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

Forested Wetland: A freshwater wetland dominated by woody vegetation that is six (6) meters tall or taller. (6 meters = 19.865 feet)

Forestry: The operation of timber tracks, tree farms, forest nurseries, the gathering of forest products, or the performance of forest services.

Foundation: The supporting substructure of a building or other structure including but not limited to basements, slabs, sills, posts, or frostwalls.

Freestanding Sign: Any sign supported by structures or supports that are placed on, or anchored in, the ground and are independent from any building or other structure.

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.

Frost Wall: A masonry, wood, or other engineered system foundation wall extending below the ground surface, supported by footings located below the frost line to protect structures from frost heaves.

Functionally Water-Dependent Uses: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and which cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, retail and wholesale fish marketing facilities, waterfront dock and facilities, marinas, navigation aides, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site.

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

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

Government Office: A building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, convention, and entertainment facilities owned and/or operated by a government agency.

Gravel Pit: (See: Mineral Extraction)

Group Home: A housing facility for mentally handicapped or developmentally disabled persons which is approved, authorized, certified, or licensed by the state. A group home may include a community living facility, foster home, or intermediate care facility.

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 where the artificially formed or increased body of water is completely surrounded by land held by a single owner.

Guest House: See: Inn.

Hazardous Waste: A waste substance or material, in any physical state, designated as hazardous by the MDEP Board under MRSA 38, Section 1303-A. It does not include waste resulting from normal household or agricultural activities. The fact that a hazardous waste or part or a constituent may have value or other use or may be sold or exchanged does not exclude it from this definition.

Height of a Structure: See: Building Height

High Intensity Soil Survey: A soil Survey conducted by a Certified Soil Scientist, meeting the standards of the national Cooperative Soil Survey, which identifies soil types down to 1/10 acre or less at a scale equivalent to the subdivision plan submitted. The mapping units shall be the soil series, Single soil test pits and their evaluation shall not be considered to constitute high intensity soil surveys.

Historic Structure: Means any structure that is:

1. Listed individually in the National Register of Historic Places or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary determined by the Secretary of the Interior to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (a) by an approved state program as determined by the Secretary of the Interior; or (b) directly by the Secretary of the Interior in states without approved programs.

Home Occupation: An occupation or profession which is customarily conducted on or in a residential structure or property and which is clearly incidental to and compatible with the residential use of the property and surrounding residential uses.

Homeowners Association: A community association which is organized in a residential development in which individual owners share common interests in open space and/or facilities.

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

Hotel: A building in which lodging or meals and lodging are offered to the general public for compensation and in which ingress and egress to and from the rooms are made primarily through an inside lobby or office. The hotel may contain such accessory services and facilities as news stands, personal grooming facilities and restaurants.

Household Pet: Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include, but not be limited to, domestic dogs, domestic cats, domestic tropical birds, domestic rabbits, domestic tropical fish, and rodents.

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

Industrial Park or Development: A subdivision developed exclusively for industrial uses, or a subdivision planned for industrial uses and developed and managed as a unit, usually with provision for common services for the users.

Industrial Use, Heavy: The use of real estate, building, or structure, or any portion thereof, for assembling, fabricating, manufacturing, packaging, or processing operations.

Industrial Use, Light: The use of real estate, building, or structure, or any portion thereof, which main processes involve the assembly of pre-fabricated parts and which shall not create a nuisance by noise, smoke, vibration, odor, or appearance.

Inland Wetlands: Land, including submerged land, which consists of any of the soil types designated or mapped as poorly drained, very poorly drained, and alluvial soils by the SCS in the Soil Survey for Aroostook County, Maine, or so designated or mapped by another professional so qualified to make the designation.

Inn: A building, which contains a dwelling unit occupied by an owner or resident manager, in which six (6) to ten (10) lodging rooms or lodging rooms and meals are offered to the general public for compensation, and in which entrance to bedrooms is made through a lobby or other common room. Inn includes such terms as guest house, lodging house and tourist house.

Junkyard: A yard, field, or other area used as place of storage for:

1. Discarded, worn-out, junked plumbing, heating supplies, household appliances, and furniture;
2. Discarded, scrap, and junked lumber;

3. Old or scrap cooper, brass, rope, rags, batteries, paper trash, rubber debris, plastic debris, waste, and all scrap iron, steel, and other scrap ferrous or non-ferrous material, and
4. Garbage dumps, waste dumps, and sanitary landfills.

Kennel: Any place, building, tract of land, abode, enclosure, or vehicle where six (6) or more dogs or six (6) or more cats, owned singly or jointly are kept, including but not limited to breeding, hunting, show, field trials or exhibition, or where one or more dog or other pet is kept for their owners in return for a fee. This definition shall not apply to dogs or cats under the age of six (6) months.

Landscape Ratio: The area of land devoted to pervious landscaping divided by the area of the lot.

Laundry, Self-Serve: A business that provides home type washing, drying, and/or ironing machines for hire to be used by customers on the premises.

Level of Service: A description of the operating conditions a driver shall experience while traveling on a particular road or highway calculated in accordance with the provisions of the Highway Capacity manual, latest edition, published by the National Academy of Sciences, Transportation Research Board. There are six (6) levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

Lodging House: See: Inn.

Lot: A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by this Ordinance, and having frontage upon a public road, right-of-way or private way.

Lot Area: The land area enclosed within the boundary lines of the lot not including the area of any land which is: part of a right of way for a thoroughfare or easement, such as, but not limited to, surface drainage easements or traveled rights of way (but not including any utility easement servicing that lot); or the land below the normal high-water line of a water body; or upland edge of a wetland; or which is a forested or freshwater wetland.

Lot, Corner: A lot with at least two (2) contiguous sides abutting upon a road or right of way.

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

Lot, Interior: Any lot other than a corner lot.

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

1. Front Lot Line: On an interior lot, the lot line abutting the road or right-of-way; or, on a corner lot each lot line abutting the road or right-of-way; or, on a through lot, the lot line abutting the road providing primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the road from which access is obtained.
2. Rear Lot Line: The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.
3. Side Lot Line: Any lot line other than the front lot line or rear lot line.

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

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

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

Lot, Through: Any interior lot having frontages on two (2) or more parallel roads or rights of way, or lying between a road and a body of water, or a right of way and a body of water, or between two (2) bodies of water, as distinguished from a corner lot. All sides of through lots adjacent to roads, rights of way, and bodies of water shall be considered frontage, and front yards shall be provided as required.

Lot Width, Minimum: The closest distance between the side lot lines of a lot.

Manufactured Housing Unit: A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported by the use of its own chassis, or an independent chassis, to a building site. The term includes any type of building which constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For purposes of this definition, two (2) types of manufactured housing are included. They are:

1. **Newer Mobile Homes:** Those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in the unit;
 - a. This term also includes any structure which meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, US Code, Title 42, Section 5401, et seq.; and
2. **Modular Homes:** Those units commonly called "modular homes," which the manufacturer certifies are constructed in compliance with Title 10, chapter 957, section 9001 et seq., and rules adopted under that chapter, 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 permanent foundations when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in the unit.

Manufacturing: The making of goods and articles by hand or machinery. Manufacturing shall include assembling, fabricating, finishing, packaging, or processing operations.

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

Market Value: The estimated price a property shall 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.

Mechanized Recreation: Recreation activities which require the use of motors or engines for the operation of equipment or participation in the activity.

Mineral Exploration: The land 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.

Mobile Home, Newer: See: Manufactured Housing Unit

Mobile Home Park: A parcel of land under unified ownership approved by the Planning Board for the placement of three (3) or more mobile homes.

Mobile Home Park Lot: The area of land on which an individual home is situated on within a mobile home park and which is reserved for use by the occupants of that home. All lots within a mobile home park shall be designated on a mobile home park plan.

Motel: A building or group of buildings in which lodging is offered to the general public for compensation, and where entrance to rooms is made directly from the outside of the building. Motel includes such terms as tourist cabins and tourist court. Any transient accommodations which does not meet the definitions of Bed and Breakfast, Hotel or Inn shall be deemed to be a motel for the purposes of this Ordinance.

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

Neighborhood "Convenience" Store: A store of less than 1,500 square feet of floor space intended to service the convenience of a residential neighborhood with such items as, but not limited to, basic foods, newspapers, emergency home repair articles, and other household items.

Net Residential Acreage: The total acreage available for a subdivision, and shown on the proposed subdivision plan, minus the area for roads or access and the areas which are unsuitable for development.

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

New Construction: Structures for which the "start of construction" commenced on or after the effective date of the ordinance.

Non-Conforming Lot of Record: A lot or pre-recorded lot shown on a plan or deed recorded prior to the effective date of this Ordinance or amendment which, does not meet the area, frontage, width or depth requirements of the District in which it is located.

Non-Conforming Sign: Any sign that does not conform to the requirements of this ordinance.

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

Non-Conforming Use: Use of buildings, structures, premises, land or parts thereof which is not permitted in the District in which it is situated or which does not meet the performance standards prescribed for it by this Ordinance, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-Habituated Accessory Structure: A structure which is incidental and subordinate to the principal use or structure which is not considered a dwelling unit.

Normal High-Water Line of 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 (by way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups: Upland grasses, aster, lady slipper, wintergreen, partridge berry, sarsaparilla, pines, cedars, oaks, ashes, alders, elms and maples). In the case of wetlands adjacent to rivers and Great Ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water. In places where the shore or bank is of such character that the high water line cannot be easily determined (rock slides, ledges, rapidly eroding, or slumping banks) the normal high water line shall be estimated from places where it can be determined by the above method.

Nursing Home: Any facility which provides meals, lodging and nursing care for compensation for persons who are unable to care for themselves.

100 Year Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Open Space Use: A use not involving: a structure; earth-moving activity; or the removal or destruction of vegetative cover, spawning grounds, or fish, aquatic life, bird and other wildlife habitat.

Ordinance: Any legislative action of the Town's legislative body which has the force of law, including but not limited to, any amendment or repeal of any ordinance.

Parcel: See: Tract

Parking Space: An area on a lot intended for the use of temporary parking of a personal vehicle. Each parking space shall be nine feet by nineteen feet (9' X 18'), exclusive of drives or aisles for the parking of vehicles, and have a means of access to a public road.

Parks and Recreation: Non-commercially operated recreation facilities open to the general public including, but not limited to playgrounds, parks, monuments, green strips, open space, mini-parks, athletic fields, boat launching ramps, piers and docks, picnic grounds, swimming pools, and wildlife and nature preserves, along with any necessary accessory facilities, rest rooms, bath houses, and the maintenance of such land and facilities, but not including campgrounds, commercial recreation and amusement centers as designed elsewhere in this Ordinance.

Passive Recreation: Outdoor recreational activities which involve no structural or mechanical components or facilities, or earth moving, such as hiking, fishing, hunting, etc.

Patio: An uncovered floor, usually made of concrete, brick or other masonry material, which is not elevated above the surface of the ground in any manner.

Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string usually in series, designed to move in the wind.

Permanent Foundation: A permanent foundation means all of the following:

1. A full, poured concrete, masonry, wood, or other engineered system foundation;
2. A poured concrete frost wall or a mortared masonry frost wall, with or without a concrete floor;
3. A reinforced, floating concrete pad for which the Town may require an engineer's certification if it is to be placed on soil with high frost susceptibility; and
4. Any foundation which is permitted for other types of single-family dwellings.
5. Piers/puncheons.
6. Any foundation using advanced technologies and is approved by the Code Enforcement Officer for use.

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

Person: An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two (2) or more individuals having a joint or common interest, or other legal entity.

Personal Property: Property which is owned, utilized, and maintained by an individual or members of their residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

Personal Services: A business which provides services but not goods such as, hairdressers, shoe repair, real estate, and insurance etc.

Piers, Docks, Wharves, 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 in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Pitched, Shingled Roof: A roof with a pitch of two (2) or more vertical units for every twelve (12) horizontal units of measurement and which is covered with asphalt or fiberglass composition shingles or other approved materials, but specifically excludes corrugated metal roofing material.

Planning Board: The Planning Board for the Town of Washburn.

Pond: See: Body of Water.

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

Prime Agricultural Land: Land that has been identified in the comprehensive plan that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oil-seed crops, or meets all of the criteria established by the US Department of Agriculture.

Principal Structure: The 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: The primary use other than one which is wholly incidental or accessory to another use on the same premises.

Private Road: A private way meeting Washburn's road construction standards for preparation, sub-base, and base and not intended for dedication to the Town as a public road.

Professional Offices: The place of business for professionals, such as, but not limited to, doctors, lawyers, accountants, architects, surveyors, psychiatrists, psychologists, counselors, but not including financial institutions or personal services.

Projecting Sign: Any sign affixed to a building or a wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of the building of such building or wall.

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.

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

Quarry: A place where stone is excavated from rock.

Recent Flood Plain Soils: See: Floodplain Soils

Reconstructed Road: The rebuilding of a road or section of a road to improve its serviceability.

Recording Plan: A copy of the Final Plan which is recorded at the Aroostook County Registry of Deeds.

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 currently registered with the State Division of Motor Vehicles.

Recycling Center: A building that is not a junkyard in which used materials, such as, but not limited to, newspaper, cardboard, magazines, glass, and metal cans, are separated and processed prior to shipment to others who shall use these materials to manufacture new products.

Recycling Collection Point: An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed at the collection point.

Repair: To take necessary action to fix normal damage or storm damage.

Replacement On-Site Subsurface Wastewater System: An on-site 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 Sign: Any sign located in a district zoned for residential uses that contains no commercial message except advertising goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning ordinance.

Residential Use: Any land use which includes a dwelling unit used as a principal use.

Restaurant: An establishment where meals are prepared and served to the public for consumption for compensation.

1. **Standard Restaurant:** A business involving the preparation and serving of meals for consumption on the premises, requiring moderate amounts of time between the period of ordering and serving of the meal.
2. **Fast Food Restaurant:** A business involving the preparation and serving of meals for consumption on the premises or off the premises, normally requiring short amounts of time between the period of ordering and serving of the meal which is served in edible or disposable containers.
3. **Drive-In Restaurant:** A business involving the preparation and serving of meals for consumption on the premises in a motor vehicle or off the premises, normally requiring short amounts of time between the period of ordering and serving of the meal which is served in edible or disposable containers.

Resubdivision: The division of an existing subdivision or any change in the plan for an approved subdivision which effects the lot lines, including land transactions by the subdivider not indicated on the approved plan.

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

Right-of-Way: A strip of land occupied or intended to be occupied by a road, crosswalk, railroad, electrical transmission line, oil or gas pipeline, water main, sanitary sewer main, stormwater main, shade trees, or other auxiliary uses, either public or private, on which an irrevocable right-of-passagage has been recorded for the use.

Riprap: Rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

River: A free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.

Riverine: Means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Road: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles, 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.

Road Frontage: The horizontal distance, measured in a straight line, extending between the side lot lines and the road right-of-way.

Roof Sign: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest point of the roof.

Satellite Receiving Dish: An antenna designed to receive signals from satellites.

Schools:

1. Public and Private - including Parochial School: An institution for education or instruction where any branch or branches of knowledge is imparted and which satisfy either of the following requirements:
 - a. The school is not operated for a profit or a gainful business; or
 - b. The school teaches courses of study which are sufficient to qualify attendance there as in compliance with state compulsory education requirements.
2. Commercial School: An institutions which is commercial or profit-oriented. Examples thereof are dancing, music, riding, correspondence, aquatic schools, driving or business.

Seasonal Dwelling: A dwelling unit lived in for periods aggregating less than seven (7) months of the year and is not the principal residence of the owner.

Self-Service Storage Facility: A building or group of buildings in a controlled access and fenced compound that consists of individual, small, self-contained units that are leased or owned for the storage of customer's goods or wares.

Service Business: Establishments engaged in providing services for individuals and businesses such as sundries, beauty shops, barbershops, advertising and equipment leasing.

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, shall 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 horizontal distance from a lot line to the nearest part of a structure or other regulated object or area.

Setback from Water: The horizontal distance from the normal high water line to the nearest part of a structure, road, parking space or other regulated object or area.

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

Shore Frontage: The length of a lot bordering on a water body measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water line.

Shoreland Area: The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond, river; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet of the normal high-water line of a stream.

Sign: A display surface, fabric or device containing organized and related elements (letter, pictures, products, or sculptures) composed to form a single unit, designed to convey information visually and which is exposed to the public view. In cases where matter is displayed in a random or unconnected manner without an organized relationship, each such component shall constitute a sign.

Sketch Plan: Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision approval. May be used by the applicant as the basis for preparing the subdivision plans as part of the application for subdivision approval.

Solid Waste: Useless, unwanted, or discarded solid material with insufficient liquid content to be free flowing.

Special Waste: Any non-hazardous waste generated by sources other than domestic and typical commercial establishments that exists in such an unusual quantity or in such a chemical or physical state, or any combination thereof, which may disrupt or impair effective waste management or threaten the public health, human safety, or the environment and requires special handling, transportation, and disposal procedures.

Stable, Private: An accessory building in which sheltered animals are kept for the use of the occupants of the premises and not for remuneration, hire, or sale.

Stable, Public: An accessory building in which sheltered animals are kept for the use of the occupants for remuneration, hire, sale, boarding, riding, or show.

Stream: A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river, or flows to another waterbody or wetland within a shoreland zone, or as depicted on the Official Washburn Zoning Map, or as further described in the applicable overlay district standards, whichever is applicable.

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

Structure: Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite dishes.

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

1. In determining whether a tract or parcel of land is divided into 3 or more lots within a 5 year period, the first dividing of the tract or parcel, unless otherwise exempted herein, shall be considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, unless otherwise exempted herein is considered to create a 3rd lot, unless:
 - a. Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single family residence or for usable open space land as defined in Title 36, Section 1102, for a period of at least 5 years before the second dividing occurs; or
 - b. The division of the tract or parcel is otherwise exempt under this definition.
2. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this Ordinance, do not become subject to this Ordinance by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The Planning Board shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.
3. Any lot, regardless of size, shall be counted as a lot for the purpose of this definition.
4. A division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage, or adoption or a gift to the Town or by the transfer of any interest in land to the owner of land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of that transferor in any transfer or gift within this paragraph is to avoid the objectives of this section. If the real estate exempt under this paragraph by gift to a person related to the donor by blood, marriage, or adoption is transferred within 5 years to another person not related to the donor of the exempt real estate by blood, marriage, or adoption, then that exempt division creates a lot or lots for the purpose of this definition.
5. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.
6. In determining the number of dwelling units in a structure, the provisions regarding the determination of the number of lots shall apply, including exemptions from the definition of a subdivision of land.
7. Nothing in this Ordinance may be construed to prevent the Town from enacting an ordinance under its home rule authority which expands the definition of subdivision or which otherwise regulates land use activities.
8. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraph 4, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this Ordinance.
9. For the purposes of this definition, a new structure or structures includes any structure for which construction began on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this Ordinance.
10. For the purposes of this definition, a tract or parcel of land is defined as all contiguous land in the same ownership, provided that lands 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.

Substantial Damage: Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Expansion: Floorspace increase of 25 percent or new materials or processes not normally associated with the existing use. In shoreland areas, if any portion of a structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30 percent or more, during the lifetime of the structure.

Substantial Start: Following the issuance of a permit, completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost within one (1) year of the date of the permit.

Subsurface Sewage (Wastewater) Disposal System: A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under Title 38 MRSA §414, any surface wastewater disposal system licensed under Title 38 MRSA §413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in Title 38 MRSA Chapter 13, subchapter 1.

Suspended Sign: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

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

Swimming Pool: An outdoor man-made receptacle or excavation designed to hold water to a depth of at least 24 inches, primarily for swimming or bathing, whether in the ground or above the ground.

Temporary Movable Sign: Any sign not permanently attached to the ground, a building, or other permanent structure by direct attachment to a rigid well, frame, or structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; and balloons used as signs.

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

Tract, or Parcel, of Land: All contiguous land in the same ownership, provided that lands 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.

Trail: A route or path, other than a roadway, and related facilities, developed and used primarily for recreational or transportation activities, including but not limited to, hiking, walking, cross-country skiing, snowmobiling, horseback riding, bicycling, and dogsledding.

Travel Trailer: See: Recreational Vehicle

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

Undue Hardship: As used in this Ordinance, the words "undue hardship" shall take its statutory definition and include all of the following:

1. That the land in question cannot yield a reasonable return unless a variance is granted. Such hardship may be found by the Board of Appeals where this Ordinance, as applied to the applicant's property, substantially destroys or decreases the value of the property in question for any permitted use to which the land or property can reasonably be put; and
2. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and
3. That the granting of a variance shall not alter the essential character of the locality; and

4. That the hardship is not the result of action taken by the applicant or a prior owner. Such hardship may be found by the Board of Appeals where this Ordinance, as applied to the applicant's property, substantially destroys or decreases the value of the property in question for any permitted use to which the land or property can reasonably be put. Mere inconvenience to the property owner shall not satisfy this requirement. Financial hardship alone, personal hardship, or pleading that a greater profit may be realized from the applicant's property were a variance granted shall be sufficient evidence of unnecessary hardship.

A variance is not justified unless all elements are present in the case.

Upland Edge: The boundary between upland and wetland.

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

Used Merchandise Sale: The outdoor sale of used articles, conducted for more than five (5) consecutive days or for more than two (2) weekends per year, and shall require a permit from the Code Enforcement Officer. Used Merchandise Sales includes flea market.

Variance: A variance is a relaxation of the terms of this Ordinance. Variances permissible under this Ordinance are limited to dimensional and area requirements. No variance shall be granted for the establishment of any use otherwise prohibited, nor shall a variance be granted because of the presence of non-conformities in the immediate or adjacent areas.

Vegetation: All live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 above ground level.

Vehicle Sales: Any business which involves a parking or display area for the sale of new or used cars, trucks, motorcycles, campers, farm equipment, recreational vehicles, mobile homes, or similar products.

Veterinary Hospital or Clinic: A building used for the diagnosis, care and treatment of ailing or injured animals which may include overnight accommodations, The overnight boarding of healthy animals shall be considered a kennel.

Volume of a Structure: The volume of all portions of a structure located in Shoreland Areas enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Wall Sign: Any sign attached parallel to, but within six (6) inches of, a wall, painted on the wall surface of, or erected and confined within limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Warehousing/Storage: The storage of goods, wares, and merchandise in a warehouse.

Water Body: Any great pond, river, stream, or brook.

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

Wetland: See: Freshwater Wetland, Inland Wetland, Forested Wetland, or Wetlands Associated with Great Ponds and Rivers.

Wetlands Associated with Great Ponds and Rivers: Wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

Window Sign: Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes, or glass and is visible from the exterior of the window.

Wholesale Business: The use of land and/or buildings engaged in the selling of merchandise to retailers to industry, commercial, institutional, farm, or professional business users or other wholesalers as distinguished from the sale to the general public.

Yard: The area between a structure and the property boundary.

Yard Sale: All general sales, open to the public, conducted from or on a residential premise for the purpose of disposing of personal property. Yard sale includes garage sales, porch sales, tag sales, and the like. They shall occur for not more than five (5) consecutive days or for not more than two (2) weekends a year or they shall be considered to the "Used Merchandise Sale" as defined in this Ordinance.