

Town of Alfred, ME
Thursday, April 24, 2014

Chapter 160. ZONING

[HISTORY: Adopted by the Special Town Meeting of the Town of Alfred 6-23-1994 by Art. 6. Amendments noted where applicable.]

GENERAL REFERENCES

Conservation Commission — See Ch. 10.
Addressing and street numbering — See Ch. 81.
Building construction — See Ch. 88.
Floodplain management — See Ch. 107.
Residential growth — See Ch. 138.
Signs — See Ch. 142.
Subdivision of land — See Ch. 148.
Planning Board Regulations — See Division 3.

Article I. General Provisions

§ 160-1. Repealer.

[Amended 3-28-2009 ATM by Art. 21]

The Zoning Ordinance contained in the Code of the Town of Alfred as Chapter 160 is hereby replaced by this chapter. The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. § 438-A(5), at which time the State of Maine Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in the Shoreland Zone. On the date established under 38 M.R.S.A § 438-B(5), the following provisions of this ordinance are repealed:

Section 160-32, District regulations, Line 16.2.1 (Forest management operations) and Line 16.2.2 (Timber harvesting);

Section 160-143, Timber harvesting within the Shoreland Zone, in its entirety; and

Section 160-14, Definitions, the definitions of "forest management activities" and "residual basal area."

§ 160-2. Statutory authority.

[Amended 3-28-2009 ATM by Art. 21]

This chapter is adopted pursuant to the enabling provisions of Article VIII-A of the Maine Constitution, the provisions of 30-A M.R.S.A. § 3001 (Home Rule), 30-A M.R.S.A. § 4311 et seq., and 38 M.R.S.A. § 435 — 449.

§ 160-3. Title; availability.

[Amended 3-28-2009 ATM by Art. 21]

This chapter is to be known and may be cited as the "Zoning Ordinance of the Town of Alfred, Maine." A certified copy of this ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of

the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this ordinance shall be posted.

§ 160-4. Purposes.

A. The purposes of this chapter are to:

- (1) Protect the public's health, safety, and general welfare;
- (2) Further the maintenance of safe and healthful conditions and the general welfare within the Town of Alfred;
- (3) Prevent and control water pollution;
- (4) Protect fish spawning grounds, aquatic life, bird and other wildlife habitat;
[Amended 3-28-2009 ATM by Art. 21]
- (5) Protect buildings and lands from flooding and accelerated erosion;
[Amended 3-28-2009 ATM by Art. 21]
- (6) Protect archaeological and historic resources;
- (7) Protect freshwater wetlands;
[Amended 3-28-2009 ATM by Art. 21]
- (8) Control building sites, placement of structures, and land uses;
- (9) Conserve shore cover, and visual as well as actual points of access to inland waters and to conserve natural beauty, and open space;
[Amended 3-28-2009 ATM by Art. 21]
- (10) Anticipate and respond to the impacts of development;
[Amended 3-28-2009 ATM by Art. 21]
- (11) Implement a municipal policy concerning the provision of wireless telecommunications services, and the siting of their facilities;
[Added 3-17-2001 ATM by Art. 22]
- (12) Establish clear guidelines standards and time frames for the exercise of municipal authority to regulate wireless telecommunications facilities;
[Added 3-17-2001 ATM by Art. 22]
- (13) Allow competition in telecommunications service;
[Added 3-17-2001 ATM by Art. 22]
- (14) Encourage the provision of advanced telecommunications services to the largest number of businesses, institutions and residents of Alfred;
[Added 3-17-2001 ATM by Art. 22]
- (15) Ensure that all telecommunications carriers providing facilities or services within Alfred comply with the ordinances of Alfred;
[Added 3-17-2001 ATM by Art. 22]
- (16) Ensure that Alfred can continue to fairly and responsibly protect the public health, safety and welfare;
[Added 3-17-2001 ATM by Art. 22]
- (17) Encourage the siting of wireless telecommunications facilities to collocate, thus helping to minimize adverse visual impacts on the community;
[Added 3-17-2001 ATM by Art. 22]
- (18) Enable Alfred to discharge its public trust consistent with rapidly evolving federal and state regulatory policies, industry competition and technological development;
[Added 3-17-2001 ATM by Art. 22]
- (19) Further the goals and policies of the Comprehensive Plan, while promoting orderly development of the Town with minimal impacts on existing residential uses; and
[Added 3-17-2001 ATM by Art. 22]
- (20) Protect the scenic and visual character of the community, as identified in its Comprehensive Plan or other municipally adopted land use plan; to the nearest extent possible.
[Added 3-17-2001 ATM by Art. 22; amended 3-9-2007 ATM by Art. 25]

B. This chapter does not authorize any person to trespass, infringe upon or injure the property of another; it does not excuse any person from the necessity of complying with other applicable laws and regulations.

§ 160-5. Conformance required.

[Amended 3-28-2009 ATM by Art. 21]

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted, pursuant to § 160-160.

§ 160-6. General requirements applicable in all districts.

The following general requirements apply in all districts:

- A. Mixed uses on a single parcel of land shall only be permitted according to the provisions of § 160-39, the parking requirements of § 160-98, and the dimensional requirements of the district in which the uses are located.

[Amended 3-9-2007 ATM by Art. 25]

- B. No part of the yard or other open space required on any lot for any building may be included as part of the yard or open space required for another building or lot.
- C. No principal or accessory building shall exceed 35 feet in height. Features of buildings and structures with no floor area, such as chimneys, towers, solar energy systems, ventilators, and spires, may exceed 35 feet in height, but must be set back from the nearest lot line a distance equal to at least the height of such feature or structure.

[Amended 3-28-2009 ATM by Art. 21]

- D. All new building lots must be laid out so that at least 20,000 square feet of the land area has a ground slope not exceeding 15% and has soils where the seasonal high-water table is more than 15 inches below the surface.
- E. Where a residential structure is legally in existence on the date of adoption of this chapter, no new lot containing such structure may be created which does not meet the minimum lot size requirements in that district.
- F. For the purposes of zoning, all municipal boundaries shall be considered lot line.

[Added 5-11-1998 STM by Art. 3]

§ 160-7. Rules of construction.

Captions and headings within this chapter are an integral part of the chapter and are intended to be utilized in determining the meaning and applicability of the sections they identify.

§ 160-8. Conflict with other provisions.

[Amended 3-28-2009 ATM by Art. 21]

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

§ 160-9. Severability.

[Amended 3-28-2009 ATM by Art. 21]

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

§ 160-10. Amendment, repeal or replacement.

- A. A proposal to amend, repeal, or replace this chapter may only be initiated by:
- (1) The Planning Board, by majority vote of the Board;
 - (2) The Board of Selectmen, through a request to the Planning Board;

- (3) An individual, through a request to the Planning Board, who then may initiate only by a majority vote; or
- (4) A written petition of a number of voters equal to at least 10% of the vote cast in the last gubernatorial election.

B. Procedure.

- (1) Any proposal to amend, repeal, or replace this chapter must be made to the Planning Board in writing, stating the specific changes requested. When a change in zoning boundaries is proposed, the application must state the nature, extent, and location of the boundary change proposal, and the proposal must be accompanied by a scale drawing showing the areas to be changed, with dimensions.
- (2) Within 35 days of receiving the request, the Planning Board must hold a public hearing on the proposal, and unless the proposal has been submitted by the Board of Selectmen or by a petition, the Planning Board must vote whether to forward the amendment to the Selectmen for inclusion on the next regular or special Town Meeting warrant. The Planning Board must make a written recommendation regarding passage to the Board of Selectmen and the Town Meeting prior to any action on the request by the Board of Selectmen.
- (3) Notice of the hearing must be posted in the Town Hall at least 14 days before the hearing.
- (4) Notice of the hearing must also be advertised at least two times in a newspaper that complies with 1 M.R.S.A. § 601 and that has a general circulation in Alfred. The date of the first advertising must be at least 14 days before the hearing and the date of the second publication must be at least seven days before the hearing. The notice must be in plain English, understandable to the average citizen.
- (5) The notice must 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, is adequate notice. If the proposal includes a change in zoning district boundaries, a map of the change must be included in the notice.
- (6) If a proposed amendment constitutes a change in zoning district boundaries or other amendment which would permit commercial, industrial, or retail uses where previously prohibited, or prohibits all such uses where previously permitted, notice of the hearing must also be mailed to the owners of all property that is within or abutting an area affected by the proposed amendment. The Planning Board must maintain a list of the names and addresses of the persons to whom notice was sent.

[Amended 3-28-2009 ATM by Art. 20]

C. Adoption. A request to amend, repeal, or replace this chapter may be adopted only by:

- (1) A majority vote at a special or regular Town Meeting if the proposal is recommended by the Planning Board; or
- (2) A two-thirds majority vote at a special or regular Town Meeting if the proposal is not recommended by the Planning Board.

§ 160-11. Repetitive petitions.

No proposal to amend, repeal, or replace this chapter which has been unfavorably acted upon by any Town Meeting may be considered by any Town Meeting within two years after the date of such unfavorable action unless the adoption of the proposal is recommended by unanimous vote of the Planning Board.

§ 160-12. Effective date.

- A. Other than changes which affect the Shoreland Zone, an adoption, amendment, repeal, or replacement of this chapter takes effect and is in force from the date of its passage by Town Meeting.
- B. A certified copy of any ordinance amendments which affect the Shoreland Zone, attested and signed by the Town Clerk, shall be forwarded to the Commissioner of the Department of Environmental Protection (DEP) following adoption by the Town Meeting, and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any change within 45 days of his/her receipt of the change, it shall be automatically approved. Any application for a permit submitted to the Town within the forty-five-day period shall be governed by the terms of the change, if such change is approved by the Commissioner.

[Amended 3-28-2009 ATM by Art. 21]

Article II. Definitions and Word Usage

§ 160-13. Construction of terms.

A. In this chapter, certain terms or words are to be interpreted as follows:

- (o) The word "Board" shall mean the "Planning Board," unless otherwise indicated.

[Added 10-25-2005 STM by Art. 12]

- (1) The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual or any other legal entity;
- (2) The present tense includes the future tense, the singular number includes the plural, and the plural includes the singular;
- (3) The word "must" is mandatory, and the word "may" is permissive. The use of "may" as in "no buildings may be built," or "buildings may not be built," means that permission is not granted to build buildings and thus they are not allowed to be built;
- (4) The words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied";
- (5) The word "building" includes the word "structure," and the word "dwelling" includes the word "residence";
- (6) The word "lot" includes the word "plot" or "parcel."

B. In case of any difference of meaning or implication between the text of this chapter and any map or illustration, the text controls.

C. Terms not defined have the customary dictionary meaning.

§ 160-14. Definitions.

In this chapter the following terms have the following meanings unless a contrary meaning is specifically prescribed:

ABUTTER

The owner of any property with one or more common boundaries or points or across the road or stream from the property involved in application or appeal. For purposes of notice, it also includes any property owner within 500 feet of the property involved in the application or appeal.

[Added 3-8-2003 ATM by Art. 26]

ACCESSORY USE OR STRUCTURE

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

[Amended 3-28-2009 ATM by Art. 21]

ADULT BUSINESS

Any business, a portion of which consists of selling, renting, leasing, exhibiting, displaying, or otherwise dealing in material or devices of any kind which appeal to prurient interests and which depict or describe specific human sexual activities.

AFFORDABLE HOUSING

Decent, safe and sanitary dwelling units that can be afforded by households with annual incomes no greater than 80% of the median household income in non-metropolitan York County, as established by the U.S. Department of Housing and Urban Development. A renter-occupied unit is affordable to such households if the unit's monthly housing costs, including rent and basic utility costs (the costs of heating and of supplying electricity to the unit plus the cost, if any, of supplying public water and public wastewater disposal service to the unit), do not exceed 30% of gross monthly income. An owner-occupied unit is affordable to such households if its price results in monthly housing costs that do not exceed 28% of gross monthly income for principal, interest, insurance, and real estate taxes. Estimates of mortgage payments are to be based on down payments and rates of interest generally available in the area to low- and moderate-income

households.

[Added 3-11-2006 ATM by Art. 24]

AFFORDABLE HOUSING COVENANT

Any agreement among one or more owners, one or more tenants of residential real estate and one or more qualified holders, or between one or more owners and one or more qualified holders, or between one or more tenants and one or more qualified holders, that permits a qualified holder to control, either directly or indirectly, the purchase price of residential housing for the primary purpose of providing that the housing remains affordable to lower-income and moderate-income households. See also the definition of "qualified holder" in this article.

[Added 3-11-2006 ATM by Art. 24]

AGENT

Anyone having written authorization signed by a property owner to act in behalf of that 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 chapter; 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.

[Amended 3-28-2009 ATM by Art. 21]

AGRICULTURE

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

[Amended 3-28-2009 ATM by Art. 21]

AIRPORT

A tract of land where aircraft take off and land. An airport includes those facilities for public as well as private use.

ALTERATION

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

ALTERED STRUCTURE

A change in either the intensity of use, such as the addition of bathrooms, kitchens, bedrooms, or the duration of the use, such as conversion from seasonal to year-round use.

ALTERNATIVE TOWER STRUCTURE

Man-made trees, clock towers, bell steeples, lightpoles and similar alternative design mounting structures that are compatible with the setting and surrounding structures and camouflages or conceals the presence of antennas and or towers. This term also includes any antenna or antenna array attached to the alternative tower structure.

[Added 3-17-2001 ATM by Art. 22]

ANIMAL CARE FACILITY

The use of a building or land for the diagnosis, care, and treatment of ailing or injured animals, which may include overnight accommodations.

ANIMAL HUSBANDRY

The growing and/or raising of livestock and/or poultry for commercial purposes.

ANTENNA

Any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

[Added 3-17-2001 ATM by Art. 22]

ANTENNA HEIGHT

The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the facility site. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be

used in calculating the antenna height.

[Added 3-17-2001 ATM by Art. 22]

APPELLATE HEARING

A type of public hearing held by a Zoning Boards of Appeals or other quasi-judicial or judicial body, utilized when reviewing a decision made by a lower review authority or court, where the Board or court may only review the record of the proceedings of the lower body, and may not receive or consider any new evidence or testimony that was not presented to the lower review authority or court. See § 160-161C. See also "de novo hearing."

[Added 3-28-2009 ATM by Art. 21]

AQUACULTURE

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

[Added 3-28-2009 ATM by Art. 21]

ARCADE

A place where three or more coin-operated amusement devices are located.

AREA OF SPECIAL FLOOD HAZARD

The land in the floodplain having one-percent or greater chance of flooding in any given year, as specifically identified in the flood insurance studies conducted by the Federal Emergency Management Agency.

ARTERIAL HIGHWAY OR STREET

U.S. Route 202, State Route 111, State Route 4, and State Route 4A.

ARTISAN'S STUDIO

A building or portion of a building used as a production and display area for works created by an artist, photographer, sculptor, woodworker, glass-blower, or other skilled craftsman. An artisan's studio may include the retail sale of items produced on the premises. For the purpose of this ordinance, the activities of an artisan's studio:

[Added 3-11-2006 ATM by Art. 24]

- A. Shall not include outdoor sales;
- B. Shall not employ more than three persons on the premises; and
- C. Shall not include motor vehicle related sales and service operations.

AUTOMOBILE GRAVEYARD

The term "automobile graveyard" shall be defined as in Title 30-A M.R.S.A. § 3752, as amended.

[Amended 3-11-2006 ATM by Art. 24]

BAR

A business, not meeting the definition of "restaurant," where alcoholic drinks are sold for consumption on the premises. The term includes meeting halls of nonprofit organizations if they are licensed to serve alcoholic beverages.

BASAL AREA

The area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

[Added 3-28-2009 ATM by Art. 21]

BASEMENT

Any portion of a structure with a floor-to-ceiling height of six feet or more and having more than 50% of its volume below the existing ground level.

[Amended 3-28-2009 ATM by Art. 21]

BED-AND-BREAKFAST

Any residential structure in which nonhousekeeping rooms are offered and rented to the public for periods typically less than 30 days and in which one meal per day is available and only to the occupants. The building must also be occupied by the resident manager or owner.

BOARDINGHOUSE

Any residential structure in which rooms or rooms and meals are provided for compensation for a period of at least one week. Meals may be available only to the occupants. The building must also be occupied by the resident manager or owner. There may be no provisions 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.

[Added 3-28-2009 ATM by Art. 21]**BOTTLE CLUB**

A place where social activities occur in which members, guests, or patrons provide their own alcoholic beverages, and where no alcoholic beverages are sold. The term includes meeting halls of nonprofit organizations if members and/or guests provide their own alcoholic beverages.

BUFFER AREA, LANDSCAPED

A part of a property or an entire property, which is not built upon and is specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources. A landscaped buffer strip is intended to soften the visual impact of a land use or structure, but is not intended to provide screening, as defined by this ordinance.

[Added 3-11-2006 ATM by Art. 24]**BUILDING**

A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, goods or property of any kind.

BUILDING HEIGHT

The vertical distance between the highest point of the roof and the average grade of the ground adjoining the building. Solar energy or wind equipment extending above the building are exempt from height restrictions.

BUILDING PERMIT/IRC 2009; SECTIONS R105 AND R202

An official document or certificate issued by the Code Enforcement Office that authorizes performance of a specified activity. Any land use permits issued by the Town must also be reviewed under the same manner. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the use of a building or structure shall first make application to the Building Official and obtain the required permit. (Reference Chapter 88.)

[Added 3-29-2013 ATM by Art. 21]**BUSINESS SIGN**

An attached or freestanding structure which directs attention to a business or profession conducted on the premises.

CAMPGROUND

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

[Amended 3-28-2009 ATM by Art. 21]**CANOPY**

The more or less continuous cover formed by tree crowns in a wooded area. *Editor's Note: The definition of "cellar" which immediately followed was repealed 3-28-2009 ATM by Art. 21.*

[Added 3-28-2009 ATM by Art. 21]**CHANGE OF USE**

A change from one land use category in the Land Use Table *Editor's Note: The Land Use Table is included at the end of this chapter.* to another, or the addition of a new use category to an existing use category.

CHANNEL

A natural or artificial watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is water flowing within the limits of the defined channel.

CHILD-CARE FACILITY

A building or group of buildings used to house children overnight, with supervision and meals but not necessarily with medical care.

CLUSTER DEVELOPMENT

A development approach in which building lots are reduced in size and buildings sited closer together than is allowed under nonclustered requirements, provided that the total development density does not exceed that which could be constructed on the site under conventional, nonclustered requirements. The cluster development must be developed in accordance with the applicable standards of this chapter and Chapter 148.

CODE ENFORCEMENT OFFICER

A person appointed by the Board of Selectmen to administer and enforce this chapter and other land use

ordinances and regulations as authorized by this chapter. Reference to the “Code Enforcement Officer” may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector, and the like where applicable.

COLLOCATION

The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

[Added 3-17-2001 ATM by Art. 22]

COMMERCIAL AND INDUSTRIAL USES

Those uses in Land Use Categories 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16.4, 17, 18, 19, 21, 22, 23, 24, 26, and 28.

COMMERCIAL GREENHOUSE

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

COMMUNITY ACTIVITY CENTER

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

COMMUNITY LIVING FACILITY

A housing facility for eight or fewer mentally handicapped or developmentally disabled persons which is approved, authorized, certified, or licensed by the state.

COMPREHENSIVE PLAN

The document or series of documents which inventory the resources of the community, articulate the goals and policies for the development of the community and contains strategies for implementation of the policies most recently adopted or amended by the municipal governing body in accordance with 30-A M.R.S.A. § 4321 et seq.

[Added 3-17-2001 ATM by Art. 22]

CONFORMING USE

A use of buildings, structures, or land which complies with all applicable provisions of this chapter.

CONGREGATE CARE FACILITY

A building or group of buildings containing private apartments and central dining facilities and within which supportive services, including medical or social services, are provided to the residents. Such facilities include only those certified by the State of Maine Department of Human Services.

CONSTRUCTED

Includes built, erected, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like, associated with construction, are considered a part of that construction.

CONVENIENCE STORE

A one-story retail store containing less than 2,500 square feet of gross floor area that is designed and stocked to sell groceries, beverages, and household supplies. A convenience store may also sell motor vehicle fuels or food in a form ready for consumption. A maximum total of eight seats shall be allowed on the premises, whether at indoor or outdoor counters or tables. However, depending on specific site conditions, the Planning Board may allow additional seating.

[Amended 3-11-2006 ATM by Art. 24; 3-31-2012 ATM by Art. 22]

CORRECTIONAL FACILITY

A building or group of buildings used to house persons who are awaiting trial or persons who have been confined by the courts.

CRAFT AND FLEA MARKET

The sale of merchandise where vendors may rent tables and/or display space.

DAY-CARE CENTER

An establishment, licensed by the Maine Department of Human Services, where 13 or more children under the age of six are cared for in return for compensation.

DAY-CARE HOME

An establishment, licensed by the Maine Department of Human Services, where more than three, but fewer than 13, children under the age of six are cared for in return for compensation.

db(A)

The abbreviation designating both the unit of measure of sound level, the decibel, and the mode of

measurement that gives the A-weighting of a sound level meter.

DBH

The diameter of a standing tree measured 4.5 feet from ground level.

[Added 3-28-2009 ATM by Art. 21]

DECIBEL (db)

The practical unit of measurement for sound pressure level. The number of decibels of a measured sound is equal to 20 times the logarithm to the Base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 micropascals); abbreviated db.

DECK

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

DECORATIVE CHANGES

Repainting or re-siding; removing or replacing trim, railings, or other nonstructural architectural details.

[Amended 3-29-2013 ATM by Art. 21]

DE NOVO HEARING

A type of public hearing held by a Zoning Board of Appeals or other quasi-judicial or judicial body, utilized when reviewing a decision made by a lower review authority or court, where the Board or court may receive and consider new evidence and testimony, be it oral or written. See § 160-161C. From the Latin, meaning new, young or fresh. See also "appellate hearing."

[Added 3-28-2009 ATM by Art. 21]

DEVELOPMENT

When used in shoreland zoning standards, the term "development" shall mean a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

[Added 3-28-2009 ATM by Art. 21]

DIMENSIONAL REQUIREMENTS

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

DISABILITY

Any physical or mental disability, as defined under Title 5 M.R.S.A. § 4553-A, or any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness, and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or, in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

[Added 3-8-2008 ATM by Art. 25]

DISTRICT

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

DRIVEWAY

A vehicular accessway less than 500 feet in length serving:

[Amended 3-28-2009 ATM by Art. 21]

- A. Two lots, or fewer; or
- B. Two single-family dwellings or fewer; or
- C. One two-family dwelling.

DRY CLEANER

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

DWELLING

A fixed structure containing one or more dwelling units.

DWELLING, MULTIFAMILY

A building containing three or more dwelling units, such buildings being designed for residential use and occupancy by three or more families living independently of one another, with the number of families not exceeding the number of dwelling units.

DWELLING, SINGLE-FAMILY

A building containing only one dwelling unit for occupation by not more than one family.

DWELLING, TWO-FAMILY

A building containing only two dwelling units, for occupation by not more than two families.

DWELLING UNIT**[Amended 3-28-2009 ATM by Art. 21]**

When the term is used for units outside of any Shoreland Zone, the term "dwelling unit" shall mean a room or group of rooms designed and equipped exclusively for use by one family as a habitation and which contains independent living, cooking, eating, sleeping, bathing, and sanitary facilities. The term shall include manufactured housing but does not include recreational vehicles, so-called park model mobile homes, or rooms in land use categories other than 1, Residential, of the Land Use Table, in Article V. *Editor's Note: The Land Use Table is included at the end of this chapter.*

When the term is used for units in any Shoreland Zone, the term "dwelling unit" shall mean a room or group of rooms designed and equipped exclusively for use by one family as permanent, seasonal, or temporary living quarters, regardless of the time-period rented, and which contains independent living, cooking, eating, sleeping, bathing, and sanitary facilities. The term shall include manufactured housing but does not include recreational vehicles, so-called park model mobile homes, or rooms in land use categories other than 1, Residential, of the Land Use Table, in Article V.

EARTH

Topsoil, sand, gravel, clay, peat, rock, or other similar materials.

EASEMENT

A right or privilege, less than fee simple ownership, that a person may have in another's land, such as a right-of-way. *Editor's Note: The former definition of "emergency service facility," which immediately followed, was repealed 3-11-1995 ATM by Art. 18.*

EMERGENCY OPERATIONS

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

[Added 3-28-2009 ATM by Art. 21]**ENGINEERED SYSTEM**

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

EQUIPMENT OR STRUCTURES NECESSARY FOR THE PURPOSE OF MAKING A DWELLING ACCESSIBLE TO A PERSON WITH A DISABILITY

Equipment or structures necessary for the purpose of making a dwelling accessible to a person with a disability, limited to ramps, railings, landings, walls, and roof systems, lift devices, or elevators of the minimum size necessary for safety or effectiveness, as required to comply with the standards of the Americans with Disabilities Act. Any proposed installations beyond the scope of this definition shall be considered as "structures," as defined by this chapter, and therefore shall be required to meet all applicable setback requirements.

[Added 3-8-2008 ATM by Art. 25]**ESSENTIAL SERVICES**

Gas, electrical, or communications facilities, steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarm 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.

[Amended 3-28-2009 ATM by Art. 21]**EXCAVATION**

Any removal of earth material from its original position.

EXPANSION OF A STRUCTURE

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. This term shall also mean the addition of antennas, towers, or other devices to an existing structure.

[Amended 3-17-2001 ATM by Art. 22]

EXPANSION OF USE

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

EXTERIOR SIDING THAT IS RESIDENTIAL IN APPEARANCE

Siding materials such as clapboards, shingles, and shakes, including synthetic or metal siding manufactured to closely resemble clapboards, shingles, and shakes. This term also includes masonry, wood board-and-batten, and Texture 1-11 exterior plywood.

FAMILY

One or more persons occupying a dwelling unit and living together as a single housekeeping unit where all occupants have common use and access to all living and eating areas, bathrooms, and food preparation and serving areas. The maximum number of occupants of a dwelling unit shall be determined by its dimensions, and the minimum area per occupant requirements of the Building Code adopted by the Town of Alfred, and the NFPA 101 Life Safety Code.

[Amended 3-11-2006 ATM by Art. 24]

FARMERS' MARKET

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

FARM STAND

The seasonal, incidental sale of fresh fruits, vegetables, nursery plants, and farm products which were produced on the premises or other land in the same control as the farm stand.

FCC

The Federal Communications Commission, or its lawful successor.

[Added 3-17-2001 ATM by Art. 22]

FILLING

Depositing or dumping any matter on or into the ground or water.

FLOOD

A temporary rise in a stream flow or tidal surge that results in water overtopping its banks and inundating adjacent areas.

FLOOD INSURANCE RATE MAP

The official map on which the United States Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the Town, dated May 18, 1998.

FLOODPLAIN

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

FLOODPLAIN SOILS, RECENT

The following soil series as described and identified by the National Cooperative Soil Survey:

[Added 3-28-2009 ATM by Art. 21]

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

FLOODPROOFING

A combination of structural provisions, changes, or adjustments to properties subject to flooding, primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures and contents of buildings.

FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOOR AREA, GROSS

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

[Amended 3-28-2009 ATM by Art. 21]

FORESTED WETLAND

See "wetland, forested."

[Amended 3-28-2009 ATM by Art. 21]

FOREST MANAGEMENT OPERATIONS

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

[Amended 3-28-2009 ATM by Art. 21]

FOUNDATION (DEFINED FOR AREAS INSIDE THE SHORELAND ZONE)

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

[Added 3-28-2009 ATM by Art. 21]

FOUNDATION (DEFINED FOR AREAS OUTSIDE OF THE SHORELAND ZONE)

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

[Amended 3-28-2009 ATM by Art. 21]

FRESHWATER WETLAND

See "wetland, freshwater."

[Added 3-28-2009 ATM by Art. 21]

FRONTAGE

The linear distance measured along the front lot line which separates the lot from the street, road or right-of-way.

[Amended 3-11-1995 ATM by Art. 18]

FRONTAGE, SHORE

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

[Amended 3-28-2009 ATM by Art. 21]

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

[Added 3-28-2009 ATM by Art. 21]

GARAGE AND YARD SALE

All general sales, open to the public, conducted from or on a residential premises for the purpose of disposing of personal property, meeting the performance standards in § 160-112.

[Amended 3-11-1995 ATM by Art. 18]

GRADE

In relation to buildings, the average of the finished ground level at the center of each wall of a building.

GREAT POND

See "water body, great pond."

GREAT POND CLASSIFIED GPA

Any great pond classified GPA, pursuant to 38 M.R.S.A. Article 4-A, § 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

[Added 3-28-2009 ATM by Art. 21]

GROUND COVER

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

[Added 3-28-2009 ATM by Art. 21]

HAZARDOUS WASTES

A waste substance or material, in any physical state, designated hazardous by the Maine Board of Environmental Protection pursuant to Title 38 M.R.S.A. Chapter 13. It does not include waste resulting from normal household or agricultural activities.

HEIGHT OF A STRUCTURE (defined for areas outside of the Shoreland Zone)

The vertical measurement from a point on the ground at the mean finished grade adjoining the foundation as calculated by averaging the highest and lowest finished grade around the building or structure, to the highest point of the building or structure. The highest point shall exclude farm building components, flagpoles, chimneys, ventilators, skylights, domes, water towers, bell towers, church spires, processing towers, tanks, bulkheads, or other building accessory features usually erected at a height greater than the main roofs of buildings.

[Added 3-17-2001 ATM by Art. 22; amended 3-28-2009 ATM by Art. 21]

HEIGHT OF A STRUCTURE (defined for areas within the Shoreland Zone)

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

[Added 3-28-2009 ATM by Art. 21]

HELIPORT

A tract of land where helicopters take off and land. Heliport includes those facilities for public as well as private use.

HISTORIC DISTRICT

A geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development and identified in the Comprehensive Plan, which is listed or is eligible to be listed on the National Register of Historic Places. Such historic districts may also comprise individual elements separated geographically, but linked by association or history.

[Added 3-17-2001 ATM by Art. 22]

HISTORIC LANDMARK

Any improvement, building or structure of particular historic or architectural significance to the Town relating to its heritage, cultural, social, economic or political history or which exemplifies historic personages or important events in local, state or national history identified in the Comprehensive Plan, which have been listed or are eligible to be listed on the National Register of Historic Places.

[Added 3-17-2001 ATM by Art. 22]

HISTORIC OR ARCHAEOLOGICAL RESOURCES

Resources that are:

[Added 3-17-2001 ATM by Art. 22]

- A. Listed individually in the National Register of Historic Places or eligible for listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places;
- D. Individually listed on a local inventory of historic places in communities with historic preservation

programs that have been certified by the Maine Historic Preservation Commission; or
 E. Areas identified by the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource and any areas identified in the Comprehensive Plan, which have been listed or are eligible to be listed on the National Register of Historic Places.

HOME OCCUPATION

An occupation or profession, carried on for monetary gain, which is carried on in a dwelling unit or structure accessory to a dwelling unit, is clearly incidental and secondary to the use of the dwelling unit for residential purposes, does not employ more than three persons (or more than two persons within the Shoreland Zone) who are not related, by blood or marriage to the business owner, or who does not reside on the premises, and meets the performance standard of § 160-128. Effective March 11, 2006, the term "home occupation," shall not include motor-vehicle-related sales and service operations, as defined by this ordinance.

[Amended 3-11-2006 ATM by Art. 24; 3-28-2009 ATM by Art. 21]

A. **OFFICE IN THE HOME** — A home occupation which consists primarily of an office. Also in this category are home crafts which have no sales on-site, no parking of commercial vehicles on-site, and no more than three client contacts in the home per week. This does not include home occupations which consist of on-site manufacturing, warehousing, sales, parking of commercial vehicles, or client contact in the home. This does not include those home occupations which employ any one who is not related by blood or marriage to the business owner, or who does not reside on the premises.

B. **HOME CRAFTS** — A home occupation which consists of creating or manufacturing of an item, including, but not limited to, dressmaking, knitting, the manufacture of crafts, woodworking, drawing, painting, and sculpting. This does not include those home occupations which employ more than one person who is not related by blood or marriage to the business owner, or who does not reside on the premises. No more than three client contacts in the home per week are permitted.

C. **IN-HOME SALES AND SERVICE** — A home occupation which does not meet the definition of "office in the home," or "home crafts," but which does not include those home occupations which employ more than one person who is not related by blood or marriage to the business owner, or who does not reside on the premises.

D. **HOME-BASED BUSINESS** — Any home occupation which employs more than one person who is not related by blood or marriage to the business owner, or who does not reside on the premises.

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.

INCREASE IN NONCONFORMITY OF A STRUCTURE

Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

[Added 3-28-2009 ATM by Art. 21]

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 10 individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fireplace, or tent platform.

[Amended 3-28-2009 ATM by Art. 21]

INDUSTRIAL

The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of

minerals.

[Added 3-28-2009 ATM by Art. 21]

INSTITUTIONAL

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

[Added 3-28-2009 ATM by Art. 21]

INTERMITTENT STREAM

A stream which normally ceases flowing for weeks or months each year. See also definition of "stream."

[Added 3-28-2009 ATM by Art. 21]

JUNKYARD

A place, not enclosed in a building, used to store:

- A. Discarded, worn-out or junked plumbing, heating supplies, household appliances, and furniture;
- B. Discarded, scrap and junked lumber; or
- C. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material.

KENNEL

Any place, building, tract of land, abode, enclosure, or vehicle which, for compensation: (1) provides food and shelter for dogs for purposes not primarily related to medical care, or (2) engages in the breeding of more than two female dogs for the sale of their offspring.

LAGOON

An artificial enlargement of a water body, primarily by means of dredging and excavation.

LAND MANAGEMENT ROAD

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

[Added 3-28-2009 ATM by Art. 21]

LAUNDROMAT

An establishment where, for compensation, clothes and the like are washed with soap and water.

LICENSED FORESTER

A forester licensed under 32 M.R.S.A. Chapter 76.

[Added 3-28-2009 ATM by Art. 21]

LINE OF SIGHT

The direct view of the object from the noted scenic resource or viewpoint.

[Added 3-17-2001 ATM by Art. 22]

LOT

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

LOT AREA

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

LOT, CORNER

A lot with at least two contiguous sides abutting upon a street.

LOT COVERAGE

The percentage of the lot covered by buildings, structures, parking lots, and other nonvegetated surfaces.

LOT LINES

The lines bounding a lot as follows:

- A. **FRONT LOT LINE** — On a lot which abuts only one street, the contiguous line separating the lot from the street right-of-way. On a corner or through lot, the contiguous line separating the lot from either street right-of-way. On a back lot, the contiguous line separating the lot from the lot in front of and closer to the street than that lot.

[Amended 3-8-2003 ATM by Art. 26]

- B. **REAR LOT LINE** — The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot

line is an imaginary line between the side lot lines parallel to the front lot line, not less than 10 feet long, lying farthest from the lot line. On a corner lot, the rear lot line is opposite the front lot line of least dimension.

C. **SIDE LOT LINE** — Any lot line other than the front lot line or rear lot line.

LOT OF RECORD

A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file at the York County Registry of Deeds.

LOT, SHOREFRONT

Any lot abutting a water body.

LOT, THROUGH

Any interior lot having frontages on two more or less parallel streets, or between a street and a water body, or between two water bodies, as distinguished from a corner lot. All sides of through lots adjacent to streets and water bodies are considered as frontage, and front setbacks must be provided as required.

LOT WIDTH, MINIMUM

On lots which do not have street frontage the minimum horizontal distance between the side lot lines, measured at the minimum setback line as established by this chapter. Within the Shoreland Zone, the closest distance between the side lot lines of a lot. When only two lot lines extend into the Shoreland Zone, both lot lines shall be considered to be side lot lines.

[Amended 3-28-2009 ATM by Art. 21]

LOW-IMPACT SALES OR RENTAL OF GOODS, MERCHANDISE OR EQUIPMENT

The sales or rental of items that are large and bulky, that need a relatively large amount of storage or display area for each unit offered for sale or rent, and that therefore generate less customer traffic per square foot of floor area than stores selling or renting smaller items. This includes goods such as carpeting, major appliances, and furniture.

[Amended 3-11-1995 ATM by Art. 18]

MANUFACTURED HOUSING UNIT

A term which includes both mobile homes and modular homes, as defined in this section.

[Amended 3-11-2006 ATM by Art. 24]

MARKET VALUE

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

MINERAL EXPLORATION

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

MINING OPERATION or MINERAL EXTRACTION

Any operation which within any twelve-month period removes more than 100 cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and transports the product removed away from the extraction site or sells the product on-site.

[Amended 3-28-2009 ATM by Art. 21]

MOBILE HOME

A detached, residential dwelling unit, as defined in Title 30-A M.R.S.A. § 4358, that the manufacturer certifies as constructed in compliance with the United States Department of Housing and Urban Development standards, transportable in one or more sections, that in the traveling mode are 14 body feet or more in width and are 750 or more square feet. The term shall not include modular homes as defined by this ordinance, nor shall it include recreational vehicles, such as travel trailers, park models RV's, campers or similar units designed for recreation or other seasonal uses.

[Added 3-11-2006 ATM by Art. 24]

MOBILE HOME PARK

A parcel of land under unified ownership designed and/or used to accommodate three or more manufactured housing units.

[Amended 3-11-2006 ATM by Art. 24]

MODULAR HOME

A detached residential dwelling unit, as defined in Title 30-A M.R.S.A. § 4358, that the manufacturer certifies is constructed in compliance with Title 10 M.R.S.A., Chapter 951, and rules adopted under that chapter, meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to utilities.

[Added 3-11-2006 ATM by Art. 24]

MOTEL/HOTEL/INN

A building or group of buildings in which overnight lodging is offered to the general public for compensation. A motel/hotel/inn may contain such accessory services as newsstands, personal grooming facilities, and restaurants.

MOTOR-VEHICLE-RELATED SALES AND SERVICE OPERATIONS

Any building, premises, and/or land in, or upon, which a business or service is conducted or rendered, that involves the rental, sales, maintenance, washing, servicing, repair, body work or painting of vehicles, including motor vehicle fuel sales.

[Added 3-11-2006 ATM by Art. 24]

MULCH

A protective covering of organic matter, such as leaves, straw, or peat, placed around plants to promote erosion and sedimentation control, or to prevent the evaporation of moisture, the freezing of roots, or the growth of weeds.

[Added 3-28-2009 ATM by Art. 21]

MULTI-UNIT RESIDENTIAL

See "dwelling, multifamily."

[Added 3-28-2009 ATM by Art. 21]

NATIVE

Indigenous to the local forests.

[Added 3-28-2009 ATM by Art. 21]

NONARTERIAL HIGHWAY

Any street other than U.S. Route 202, State Route 111, State Route 4, or State Route 4A.

[Added 3-11-1995 ATM by Art. 18]

NONCONFORMING CONDITION

Nonconforming lot, structure or use which is allowed solely because it was in lawful existence at the time this ordinance or subsequent amendment took effect.

[Added 3-28-2009 ATM by Art. 21]

NONCONFORMING LOT OF RECORD

A legally established, single building lot shown on a plan or deed recorded prior to the effective date of this chapter or amendment which does not meet the area, frontage, width or depth requirements of the district in which it is located.

NONCONFORMING STRUCTURE

A structure that does not meet any one or more of the following dimensional requirements: setbacks, 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.

[Amended 3-28-2009 ATM by Art. 21]

NONCONFORMING USE

Use of buildings, structures, premises, land or parts thereof, that is not permitted in the district in which it is located or which does not meet the performance standards prescribed for it by this chapter (See § 160-28.), but which is allowed to remain solely because it was in lawful existence at the time this ordinance or subsequent amendments took effect.

[Amended 3-28-2009 ATM by Art. 21]

NORMAL HIGH-WATER LINE

That line which is apparent because of visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support nonforested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river

or great pond during the period of normal high-water are considered part of the river or great pond.

[Amended 3-28-2009 ATM by Art. 21]

NUISANCE

A term defined by common law, involving an unreasonable or unlawful use of property, characterized by continuous or recurrent acts, creating unreasonable interference with a right common to the general public or unreasonable interference with a particular person's use and enjoyment of his or her land.

[Added 3-28-2009 ATM by Art. 21]

NURSING HOME

A facility, licensed by the state, which provides skilled nursing care and medical supervision to persons who are unable to care for themselves.

OFFICIAL BUSINESS DIRECTIONAL SIGN

A sign erected and maintained in accordance with the Maine Traveler Information Services Act, 23 M.R.S.A. § 1901, et seq. which points the way to public accommodations and facilities or other commercial facilities.

OPEN SPACE USE

A non-intensive use, such as hunting, fishing, hiking, and the like, not involving:

[Amended 3-28-2009 ATM by Art. 21]

- A. A structure;
- B. Earthmoving activity; or
- C. The removal or destruction of vegetative cover; spawning grounds; or the habitat of fish, aquatic life, birds, or other wildlife.

PARABOLIC ANTENNA

An antenna which is bowl-shaped, designed for the reception and or transmission of radio frequency communication signals in a specific directional pattern (also known as a "satellite dish antenna").

[Added 3-17-2001 by Art. 22]

PARKING SPACE

An area exclusive of drives, aisles or entrances, fully accessible for the storage or parking of vehicles, and meeting the performance standard in § 160-98.

[Amended 3-31-2012 ATM by Art. 22]

PATIO

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

PERENNIAL STREAM

A stream that has continuous flow in parts of its bed all year round during years of normal rainfall. Perennial streams are typically indicated on a USGS 7.5 Minute Series Quadrangle Map with a solid blue line. Perennial streams of second order or above in size, as classified by the USGS, are required to be protected with a stream protection district. See also definition of "stream."

[Added 3-28-2009 ATM by Art. 21]

PERSON

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

[Added 3-28-2009 ATM by Art. 21]

PIERS, DOCKS, WHARVES, BRIDGES AND OTHER STRUCTURES AND USES EXTENDING OVER OR BEYOND THE NORMAL HIGH-WATER LINE OR WITHIN A WETLAND

[Added 3-28-2009 ATM by Art. 21]

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

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

PLACE OF WORSHIP

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

PRINCIPAL STRUCTURE

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

PRINCIPAL USE

The primary use to which the premises are devoted, and the main purpose for which the premises exist.

PUBLIC FACILITY

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

PUBLIC RECREATIONAL FACILITY

A regionally or locally significant facility, as defined and identified either by state statute or in the Comprehensive Plan, designed to serve the recreational needs of the public.

[Added 3-17-2001 by Art. 22]

PUBLIC UTILITY

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

PUBLIC WORKS AND/OR SAFETY FACILITY

A place used to house or store public highway equipment and/or materials and/or police, fire, or rescue equipment, and/or a building used as temporary living space for on-duty police, fire, or rescue personnel. Such uses may include accessory office uses.

[Added 3-11-1995 ATM by Art. 18]

QUALIFIED HOLDER

A governmental entity empowered to hold an interest in real property under the laws of Maine or the United States or a nonprofit organization whose purposes include the provision of affordable housing or the increasing of affordable housing opportunities for lower-income or moderate-income households, including governmental or quasi-governmental entities such as public housing authorities, community action agencies, or other similar nonprofit or governmental entities committed to providing opportunities for lower-income or moderate-income households to obtain affordable housing.

[Added 3-11-2006 ATM by Art. 24]

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.

[Added 3-28-2009 ATM by Art. 21]

RECREATIONAL VEHICLE

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

[Amended 3-28-2009 ATM by Art. 21]

REGISTERED MEDICAL MARIJUANA DISPENSARY

A registered medical marijuana dispensary means a not-for-profit entity registered, pursuant to Section 6 of the Rules Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 122) issued by the Maine Department of Health and Human Services, that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to registered patients who have designated the dispensary to cultivate marijuana for their medical use and the registered primary caregivers of those patients.

[Added 3-25-2011 ATM by Art. 20]

REPLACEMENT SYSTEM

A subsurface sewage disposal system intended to replace: 1) an existing subsurface wastewater disposal 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 CARE

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

RESIDENTIAL CARE FACILITY

A building or group of buildings where, for compensation, residential care is provided. This use does not include "nursing home" or "congregate care facility."

RESIDENTIAL DWELLING UNIT

See "dwelling unit."

[Added 3-28-2009 ATM by Art. 21]

RESIDENTIAL USE

Land Use Category 1 on the Land Use Table, in Article V.

RESIDUAL BASAL AREA

The average of the basal area of trees remaining on a harvested site.

[Added 3-28-2009 ATM by Art. 21]

RESOURCE PROTECTION DISTRICT

See description in Article XV.

RESTAURANT

A place, the primary use of which is to prepare and serve food and beverages to the general public for compensation, in a form ready for consumption.

[Amended 3-11-2006 ATM by Art. 24]

RIGHT-OF-WAY

A private easement allowing passage by vehicles and/or persons over another's property.

RIPRAP

Rocks that are irregularly shaped and at least six inches in diameter used for the purpose of erosion control and soil stabilization; typically used on ground slopes of two units horizontal to one unit vertical or less.

RIVER

See "water body, river."

ROAD

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

[Amended 3-28-2009 ATM by Art. 21]

SCENIC RESOURCES

That specific location, view, or corridors within the municipality, as identified in the Comprehensive Plan or by a state or federal agency statute, that consists of:

[Added 3-17-2001 by Art. 22]

A. A three-dimensional area extending out from a particular viewpoint focusing on a single object, such as a mountain, resulting in a narrow corridor or a group of objects, such as a downtown skyline or mountain range, resulting in a panoramic view corridor; or

B. A vehicular right-of-way or viewpoint that contains lateral terrain features such as valley sides or woodland as observed to either side of the observer, constraining the view into a narrow or particular field, as seen as one travels along a roadway, waterway or path.

SCHOOL, PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY

A place where courses of study which are sufficient to qualify attendance as compliance with state compulsory education requirements for Grades K through 12 are taught.

SCHOOL, PUBLIC OR PRIVATE NURSERY

A place where courses of study are taught to prekindergarten students.

SCHOOL, SPECIAL PURPOSE

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

SCREENING

A fence and/or landscaped area consisting of densely planted shrubs or trees of sufficient height and density to provide an effective visual barrier.

[Added 3-11-2006 ATM by Art. 24]

SERVICE DROP

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

[Added 3-28-2009 ATM by Art. 21]

A. In the case of electric service:

- (1) 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
- (2) The total length of the extension is less than 1,000 feet.

B. In the case of telephone service:

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

SETBACK

The nearest horizontal distance between a structure and the property boundary.

[Amended 3-28-2009 ATM by Art. 21]

- A. **FRONT** — The distance between the front lot line and the nearest part of the structure.
- B. **SIDE** — The distance between the side lot line and the nearest part of the structure.
- C. **REAR** — The distance between the rear lot line and the nearest part of the structure.

SETBACK FROM WATER

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

[Amended 3-28-2009 ATM by Art. 21]**SHORE FRONTAGE**

See "frontage, shore."

[Added 3-28-2009 ATM by Art. 21]**SHORELAND LIMITED RESIDENTIAL DISTRICT**

See description in Article XVI.

[Amended 3-28-2009 ATM by Art. 21]**SHORELAND ZONE**

The land area located within 250 feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; or within 75 feet, horizontal distance, of the normal high-water line of a stream. For the purposes of this chapter, the term "Shoreland Zone" shall include the Shoreland Limited Residential District, the Resource Protection District, and the Stream Protection District.

[Amended 3-28-2009 ATM by Art. 21]**SHORELINE**

The normal high-water line, or upland edge of a freshwater wetland.

[Added 3-28-2009 ATM by Art. 21]**SIGN**

Any work, name, identification, description, emblem, insignia, symbol, banner, pennant, trade flag, or representation which is affixed to or painted or displayed upon a building, structure, post, or tree, and which is exposed, in whole or in part, to public view and which is designed to convey a message relating to any object, product, place, activity, person, business, service, institution, facility, organization, entertainment, or amusement available either on the lot where the sign appears or in some other location.

SIGN AREA

The measure of the area within the lines connecting and completely enclosing the outermost points of a sign.

SIGN, FLASHING

A sign whose illumination is not kept constant in intensity at all times when in use, and which exhibits changes in light, color, light direction, and/or animation. Illuminated signs which indicate the time and temperature are not considered as flashing signs.

SIGNIFICANT RIVER SEGMENTS

See 38 M.R.S.A. § 437.

[Added 3-28-2009 ATM by Art. 21]**SKID TRAIL**

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

[Added 3-28-2009 ATM by Art. 21]

SLASH

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

[Added 3-28-2009 ATM by Art. 21]

SOLAR COLLECTOR

A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.

SOLAR ENERGY SYSTEM

A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used) and components for a distribution of transformed energy to the extent they cannot be used jointly with a conventional energy system. Passive solar energy systems are included in this definition but not to the extent that they fulfill other functions, such as structural and recreational.

SOUND PRESSURE LEVEL

The level of sound measured in dB units with a sound level meter which has a uniform (flat) response over the band of frequencies measured.

SPECIAL EVENTS

Circuses, fairs, carnivals, festivals, or other types of special activities that run for longer than one day but not longer than one week, are intended to or likely to attract substantial crowds, and are unlike the customary or usual activities generally associated with the property where the special event is located.

SPECIFIED SEXUAL ACTIVITIES

Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

STREAM

See "water body."

STREAM PROTECTION DISTRICT

See description in Article XVIA.

[Added 3-28-2009 ATM by Art. 21]

STREAM, TRIBUTARY

See "water body."

[Added 3-28-2009 ATM by Art. 21]

STREET

- A. An existing accepted state, county or Town way; or
- B. A road which meets the construction standards for streets contained in Chapter **148**, dedicated for public use, shown on a plan approved by the Planning Board, and recorded in the York County Registry of Deeds; or
- C. A road dedicated for public use and shown on a plan recorded in the York County Registry of Deeds prior to November 5, 1974.
- D. The term "street" does not include those 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:

[Amended 3-9-2007 ATM by Art. 25; 3-8-2008 ATM by Art. 25; 3-28-2009 ATM by Art. 21]

- A. Fences;
- B. Poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors;
- C. Mailboxes;
- D. Light fixtures;
- E. Flagpoles; or
- F. Equipment or structures necessary for the purpose of making a dwelling accessible to a person with a disability, as defined by this chapter.

The term "structure" includes structures temporarily or permanently located, including, but not limited to, decks, satellite dishes, or portable storage garages.

SUBDIVISION

Subdivision as defined in 30-A M.R.S.A. § 4401.

SUBSTANTIAL COMPLETION

Completion of 80% or more of a permitted structure or use, measured as a percentage of estimated total cost.

SUBSTANTIAL EXPANSION

Floor space increase of 25% or new materials or processes not normally associated with the existing use.

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or for any alteration of a structure listed on the National Register of Historic Places or a state inventory of historical places.

SUBSTANTIAL START

Completion of 30% of a permitted structure or use measured as a percentage of estimated total cost.

SUBSURFACE SEWAGE DISPOSAL SYSTEM**[Amended 3-28-2009 ATM by Art. 21]**

Any system designed to dispose of sewage waste or wastewater on or beneath the surface of the earth; which includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes.

The term does not include any wastewater discharge system licensed under 38 M.R.S.A. § 414, any surface wastewater disposal system licensed under 38 M.R.S.A. § 413, Subsection 1-A, or any municipal or quasi-municipal sewer or wastewater treatment. The term does not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 M.R.S.A. Chapter 13, Subchapter 1.

SUSTAINED SLOPE

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

TARGETED MARKET COVERAGE AREA

The area which is targeted to be served by a proposed telecommunications facility.

[Added 3-17-2001 ATM by Art. 22]**TEMPORARY EMERGENCY, CONSTRUCTION, OR REPAIR DWELLING**

A residence that is:

- A. Located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by the disaster; or
- B. Located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in the residence when the work is completed; or
- C. Located on a nonresidential construction site and occupied by persons having construction or security responsibility over such construction site.

TIMBER HARVESTING

The cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the Shoreland Zone on a lot that has less than two acres within the Shoreland Zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to § 160-109, Clearing or removal of vegetation for activities other than timber harvesting.

[Amended 3-28-2009 ATM by Art. 21]

TOWER

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

TRIBUTARY STREAM

See “stream, tributary.”

[Amended 3-28-2009 ATM by Art. 21]

UNDUE ADVERSE IMPACT

An impact which would not have occurred without the proposed development that violates a clear, written community standard(s), such as that enunciated in the adopted Comprehensive Plan; produces an end result which is out of character with the development's surroundings; significantly diminishes the scenic qualities of the area; or produces deleterious effects which stem from the result of the developer(s) which may have been prevented through mitigation activities, such as screening or coloration.

[Added 3-17-2001 ATM by Art. 22]

UPLAND EDGE OF A WETLAND

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

[Amended 3-28-2009 ATM by Art. 21]

UTILITY FACILITY

Any above-ground structure or facility owned by a governmental entity or public utility used in the transmission, delivery, collection, or storage of water, electricity, gas, oil, or electronic signals. This definition does not include utility lines and supporting structures located within a public right-of-way.

VEGETATION

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

[Amended 3-28-2009 ATM by Art. 21]

VIEWPOINT

That location which is easily identified, and from which the impacts on the scenic resource are determined, as identified by the entity that designates the scenic, and which serves as the basis for the location and determination of the particular location or scenic resource.

[Added 3-17-2001 ATM by Art. 22]

VIEWSHED

A visible area, as it appears from one or more viewpoints.

[Added 3-17-2001 ATM by Art. 22]

VOLUME OF A STRUCTURE

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

WATER BODY

Any great pond, river, or stream. See below for individual water body definitions:

[Amended 3-11-1995 ATM by Art. 18; 3-28-2009 ATM by Art. 21]

A. **GREAT POND** — Any inland body of water which in a natural state has a surface area in excess of 10 acres, and any inland body of water artificially formed or increased which has a surface area in excess of 30 acres, except, for the purposes of this Chapter, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner. The great ponds in Alfred are Estes Lake, Middle Branch Pond, and Shaker Pond.

B. **RIVER** — A free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of 25 square miles to its mouth.

C. **STREAM** — A free-flowing body of water from the outlet of a great pond or the confluence of two perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, to the point where the body of water becomes a river or flows into another water body or wetland.

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

This definition does not include the term "stream" as defined elsewhere in this chapter, and only applies to that portion of the tributary stream located within the Shoreland Zone of the receiving water body or wetland. Water setback requirements apply to tributary streams within the Shoreland Zone.

WATER CROSSING

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

[Amended 3-28-2009 ATM by Art. 21]

WATERFRONT

Abutting a water body.

WATER-ORIENTED USE

A use which by its nature of operation requires a waterfront location.

WETLAND

A freshwater wetland.

[Amended 3-28-2009 ATM by Art. 21]

WETLAND, FORESTED

A freshwater wetland of one or more contiguous acres, as shown on the National Wetlands Inventory Map prepared by the United States Department of the Interior, dominated by woody vegetation that is six meters (approximately 20 feet) tall or taller.

[Added 3-28-2009 ATM by Art. 21]

WETLAND, FRESHWATER

A freshwater swamp, marsh, bog, or similar area, other than a forested wetland, which is:

[Added 3-28-2009 ATM by Art. 21]

- A. Of one or more contiguous acres, as shown on the National Wetlands Inventory Map prepared by the United States Department of the Interior, or of less than one contiguous acre 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 one acre; and
- B. Which is inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances does support, 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 but are considered part of the wetland.

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.

WETLAND SOILS

The following soils, as described and identified in the Soil Survey of York County:

- A. Biddeford mucky peat.
- B. Chocorua peat.
- C. Sebago peat.
- D. Saco.
- E. Sulfihemists, frequently flooded.
- F. Vassalboro peat.
- G. Vassalboro peat, ponded.
- H. Waskish peat.

WILDLIFE MANAGEMENT PRACTICES

Activities designed to keep certain wildlife populations, including endangered animals, at desirable levels, as regulated by state wildlife managers, such as trapping, culling, controlled burns, reintroduction of species, reforestation or vegetation clearing, installations of nest boxes or salt licks, and the like.

[Added 3-28-2009 ATM by Art. 21]

WIRELESS TELECOMMUNICATIONS FACILITY

Any structure, antenna tower, or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange phone services, and personal communications service (PCS) or other services.

[Added 3-17-2001 ATM by Art. 22]

WOODY VEGETATION

Live trees or woody, non-herbaceous shrubs.

[Added 3-28-2009 ATM by Art. 21]

Article III. Official Zoning Map

§ 160-15. Zoning Map part of chapter; Map on file.

Districts are located and bounded as shown on the Official Zoning Map, which is made a part of this chapter. The Official Zoning Map is to be kept on file in the office of the Town Clerk.

§ 160-16. Zoning Districts.

[Amended 3-29-2005 STM by Art. 2; 3-11-2006 ATM by Art. 24]

To implement the provisions of this chapter, the Town of Alfred is hereby divided into the following districts:

- A. Center Village District.
- B. Village District.
- C. Village Growth District.
- D. Commercial District.
- E. Rural Residential District.
- F. Critical Rural District.
- G. Wellhead Protection District 1.
- H. Wellhead Protection District 2.
- I. Wellhead Protection District 3.
- J. Resource Protection District, pursuant to DEP Shoreland Zoning Guidelines.

[Amended 3-28-2009 ATM by Art. 21]

- K. Shoreland Limited Residential District, pursuant to DEP Shoreland Zoning Guidelines.

[Amended 3-28-2009 ATM by Art. 21]

- L. Stream Protection District, pursuant to DEP Shoreland Zoning Guidelines.

[Added 3-28-2009 ATM by Art. 21 *Editor's Note: This Article also redesignated former Subsection L as Subsection M.]*

- M. Fort Ridge Drainage Overlay. See § 160-107, Stormwater runoff.

§ 160-17. Certification of Zoning Map, scale and legend.

[Amended 3-28-2009 ATM by Art. 21]

The Official Zoning Map shall be certified by the attested signature of the Town Clerk with the date of adoption or any amendment. Copies of this Map may be seen in the Office of the Selectmen. The Official Zoning Map shall be drawn at a scale of not less than: 1 inch = 2,000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the Map.

§ 160-18. Changes to Map.

A. If changes are made in the Zoning District boundaries or other matter portrayed on the Official Zoning Map by the action of Town Meeting, such changes must be made on the Map within 14 days after the amendment has been adopted. The change on the Official Zoning Map must include an entry on the Map as follows:

[Amended 3-28-2009 ATM by Art. 21]

"On (insert date) by action of the Town Meeting Warrant Article (insert number), the following change(s) was (were) made: (insert description of the change)."

B. The Town Clerk must sign the Map immediately beneath that entry.

§ 160-19. Replacement of Official Zoning Map.

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Town Meeting may adopt a new Official Zoning Map or any number of pages thereof, which supersede the prior Map. The new Map may correct drafting or other errors or omissions in the prior Map but this procedure may not be used to amend the Official Zoning Map. (The Official Zoning Map is only amended by the procedure in Article I.) The replacement map created by the procedure herein must be certified as the replacement of the Official Zoning Map by the Town Clerk. The prior Official Zoning Map must be retained on file in the office of the Town Clerk.

§ 160-20. Conflicts between Map and text.

If the Official Zoning Map conflicts with any metes and bounds descriptions of zoning district boundaries contained in this chapter, the metes and bounds descriptions control.

§ 160-21. Uncertainty of boundary location.

Where uncertainty exists with respect to the boundaries of various districts as shown on the Official Zoning Map, the following rules apply:

- A. Boundaries indicated as approximately following the center lines of streets, lot lines, municipal limits, or railroad lines are to be construed as following such center lines, lot lines, municipal limits, or railroad lines;
- B. Boundaries indicated as following shorelines are to be construed as following such shorelines, and in the event of natural change in the shoreline are to be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, lakes, or other bodies of water are to be construed as following such center lines;
- C. Boundaries indicated as being parallel to, or extensions of, features indicated above are to be so construed. Distances not specifically indicated on the Official Zoning Map are to be determined by the scale of the Map; and
- D. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections **A** through **C** above, the Board of Appeals shall be the final authority as to location of the district boundaries. The Board of Appeals may employ appropriate consultants, in accordance with employment and/purchasing policy of the Town of Alfred, to assist it in its interpretation.

[Amended 3-28-2009 ATM by Art. 21]

§ 160-22. Division of lots by district boundaries.

Where a zoning district boundary line, other than the boundary line of the Resource Protection or Shoreland Districts, divides a lot or parcel of land which was in the same ownership of record at the time such line was originally established by adoption or amendment of this chapter or prior zoning ordinances, the regulations applicable to the less restricted portion of the lot may be extended up to, but not more than, 50 feet into the more restricted portion of the lot.

Article IV. Nonconforming Situations

§ 160-23. Purpose.

[Amended 3-28-2009 ATM by Art. 21]

It is the intent of this article to promote land use conformities, except that nonconforming conditions that legally existed before the effective date of this chapter, or any amendment thereto, shall be allowed to continue, subject to the requirements set forth in this article. Except as otherwise provided in this ordinance, a nonconforming condition shall not be permitted to become more nonconforming.

§ 160-24. General regulations.

- A. Continuance; enlargement; reconstruction. Any use of land, or any building, structure, or parts thereof, legally existing at the time of the adoption or amendment of this chapter, or at any time a zone is changed by amendment hereafter, which does not conform to the requirements of this chapter or its amendments, may continue, but may not be extended, reconstructed, enlarged, or structurally altered except as specified below.
- B. Transfer of ownership. Ownership of lots, structures, and uses which remain lawful but become nonconforming by adoption or amendment of this chapter may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this chapter.
- C. Restoration or replacement.
- (1) This chapter allows the normal upkeep and maintenance of nonconforming uses and structures, including repairs or renovations that do not involve expansion of the nonconforming use or structure, and such other changes in a nonconforming use or structure as federal, state, or local building and safety codes may require.
- [Amended 3-28-2009 ATM by Art. 21]**
- (2) Damage or destruction.
- [Amended 3-28-2009 ATM by Art. 21]**
- (a) Any nonconforming structure which is hereafter removed, damaged, or destroyed by fire or any other cause, may be restored or reconstructed, provided that the permits to do so are applied for within one year of the date of said damage or destruction, and provided that:
- [1] Any nonconforming structure may not be enlarged except in conformity with this chapter; and
- [2] Any nonconforming use may not be expanded in area.
- Within any Shoreland Zone, the specific standards of § 160-26 below, indicated as applicable to Shoreland Zones, shall control regardless of the provisions of this section.
- (3) Nothing in this section prevents the demolition of the remains of any building damaged or destroyed.
- D. Reconstruction or relocation of any nonconforming structures must be in accordance with the provisions in § 160-26.

§ 160-25. Nonconforming lots.

[Amended 3-28-2009 ATM by Art. 21]

- A. Nonconforming lots - generally. A nonconforming lot of record as of the effective date of this ordinance or

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

B. Contiguous built-upon lots.

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

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

C. Contiguous lots; vacant or partially built upon.

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

§ 160-26. Nonconforming structures.

A. Enlargement controlled.

[Amended 3-11-1995 ATM by Art. 18; 3-28-2009 ATM by Art. 21]

- (1) A nonconforming structure may not be added to or enlarged unless such addition or enlargement conforms to all the regulations of the zone in which it is located, except in the Shoreland Zone where a structure, nonconforming because of setback from the high-water line, may be added to or expanded only after obtaining approval from the Planning Board, if such addition or expansion does not increase the nonconformity of the structure and is in accordance with all of the applicable standards for the Shoreland Zone, below.
- (2) In the Shoreland Zone, after January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Subsection D below, and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.
- (3) Except in the Shoreland Zone, the addition of an open patio with no structures elevated above the ground does not constitute the expansion of a nonconforming structure. In the Shoreland Zone the addition of an open patio must meet all the dimensional requirements of this chapter. The addition of steps does not constitute the expansion of a nonconforming structure; but the addition of a deck or the enclosure of an existing deck and/or porch does constitute the expansion of a nonconforming structure and, therefore the deck and/or porch must meet all the dimensional requirements of this chapter.
- (4) Outside of the Shoreland Zone, the placing of a foundation below a lawfully existing nonconforming structure does not constitute the expansion of the structure, as long as additional bedrooms are not located in the basement, the first floor space of the structure is not increased, and the foundation does

not cause the structure to be elevated by more than three additional feet.

- (5) Within the Shoreland Zone, whenever a new, enlarged, or replacement foundation is constructed under a nonconforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Subsection C Relocation, below. If the completed new, enlarged or replacement foundation meets all of the following criteria, it shall not be considered to be an expansion of the structure:

- (a) The foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Subsection A above; and
- (b) The foundation does not cause the structure to be elevated by more than three additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill); and
- (c) There is no additional habitable space created within the foundation.

B. Discontinuance.

- (1) Discontinuance of the use of a legally existing nonconforming structure does not constitute abandonment of the structure.
- (2) Conforming use of the structure may be revived at any time.

C. Relocation.

- (1) A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located, provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of state law and the State of Maine Subsurface Wastewater Disposal Rules, or that a new system can be installed in compliance with the law and said rules. In no case may a structure be relocated in a manner that causes the structure to be more nonconforming.
- (2) In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

[Amended 3-28-2009 ATM by Art. 21]

- (3) When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

[Added 3-28-2009 ATM by Art. 21]

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

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

- (b) Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

D. Reconstruction or replacement in the Shoreland District.

[Amended 3-28-2009 ATM by Art. 21]

- (1) Any nonconforming structure which is located less than the required setback from a water body, tributary stream or wetland and which is removed or damaged or destroyed regardless of the cause by more than 50% of the market value of the structure before such damage, destruction or removal, may

be reconstructed or replaced, provided that a permit is obtained within 18 months of the date of said damage, destruction or removal, and provided that the reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirements to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this chapter. In no case may a structure be reconstructed or replaced so as to increase its nonconformity.

If the reconstructed or replacement structure is less than the required setback, it shall not be any larger than the original structure, except as allowed pursuant to Subsection **A** above, as determined by the nonconforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Subsection **C** above.

- (2) Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit from the Code Enforcement Officer if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.
- (3) 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 Subsection **C** above, the physical condition and type of foundation present, if any.

§ 160-27. Nonconforming uses.

[Amended 3-9-2007 ATM by Art. 25; 3-28-2009 ATM by Art. 21]

- A. Resumption prohibited. A lot, building or structure in or on which a nonconforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a nonconforming use even if the owner has not intended to abandon the use, except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five-year-period.
- B. Structures nonconforming as to use. A building or structure, nonconforming as to use, may not be enlarged unless the nonconforming use is terminated. A nonconforming use of part of a building or structure may 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 chapter or of any amendment making such use nonconforming. Notwithstanding the above provisions, in the Shoreland Zone, nonconforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in § **160-26A** above.
- C. Change of use.

[Amended 3-9-2007 ATM by Art. 25]

- (1) An existing nonconforming use may be changed to another nonconforming use, provided that the proposed use is equally or more appropriate to the district than the existing nonconforming use, and the impact on the subject or adjacent properties, and any water body, tributary stream, or wetland, is either equivalent to or less adverse than the impact of the former use, as determined by the Planning Board. Within the Shoreland Zone, the determination of no greater adverse impact shall be made according to criteria listed in Subsection **C(3)** below.
- (2) In determining that equal or no greater adverse impact will occur, the Planning Board will require written documentation from the applicant regarding 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 Article **XVII** of this chapter apply to such requests to establish new nonconforming uses.
- (3) Within the Shoreland Zone, the Planning Board, in determining that no greater adverse impact will

occur, shall base its determination upon written documentation from the applicant regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and functionally water-dependent uses.

D. Nonconforming use of land.

- (1) A nonconforming use of land may not be extended into any part of the remainder of a lot of land.
- (2) A nonconforming use of land which is incidental to or accessory to a nonconforming use of a principal building may not be continued if the nonconforming use of the principal building is discontinued.
- (3) In the case of earth removal operations, the removal of earth may not be extended as a nonconforming use beyond the required setback lines of the specific parcel upon which such operations were in progress when such use became nonconforming. Adjacent parcels in the same or different ownership are not eligible for exemption under the nonconforming use provisions unless earth removal operations were in progress on these parcels before these provisions were enacted.

§ 160-28. Nonconforming as to performance standards.

A use which is nonconforming as to general performance standards in Article **XVII**, specific performance standards in Article **XVIII**, or any other site development requirement, including, but not limited to, parking spaces, access control, loading spaces, screening, erosion and sedimentation control, lighting, hours of operation, and noise, may continue but may not be expanded, the structure may not be enlarged, and the structure may not be altered to expand the use, unless all nonconforming performance standards and the site development are brought into conformance with this chapter.

§ 160-29. Vested rights.

Nonconforming 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 usually arise when actual construction has begun, or, in the case of pending applications, when the review process on a complete application commences. Such construction must be legal at the time it is commenced, and the owner must be in possession of and in compliance with all validly issued permits, both state and local.

Article V. Uses

§ 160-30. Purpose.

The purpose of these land use restrictions is to implement the Alfred Comprehensive Plan and to provide for orderly growth and development.

§ 160-31. Basic requirements.

[Amended 3-11-2006 ATM by Art. 24]

A land use permit shall be required for construction, substantial alteration or external enlargement of any building, structure, land or premises devoted to any uses indicated as "C" or "P" in the Land Use Table below. Uses in all districts must conform to all applicable specifications and requirements. A plumbing permit, building permit, and certificate of occupancy are required for all buildings, uses of land and buildings, and sanitary facilities, according to the applicable provisions of this chapter and the Alfred Building Code. *Editor's Note: See Ch. 88, Building Construction.*

§ 160-32. District regulations.

Land uses permitted in each district in conformance with the general performance standards in Article **XVII** and, where appropriate, the specific performance standards of Article **XVIII** are shown in the following table. *Editor's Note: The Land Use Table is included at the end of this chapter.*

§ 160-33. Other exceptions to the Land Use Table.

[Amended 3-11-1995 ATM by Art. 18; 3-29-2005 STM by Art. 2] *Editor's Note: This article also repealed former § 160-33, Round Pond Watershed Protection District, and redesignated former §§ 160-34 and 160-35 as §§ 160-33 and 160-34.]*

- A. The change of an existing nonconforming use to another nonconforming use in accordance with the provisions of § 160-27C of this chapter is permitted without an action by the Board of Appeals.
- B. Buildings which are clearly accessory to uses and/or structures allowed by the Land Use Table are similarly allowed.

§ 160-34. Review of changes of use.

[Added 3-11-2006 ATM by Art. 24] *Editor's Note: This article also provided for the renumbering of §§ 160-34 and 160-35 as §§ 160-37 and 160-38, respectively.]*

A land use permit shall be required for any change of use from one category in the Land Use Table to any other category that requires a land use permit, even if no expansions or physical changes of any kind are proposed to building exteriors, parking, circulation, or other site details.

§ 160-35. Amendments to previously approved land use permits.

[Added 3-11-2006 ATM by Art. 24]

No modifications to a previously approved land use permit shall be made, unless an application for an amendment is submitted and approved by the reviewing authority that approved the original land use permit. When reviewing an application to amend a previously approved land use permit, the reviewing authority shall limit the scope of its review only to those aspects of the original permit approval affected by the proposed amendment.

§ 160-36. Transferability of land use permits.

[Added 3-11-2006 ATM by Art. 24]

- A. Land use permits approved by the Code Enforcement Officer or the Planning Board shall be transferable to any other person or entity in the event of a transfer of the subject property or entity, unless the approval was subject to the condition of a performance guarantee at the time of approval, and guaranteed improvements have not been completed.
- B. No land use permit subject to an outstanding performance guarantee shall be transferable to any other person or entity until and unless the Planning Board finds, upon the written request of the proposed transferee, that:
 - (1) The proposed transferee has adequate technical and financial capacity to complete the development as initially approved; and
 - (2) Sufficient performance guarantees, in an amount and form approved by the Board of Selectmen in consultation with the Town Attorney and/or Town Engineer, have been provided by the proposed transferee to ensure that all required improvements will be completed as initially approved.

§ 160-37. Uses omitted from Land Use Table.

[Amended 3-29-2005 STM by Art. 2]

Uses which are not specifically included in the Land Use Table or allowed in § 160-33 above are prohibited.

§ 160-38. (Reserved)

§ 160-39. Mixed uses allowed for commercial activities.

[Added 3-11-2006 ATM by Art. 24;] *Editor's Note: This article also provided for the renumbering of §§ 160-36*

through 160-43 as §§ 160-40 through 160-47, respectively. **amended 3-9-2007 ATM by Art. 25; 3-28-2009 ATM by Art. 21]**

Except for the Critical Rural, Shoreland Limited Residential, Stream Protection and Resource Protection Districts, when a district permits nonresidential uses, more than one principal, nonresidential use may be allowed on a lot meeting the minimum lot size standards of this ordinance, or on nonconforming lots of record, as long as parking requirements are met for each principal, nonresidential use. In the Critical Rural, Shoreland Limited Residential, Stream Protection and Resource Protection Districts, the minimum lot size and frontage requirements shall be met for each principal use on the property. For the purposes of this section, a home occupation meeting the requirements of this ordinance shall not be considered a separate, principal nonresidential use, but rather shall be deemed a part of the principal residential use.

Article VI. Center Village District

§ 160-40. Purpose.

The purpose of the Center Village District is to protect the present character of the historic village for a mix of residential, retail, office, and institutional uses in a village setting, on small lots; and to provide additional regulation of activities which are likely to cause health, safety, or general welfare problems on small lots.

§ 160-41. Location.

The location and boundaries of the Center Village District are established as shown on the Official Zoning Map and are a part of this chapter.

§ 160-42. Dimensional requirements.

[Amended 3-11-1995 ATM by Art. 18; 3-11-2006 ATM by Art. 24; 3-9-2007 ATM by Art. 25]

Except for legal nonconformities, buildings or land used or occupied, lots created, and buildings erected, constructed, reconstructed, moved, or structurally altered, whether requiring a land use permit or not, must comply with the requirements of Articles **XVII** and **XVIII** (general and specific performance standards) of this chapter and the following dimensional requirements:

A. Minimum lot size.

- (1) Single-family dwelling: 32,670 square feet/ 3/4 acre.
- (2) Two-family or multifamily dwelling: 32,670 square feet for the first dwelling unit plus 16,335 square feet for each additional dwelling unit.
- (3) Other allowable uses: 32,670 square feet.

B. Minimum street frontage.

- (1) Single-family dwelling: 150 feet.
- (2) Two-family or multifamily: 150 feet/principal structure.
- (3) Other allowable uses: 150 feet.

C. Minimum yard dimensions.

- (1) Setback from street right-of-way on existing streets, except Route 111: 25 feet or the average setbacks of existing principal buildings on the two abutting lots, whichever is less.
- (2) Setback from street right-of-way on new streets and Route 111: 50 feet.
- (3) Side setback: 20 feet.
- (4) Rear setback: 20 feet.
- (5) Rear and side setback for a nonresidential use abutting a residential use: 30 feet.

D. Maximum lot coverage.

- (1) Residential: 25%.
- (2) Nonresidential: 40%.

§ 160-43. Permitted uses.

The permitted uses are those indicated in Article **V** of this chapter.

Article VII. Village District

§ 160-44. Purpose.

The purpose of the Village District is to provide an area for a variety of residential and commercial uses in a manner appropriate to their location, an area in which the location of public facilities can serve the greatest number of people as economically as possible. The Village District will provide for continuation of a village type development pattern at a density which is lower than the Center Village District. This district will encourage the new development that will take place in Alfred do so in the vicinity of the existing village and within the service areas for water, public safety, and schools. This district will also promote a type of development that fits into the existing characteristics of the location being developed.

§ 160-45. Location.

The location and boundaries of the Village District are established as shown on the Official Zoning Map and are a part of this chapter.

§ 160-46. Dimensional requirements.

[Amended 3-11-2006 ATM by Art. 24; 3-9-2007 ATM by Art. 25]

Except for legal nonconformities, buildings or land used or occupied, lots created, and buildings erected, constructed, reconstructed, moved, or structurally altered, whether requiring a land use permit or not, must comply with the requirements of Articles **XVII** and **XVIII** (general and specific performance standards) of this chapter and the following dimensional requirements:

A. Minimum lot size.

- (1) Single-family dwelling on all lots legally existing at the date of adoption of this standard, on new lots which front on existing streets, or on lots not served by public water: 87,120 square feet/two acres.
- (2) Single-family dwelling on lots meeting the following requirements: served by public water, on a new lot, and fronting on a new street built to Town specifications: 43,560 square feet/one acre.
- (3) Two-family or multifamily dwelling: the required minimum lot size in Subsection **A(1)** or **(2)** above for the first dwelling unit plus 50% of that for each additional dwelling unit.
- (4) Other allowable uses: 87,120 square feet.

B. Minimum street frontage.

- (1) Single-family dwelling on all legally existing lots, on new lots which front on existing streets, or on lots not served by public water: 200 feet.
- (2) Single-family dwelling on a lot meeting the following requirements: served by public water, on a new lot, and fronting on a new street built to Town specifications: 125 feet.
- (3) Two-family or multifamily dwelling: 200 feet per structure.
- (4) Other allowable uses: 200 feet.

C. Minimum yard dimensions.

- (1) Setback from street right-of-way on new or existing streets: 50 feet.
- (2) (Reserved)
- (3) Side setback: 25 feet.
- (4) Rear setback: 25 feet.

D. Maximum lot coverage.

- (1) Residential: 25%.
- (2) Nonresidential: 25%.

§ 160-47. Permitted uses.

The permitted uses are those indicated in Article **V** of this chapter.

Article VIII. Village Growth District

[Added 3-11-2006 ATM by Art. 24 *Editor's Note: This article redesignated Arts. VIII and IX and Arts. IX and X and §§ 160-44 through 160-51 as §§ 160-52 through 160-59, respectively.* **]**

§ 160-48. Purpose.

The purpose of the Village Growth District is to provide an extension of the Village development pattern into an area serviceable by the Alfred Water District. The Village Growth District will encourage new development that will take place in Alfred to do so in a location that will minimize development sprawl.

§ 160-49. Location.

The location and boundaries of the Village Growth District are established as shown on the Official Zoning Map and are a part of this chapter.

§ 160-50. Dimensional requirements.

[Amended 3-9-2007 ATM by Art. 25]

Except for legal nonconformities, buildings or land used or occupied, lots created, and buildings erected, constructed, reconstructed, moved, or structurally altered, whether requiring a land use permit or not, must comply with the requirements of Articles **XVII** and **XVIII** (general and specific performance standards) of this chapter and the following dimensional requirements:

A. Minimum lot size.

- (1) Single-family dwelling on all lots legally existing at the date of adoption of this standard, on new lots which front on existing streets, or on lots not served by public water: 87,120 square feet/two acres.
- (2) Single-family dwelling on lots meeting the following requirements: served by public water, on a new lot, and fronting on a new street built to Town specifications: 43,560 square feet/one acre.
- (3) Two-family or multifamily dwelling: the required minimum lot size in Subsection **A(1)** or **(2)** above for the first dwelling unit plus 50% of that for each additional dwelling unit.
- (4) Other allowable uses: 87,120 square feet/two acres.

B. Minimum street frontage.

- (1) Single-family dwelling on all legally existing lots, on new lots which front on existing streets, or on lots not served by public water: 200 feet.
- (2) Single-family dwelling on a lot meeting the following requirements: served by public water, on a new lot, and fronting on a new street built to Town specifications: 125 feet.
- (3) Two-family or multifamily dwelling: 200 feet per structure.
- (4) Other allowable uses: 200 feet.

C. Minimum yard dimensions.

- (1) Setback from street right-of-way on existing streets: 50 feet.
- (2) Setback from street right-of-way on new streets: 30 feet.
- (3) Side setback: feet. 25 feet.
- (4) Rear setback: feet. 25 feet.

D. Maximum lot coverage.

- (1) Residential: 25%.
- (2) Nonresidential: 25%.

§ 160-51. Permitted uses.

The permitted uses are those indicated in Article **V** of this chapter.

Article IX. Commercial District

§ 160-52. Purpose.

The purpose of the Commercial District is to provide areas so that commercial and light industrial development

can occur in locations that are best suited to accommodate traffic and associated impacts, so that conflicts can be avoided with existing residences and other incompatible uses, and so that the Town can ensure that all of the arterial highways do not become commercial or industrial frontage roads.

§ 160-53. Location.

The location and boundaries of the Commercial District are established as shown on the Official Zoning Map and are a part of this chapter.

§ 160-54. Dimensional requirements.

[Amended 3-11-1995 ATM by Art. 18; 3-11-2006 ATM by Art. 24; 3-9-2007 ATM by Art. 25]

Except for legal nonconformities, buildings or land used or occupied, lots created, and buildings erected, constructed, reconstructed, moved, or structurally altered, whether requiring a land use permit or not, must comply with the requirements of Articles **XVII** and **XVIII** (general and specific performance standards) of this chapter and the following dimensional requirements:

A. Minimum lot size.

- (1) Nonresidential uses on arterial highways: three acres.
- (2) Nonresidential uses on nonarterial highways: two acres.
- (3) Single-family dwelling on arterial highway: three acres.
- (4) Single-family dwelling on nonarterial highway: two acres.
- (5) Two- or multi-family dwelling on arterial highway: three acres for the first dwelling unit plus three acres for each additional dwelling unit.
- (6) Two- or multi-family dwelling on nonarterial highway: two acres for the first dwelling unit plus two acres for each additional dwelling unit.

B. Minimum street frontage.

- (1) Nonresidential uses on arterial highways: 300 feet.
- (2) Nonresidential uses on nonarterial highways: 150 feet.
- (3) Single-family dwelling: 300 feet.
- (4) Two- or multi-family dwelling: 300 feet/principal structure.

C. Minimum setback dimensions.

- (1) Nonresidential uses, setback from street right-of-way on existing streets: 100 feet if parking is between the building and the highway, 50 feet if parking is located to the side or rear of the building.
- (2) Residential uses, setback from street right-of-way on existing streets: 50 feet.
- (3) Residential uses, setback from street right-of-way on new street: 30 feet.
- (4) Nonresidential uses, side setback: 50 feet.
- (5) Nonresidential uses, rear setback: 50 feet.
- (6) Residential uses, side setback: 30 feet.
- (7) Residential uses, rear setback: 30 feet.

D. Maximum lot coverage: maximum of 40% of lot may be covered by impervious surfaces.

§ 160-55. Permitted uses.

The permitted uses are those indicated in Article **V** of this chapter.

Article X. Rural Residential District

§ 160-56. Purpose.

The purpose of the Rural Residential District is to provide an area for a variety of low-density residential and appropriate home-based businesses, as well as agriculture and forestry. The Rural Residential District designation will help to retain the existing rural character of this part of Town by encouraging open space preservation.

§ 160-57. Location.

The location and boundaries of the Rural Residential District are established as shown on the Official Zoning Map and are a part of this chapter.

§ 160-58. Dimensional requirements.

[Amended 3-11-1995 ATM by Art. 18; 3-11-2006 ATM by Art. 24; 3-9-2007 ATM by Art. 25]

Except for legal nonconformities, buildings or land used or occupied, lots created, and buildings erected, constructed, reconstructed, moved, or structurally altered, whether requiring a land use permit or not, must comply with the requirements of Articles XVII and XVIII (general and specific performance standards) of this chapter and the following dimensional requirements:

A. Minimum lot size.

- (1) Single-family dwellings: three acres/130,680 square feet.
- (2) Two-family dwelling: 130,680 square feet for the first dwelling unit plus 65,340 square feet for the second dwelling unit.

[Added 3-31-2012 ATM by Art. 22 Editor's Note: This Article also redesignated former Subsection A(2) as A(3).]

- (3) Other uses: three acres/130,680 square feet.

B. Minimum street frontage.

- (1) Single-family dwelling: 360 feet.
- (2) Other uses: 360 feet.

C. Minimum yard dimensions.

- (1) Setback from street right-of-way: 75 feet, or the street right-of-way setback of existing principal structures on the lot as of March 10, 2006, whichever is less.
- (2) Side setback: 25 feet.
- (3) Rear setback: 25 feet.

D. Maximum lot coverage: 20%.

§ 160-59. Permitted uses.

The permitted uses are those indicated in Article V of this chapter.

Article XI. Critical Rural District

[Added 3-11-2006 ATM by Art. 24 Editor's Note: This article also redesignated Arts. X through XIX as Arts. XII through XXI and §§ 160-52 through 160-103 as §§ 160-64 through 160-115, respectively.]

§ 160-60. Purpose.

The purpose of the Critical Rural District is to designate an area deserving maximum protection from residential development, to preserve natural resources and related economic activities including farming and forestry, and to protect high-value wildlife habitat and open lands. All of these purposes together serve to support a vibrant rural economy.

§ 160-61. Location.

The location and boundaries of the Critical Rural District are established as shown on the Official Zoning Map and are a part of this chapter.

§ 160-62. Dimensional requirements.

[Amended 3-9-2007 ATM by Art. 25]

Except for legal nonconformities, buildings or land used or occupied, lots created, and buildings erected,

constructed, reconstructed, moved, or structurally altered, whether requiring a land use permit or not, must comply with the requirements of Articles **XVII** and **XVIII** (general and specific performance standards) of this chapter and the following dimensional requirements:

A. Minimum lot size.

- (1) Single-family dwelling: 217,800 square feet/five acres.
- (2) Two-family dwelling: 217,800 square feet for the first dwelling unit plus 108,900 square feet for the second dwelling unit.
- (3) Other allowable uses: 217,800 square feet.

B. Minimum street frontage.

- (1) Single-family dwelling: 360 feet.
- (2) Two-family: 360 feet per principal structure.
- (3) Other allowable uses: 360 feet.

C. Minimum yard dimensions.

- (1) Setback from street right-of-way on new or existing streets: 75 feet.
- (2) Side setback: 25 feet.
- (3) Rear setback: 25 feet.

D. Maximum lot coverage.

- (1) Residential: 10%.
- (2) Nonresidential: 10%.

§ 160-63. Permitted uses.

The permitted uses are those indicated in Article **V** of this chapter.

Article XII. Wellhead Protection District 1

[Amended 3-29-2005 STM by Art. 2]

§ 160-64. Purpose.

The purpose of the Wellhead Protection District 1 is to protect the immediate vicinity of the Alfred Water District wellheads from land uses which pose a threat to the quality and/or quantity of the groundwater extracted for public use.

§ 160-65. Location.

The Wellhead Protection District 1 is defined as the area through which groundwater will travel within 200 days to reach the Alfred Water District water supply wellheads. The location corresponds to the area defined as "WHPA Zone 1," established by geologic study and numeric modeling, performed by Emery & Garrett Groundwater, Inc., in February 2004 (Job Number: ME 0366) and approved by the Maine Department of Health and Human Services Drinking Water Program on February 20, 2004. The location and boundaries of the Wellhead Protection District 1 are established as shown on the Official Zoning Map and are hereby made a part of this chapter.

§ 160-66. Dimensional requirements.

[Amended 3-11-2006 ATM by Art. 24; 3-9-2007 ATM by Art. 25]

There are no dimensional requirements for the Wellhead Protection District 1 because most activities and land uses are prohibited. Except for legal nonconformities, building or land used or occupied, lots created, and buildings erected, constructed, reconstructed, moved or structurally altered, whether requiring a land use permit or not, must comply with the requirements of Articles **XVII** and **XVIII** (general and specific performance standards) of this chapter.

§ 160-67. Permitted uses.

[Amended 3-11-2006 ATM by Art. 24]

The permitted uses in the Wellhead Protection District 1 are those indicated in the Land Use Table in Article V of this chapter.

Article XIII. Wellhead Protection District 2

[Amended 3-29-2005 STM by Art. 2 *Editor's Note: This article also renumbered former Articles XI through XVII as Articles XIII through XIX, respectively, and renumbered former §§ 160-56 through 160-141 as §§ 160-70 through 160-155, respectively.* **]**

§ 160-68. Purpose.

The purpose of the Wellhead Protection District 2 is to protect the vicinity of the Alfred Water District wellheads from land uses which pose a threat to the quality and/or quantity of the groundwater extracted for public use.

§ 160-69. Location.

The Wellhead Protection District 2 is defined as the area through which groundwater will travel within 2,500 days to reach the Alfred Water District water supply wellheads. The location corresponds to the area defined as "WHPA Zone II," established by geologic study and numeric modeling, performed by Emery & Garrett Groundwater, Inc., in February 2004 (Job Number: ME 0366) and approved by the Maine Department of Health and Human Services Drinking Water Program on February 20, 2004. The location and boundaries of the Wellhead Protection District 2 are established as shown on the Official Zoning Map and are hereby made a part of this chapter.

§ 160-70. Dimensional requirements.

[Amended 3-11-2006 ATM by Art. 24; 3-9-2007 ATM by Art. 25]

There are no dimensional requirements for the Wellhead Protection District 2 because most activities and land uses are prohibited. Except for legal nonconformities, building or land used or occupied, lots created, and buildings erected, constructed, reconstructed, moved or structurally altered, whether requiring a land use permit or not, must comply with the requirements of Articles XVII and XVIII (general and specific performance standards) of this chapter.

§ 160-71. Permitted uses.

The permitted uses in the Wellhead Protection District 2 are those indicated in the Land Use Table in Article V of this chapter.

§ 160-72. Monitoring wells.

A. Whenever the Code Enforcement Officer finds that a use, located within the Wellhead Protection District 2 and which was in existence as of Tuesday, March 29, 2005, poses an actual or potential threat to the safety or quality of the public groundwater supply, the Code Enforcement Officer shall investigate the threat and notify the landowner and refer the matter to the Planning Board for a public hearing. After a public hearing, the Planning Board may order the property owner to grant permission to the Alfred Water District to install groundwater monitoring wells and to conduct testing for groundwater contamination. Installation of monitoring wells, testing and monitoring of groundwater in such cases shall be at the sole cost of the municipality or the Water District, provided that if such testing indicates that the use is found to cause or contribute to reduction of 80% or more of the state primary or secondary drinking water standards at the water district property line, the property owner shall reimburse the municipality or water district for all

expenses incurred for such installation, testing and monitoring.

- B. For any new uses located in Wellhead Protection District 2, established after Tuesday, March 29, 2005, the Planning Board shall require, as a condition of approval, the property owner and/or applicant to grant permission to the Alfred Water District to install groundwater monitoring wells and to conduct testing for groundwater contamination. Installation of monitoring wells, testing and monitoring of groundwater in such cases shall be at the sole cost of the owner and/or applicant.

Article XIV. Wellhead Protection District 3

[Added 3-29-2005 STM by Art. 2]

§ 160-73. Purpose.

The purpose of the Wellhead Protection District 3 is to protect the zone of contribution to the aquifer that recharges the Alfred Water District wells from land uses which pose a threat to the quality and/or quantity of the groundwater extracted for public use.

§ 160-74. Location.

The boundary of the Wellhead Protection District 3 corresponds to the area defined as "Approximate Zone of Contribution for PW-1;" established by geologic study and numeric modeling, performed by Emery & Garrett Groundwater, Inc., in February 2004 (Job Number: ME 0366) and approved by the Maine Department of Health and Human Services Drinking Water Program on February 20, 2004. The location and boundaries of the Wellhead Protection District 3 are established as shown on the Official Zoning Map and are hereby made a part of this chapter.

§ 160-75. Dimensional requirements.

[Amended 3-11-2006 ATM by Art. 24; 3-9-2007 ATM by Art. 25]

Except for legal nonconformities, building or land used or occupied, lots created, and buildings erected, constructed, reconstructed, moved or structurally altered, whether requiring a land use permit or not, must comply with the requirements of Articles XVII and XVIII (general and specific performance standards) of this chapter and the following dimensional requirements:

- A. Minimum lot size:
 - (1) Single-family dwellings: four acres/174,240 square feet.
 - (2) Other uses: four acres/174,240 square feet.
- B. Minimum frontage:
 - (1) Single-family dwelling: 360 feet.
 - (2) Other uses: 360 feet.
- C. Minimum yard dimensions:
 - (1) Setback from street right-of-way: 50 feet.
 - (2) Side setback: 25 feet.
 - (3) Rear setback: 25 feet.
- D. Maximum lot coverage: 10%.

§ 160-76. Permitted uses.

The permitted uses in the Wellhead Protection District 3 are those indicated in the Land Use Table, in Article V of this chapter.

§ 160-77. Uses indicated as "Pw" allowed in existing buildings only.

Any use indicated as "Pw" in the Land Use Table in Article V of this chapter shall only be permitted within buildings erected and in existence as of Tuesday, March 29, 2005.

§ 160-78. Subsurface wastewater studies and performance guarantees required for Pw uses.

Any applicant who wishes to establish a new use indicated as Pw or change from one permitted use to another, shall provide the Planning Board with engineering studies that indicate that any nitrates discharged from the subsurface wastewater system shall be diluted to a maximum level of five mg per liter upon reaching the property line. A maintenance and monitoring plan for the operation of the subsurface wastewater system shall be submitted, along with a sufficient performance guarantee, to the Town of Alfred, to insure that maintenance and monitoring shall be carried out, and to insure against system failure. The nature and terms of such a performance guarantee shall be determined by the Planning Board after discussion with the Board of Selectmen.

§ 160-79. Expansion of existing buildings and impervious surface of Pw use prohibited.

No net expansion of existing buildings containing an existing or proposed use indicated as "Pw" in the Land Use Table in Article V of this chapter, shall be permitted with respect to footprint area or volume of habitable space in existence as of Tuesday, March 29, 2005. No net increase in the area of impervious surfaces, in existence as of Tuesday, March 29, 2005, and associated with such buildings, shall be permitted on the site.

§ 160-80. Monitoring wells.

- A. Whenever the Code Enforcement Officer finds that a use located within the Wellhead Protection District 3 and which was in existence as of Tuesday, March 29, 2005, poses an actual or potential threat to the safety or quality of the public groundwater supply, the Code Enforcement Officer shall investigate the threat and notify the landowner, and refer the matter to the Planning Board for a public hearing. After a public hearing, the Planning Board may order the property owner to grant permission to the Alfred Water District to install groundwater monitoring wells and to conduct testing for groundwater contamination. Installation of monitoring wells, testing and monitoring of groundwater in such cases shall be at the sole cost of the municipality or the Water District, provided that if such testing indicates that the use is found to cause or contribute to reduction of 80% or more of the state primary or secondary drinking water standards at the water district property line, the property owner shall reimburse the municipality or water district for all expenses incurred for such installation, testing and monitoring.
- B. For any new uses located in Wellhead Protection District 3, established after Tuesday, March 29, 2005, the Planning Board shall require, as a condition of approval, for the property owner and/or applicant to grant permission for installation of groundwater monitoring wells and for the Alfred Water District to conduct testing for groundwater contamination. Installation of monitoring wells, testing and monitoring of groundwater in such cases shall be at the sole cost of the owner and/or applicant.

§ 160-81. Additional standards to protect water quality.

All existing or proposed uses in the Wellhead Protection Districts 2 and 3 are subject to the special standards found in Article XVII, Performance Standards, General Requirements, § 160-110, Water quality protection.

Article XV. Resource Protection District

§ 160-82. Purpose.

[Amended 3-28-2009 ATM by Art. 21]

The Resource Protection District is created as one of the Shoreland Zones, pursuant to the Department of

Environmental Protection Shoreland Zoning Guidelines. This district contains those areas mandated in the DEP rules as well as locally designated areas. The purpose of this district is to protect these critical natural resource areas and the surface water quality from the adverse impacts of development, and to protect productive habitat, biological ecosystems, and scenic and natural values.

§ 160-83. Location.

[Amended 5-11-1998 ATM by Art. 3; 3-28-2009 ATM by Art. 21]

The location and boundaries of the Resource Protection District are established as shown on the Official Zoning Map and are a part of this chapter. The intent of this Map is to include in the Resource Protection District, various areas throughout the Town of Alfred, which meet the following criteria:

- A. Wetlands, both forested and freshwater, as defined in Article II;
- B. That area, within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate"- or "high"-value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained and updated by that Department. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river;
- C. All one-hundred-year floodplains, as shown on the Flood Insurance Rate Map of the Town of Alfred, dated May 18, 1998; with any subsequent amendments; or areas inundated by the flood of record; or in the absence of these, areas characterized by soil types identified as recent floodplain soils.
- D. Areas of two or more contiguous acres, with sustained slopes of 20% or greater, or with -unstable soil subject to slumping, mass movement, or severe erosion;
- E. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.
- F. Land areas within the Massabesic Experimental Forest.

The standards of this district also apply to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

§ 160-84. Dimensional requirements.

There are no density standards for the Resource Protection District because most activities are prohibited. In addition, no portion of any lot created after the original effective date of this standard and lying within the Resource Protection District may be used to meet the dimensional requirements of other districts in which the remainder of the lot is situated.

§ 160-85. Permitted uses.

The permitted uses are those indicated in Article V of this chapter.

Article XVI. Shoreland Limited Residential District

§ 160-86. Purpose.

[Amended 3-28-2009 ATM by Art. 21]

The purpose of the Shoreland Limited Residential District is to discourage additional intensive development in these areas and to protect the water quality and visual beauty of these valuable resources.

§ 160-87. Location.

[Amended 3-28-2009 ATM by Art. 21]

The location and boundaries of the Shoreland Limited Residential District are established as shown on the Official Zoning Map and are a part of this chapter. The intent of this Map is to include in the Shoreland Limited Residential District those land areas not included in the Resource Protection District or Stream Protection District which are:

- A. Within 250 feet, horizontal distance, of the normal high-water line of any great pond or river; and
- B. Within 250 feet, horizontal distance, of the upland edge of all nonforested freshwater wetlands.

§ 160-88. Dimensional requirements.**[Amended 3-11-1995 ATM by Art. 18; 3-11-2006 ATM by Art. 24]**

Except for legal nonconformities, buildings or land used or occupied, and buildings erected, constructed, reconstructed, moved, or structurally altered, whether requiring a land use permit or not, must comply with the requirements of Articles XVII and XVIII (general and specific performance standards) of this chapter and the following dimensional requirements:

- A. Minimum lot size.
 - (1) Single-family dwellings: five acres/217,800 square feet.
 - (2) Two-family dwellings: 10 acres/435,600 square feet.
 - (3) Other uses: five acres/217,800 square feet per principal structure or use.
- B. Minimum street frontage.
 - (1) Single-family dwellings: 400 feet.
 - (2) Two-family dwellings, per building: 400 feet.
 - (3) Other uses: 400 feet per principal structure or use.
- C. Minimum shore frontage: 200 feet.
- D. Minimum yard dimensions.
 - (1) Setback from street right-of-way: 50 feet.
 - (2) Side setback: 25 feet.
 - (3) Rear setback: 25 feet.
 - (4) Setback from normal high-water line of any water body, tributary stream, or freshwater or forested wetland: 100 feet, horizontal distance.

[Amended 3-28-2009 ATM by Art. 21]

Notes: A tributary stream may be perennial or intermittent. Where a tributary stream is present within the Shoreland Limited Residential Zone, setback standards from that tributary stream are applicable. The water body, tributary stream, or wetland setback provisions shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

- (5) Setback from normal high-water line, for small accessory structures only. On a nonconforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed 80 square feet in area nor eight feet in height, and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

[Added 3-28-2009 ATM by Art. 21]

- E. Maximum lot coverage: 20%. The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the Shoreland Limited Residential District shall not exceed 20% of the lot or a portion thereof, located within the shoreland limited residential district, including land area previously developed.

[Amended 3-28-2009 ATM by Art. 21]

- F. Additional dimensional requirements for structures in the Shoreland Limited Residential District.

[Added 3-28-2009 ATM by Art. 21]

- (1) Land below the normal high-water line of a water body or upland edge of a wetland and land beneath

roads serving more than two lots shall not be included toward calculating minimum lot area.

- (2) Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
- (3) The minimum width of any portion of any lot within 100 feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
- (4) If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.
- (5) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the one-hundred-year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent floodplain soils. Accessory structures may be placed in accordance with the standards of the Floodplain Management Ordinance and need not meet the elevation requirements of this paragraph.
- (6) Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. § 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.
- (7) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
 - (a) The site has been previously altered and an effective vegetated buffer does not exist;
 - (b) The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
 - (c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
 - (d) The total height of the wall(s), in the aggregate, are no more than 24 inches;
 - (e) Retaining walls are located outside of the one-hundred-year floodplain on rivers, streams, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils.
 - (f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
 - (g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
 - (i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
 - (ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
 - (iii) Only native species may be used to establish the buffer area;
 - (iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
 - (v) A footpath not to exceed the standards in the section above, may traverse the buffer;

§ 160-89. Permitted uses.

The permitted uses are those indicated in Article V of this chapter.

Article XVIA. Stream Protection District

[Added 3-28-2009 ATM by Art. 21]

§ 160-89.1. Purpose.

The Stream Protection District is created as one of the Shoreland Zones, pursuant to the Department of Environmental Protection Shoreland Zoning Guidelines. This district creates a buffer around all streams as defined by this chapter, as mandated in the DEP rules. The purpose of this district is to protect these streams from the adverse impacts of development, and to protect productive habitat, biological ecosystems, and scenic and natural values.

§ 160-89.2. Location.

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

§ 160-89.3. Dimensional requirements.

There are no density standards for the Stream Protection District because most activities are prohibited. In addition, no portion of any lot created after the original effective date of this standard and lying within the Stream Protection District may be used to meet the dimensional requirements of other districts in which the remainder of the lot is situated.

§ 160-89.4. Permitted uses.

The permitted uses are those indicated in Article V of this chapter.

Article XVII. Performance Standards, General Requirements

§ 160-90. Applicability and purpose.

These standards apply to all new or expanded uses of land and buildings in the Town of Alfred, unless otherwise specified, whether or not specific approval or a permit is required. The purposes of these standards are to help implement the Comprehensive Plan, to balance the rights of land owners to use their land with the rights of abutting land owners and the general public, and to protect the public health, safety, and welfare.

§ 160-91. Access control and traffic impacts.

- A. Any development must provide for safe access to and from streets. Safe access must be assured by providing access points which are appropriate as to number and location, with respect to sight-distances, intersections, schools, and other traffic generators.
- B. Any access onto a street is limited to the minimum width necessary for safe entering and exiting. The proposed development may not have an unreasonable negative impact on the street system, and must assure safe interior circulation within its site by separating pedestrian and vehicular traffic and by providing parking and loading areas required in this article. All exit driveways must be designed so that there is at least 10 feet of sight distance for each mile per hour of legal speed on the accessed street. *Editor's Note: Former Subsection C, which immediately followed and prohibited the use of the standards set forth in Subsection B as the sole criterion for rejecting an application, was repealed 3-8-2003 ATM by Art. 26. Said article also redesignated former Subsections D through O as Subsections C through N, respectively.*
- C. Access to major streets limited.

[Amended 3-11-1995 ATM by Art. 18]

- (1) Any lot created after the adoption of this standard, whether or not part of a subdivision, may not have access to Routes 202, 4, 111, or 202/4 unless the Planning Board determines that conditions particular to the parcel justify the granting of a waiver to this standard. A waiver may be granted only if all of the following conditions are met:
 - (a) There is too little street frontage to reasonably allow for the creation of a new street;
 - (b) There will be no further division of the parcel;
 - (c) The shape and physical conditions of the parcel do not permit access to or the creation of a new street; and
 - (d) Proper sight distance will be maintained.
 - (2) Lots in existence at the time of adoption of this standard are allowed only one driveway onto Routes 202, 4, 202/4 or 111 unless the lot is located in the Center Village District. Lots in the Center Village District are allowed two driveways onto Routes 202, 4, 202/4 or 111. Curb barriers are required for commercial or industrial uses to prevent entrance and/or exit of cars except at specified locations.
- D. Lots which front on two or more streets. If a lot has frontage on more than one street, the driveway may be located only on the street which has the least potential for traffic congestion and for hazards to traffic and pedestrians.
- E. Slope and intersection angle. Driveways may not have an average slope in excess of 8% within 50 feet of the point of intersection of a street. The angle of intersection between the driveway and the street must be as close to 90° as possible.
- F. Driveways through residential districts. No driveway may be located in a residential district to provide access to uses other than those permitted in that residential district.
- G. Streets must have carrying capacity. The street to which a driveway connects and the streets which are expected to carry traffic to the use served by the driveway must have traffic carrying capacity and be suitably improved to accommodate the amounts and types of traffic generated by the proposed use. No development may reduce the road's level of service to D or below.
- H. Street improvements required. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provisions must be made for turning lanes, traffic directional islands, frontage streets, and traffic controls within the public streets.
- I. Prevent queuing. Driveways serving commercial uses must be designed with enough on-site vehicular stacking capacity so as to prevent queuing of entering vehicles on any street.
- J. Circulation connections to adjoining lots. Where topographic and other conditions allow, provisions must be made for circulation connections to adjoining lots of similar existing or potential use when:
 - (1) Such connections will facilitate fire protection services as approved by the Fire Chief; and/or
 - (2) Such connections will enable the public to travel between two existing or potential uses, generally open to the public, without need to travel onto a street.
- K. Sight distance. A driveway must be designed in profile and grading, and located so as to provide the 10 feet of sight distance for every mile per hour of posted speed. If the street is not posted, the posted maximum speed is assumed to be 45. The measurements must be from the driver's seat of a vehicle standing on that portion of the 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 4.25 feet above the pavement.
- L. Distance to intersection. No driveway may be located less than 50 feet from the point of tangency of streets at an unsignalized intersection and less than 150 feet from the point of tangency of streets at any signalized intersection.
- M. Distance to property lines. Except for driveways shared by abutting lots, no driveway may be located less than 20 feet from a side lot line.
- N. Construction materials.
 - (1) A driveway entering onto a curbed street must be curbed with materials matching the street curbing. Curbing is required around all raised channelization islands and medians.
 - (2) A driveway within the street right-of-way must be paved with bituminous concrete pavement or an equivalent material over a gravel subbase at least six inches in thickness, providing that the street is paved; otherwise, pavement must occur within six months from the date that the street is paved. A driveway serving a commercial or industrial use, regardless of driveway volume, must be paved with

bituminous concrete or an equivalent material over a gravel subbase at least six inches in thickness within the street right-of-way and for a distance of 30 feet from the street right-of-way, providing that the street is paved or within six months from the date the street is paved.

[Amended 3-8-1997 ATM by Art. 72]

- (3) A culvert must be installed so as to carry stormwater from one side of the driveway to the other side. The size and location of the culvert must be reviewed by the Road Commissioner.

§ 160-92. Access to lots.

- A. Existing lots which abut a street. A lot of record legally existing at the date of adoption of this standard, which abuts a street but does not have the minimum street frontage of that district, may be used for the land uses and activities allowed in that district.
- B. Existing lots which do not abut a street. A lot of record legally existing at the date of adoption of this standard, which does not abut a street, may be used for the land uses and activities allowed in that district, provided the following criteria are met:

- (1) The lot is connected to a street by an access strip meeting the following criteria:

- (a) The access strip is a right-of-way deeded in favor of that back lot;
- (b) The right-of-way is 50 feet wide unless it leads to a street that is less than 50 feet wide and in that case is at least 33 feet wide; and

[Amended 3-11-1995 ATM by Art. 18]

- (c) A driveway along the access strip can be constructed which is suitable to permit emergency vehicle access.

- (2) The lot has a minimum lot width equal to the minimum street frontage of that district.

- C. New lots which abut a street. A lot created after the adoption of this standard which abuts a street may be used for the land uses and activities allowed in that district, provided it has the minimum frontage and lot size of that district on that street or it is created under the cluster development provisions of this chapter.

[Amended 3-11-1995 ATM by Art. 18]

- D. New lots which do not abut a street. A lot created after the adoption of this standard which does not abut a street may be used for the land uses and activities allowed in that district, provided it meets the following criteria:

[Amended 3-11-1995 ATM by Art. 18]

- (1) The lot is connected to a street by an access strip meeting the following criteria:

- (a) The access strip is a right-of-way deeded in favor of that back lot;
- (b) The right-of-way is 50 feet wide unless it leads to a street that is less than 50 feet wide and in that case is at least 33 feet wide; and

- (c) A driveway along the access strip can be constructed which is suitable to permit emergency vehicle access.

- (2) The lot has a minimum lot width equal to the minimum street frontage of that district.

§ 160-93. Dust, fumes, vapors, and gases.

Emission of dust, dirt, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation, or property, or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission is prohibited.

§ 160-94. Explosive materials (applies only to commercial and industrial uses).

Bulk quantities of highly flammable or explosive liquids, solids, or gases, stored above ground, must be at least 75 feet from any lot line or street, and must be in anchored tanks. Bulk quantities of highly flammable or explosive liquids, solids, or gases stored below ground must be at least 40 feet from any lot line or street.

§ 160-95. Glare.

A land use or establishment may not produce a strong, dazzling light or reflection of that light beyond its lot lines onto neighboring properties, or onto any street so as to impair the vision of the driver of any vehicle upon that street.

§ 160-96. Land uses and activities in any Shoreland Zone.

[Amended 3-28-2009 ATM by Art. 21]

The review authority may only approve a land use permit application for a land use or activity in any Shoreland Zone if it makes a positive finding based on the information presented that the proposed use or activity:

- A. Will maintain safe and healthful conditions;
- B. Will not result in water pollution, erosion, or sedimentation to surface waters;
- C. Will adequately provide for the disposal of all wastewater;
- D. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- E. Will conserve shore cover and visual, as well as actual, points of access to water bodies;
- F. Will protect archaeological and historic resources as designated in the Comprehensive Plan;
- G. Will avoid problems associated with floodplain development; and
- H. Is in conformance with all the applicable standards of this chapter including Articles **XVII** and **XVIII**.

§ 160-96.1. Special exceptions for new single-family residential structures in the Resource Protection District.

[Added 3-28-2009 ATM by Art. 21]

In addition to the criteria specified in § 160-96 above, excepting structure setback requirements, the Planning Board may approve a permit for a single-family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

- (1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
- (2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.
- (3) All proposed buildings, sewage disposal systems and other improvements are:
 - (a) Located on natural ground slopes of less than 20%; and
 - (b) Located outside the floodway of the one-hundred-year floodplain along rivers and artificially formed great ponds along rivers, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the one-hundred-year floodplain elevation; and the development is otherwise in compliance with any applicable municipal floodplain ordinance.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the one-hundred-year floodplain.

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

§ 160-97. Noise (applies only to commercial and industrial uses).

- A. Excessive noise at unreasonable hours is required to be muffled so as not to be objectionable due to

intermittence, beat frequency, shrillness, or volume. (Please refer to table below.) The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any commercial or industrial activity regulated by this chapter is listed below. Sound pressure levels must be measured on a sound level meter at all major lot lines of the site, at a height of at least four feet above the ground surface.

Sound Pressure Level Limit

	7:00 a.m. to 8:00 p.m. dB(A)	8:00 p.m. to 7:00 a.m. dB(A)
Activities outside Commercial District	60	55
Activities inside Commercial District	70	65

B. The following uses and activities are exempt from the sound pressure level regulations:

- (1) Noises created by construction and temporary maintenance activities between 6:30 a.m. and 8:00 p.m.
- (2) The noises of safety signals, warning devices, emergency pressure relief valves, and any other emergency activity.
- (3) Traffic noises on public streets.

§ 160-98. Off-street parking and loading requirements.

A. Basic requirements.

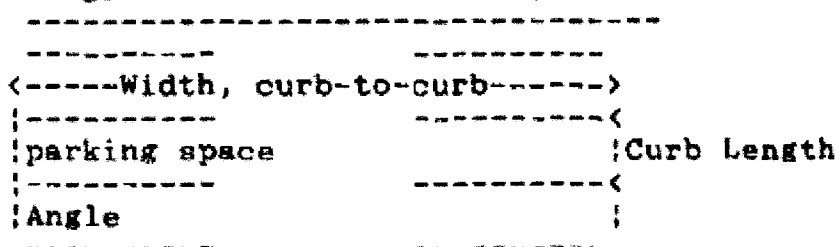
- (1) In any district where permitted, no use of premises may be authorized or extended, and no building or structure may be constructed or enlarged unless such extension, construction or enlargement is provided with off-street automobile parking space within 300 feet of the principal building, structure or use of the premises, in accordance with the following schedule of parking requirements. No required parking space may, for the purposes of this chapter, serve more than one use, unless authorized by the Planning Board.
- (2) No off-street parking facility may have more than two entrances and exits on the same street, and no entrance or exit may exceed 26 feet in width. Parking areas with more than two parking spaces must be so arranged that vehicles can be turned around rather than being backed into the street.
- (3) Parking and loading areas must be surfaced with eight inches of bank run sand and gravel. To prevent this material from entering the public way, paving may be needed at entrances and exits.

B. Off-street parking spaces. Parking spaces and parking lot aisle layout must conform to the following standards:

Aisle Type	Parking Angle (degrees)	Curb Length (feet)	Width, Curb-to-Curb (feet)
One-/two- way, double loaded	90	9.0	60.0
One-/two- way, single loaded	90	9.0	42.0
Two-way, double loaded	60	10.5	59.0
Two-way, single loaded	60	10.5	40.0
One-way, double loaded	60	10.5	53.5
One-way, single loaded	60	10.5	34.5
Two-way, double loaded	45	12.75	56.5
Two-way, single loaded	45	12.75	38.5

One-way, double loaded	45	12.75	48.5
One-way, single loaded	45	12.75	30.0
Two-way, double loaded	30	15.0	51.0
Two-way, single loaded	30	15.0	35.5
One-way, double loaded	30	15.0	43.0
One-way, single loaded	30	15.0	27.5

Diagram of Terms used in B, above.



C. Schedule of minimum off-street parking requirements:

Table of Parking Requirements
[Amended 3-11-1995 ATM by Art. 18]

Use Category	Parking Requirement (number of spaces)
1.1	2 per dwelling unit
1.2, 1.3	2 per dwelling unit, except that one-bedroom units require only 1 per unit
1.4	3 for every 5 beds
1.5	1 per rental bedroom, plus 1 for the manager's dwelling unit
1.6.3	2 for the dwelling unit plus 3
1.6.4	1 for the dwelling unit, plus 1 for every 2 employees who do not reside on site, plus 3
1.7	1 per room rented
2.1, 2.2, 2.5, 2.6	1 per 200 square feet of gross floor area of the building or buildings
2.3	1 per 400 square feet of gross floor area of the building or buildings
2.4	1 per 150 square feet of gross floor area of the building or buildings
3.1, 3.2	1 per 200 square feet of gross floor area of the building or buildings
3.3	1 per 200 square feet of gross floor area of the building or buildings, plus queuing space

	for 5 cars per drive-up window or station
3.4	1 per 300 square feet of gross floor area
4.1, 4.2	1 per 800 square feet of gross floor area
4.3	1 per two employees on the largest shift
5.1.1, 5.1.2	1.5 per classroom; 5 per classroom for Grades 9 through 12
5.1.3	1 per 100 square feet of gross floor area
5.1.4	1 per horse that could be kept at the stable when at maximum capacity
5.2	1 per 3 seats, based on maximum capacity
5.3	1 per 300 square feet of gross floor area
5.4	1 per 300 square feet of gross floor area
5.5	1 per 300 square feet of gross floor area
6.1.1	1 for every 3 persons that the facility is designed to accommodate when fully utilized, plus 1 per 200 square feet of gross floor area used in a manner not applicable to such calculation
6.1.2	1 for every 4 seats
6.1.3	1 for every 4 seats for the theater; 1 per 200 square feet of gross floor area for other
6.2.1, 6.2.2, 6.2.3	1 for every 3 persons that the facility is designed to accommodate when fully utilized, plus 1 per 200 square feet of area used in a manner not applicable to such calculation
6.2.4	1 per horse that could be kept at the stable when at maximum capacity
6.2.5	1 for every participant that the facility is designed to accommodate when fully utilized; plus 1 for every 3 spectator seats, or 1 for every 50 square feet of spectator area
6.2.6	None required
7.1	2 per bed or 1 per 150 square feet of gross floor area, whichever is greater
7.2, 7.3	3 for every 5 beds
7.4	1 per dwelling unit
7.5	1 for every two employees on the maximum shift
8.1	1 per 100 square feet of gross floor area
8.2	1 per 100 square feet of gross floor area, plus 1 for every 4 outside tables
8.3	1 per 50 square feet of gross floor area
8.4	1 per 100 square feet of gross floor area, plus queuing space for 5 cars per drive-up window or station

9.0	1 per 100 square feet of gross floor area
10.0	1 for every room to be rented plus spaces required for restaurant facilities as required for Category 8
11.1, 11.2, 11.3	1 per 200 square feet of gross floor area
11.4	1 per 200 square feet of gross floor area, plus queuing space for 3 cars per pump
11.5	For self-service types, 3 per stall; for non-self-service types, 1 for every 3 employees on the maximum shift plus queuing for 5 cars per washing operation
12	1 for every two employees on the maximum shift, but not less than 1 per 5,000 square feet of gross floor area
13	1 per 200 square feet of gross floor area
14	1 per 200 square feet of gross floor area
15	1 per 200 square feet of gross floor area
16	1 for every two employees on the maximum shift
17.1, 17.2, 17.4	1 per 200 square feet of gross floor area
17.3	1 per 100 square feet of gross floor area
18	1 per 200 square feet of gross floor area
21	1 per 1,000 square feet of area used for storage, display, or sales
22	1 per 100 square feet of gross floor area
23	1 per 200 square feet of gross floor area
24	1 per 200 square feet of gross floor area
25	The number of spaces equal to the use which the temporary use is replacing
26	1 per 200 square feet of gross floor area
28.1	1 per campsite, plus 1 for every two employees on the maximum shift
28.2	1 space per camp site.

Where the above calculations result in fractions of a space, the required number of spaces is the next higher whole number.

D. Off-street loading. In any district where permitted or allowed, commercial or industrial uses must provide, as necessary, off-street loading facilities located entirely on the same lot as the building or use to be served, so that trucks, trailers and containers may not be located for loading or storage upon any public way.

E. Additional requirements in the Shoreland District.

[Amended 3-28-2009 ATM by Art. 21]

(1) Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the

district in which such areas are located. If the Planning Board finds that no other reasonable alternative exists, the setback requirement for parking areas serving public boat launching facilities shall be reduced, but shall not be less than 50 feet, horizontal distance, from the shoreline or tributary stream.

- (2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland, and, where feasible, to retain all runoff on-site.
- (3) Parking spaces for a vehicle and boat trailer shall be 40 feet long.

§ 160-99. Preservation of landscape (applies only to commercial and industrial uses).

The landscape must be preserved in its natural state, insofar as practicable, by minimizing tree removal. Any grade changes must be in keeping with the general appearance of the neighboring developed areas. Parking lots must be landscaped with shrubbery along all lot lines. Boundaries with existing residential properties must be screened according to the buffering standards in § 160-103. Parking lots with 25 or more spaces must be landscaped with at least one tree (of a caliper of two inches measured 3 1/2 feet above the ground) for every 25 car spaces, to be located at representative points throughout the lots.

§ 160-100. Refuse disposal (applies only to commercial and industrial uses).

The applicant must provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. The Planning Board must consider the impact of particular industrial or chemical wastes or by-products upon the Town's facilities (in terms of volume, flammability or toxicity) and may require the applicant to dispose of such wastes elsewhere. The Board may require the applicant to specify the amount and exact nature of all industrial or chemical wastes to be generated by the proposed operation.

§ 160-101. Building design and relation of proposed building to environment (applies only to commercial and industrial uses).

[Amended 3-11-2006 ATM by Art. 24; 3-9-2007 ATM by Art. 25]

A. Reconstruction of, or additions to, existing buildings.

- (1) Reconstruction of, or changes in existing structures must be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the reconstructed or altered building.
- (2) Reconstruction of exterior facades and additions to existing buildings shall be in the architectural style of the original building, and the materials used shall duplicate the original or be similar in appearance to the original materials or materials commonly used in the Town when the building was constructed.

B. New buildings. The Planning Board shall require new construction to be designed so as not to be architecturally incompatible in terms of scale, height, window size and style, and roof pitch, and to meet the following standards:

- (1) Any new building shall have a gable, hip, saltbox or mansard roof.
- (2) The siding on new buildings shall be wooden clapboard or wooden shingles, or modern materials which duplicate these in shape, texture and appearance.
- (3) The pitched portions of roofs on all buildings shall be shingled or covered with substitute materials approved by the Planning Board. Any flat roofed portions of buildings shall be surrounded by a mansard roof with a parapet wall high enough to shield any rooftop mechanical equipment from view from any public street.

Solar access must also be considered.

§ 160-102. Sanitary standards.

[Amended 3-28-2009 ATM by Art. 21]

All subsurface sewage disposal facilities shall be installed in conformance with the Maine State Subsurface Waste Water Disposal Rules, and if located within the Shoreland Zone, shall comply with the following:

- A. All subsurface sewage disposal systems must be located in areas of suitable soil at least 1,000 square feet in size.
- B. Clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than 75 feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland.
- C. A holding tank is not allowed for a first-time residential use in the Shoreland Zone.
- D. The minimum setback for new subsurface sewage disposal facilities, excluding fill extensions, shall be at least 100 horizontal feet from the normal high-water mark of a perennial water body, as defined by the Maine Subsurface Wastewater Disposal Rules. This requirement may not be reduced by variance.

The following general standards apply to all Zones:

- A. The approval of a building permit application is subject to presentation of a completed site evaluation form (HHE-200) which evidences adequate soil conditions for wastewater disposal.
- B. When two or more lots or buildings in different ownership share a common subsurface disposal system, the system must be owned and maintained in common by an owners' association. Covenants in the deeds for each lot must require mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system.
- C. The disposal of industrial or commercial wastewaters by means of subsurface wastewater treatment systems must comply with the laws of the State of Maine concerning water pollution.

§ 160-102.1. Additional sanitary standards.

[Added 3-17-2001 ATM by Art. 24]

Applicants of all engineered subsurface wastewater systems shall submit evidence of site suitability for subsurface sewage disposal prepared by a Maine licensed site evaluator in full compliance with the requirements of the State of Maine Subsurface Waste Water Disposal Rules and satisfactory to the Board. The Board shall consider all relevant factors in determining the suitability of the site for subsurface sewage disposal. Evidence that the designed system is in full compliance with the requirements of the State of Maine Subsurface Waste Water Disposal Rules shall not necessarily be conclusive evidence that the applicant has met its burden of proof hereunder. The Board may consider all other relevant factors and impose conditions on the design of the system for subsurface sewage disposal.

§ 160-103. Landscaped buffer areas and screening (applies only to commercial and industrial uses).

[Amended 3-8-2003 ATM by Art. 26; 3-11-2006 ATM by Art. 24]

- A. Landscaped buffer areas. The following standards shall apply to new nonresidential buildings on existing or new streets in the Village and Commercial Districts:
 - (1) A landscaped buffer area shall be provided along the property's frontage and shall be maintained for the life of the project. The depth of the landscaped buffer area shall be measured back from the street right-of-way line. If off-street parking is provided in the front of the building, between the right-of-way and the building, the minimum depth of the landscaped buffer area shall be 50 feet. If off-street parking is provided entirely to the side or rear of the building, the minimum depth of the landscaped buffer area shall be 20 feet. The "side or rear of building" shall mean the area located behind a line which is parallel with the street right-of-way and which touches that part of the building face closest to it. The

landscaped buffer area shall only be interrupted by driveways and signage as permitted by this ordinance.

- (2) For sites with more than one building on the lot, if all parking is kept to the side or rear of the building closest to the street right-of-way, then the twenty-foot minimum landscaped buffer area standard shall apply along the frontage to the entire site.
- (3) In any case, the landscaped buffer area shall include at least one shade tree per 30 linear feet or fraction thereof for the length of the front lot line or right-of-way line, exclusive of the width of any driveway.

B. Screening of uses not enclosed by a building. Any commercial or industrial operation not enclosed by a building must provide a screening sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties. The screening must form a complete visual barrier, be maintained for the life of the project and be approved by the Planning Board.

(1) Screening options include the following:

- (a) Use of a fence as a visual barrier.
- (b) Evergreen plantings of sufficient height.
- (c) Earthen berm.
- (d) Any combination of the above.

(2) A waiver may be granted if topographical conditions exist to adequately screen the operation.

§ 160-104. Signs.

[Amended 3-11-1995 ATM by Art. 18; 5-11-1998 STM by Art. 4; 3-8-2003 ATM by Art. 26; 3-11-2006 ATM by Art. 24]

The standards and requirements for signs as stated in this section take precedence over all other references to signs in this chapter. This section governs all signs in the Town of Alfred. Signs are defined as in Article II of this chapter.

A. General.

- (1) All signs must comply with these requirements unless there is a specific exception in Subsection E, below.
- (2) No sign may be positioned so as to prevent or block the free ingress to or egress from any door, window, or fire escape, or in a manner which confuses, impedes or impairs traffic movement or visibility.
- (3) No sign, including any flag or banner, may be erected adjacent to any public way in such a manner as to obstruct clear and free vision of roadways or where, by reason of its position, shape, color, illumination or wording, it interferes with, obstructs the view of, or is confused with any authorized traffic sign, signal, or device or where it otherwise constitutes a hazard to pedestrian or vehicular traffic.
- (4) The owner of the land upon which a sign is located is responsible for its safe construction, installation, and maintenance.
- (5) Except for state business directional signs which are regulated by the Town of Alfred Official Business Directional Signs Ordinance, *Editor's Note: See Ch. 142, Signs.* all signs must relate to goods and services available on the premises where the sign is located, or to the availability of the premises themselves for sale, rent or lease.
- (6) No roof-mounted signs are permitted.

B. Signs allowed without a permit include:

- (1) Signs erected by the State of Maine or the Town of Alfred, within street rights-of-way or on other public properties, to direct traffic, indicate parking rules, or offer directions.
- (2) Commercial real estate "For Sale" or "For Lease" signs, provided they are no larger than six square feet in surface area. One sign per agent, per property is permitted. Such signs must be removed when the property is sold.
- (3) Rental vacancy signs for residential properties, which are no larger than three square feet in total surface area. One sign per property is permitted, and may be displayed only while vacancies exist.
- (4) Temporary political signs erected within the public right-of-way for a period from six weeks prior to an election until seven days after said election. The time and duration restrictions of this section shall not apply to temporary political signs on private property, which are also allowed without a permit.

[Amended 3-9-2007 ATM by Art. 25; 3-29-2013 ATM by Art. 23]

- (5) Temporary signs for noncommercial public or private special events. Signs for noncommercial public

events sponsored by the Town of Alfred may be erected for no longer than 31 days. Signs for other noncommercial public or private special events may not be erected earlier than 30 days prior to the commencement of the event and must be removed within 24 hours of the closure of the event. Temporary noncommercial special event signs may be no larger than 32 square feet in the aggregate. Signs allowed by this subsection may be erected off premises, with permission of the off-premises property owner.

[Amended 3-27-2010 ATM by Art. 20; 3-31-2012 ATM by Art. 22]

- (6) Signs which post land with respect to allowing or not allowing trespassing and/or hunting, not to exceed three square feet.
- (7) Signs erected for public safety and welfare by the Town, county, or other public agencies.
- (8) Private residential signs which are used to convey the inhabitants' names, property name, and safety or caution messages. Signs may be surface mounted or freestanding but may not exceed three square feet in surface area.
- (9) Private residential signs which are used to advertise a yard sale shall not exceed three square feet. Signs allowed by this subsection may be erected off premises, with permission of the off-premises property owner.

[Amended 3-31-2012 ATM by Art. 22]

C. Signs which may be authorized by the Code Enforcement Officer.

- (1) Temporary signs for special commercial sales are limited to six per year and may be displayed for only seven consecutive days. Such signs may not be larger than 16 square feet in surface area. Written application to the Code Enforcement Officer is required.
- (2) Educational and religious uses may display one sign for each building not exceeding 32 square feet in total surface area per sign.
- (3) A home occupation sign relating only to goods or services available on premises, which may be surface mounted or freestanding but may not exceed three square feet in surface area and the top edge six feet in height. Only one home occupation sign is permitted per lot. Any home occupation sign displayed inside a window is considered a sign and is counted in the sign area allowed for home occupations.
- (4) Commercial signs related to goods or services available on the premises.
 - (a) Commercial wall signs shall meet the following standards:
 - [1] A commercial wall sign or wall signs shall be mounted flat against the building surface.
 - [2] The total area of such a wall sign or wall signs shall not cover more than 10% of the gross surface area of the building face on which they are mounted, but in no event shall they exceed 32 square feet in area.
 - [3] In a nonresidential building occupied by multiple businesses, only one wall sign per business occupancy may be affixed to the building exterior. The total area of all wall signs for individual business occupancies shall not exceed the maximum set forth in Subsection **C(4)(a)[2]** above.
 - [4] If a commercial building is located on a lot with frontage on two public ways, an additional allocation of wall signage may be utilized on the second building wall facing the second public way, with the area limited and allocated according to the standards of Subsection **C(4)(a)[2]** and **[3]** above.
 - [5] If a commercial wall sign or wall signs are utilized, a perpendicularly mounted building sign or signs may not be utilized on the same wall, unless the sum of the area of the wall signage and the area of the perpendicularly mounted building signage is less than 10% of the gross surface area of the building face on which they are mounted, but in no event shall the sum of the areas exceed 32 square feet.
 - (b) Commercial freestanding signs and perpendicularly mounted building signs shall meet the following standards:
 - [1] Commercial signs that are mounted perpendicular to a building face, or that are freestanding, may not exceed 32 square feet in sign area.
 - [2] Both sides of freestanding or perpendicularly mounted building signs are counted in calculating the sign area.
 - [3] Brackets, posts, or other means of support for them must be designed to be as inconspicuous as possible.

[4] In reviewing sign designs, the Board or Code Enforcement Officer may include oversize support systems as part of the sign area.

[5] Each commercial building shall be limited to one freestanding sign, except that:

[a] Where one occupant occupies more than one building per lot or combination of lots mutually adjoining and in common ownership, only one freestanding sign is permitted.

[b] Two freestanding signs are permitted on a corner lot, with one facing each right-of-way, provided that:

[i] Both signs are no less than 40 feet from the right-of-way corner; and

[ii] The corner lot has at least the minimum required lot frontage for the district in which it is located, along each right-of-way.

[6] The top edge of any freestanding sign may not be higher than 15 feet above the street grade nearest the sign supports. Freestanding signs may not be closer than 10 feet to the street right-of-way nor closer than 12 feet to either side lot line.

[7] Flags and banners, other than those exempted under Subsection **E** below, shall be considered as signage regulated by this ordinance and their area shall be counted towards the maximum square footage area of perpendicularly mounted building signs allowable for the property.

(c) Notwithstanding any of the size requirements above, no sign within the Shoreland Zone may have a sign area exceeding six square feet.

D. Illumination of signs.

(1) No sign may be illuminated with flashing, moving, or animated-type lights.

(2) Externally illuminated signs may be illuminated with white lights only.

(3) Internally illuminated signs are permitted, and may have graphics or text in any color.

(4) Outdoor neon signs are prohibited. Indoor neon signs are permitted, but shall count towards the maximum square footage for commercial wall signs set forth above, if they are visible from the public way, and are located within 12 inches from any window, door, or building opening.

E. Exceptions. The following types of signs are exempted from the regulations in Subsections **B** through **D** above:

(1) Flags and insignia of any government and "OPEN" flags, with maximum dimensions of three feet by five feet.

(2) Legal notice, identification, information, or directional signs erected or required by government bodies.

(3) Little League sponsorship signs located on municipal recreational facilities. Said signs shall adhere to the following specifications:

(a) Maximum size of each sign not to exceed four feet by eight feet.

(b) Signs will be painted green on both the front and back, with lettering only on the side facing the inside of the baseball field.

(c) Signs may only be hung on the Little League outfield fence between the foul posts.

(d) Signs must be kept in good repair by the Little League organization.

(e) Signs may hang only between May 1 and Labor Day.

F. Restoration or replacement.

(1) This chapter allows the normal upkeep and maintenance of existing nonconforming signs and repairs, renovations, and maintenance which does not involve enlargement of existing nonconforming signs.

(2) Any existing nonconforming sign which is hereafter damaged or destroyed by a cause other than the willful act of the owner or the owner's agent may be restored or reconstructed within one year of the date of said damage or destruction.

§ 160-105. Soils and soil erosion control.

[Amended 3-28-2009 ATM by Art. 21]

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

professional engineers, Maine certified geologists, or other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum groundwater elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed method to counteract soil limitations where they exist.

B. Soil erosion control.

In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

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

- (1) The stripping of vegetation, removal of soil, regrading, or other development of the site must be accomplished by limiting the duration of exposure and area of the site to be disturbed. Dust control methods as required by the review authority must be employed during dry conditions.
- (2) Temporary vegetation, mulching, and/or siltation fabrics must be used to protect critical areas during the development. Sedimentation of run-off waters must be trapped by debris basins, silt traps, sediment basins, or other methods determined acceptable by the review authority. Any exposed ground area shall be temporarily or permanently stabilized within one week from the time it was last actively worked, by use of riprap, sod, seed, or mulch, or other effective measures. In all cases permanent stabilization shall occur within six (6) months of the initial date of exposure.

In addition:

- (a) Where mulch is used, it shall be applied at a rate of at least one bale per 500 square feet and shall be maintained until a catch of vegetation is established.
- (b) Anchoring the mulch with netting, peg and twine, or other suitable method may be required to maintain the mulch cover and shall be used on slopes of 2:1 or greater.
- (c) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
- (3) Natural and man-made drainageways and drainage outlets shall be protected from erosion caused by water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty-five-year storm or greater, and shall be stabilized with vegetation or lined with riprap.
- (4) The top or bottom of a cut or fill may not be closer than 10 feet to a property line unless otherwise mutually agreed to by the affected landowner and Town, but in no instance may said cut or fill exceed a 3:1 slope.
- (5) Within any Shoreland Zone, all activities which involve filling, grading, excavation, or other similar activities which result in unstabilized soil conditions and which require a permit, shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the review authority for approval and shall include, where applicable, provisions for:
 - (a) Mulching and revegetation of disturbed soil.
 - (b) Temporary runoff control features, such as hay bales, silt fencing, or diversion ditches.
 - (c) Permanent stabilization structures, such as retaining walls or riprap.

§ 160-106. Solar consideration.

A. When solar energy systems are proposed which are not attached to a house, they must be set back at least

10 feet from side and rear lot lines, and 25 feet from the right-of-way line or 50 feet from the center line of a street, whichever distance is greater.

- B. Solar energy systems must be set back 75 feet from the normal high-water elevation, and must meet the standards for timber harvesting in the Shoreland Zone and clearing of vegetation for development, unless approval is granted by the Planning Board. In addition to meeting the criteria in Article XIX for land use permits, the applicant must demonstrate that the standards need to be varied to obtain solar access. In no case may the system be located less than 30 feet from normal high-water mark.
- C. Solar energy systems in the Shoreland District are subject to design approval by the Planning Board to ensure the systems are visually compatible with adjacent land uses.
- D. Lot coverage requirements of this chapter do not apply to solar energy systems.

§ 160-107. Stormwater runoff.

[Amended 10-25-2005 STM by Art. 10]

- A. General standards. All new construction and development shall be designed to minimize stormwater runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters. Surface water runoff shall be detained on-site if possible or practicable. If it is not possible to detain water on-site, downstream improvements to the channel are required of the developer to prevent flooding caused by the proposed project. The design of any stormwater management system shall be required to limit peak discharge rates to the predevelopment levels for the fifty-year frequency, twenty-four-hour duration storm. Stormwater runoff control systems shall be maintained as necessary to ensure proper functioning.

[Amended 3-28-2009 ATM by Art. 21]

- B. Special standards for activities in the Fort Ridge Road Drainage Overlay District.
 - (1) Within the Fort Ridge Road Drainage Overlay District as depicted on the Addendum to the Alfred Zoning Map, dated September 9, 2005, and adopted October 25, 2005, no change of use, subdivision, division of land not requiring subdivision approval, construction, earthmoving, timber harvesting, or clearing of vegetation shall be permitted, regardless of which review authority, if any, has jurisdiction over the activity pursuant to Article V, until a land use permit is obtained from the Code Enforcement Officer. Before the issuance of any land use permit, the Code Enforcement Officer shall require a stormwater management plan, prepared by a licensed professional engineer, to be submitted for review, unless the Officer makes a written determination that the construction or other activity will not have any impact on stormwater drainage. The Code Enforcement Officer shall submit the stormwater management plan, if required, to the Town's consulting engineer for review, at the expense of the landowner and/or applicant.
 - (2) If a stormwater management plan is required to be submitted pursuant to the above subsection, no land use permit shall be issued unless the stormwater management plan indicates that peak discharge rates shall be limited to the predevelopment levels for the two-year, twenty-five-year, fifty-year and one-hundred-year frequency, twenty-four-hour duration storm based on rainfall data for Portland, Maine. The proposed stormwater management system shall utilize best management practices equivalent to those described in the Stormwater Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection, current edition.

[Amended 10-9-2007 STM by Art. 6]

§ 160-108. Streets and roads.

- A. New lots within a subdivision must front on a street.

[Amended 3-17-2001 ATM by Art. 23]

- B. Driveways and rights-of-way serving lots without frontage on a street and not in a subdivision must meet the following requirements:

[Amended 3-17-2001 ATM by Art. 23]

- (1) The right-of-way must be at least 30 feet wide at all points.
- (2) Any driveway serving any residential dwelling unit or business must contain at least 12 inches of sand and

gravel and be provided with drainage ditches wherever the Town Road Commissioner requires them.

- (3) The driveway width must be 12 feet for one- or two-dwelling units and two feet wider for each additional dwelling unit, up to a width of 20 feet.

C. Streets.

[Added 3-17-2001 ATM by Art. 23]

- (1) The purpose of this subsection is to establish appropriate standards for the design and construction of all streets in the Town, and to establish a procedure for the petitioning of streets to the Town for acceptance as Town ways. These street standards are designed to promote the following objectives:
 - (a) To protect the health, safety, convenience, and welfare of the Town's inhabitants;
 - (b) To complement and enhance the goals and policies of the Town Comprehensive Plan;
 - (c) To provide safe and convenient pedestrian circulation;
 - (d) To provide safe and convenient vehicular access and circulation;
 - (e) To minimize long-term street maintenance and repair costs; and
 - (f) To minimize the creation of impervious surface in order to limit the impact of runoff on the Town's water resources.
 - (g) To assure that new streets are constructed in a manner that meets or exceeds the construction standards in Article **XII**, § 148-47B of the Chapter **148**, Subdivision of Land.
- (2) The classification of an existing or proposed street shall be made by the Planning Board based on the estimated ADT. (One single-family home = 10 ADT.) The street classifications are:
 - (a) Arterial street: a major thoroughfare which serves as a major traffic way through Town and between towns, and whose primary function is traffic movement. The following roadways shall be considered arterials:
 - [1] U.S. Route 202;
 - [2] Maine Route 4;
 - [3] Maine Route 111.
 - (b) Collector street: a street with average daily traffic of over 250 vehicles per day, or a street serving as a feeder to an arterial and as a collector of traffic from minor streets.
 - (c) Minor street: A minor street shall be defined as a street which generally serves to carry the least amount of traffic, at the lowest speeds. It is also intended to provide a safe environment for residential neighborhoods. No minor street (or street section if it has more than one street connection) shall have an ADT greater than 250. Streets classified under this category shall be further classified as either "rural" or "growth," based upon the guidelines of the Town's Comprehensive Plan.
 - (d) Local street: a minor residential street servicing no more than five residential lots/dwelling units. An unpaved local street shall not be eligible for Town services or for acceptance as a Town way.
 - (e) Commercial/industrial street: a street servicing commercial and/or industrial land uses.
- (3) Variances and waivers.
 - (a) The Planning Board may, as part of its review and approval of a plan, waive certain street design and construction standards in conformance with the waiver provisions of Article **XIV** of the Chapter **148**, Subdivision of Land. Such waivers shall not assure eligibility for the petitioning or acceptance of such street as a Town way.
 - (b) Any waiver of the provisions of these standards which is part of a petition for acceptance of a street as a Town way shall be decided by the Board of Selectmen and shall conform to the standards below.
 - [1] Where extraordinary and unnecessary hardships would result, or due to special circumstances of the site, certain requirements of these standards may be waived by the Board of Selectmen based upon the following criteria:
 - [a] The requested waiver shall have been previously reviewed and approved by the Planning Board. Such approval shall specifically address the impact of the requested waiver upon the safe functioning of the street, the long-term costs of maintaining the street, and the Town's ability to provide public services along the street.
 - [b] The required thickness of pavement shall not be reduced, and
 - [c] A report from the Road Commissioner and Town's engineer concerning the expected performance of the street {per the criteria listed in Subsection **C(3)(b)[1][a]** above} if the

variance/waiver is granted.

[2] In granting such waivers, the Board of Selectmen shall require such conditions, as will, in its judgment secure the objectives of § 160-108C(1) of this chapter and of the requirement(s) so waived.

D. Roads and driveways constructed within the Shoreland Zone. The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

[Amended 3-28-2009 ATM by Art. 21]

- (1) Roads and driveways shall be set back at least 100 feet, horizontal distance, from the normal high-water line of a great pond or a river, and 75 feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement to no less than 50 feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

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

This subsection does not apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, nor to facilities located nearer to the shoreline due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of this subsection except for that portion of the road or driveway necessary for direct access to the structure.

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

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

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

§ 160-108.1. Procedures for acceptance of proposed Town ways.

[Added 3-17-2001 ATM by Art. 23]

A. General. All streets which are laid out or proposed for Town acceptance shall be in accordance with Maine law and the provisions of this chapter as follows:

[Amended 3-9-2007 ATM by Art. 25]

- (1) Subdivisions. The Planning Board shall not approve any subdivision plan unless proposed street(s) are designed and to be constructed in accordance with the standards of this chapter. Final subdivision plan approval by the Planning Board shall not be deemed to constitute or be evidence of acceptance or intent of acceptance by the Town of any street.
 - (2) Site plans. The Planning Board shall not approve any site plan unless the proposed street(s) are designed and to be constructed in accordance with the standards of this chapter. Final site plan approval by the Planning Board shall not be deemed to constitute or be evidence of acceptance or intent of acceptance by the Town of any street.
 - (3) Petition to Town legislative body for acceptance of a street as a Town way. All petitions for the acceptance of a street(s) as a Town way shall be made to the Board of Selectmen prior to being brought before Town Meeting, and shall be in accordance with Maine law and the provisions of this chapter. Streets not surfaced with hot rolled bituminous pavement are not eligible for petitioning or acceptance as Town ways.
 - (4) Streets shall not be eligible for petitioning or acceptance as Town ways until at least 80% of the dwelling units or structures which the street is designed to serve are constructed and have received certificates of occupancy from the Code Enforcement Officer.
- B. Application procedure for street acceptance.
- (1) All petitions for street acceptance shall be accompanied by an application which includes the following information:
 - (a) Petitioner's name, address, phone, signature and date.
 - (b) Names of the owner(s) of record of the land upon which the proposed Town way is located, including any proposed easements proposed as part of the petition to the Town.
 - (c) A copy of the most recently recorded deeds for the land that is the proposed street.

- (d) A statement of any legal encumbrances on the land upon which the proposed Town way is located.
 - (e) A legal description of the proposed Town way (and all associated easements), giving complete descriptive data by bearings and distances based upon a standard boundary survey of the parcel, made and certified by a Maine registered land surveyor, along with a copy of the survey plan, and written verification by the surveyor that permanent monumentation has been set at all street intersections and points of curvature.
 - (f) A written certification by a professional engineer, registered in the State of Maine, certifying that the proposed Town way meets or exceeds the design and construction standards set forth in this chapter.
 - (g) One Mylar and two sets of blue prints of as-built conditions of the proposed Town way conforming to the plan requirements and standards of this chapter. Where underground utilities have been installed, the as-built plans shall show the final, installed location of such lines.
 - (h) Date that street construction was completed, including the dates that the base course and surface course of pavement were installed.
- (2) Upon receipt of a petition and application for a proposed street acceptance, the Board of Selectmen shall forward one set of plans to the Planning Board, who shall confirm the street's classification per **§ 160-108C(2)**, and one set of plans to the Town's consulting engineer who shall review and provide written comment back to the Selectmen. The engineer's comment shall state either that the street meets the Town's street design and construction standards as specified in this chapter, or shall provide a list of the standards which have not been met. The Town's engineer's review shall include a field inspection of the proposed Town way, to determine if there are any performance problems or structural failures which have occurred since the completion of the street construction.
- (3) When the Board of Selectmen determines that the proposed street meets or exceeds the design and construction requirements of this chapter, they shall set and hold a public hearing on the petition. At or following the public hearing, the Board of Selectmen shall vote to place it on the next available Town Meeting warrant.

§ 160-109. Clearing or removal of vegetation for activities other than timber harvesting.

[Amended 3-28-2009 ATM by Art. 21]

- A. Within a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards. Elsewhere, in any Resource Protection District, the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.
- B. Except in areas as described in Subsection A above, and except to allow for the development of permitted uses, within a strip of land extending 100 feet, horizontal distance, inland from the normal high-water line of a great pond or a river, and 75 feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
- (1) There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six feet in width as measured between tree trunks and/or shrub stems is allowed, provided that a cleared line of sight to the water through the buffer strip is not created.
 - (2) Distribution.
 - (a) Selective cutting of trees within the buffer strip is allowed, provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of this section, a "well-distributed stand of trees and other natural vegetation" adjacent to a great pond, river, or stream flowing to a great pond must be defined as maintaining a rating score of 24 points or more in each twenty-five-foot by fifty-foot rectangular (1,250 square feet) area as determined by the following rating system:

**Diameter of Trees at 4 1/2 Feet Above Ground Level
(inches)**

Points

2 to less than 4	1
4 to less than 8	2
8 to less than 12	4
12 or greater	8

(b) Adjacent to other water bodies, tributary streams, and wetlands, a “well-distributed stand of trees and other vegetation” is defined as maintaining a minimum rating score of 16 per twenty-five-foot by fifty-foot rectangular area.

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

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

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

The following shall govern in applying this point system:

- (i) The twenty-five-foot by fifty-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
- (ii) Each successive plot must be adjacent to, but not overlap a previous plot;
- (iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this ordinance;
- (iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this ordinance;
- (v) Where conditions permit, no more than 50% of the points on any twenty-five-foot by fifty-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of this subsection "other natural vegetation" is defined as retaining existing vegetation under three feet in height and other ground cover and retaining at least five saplings less than two inches in diameter at 4 1/2 feet above ground level for each twenty-five-foot by fifty-foot rectangle area. If five saplings do not exist, no woody stems less than two inches in diameter can be removed until five saplings have been recruited into the plot.

- (c) Notwithstanding the above provisions, no more than 40% of the total volume of trees four inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten-year period.
 - (3) In order to protect water quality and wildlife habitat, existing vegetation under three feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Subsection **B** above.
 - (4) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
 - (5) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall, be replanted with native tree species unless existing tree growth is present.
 - (6) The provisions contained in Subsection **B** above do not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.
 - C. At distances greater than 100 feet, horizontal distance, from a great pond or a river, and 75 feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten-year period, selective cutting of not more than 40% of the volume of trees four inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty-percent calculation. For the purposes of these standards, volume may be considered to be equivalent to basal area.
- In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate 25% of the lot area within the Shoreland Zone or 10,000 square feet, whichever is greater, including land previously cleared.
- D. Cleared openings legally in existence may be maintained, but shall not be enlarged, except as allowed by this chapter.
 - E. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

§ 160-110. Water quality protection.

[Amended 3-11-1995 ATM by Art. 18; 3-29-2005 STM by Art. 2; 3-28-2009 ATM by Art. 21]

- A. No activity shall deposit on or into the ground or discharge to the waters of the state any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.
- B. No person, land use, or activity may locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that will run off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness, or be harmful to human, animal, plant, or aquatic life.
- C. All outdoor storage facilities for fuel, chemicals, chemical or industrial wastes, and potentially harmful raw materials must be located on impervious pavement, and must be completely enclosed by an impervious dike which is high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a fifty-year storm, so that such liquid will not spill onto or seep into the ground surrounding the paved storage area. Storage tanks for home heating oil and diesel fuel, not exceeding 275 gallons in size, are exempted from this requirement, if they are not located over a high seasonal water table

(within 15 inches of the surface) or over rapidly permeable sandy soils.

D. The following additional standards shall apply to any activities or land uses within the Wellhead Protection Districts 1, 2 and 3:

- (1) Any nitrates discharged from the subsurface wastewater system shall be diluted to a maximum level of five mg per liter upon reaching the property line
- (2) No new residential septic systems shall be installed with a capacity of over 450 gallons per day, as defined by the Maine Subsurface Wastewater Disposal Rules.
- (3) Underground storage tanks, other than septic tanks, shall be prohibited.
- (4) Outdoor storage facilities for fuel, chemicals, chemical or industrial wastes, and potentially harmful raw materials shall be prohibited.
- (5) Indoor storage of fuel, chemicals, chemical or industrial wastes, and potentially harmful raw materials shall be stored on impervious working surfaces, without floor drains.
- (6) Such indoor storage areas shall be constructed with permanent secondary containment such as a dike, designed to hold at least 20% of the volume of storage of all liquids listed above, and 110% of the volume of the largest storage container.
- (7) Tanks for liquid storage shall be equipped with automatic shutoffs and high level alarms.
- (8) All containers and tanks shall be clearly labeled with the name of the chemical or liquid, and date of purchase or generation.
- (9) All containers, tanks, and piping shall be secure and resistant to corrosion.
- (10) Operators of indoor storage areas as described in this section, as well as any operators of commercial vehicles, loaders, or other machinery, shall prepare a spill prevention, containment, and countermeasure plan (SPCC) for submittal to the CEO, Fire Department and Alfred Water District. This plan shall include provisions to prevent and catch spills during fueling, maintenance, and any other operations involving petroleum products, solvents, agricultural chemicals, or waste chemicals.

§ 160-111. Water supply.

Prior to the issuance of any occupancy permit for any structure with a potable water supply system, a water quality analysis demonstrating that the State of Maine Safe Drinking Water Guidelines are met must be submitted to the Code Enforcement Officer.

§ 160-111.1. Impact on critical natural areas.

[Added 3-11-1995 ATM by Art. 18]

If any portion of a multifamily, commercial, or industrial development is located within an area designated as a critical natural area by the Comprehensive Plan or the Department of Economic and Community Development's Natural Heritage Program, the developer must indicate appropriate measures for the preservation of the values which qualify the site for such designation.

§ 160-111.2. Community impact analysis.

[Added 3-17-2001 ATM by Art. 24; amended 3-9-2007 ATM by Art. 25]

The Board shall consider the impact on abutters and municipal services of proposed commercial/industrial, municipal, county and district land uses subject to these performance standards and whether said project will unreasonably impact abutting property owners or unreasonably tax municipal services. The Board shall have the right to impose restrictions and conditions on any proposed project in order to lessen the impact on abutters and the burden on municipal services.

The Planning Board may require the applicant for a subdivision or any other use in the Land Use Table requiring Planning Board approval, to submit a community impact analysis which will consist of the following elements:

- a. Projected demographic impacts. For subdivision projects, the analysis must identify the demographic market the project intends to serve, including:

- (1) Average family size;
- (2) Number and ages of children;
- (3) Anticipated time period to fill all units or lots;
- (4) Estimated impact on the school system; and
- (5) Estimated impact on the Town's recreation resources and programs.

Associated data, such as anticipated projected housing costs may also be presented to support projections associated with the above demographic description.

- b. Community impacts. For subdivisions and all other projects, the applicant shall conduct analyses of the following:
 - (1) Estimated impact on public safety providers;
 - (2) Estimated impact on the Town's public works functions, including solid waste disposal.

In the case of subdivision applications, the Planning Board shall utilize this information for dividing the project into phases pursuant to § 148-46. In cases of applications for other land uses, the Planning Board shall transmit the community impact analysis to the Selectmen for use in capital or operating budget preparation.

§ 160-112. Other regulations apply.

The applicant is responsible for complying with all applicable local, county, state, and federal laws and regulations.

Article XVIII. Performance Standards for Specific Activities and Land Uses

§ 160-112.1. Applicability.

The following performance standards apply to the following specific activities and land uses. The general performance standards in Article XVII which are applicable to the specific activities and land uses contained in this article also apply.

§ 160-113. Accessory apartments.

[Amended 3-11-2006 ATM by Art. 24]

- A. As an accessory use in to a single-family dwelling, the creation and renting of a single apartment within the dwelling is permitted, provided the following conditions in Subsections B through J, are met.
- B. There may be external construction to increase the size of the structure to accommodate the accessory use as well as construction within the home to accommodate the accessory apartment. However, any new external construction shall be required to meet all dimensional standards of this chapter, including, but not limited to, minimum lot size.

[Amended 3-27-2010 ATM by Art. 20]

- C. The water and sewage facilities meet all existing laws and codes.
- D. The building is owner-occupied.
- E. The building is located on a conforming lot for a single-family home in the district in which it is located, or is located on a legally nonconforming lot of record.
- F. Off-street parking is provided to meet the requirements of this chapter.

- G. All required permits are obtained for construction of the apartment and a certificate of occupancy is obtained prior to the apartment being rented.
- H. The accessory apartment is no larger than 40% of the total area of the building, or 800 square feet, whichever is smaller.
- I. One nonilluminated sign, no larger than three square feet in area, may be erected on the premises only during times when a vacancy exists.
- J. Any apartment created under this section which does not increase the size of the structure need not meet any of the requirements for minimum lot size for dwelling units or multifamily housing contained elsewhere in this ordinance.

[Amended 3-27-2010 ATM by Art. 20]

§ 160-114. Accessory buildings.

Accessory buildings must be set back at least 10 feet from the side or rear lot lines in the Center Village District, and at least 25 feet in all other districts.

§ 160-115. Adult businesses.

- A. Location of adult businesses restricted. An adult business may be located only:
 - (1) In the Commercial District; and
 - (2) In a location where the customer entrance to the adult business would be 1,000 feet or more, measured in a straight line without regard to intervening structures or objects, to the nearest point of the boundary of any property which is:
 - (a) Occupied by a residence, school, park, playground, church, or public building; or
 - (b) Occupied by another adult business.
- B. Outside displays prohibited. No material or devices displaying or exhibiting specified sexual activities may be visible from the exterior of the building in which the adult business is located.
- C. Municipal review limited. In the review of a proposed adult business in Article XIX, with regard to land use permits, the Planning Board's scope of review is limited to the impacts and effects of a proposed use as determined by applying the criteria which apply to any business use. The Planning Board may not consider the type or content of the material sold, rented, exhibited, or displayed in the business and may not restrict or limit the content of such materials.

§ 160-116. Affordable housing standards.

[Added 3-11-2006 ATM by Art. 24 Editor's Note: This article also renumbered §§ 160-104 through 160-155 as §§ 160-117 through 160-168, respectively.]

- A. Applicability. Any development pursuant to this section shall be connected to the public water system of the Alfred Water District.
- B. Density bonus.
 - (1) The Planning Board may decrease the minimum lot size per dwelling unit in the applicable district by up to 25% if at least 25% of the lots or units in a residential subdivision are earmarked for affordable housing, as defined in this ordinance.
 - (2) This decrease in minimum lot size per dwelling unit shall not apply in mobile home parks.
- C. Assurance of affordability.
 - (1) An application for a subdivision that includes a request for a density bonus under this section shall demonstrate to the satisfaction of the Planning Board that, either by means of the terms of a mortgage held by a governmental agency whose purposes include the provision of affordable housing, or by means of an affordable housing covenant to be conveyed to a qualified holder, along with a signed statement by the qualified holder that it will serve as the holder of the affordable housing covenant, the designated share of units will remain affordable, as defined by this ordinance:
 - (a) For at least 30 years from the date of first occupancy, in the case of units to be occupied by renters, whether or not the units are subsequently sold for owner-occupancy; and
 - (b) For at least 10 years from the date of first occupancy, in the case of units to be occupied by the

owners of the units.

The affordable housing covenant shall provide, further, that the units will be rented or sold during the designated period of time only to persons whose incomes meet the guideline for affordability, as defined in this ordinance. The terms "affordable housing covenant" and "qualified holder" shall have the meaning as set forth in Article II, Definitions, of this ordinance. Nothing in this subsection shall preclude a qualified holder itself from being the applicant for the development of an affordable housing project, provided that it demonstrates to the satisfaction of the Planning Board that, by means of deed restrictions, financial agreements, or other appropriate legal and binding instruments, the designated share of units will remain affordable for the required period of time.

- (2) An application for a subdivision that includes a request for a density bonus under this section shall include a written statement on the subdivision plat indicating the share of dwelling units earmarked as affordable, and, in the case of dwelling units to be sold to others individually, the actual units (or the lots that will accommodate such units) earmarked as affordable.
- (3) An application for a subdivision comprised of rental units that includes a request for a density bonus under this section shall include as part of the affordable housing covenant a written description of the mechanism by which the subdivider and his successors shall document annually to the qualified holder and to the Planning Board that the designated share of units to be rented have remained priced and if occupied, actually rented at affordable levels and have been rented to households within the guidelines of affordability, as defined by this ordinance. Failure to make such annual documentation shall constitute a violation of the subdivision approval.
- (4) Any dwelling unit that is earmarked for affordability and is to be sold shall include a restriction in its deed that requires:
 - (a) Any buyer within a ten-year period from the date of first occupancy to be within the guideline of affordability, as defined by this ordinance; and
 - (b) The price of the dwelling unit not to be increased by a percentage greater than the percentage increase in the median household income in nonmetropolitan York County, as reported by the U.S. Department of Housing and Urban Development, between the date of purchase of the dwelling and the date of sale of the dwelling. A copy of the deed restriction shall be included as part of the subdivision application and the deed restriction shall reference the book and page number at which the subdivision plat is recorded in the York County Registry of Deeds.

§ 160-117. Agriculture.

[Amended 3-28-2009 ATM by Art. 21]

- A. All spreading or disposal of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. §§ 4201-4209). The nutrient management plan must be filed with the Code Enforcement Officer.
- B. Manure shall not be stored or stockpiled within 100 feet, horizontal distance, of a great pond, river, tributary stream, or other water body, or wetland. All manure storage areas within the Shoreland Zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated stormwater.
- C. Agricultural activities involving tillage of soil greater than 40,000 square feet in surface area, within the Shoreland Zone shall require a conservation plan to be filed with the Planning Board. Nonconformance with the provisions of said plan shall be considered to be a violation of this ordinance.
- D. There shall be no new tilling of soil within 100 feet, horizontal distance, of the normal high-water line of a great pond; within 75 feet, horizontal distance, from other water bodies; nor within 50 feet, horizontal distance, of tributary streams, streams, and wetlands. Operations in existence on the original effective date of this chapter and not in conformance with this provision may be maintained.
- E. Newly established livestock grazing areas shall not be permitted within 100 feet, horizontal distance, of the normal high-water line of a great pond; within 75 feet, horizontal distance, of other water bodies, or within 25 feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with

ongoing farm activities, and which is not in conformance with the above setback provisions, may continue, provided that such grazing is conducted in accordance with a soil and water conservation plan filed with the Code Enforcement Officer.

§ 160-118. Animal husbandry.

- A. Without Planning Board approval, as allowed in Subsection **C** below, animal husbandry may only be conducted on a lot of at least two acres, and all pens, stables, barns, or other shelters for animals must be set back at least 100 feet from any lot line.
- B. Without Planning Board approval, as allowed in Subsection **C** below, no manure may be stored within 100 feet of the normal high-water mark of any water body, watercourse, wetland, or potable water supply.
- C. If the property on which the animals are kept is less than two acres and/or the applicant cannot meet the setbacks in Subsections **A** and **B**, a permit for keeping animals may be authorized by the Planning Board if the following standards are met:
 - (1) All pens, stables, barns, or other shelters for animals are set back at least 100 feet from the nearest dwelling other than the applicant's.
 - (2) All manure is stored in a covered structure and at least 100 feet from the nearest dwelling (other than the applicant's) and at least 100 feet from the nearest potable water supply, and at least 100 feet from normal high-water mark of any water body, watercourse, or wetland.
 - (3) All structures are set back the required number of feet as defined in § 160-111.
[Amended 3-11-1995 ATM by Art. 18]
 - (4) Manure storage structures are constructed according to plans approved by the York County Soil Conservation District.
 - (5) All feed and grain is stored in rodent-proof containers.
 - (6) All paddocks, pastures, barnyards, or other enclosures are adequately fenced to contain livestock, animals, or fowl.
 - (7) The Planning Board must set a limit on the number and species of animals permitted. In determining these limits the Board must consider the size and layout of the lot; the size of adjacent lots; the presences of vegetative screening and buffer strips; and the potential for noise, odor, and vermin problems.

§ 160-118.1. Archaeological or historical sites.

[Added 3-28-2009 ATM by Art. 21]

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.

§ 160-119. Automobile graveyards and junkyards.

- A. Prior to issuance of the municipal permit, the applicant must 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. Site considerations.
 - (1) No motor vehicles or material may be located on a sand and gravel aquifer, or on an aquifer recharge area, as mapped by the Maine Geological Survey or by a licensed geologist.
 - (2) No motor vehicles or material may be located within the one-hundred-year floodplain, as mapped by the Federal Insurance Administration, the Army Corps of Engineers, or the U.S. Department of Agriculture.
 - (3) A visual buffer capable of completely screening from view all portions of the automobile graveyard or junkyard must be established and maintained along all property lines.
 - (4) No motor vehicles or material may be stored within 500 feet of any dwelling or school.
 - (5) No motor vehicles or material may be stored within 300 feet of any water body.

- C. Operational considerations. Upon receiving a motor vehicle, the battery must be removed, and the engine lubricant, transmission fluid, brake fluid, and engine coolant must be drained into watertight, covered containers. No discharge of any fluids from any motor vehicle may be permitted into or onto the ground.

§ 160-120. Bed-and-breakfast.

- A. The application for approval must include a scale drawing of the lot showing the location of existing buildings, existing and proposed parking, and existing and proposed sewage disposal systems.
- B. There must be at least one parking space for each rental room in addition to the spaces required for the dwelling unit.
- C. There must be one bathroom provided for the rental rooms, in addition to the bathroom for the dwelling unit.
- D. Each rental room must have at least 10 feet by 12 feet horizontal dimensions.
- E. Each rental room must be equipped with an approved smoke detector.

§ 160-121. Boardinghouse.

- A. The application for approval must include a scale drawing of the lot showing the location of existing buildings, existing and proposed parking, and existing and proposed sewage disposal systems.
- B. There must be at least one parking space for each rental room in addition to the spaces required for the dwelling unit.
- C. There must be one bathroom provided for the rental rooms, in addition to the bathroom for the dwelling unit.
- D. Each rental room must have at least 10 feet by 12 feet horizontal dimensions.
- E. Each rental room must be equipped with an approved smoke detector.
- F. The minimum lot size for boardinghouses is as follows:
- (1) Center Village District: 32,670 square feet plus 3,330 square feet for each room rented.
 - (2) Village District: 87,120 square feet plus 4,000 square feet for each room rented.
 - (3) Rural Residential District: 130,680 square feet plus 5,000 square feet for each room rented.
 - (4) Commercial District:
 - (a) With frontage on arterial road: 130,680 square feet plus 5,000 square feet for each room rented;
 - (b) With frontage on nonarterial road: 87,120 square feet plus 5,000 square feet for each room rented.

§ 160-122. Campgrounds.

Campgrounds must conform to the minimum requirements imposed under state licensing procedures and the following:

- A. Density. Campgrounds shall contain at least 5,000 square feet of suitable land, not including road and driveways, per recreational vehicle site, tent site, and shelter area site. Land supporting wetland vegetation, and land below the normal high-water line of a water body, shall not be included in calculating land area per site.

[Amended 3-28-2009 ATM by Art. 21]

- B. The areas intended for placement of the recreational vehicle, tent, or shelter and utility and service buildings, must be set back a minimum of 100 feet, horizontal distance, from the normal high-water line of any great pond or a river; 75 feet from the normal high-water line of other water body, tributary streams, or the upland edge of a wetland; and must be set back at least 100 feet from the exterior lot lines of the campground. Every waterfront site must have at least 50 feet of frontage on the water.

[Amended 3-28-2009 ATM by Art. 21]

- C. At least 200 square feet of off-street parking plus maneuvering space must be provided for each recreational vehicle, tent, or shelter site.
- D. Each recreational vehicle, tent, or shelter site must be provided with a picnic table, trash receptacle, and fireplace.
- E. All campgrounds must be screened from adjacent land areas by a continuous landscaped area not less than 25 feet in width containing evergreen shrubs, trees, fences, walls or any combination which forms an effective

visual barrier of not less than six feet in height.

§ 160-123. Cluster developments.

[Amended 3-11-1995 ATM by Art. 18; 3-11-2006 ATM by Art. 24]

- A. Purpose. The purpose of these provisions is to encourage the preservation of the rural character of Alfred by preserving undeveloped land, including farmland, forest land, and other undeveloped lands. This is done by allowing an innovative type of development which permits homes to be built on lots which are smaller than normally allowed, but requires undeveloped land to be preserved. The overall density of a cluster development is no greater than an unclustered development. In a cluster development streets and utility lines are usually shorter, thus allowing development at a lower construction cost initially and lower maintenance costs in the future.
- B. Subdivisions may be designed as cluster developments in the Center Village, Village, Village Growth, and Shoreland Districts, in accordance with these provisions. In the Rural Residential and Critical Rural Districts, all subdivision projects involving five lots or more within any ten-year period shall be designed as cluster developments in accordance with these provisions.
- C. Application procedure. In order for the applicant and the Planning Board to determine that the proposed cluster development will not allow more dwelling units than a conventional development the applicant must either:
 - (1) Submit two plans for the proposed development, one layout as a conventional development and the second as cluster development. Each lot in the conventional development must meet the minimum lot size and lot width requirements of Chapter 160, have an area suitable for subsurface wastewater disposal according to the State of Maine Subsurface Wastewater Disposal Rules, and must exclude land which is undevelopable according to Chapter 160 or Chapter 220. The number of lots in the cluster development may in no case exceed the number of lots in the standard development; or
 - (2) Calculate the allowable number of lots by dividing the net residential acreage of the parcel of land by the minimum lot size of the district in which the development is located. The net residential acreage is calculated by taking the total area of the lot and subtracting, in order, the following:
 - (a) Fifteen percent of the area of the parcel to account for roads and parking.
 - (b) Portions of the lot which, because of existing land uses or lack of access, are isolated and undevelopable for building purposes or for use in common with the remainder of the lot, as determined by the Planning Board.
 - (c) Portions of the lot shown to be in the floodway as designated in the Flood Boundary and Floodway Map prepared by the Federal Emergency Management Agency.
 - (d) Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage, or subsoil conditions such as, but not limited to:
 - [1] Slopes greater than 20%.
 - [2] Organic soils.
 - [3] Wetland soils.
 - [4] Fifty percent of the poorly drained soils.
 - (e) Portions of the parcel subject to a right-of-way.
 - (f) Portions of the parcel located in the Resource Protection District.
 - (g) Portions of the parcel covered by surface waters.
 - (h) Portions of the parcel utilized for stormwater management facilities.
- D. Basic requirements for cluster developments.
 - (1) Cluster developments must meet all requirements for a subdivision, the street acceptance requirements, and all other applicable Town ordinances, including the applicable performance standards of Chapter 160.
 - (2) Each building must be an element of an overall plan for site development. The developer must specify the placement of buildings and the treatment of spaces, paths, roads, utility service, and parking, and in so doing must take into consideration all requirements of this section and of other relevant sections of Chapter 160.
 - (3) A high-intensity soil survey must be submitted. No building may be constructed on soil classified as being very poorly drained.

- (4) Except for in-ground homes, no building may be located or constructed on slopes steeper than 15%.

[Amended 3-9-2007 ATM by Art. 25]

- (5) No building may be located or constructed within 100 feet of any water body or wetland.
- (6) No lot (or area of occupation, in the case of a condominium project) may be smaller in area than 20,000 square feet.
- (7) The total area of undeveloped land within the development must equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required in the district.
- (8) In the Rural Residential District, the minimum area of the undeveloped common land, outside of lots or areas reserved for housing, and outside of roads, shall be equal to at least 50% of the net residential acreage, as defined and calculated above. In the Critical Rural District, the minimum area of the undeveloped common land, outside of the lots or areas reserved for housing, and outside of roads, shall be equal to at least 60% of the net residential acreage, as defined and calculated above.
- (9) The setback standards of the district in which the buildings are located apply.
- (10) No individual lot or dwelling unit may have direct vehicular access onto a public road existing at the time of development.
- (11) Shore frontage may not be reduced below the minimum normally required in the Shoreland District.
- (12) Where a cluster development abuts a body of water, a usable portion of the shoreline, as well as access to it, must be a part of the undeveloped land.
- (13) Buildings must be oriented with respect to scenic vistas, natural landscape features, topography, solar energy, and natural drainage areas, in accordance with an overall plan for site development.
- (14) The applicant must demonstrate the availability of water adequate for domestic purposes as well as for fire safety. The Planning Board may require the construction of storage ponds and dry hydrants. The location of all wells must be shown on the plan.
- (15) The location of subsurface wastewater disposal systems and an equivalent reserve area for replacement systems must be shown on the plan. The reserve areas must be restricted so as not to be built upon. The report of a licensed site evaluator must accompany the plan. If the subsurface disposal system is an engineered system, approval from the Department of Human Services, Division of Health Engineering, must be obtained prior to Planning Board approval.
- (16) Utilities must be installed underground wherever possible. Transformer boxes, pumping stations, and meters must be located so as not to be unsightly or hazardous to the public.

E. Dedication and maintenance of the undeveloped land and any common facilities.

- (1) The undeveloped land is that area which is not included in the residential lots, which equals at least the total area by which all of the lots in the cluster development are reduced below the normal minimum lot size in the district. There may be no further subdivision of the undeveloped land. This undeveloped land may be used only for agriculture, forestry, conservation, or noncommercial recreation. However, easements for public utilities, or structures accessory to noncommercial recreation, agriculture, or conservation, may be approved by the Planning Board.
- (2) The undeveloped land must be shown on the development plan and with appropriate notation on the face thereof to indicate:
- (a) That the undeveloped land may not be used for future building lots; and
 - (b) The final disposition of the undeveloped land, which may be:
 - [1] Dedicated to the Town for acceptance;
 - [2] Deeded to a land trust;
 - [3] Retained by the applicant; or
 - [4] Reserved for ownership by a homeowners' association made up of the owners of the lots in the cluster development.
 - (c) If any or all of the undeveloped land is to be reserved for use by the residents as in Subsection **E(2)(b)[4]** above:
 - [1] A homeowners' association must be formed and the bylaws of the homeowners' association must specify maintenance responsibilities. The bylaws must be submitted to the Planning Board for its approval prior to approval of the development plan.
 - [2] Covenants for mandatory membership in the association, setting forth the owners' rights and interest and privileges in the association and the undeveloped land, must be reviewed by the

Planning Board and included in the deed for each lot.

- [3] The homeowners' association has the responsibility of maintaining the undeveloped land and any common facilities until accepted by the Town.
 - [4] The association must levy annual charges against all property owners to defray the expenses connected with the maintenance of the undeveloped land, other common and recreational facilities, and Town assessments.
 - [5] The developer must maintain control of the undeveloped land and be responsible for its maintenance until development sufficient to support the association has taken place. Such determination is made by the Planning Board upon request of the homeowners' association or the developer.
- (3) If the undeveloped land is retained by the applicant, as in Subsection **E(2)(b)[3]** above:
 - (a) The land may only be used for active agriculture or active forestry. The conditions of this use must be approved by the Planning Board and indicated on the development plan.
 - (b) The development rights of the undeveloped land must be deeded to either the Town or other entity approved by the Planning Board and may not be deeded back to the owner of the undeveloped land.
 - (c) An area suitable for the noncommercial recreational use of the owners of the lots in the cluster development must be reserved. This area must be either dedicated to the Town or reserved for a homeowners' association as in Subsection **E(3)** above. This area must be equal in size to 2,500 square feet per lot in the cluster development.
 - (4) If the undeveloped land is deeded to a land trust as in Subsection **E(2)(b)[2]** above, the Planning Board must approve the land trust and the conditions of the deed.
 - (5) If the undeveloped land is dedicated to the Town as in Subsection **E(2)(b)[1]** above, the Planning Board, in consultation with the Conservation Commission, must approve the language of the dedication and the uses allowed in the undeveloped land.

F. Buffering.

[Amended 3-9-2007 ATM by Art. 25]

- (1) That portion of the cluster development which abuts a street not in the cluster development and along the exterior boundaries of the cluster development must be designed as a continuous landscaped buffer area not less than 50 feet in width. This buffer area may contain no structures or streets other than the streets providing access to the cluster development. The first 25 feet of the buffer strip, as measured from the exterior boundaries of the development, must contain natural vegetation.
- (2) Along those boundaries of the cluster development abutting an agriculture forestry or mining use, as listed in the Land Use Table in § 160-32 of this ordinance, the continuous landscaped buffer shall be not less than 150 feet in width. This buffer area may contain no structures or streets other than the streets providing access to the cluster development. The first 25 feet of the buffer strip, as measured from the exterior boundaries of the development, must contain natural vegetation.

§ 160-124. Educational, cultural, religious, philanthropic, social, and fraternal uses not serving alcohol.

Uses in Land Use Category 5 must meet the additional provisions below:

- A. A suitably landscaped area at least 20 feet wide must be provided along all property lines, except where driveways enter and exit.
- B. Buildings must be at least 50 feet from a property line.
- C. Parking areas and outdoor activity areas must be effectively screened from view from any residential uses within 200 feet, by a continuous vegetative barrier or stockade fence not less than six feet in height.

§ 160-124.1. Essential services.

[Added 3-28-2009 ATM by Art. 21]

- A. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

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

§ 160-125. Garage and yard sales.

- A. Garage and yard sales are permitted in all districts. Such sales may only be held by the property owner on whose property the sale is located.
- B. Garage and yard sales are permitted no more frequently than two three-day periods per year. Sales conducted more frequently are classified as "sales or rental of goods, merchandise, or equipment," Land Use Category Number 2 in the Land Use Table. *Editor's Note: See § 160-32, District regulations.* These uses require additional permits, must be located in appropriate zoning districts, and must meet appropriate performance standards.
- C. If located along Route 202, 111, and/or 4, the operator of a garage and yard sale must provide adequate off-street parking so that parking does not take place along the roadway.
- D. Signs for such sales must meet the requirements for signs in § 160-104.

§ 160-126. Groundwater and/or springwater extraction and/or storage.

- A. Permit required. The removal of more than 1,000 gallons per day of groundwater or springwater as part of a residential, commercial, industrial, or land excavation operation, where allowed under this chapter, requires approval by the Planning Board. The Planning Board must grant approval if it finds that the proposal, with any reasonable conditions, will conform with the requirements of this section, all other requirements of this chapter, and all applicable codes and ordinances.
- B. Submission requirements. The application, together with site plan, must include the following information:
 - (1) Statement of the quantity of groundwater to be extracted, expressed as the annual total, the maximum monthly rate by month, and the maximum daily rate;
 - (2) A letter from the Maine Department of Human Services approving the facility as proposed when the Department has jurisdiction over the proposal;
 - (3) Where appropriate, letters from the Department of Environmental Protection when the Site Location Law is applicable or a discharge permit is required.
 - (4) Applicants must present a written report of a hydrogeologic investigation conducted by a certified professional geologist or registered professional engineer, except for springwater extraction facilities which meet the following conditions: the spring enhancement may not increase the combined spring's catchment capacity by removing more than four cubic yards of earth and not increase the spring's depth by more than four feet, where the discharge drain is no lower than the existing springwater level, where gravity alone (without the aid of a siphon) is used to withdraw the springwater to other facilities on site, and where other improvements do not threaten groundwater levels. This report must include the following information:
 - (a) A map of the aquifer tributary to the spring(s), well(s) or excavation(s) from which water is to be extracted, in sufficient detail to support a calculation of sustained yield during a drought with a probability of one in 10 years, as well as an estimate of any potential interaction between this aquifer and adjacent aquifers.
 - (b) The results of the investigation must establish the aquifer characteristics, the rates of draw-down and rebound, the sustainable yearly, monthly (by month) and daily extraction rates, and the cone of depression which may develop about the proposed facility. Other impacts on the water table in the tributary aquifer and such other private or public wells within 1,000 feet of the proposed extraction facilities must also be assessed.

C. Performance standards. The following standards must be met, and the applicant must clearly demonstrate that they will be met.

- (1) The quantity of water to be taken from groundwater sources may not substantially lower the groundwater table beyond the property lines, cause salt water intrusion, cause undesirable changes in groundwater flow patterns, or cause unacceptable ground subsidence, based on the conditions of a drought with a probability of occurrence of once in 10 years.
- (2) The proposed facility may not cause water pollution or other diminution of the quality of the aquifer from which the water is to be extracted.
- (3) Safe and healthful conditions must be maintained at all times within and about the proposed use.
- (4) The proposed use may not cause sedimentation or erosion.
- (5) The proposed facility is not within the defined aquifer recharge area of a public water supply, unless notice is given to the operator thereof and the Board has considered any information supplied by the operator and finds that no adverse affect on a public water supply will result.
- (6) The operator must keep monthly operating records of the quantity of water extracted, stored, and removed from the site and make them available to the Code Enforcement Officer or a designee.
- (7) Nothing in this procedure, and no decision by the Planning Board, is deemed to create groundwater rights other than those rights which the applicant may have under Maine law.

D. Existing operations.

- (1) Operations involving the extraction of groundwater or springwater in lawful operation at the time this section originally becomes effective, and which meet the criteria for requiring review and approval by the Planning Board, may operate for a period of five years from the original effective date of this section without Planning Board approval. Existing operations, however, must submit to the Planning Board, within 90 days of the original effective date of this section, a map indicating the property from which groundwater is being extracted, showing the location of the extraction in relation to neighboring wells, surface water bodies, and property lines. Failure to submit the above map within 90 days results in the requirement to comply with all of these standards. Within 15 days of the original effective date of this requirement, the Code Enforcement Officer must notify, by certified mail, return receipt requested, the owners of all property which, to the best of his knowledge, contain existing operations, informing them of the requirements of this section.
- (2) Discontinuation of any existing operation for a period of more than one year results in the requirement to comply with all of these standards.

§ 160-127. Hazardous waste facilities.

Hazardous waste facilities must comply with the following site and performance standards:

A. Site standards. In addition to being in compliance with the most current regulations of the Department of Environmental Protection that address the disposal of waste, the applicant must conduct a hydrogeologic investigation of the site and prepare detailed construction and site development plans and operating procedures. The site must include the following characteristics:

- (1) It must consist of at least 500 acres.
- (2) The disposal areas within the overall site must be at least 5,000 feet from the nearest inhabited residence or potable water supply existing at the time at which the application is filed.
- (3) There must be a buffer zone of at least 1,000 feet between disposal areas and all public roads.

B. Performance standards. If the Town does not operate the site, the site may not be operated unless the Planning Board is furnished by the owner and/or operator with:

- (1) A performance bond, which must be in effect at all times the facility is in operation, and for a period of 20 years after closure or termination or default of the facility or site, conditioned on faithful performance of the requirements of this chapter. All such bonds must be written by an insurance company licensed to transact business in the State of Maine, and must be for a sum of at least \$500,000.
- (2) A certificate evidencing proof of liability insurance covering all aspects of the solid waste disposal facility operations under this chapter. Such policy of liability insurance must insure against personal injury in an amount at least \$1,000,000 per person or \$2,000,000 per occurrence, and insure against property damage in an amount at least \$2,000,000 per occurrence. Such insurance must be in effect at all times the facility is in operation and for a period of 20 years after closure of the facility or site.

C. Transfer of ownership.

- (1) In the event that any person or corporation to whom a permit has been issued, and prior to transfer of ownership or operational responsibility for the facility to another, the new owner and or operator is required to obtain a new permit in the manner required herein. Any performance bond established under the provisions of this chapter for the facility may only be released by the vote of the legislative body.
- (2) In the event of a change of ownership, the performance bond established for a facility must remain in effect until the new performance bond for the facility is in effect and presented to the Town.

§ 160-128. Home occupations.

[Amended 3-11-1995 ATM by Art. 18]

- A. Purpose. To allow the residents of Alfred to engage in a home occupation, provided it does not adversely affect abutting or neighboring owners, thereby creating a nuisance or lowering of property values.
- B. Home occupation. A home occupation must conform to the following standards:
 - (1) Is carried on within a dwelling unit or structure accessory to a dwelling unit with only one such use per premises;
 - (2) Is secondary to the use of the dwelling unit for residential purposes;
 - (3) Screens and locates materials stored, so that there is no exterior evidence of the use, except one resident name sign and one home occupation sign. (See § 160-104.)
 - (4) Is not likely to generate traffic from more than 10 vehicles during the course of any average day when the premises are open for business;
 - (5) Has sufficient off-street parking available within 100 feet of the premises for customers' use without creating any traffic or safety hazards;
 - (6) Does not utilize equipment or processes which create noise, vibration, glare, dust, fumes, odors, or electrical interference detectable to the normal senses or which interfere with normal radio or television reception off the premises;
 - (7) Keeps all driveway entrances and exits free from visual distraction higher than three feet above street level for a distance of 25 feet, measured along the intersecting driveway and street lines, in order to provide visibility for vehicles entering and leaving the premises;
 - (8) Does not adversely affect any natural resource or environmentally sensitive area, such as a wetland, aquifer, watercourse, water body, etc.

§ 160-129. Hotels, motels, and inns.

- A. No part of any building on a hotel lot may be closer than 60 feet to the front lot line, rear lot line or either side line of such lot. An undeveloped buffer strip not less than 20 feet wide must be maintained with grass, bushes, flowers, and/or trees all along each side lot line, the rear lot line, and the front line, except for entrance and exit driveways. The buffer strip may not be used for parking.
- B. If cooking or eating facilities are provided in hotel rental units, each rental unit is considered a dwelling unit and the hotel is required to meet all the standards for multifamily developments in this chapter, including the residential density requirements of the appropriate district.
- C. Each hotel rental unit must contain at least 200 square feet of habitable floor area enclosed by walls and roof, exclusive of any adjoining portions of roofed or covered walkways. Each hotel rental sleeping room must be at least 12 by 15 feet horizontal dimensions, exclusive of bathrooms. Each rental unit must include private bathroom facilities.
- D. On each hotel lot, one apartment may be provided for a resident owner, manager, or other responsible staff person.
- E. Hotel building construction plans must be reviewed and approved by the State Fire Marshal's Office.

§ 160-130. Individual private campsites.

[Amended 3-28-2009 ATM by Art. 21]

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

met:

- A. No more than one campsite per lot existing on the effective date of this chapter, or per 30,000 square feet of lot area within the Shoreland Zone, whichever is less, may be permitted upon issuance of a use permit from the Code Enforcement Officer.
- B. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back 100 feet, horizontal distance, from the normal high-water line of a great pond or river, and 75 feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- C. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
- D. The clearing of vegetation for the siting of the recreational vehicle, tent, or similar shelter in a Resource Protection District shall be limited to 1,000 square feet.
- E. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Code Enforcement Officer. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
- F. When a recreational vehicle, tent, or similar shelter is placed on-site for more than 120 days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules.

§ 160-131. Kennels and veterinary hospitals.

- A. Structures or pens for housing or containing the animals must be located at least 100 feet from the nearest residence other than the owner's existing at the time of permit.
- B. All pens, runs, or kennels, and other facilities must be designed, constructed, and located on the site in a manner that minimizes the adverse effects upon the surrounding properties. Among the factors that must be considered are the relationship of the use to the topography, natural and planted 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.
- C. The owner or operator of a kennel must maintain the premises in a clean, orderly, and sanitary condition at all times. No garbage, offal, feces, or other waste material may be allowed to accumulate on the premises. The premises must be maintained in a manner so as to not provide a breeding place for insects, vermin, or rodents.
- D. Temporary storage containers for any kennel or veterinary wastes containing or including animal excrement must be kept tightly covered at all times and emptied at least once every four days. Such containers must be made of steel or plastic to facilitate cleaning, and must be located in accordance with the setbacks required for outdoor runs.
- E. If outdoor runs are provided, they must be completely fenced in, and must be paved with cement, asphalt, or a similar material to provide for cleanliness and ease of maintenance.
- F. Any incineration device for burning excrement-soaked wastepapers and/or animal organs or remains must be located at least 400 feet from nearest residence other than the applicant's, and must have a chimney vent at least 35 feet above the average ground elevation. The applicant must also provide evidence that approval from the Maine Department of Environmental Protection has been obtained for the proposed incinerator, and that it meets state standards for particulate emissions, flue gas temperature, and duration of required flue temperatures.

§ 160-132. Low-impact sales or rental of goods, merchandise or equipment with 2,500 square feet or more of gross floor area in the Center Village District.

- A. Purpose. The purposes of these standards are to allow the sales and rental of goods, merchandise or equipment in the Center Village District in buildings with a gross floor area greater than 2,500 square feet, provided that the historic village character of the village is not harmed.

- B. Additional standards. Land uses in Category 2.3, low-impact sales and rental of goods, merchandise or equipment in buildings with a gross floor area greater than 2,500 square feet, which are located in the Center Village District, must meet all the applicable standards in this chapter, and the following:
- (1) Parking for such use may not be located between the principal building and a street.
 - (2) Buildings for such use may not be wider, measured along the street frontage or frontages, than 70 feet.
 - (3) Such use may not be located in buildings which were not in existence at the time of adoption of this standard.
 - (4) Such use may expand into an addition to an existing building, provided that the addition meets the standards in this section and all other requirements of this chapter.
 - (5) An existing building which fronts on a street may not be moved, removed, demolished, or in any way altered to make room for parking for such use.
 - (6) An existing building which fronts on a street may not be moved, removed, demolished, or in any way altered to make room for an addition to an existing building for such use.
- C. Standards applicable to building changes or additions.
- (1) Any change to an existing building that is occupied by or will be occupied by a Land Use Category 2.3 use, including changes to the exterior, fences, light fixtures, signs, steps, driveways, parking areas, and paving, must be made in a manner that will preserve the existing character or restore the historical character of the building. Such changes must be approved by the Planning Board.
 - (2) Any addition to an existing building which in any way increases the area of that building and which is occupied by or will be occupied by a Land Use Category 2.3 use, must be made in a manner that will preserve the existing character or restore the historical character of the building. Such additions must be approved by the Planning Board.
 - (3) Standards for Planning Board review and approval. Any change and/or addition must be compatible with the existing building in terms of the following factors:
 - (a) Style. Changes and/or additions must be of the same or complementary architectural style as the existing building.
 - (b) Roof shape. The shape of the roof of any addition to or change of the existing building must be visually compatible, in terms of slope, shape, materials, and color, with the roof of the existing building.
 - (c) Exterior materials and color. The exterior materials placed on any addition to or change of the existing building must be of the same materials and be painted the same color as the existing building.
 - (d) Site features. The size, placement, and materials of walls, fences, signs, driveways, and parking areas have a visual impact on a building. Additions and/or changes to these features must be visually compatible with the existing building and with any of these features which are existing.

§ 160-133. Manufactured housing and mobile homes.

[Amended 3-11-2006 ATM by Art. 24]

- A. Single-unit manufactured housing and mobile homes, whether single- or double-wide, not in a mobile home park, must meet all of the following requirements:
- (1) Dimensional and density requirements of the zoning district for single-family dwellings.
 - (2) A permanent foundation, frost wall, grade beam, or floating slab with skirting of permanent material.
 - (3) A 2:12 pitched roof of suitable waterproof material.
 - (4) Exterior walls shall have a traditional site-built appearance, including vinyl or metal siding manufactured to closely resemble clapboards, shingles, or shakes.
 - (5) No permanent additions other than units similar in construction to the original unit.
- B. These design requirements in Subsection A, above, cannot be used to prevent the relocation of existing mobile homes from one lot to another in Town.
- C. All used relocated mobile homes being moved from lot to lot within the Town or moved into Town from another town must:
- (1) Be inspected and certified by the local Fire Chief, or the Chiefs designee, that it meets the current life safety code.
 - (2) Be inspected and certified by a person holding a masters license issued by the State of Maine Electricians'

Examining Board that the electrical system is safe and meets the current National Electrical Code.

- (3) Be inspected and certified by a person holding a masters license issued by the State of Maine Oil and Solid Fuel Examining Board that the heating and fuel system meets the requirements of NFPA-31, Installation of Oil Burning Equipment as adopted by the Board.

- (4) Be inspected and certified by a person holding an applicable license issued by the State of Maine that any gas appliances, if present, are connected properly, and that any storage tanks are placed safely, and all applicable codes have been met.

- (5) Be inspected by the local plumbing inspector after necessary plumbing permits have been obtained.

D. Multiunit modular housing must meet the same standards and requirements as site-built homes.

§ 160-133.1. Registered medical marijuana dispensary.

[Added 3-25-2011 ATM by Art. 20]

A registered medical marijuana dispensary, as defined and permitted by the Maine Department of Health and Human Services, pursuant to 10-144 CMR Chapter 122 Rules, shall only be permitted to be located within the Town of Alfred, if the following standards are met:

- A. A registered medical marijuana dispensary shall only be permitted in the Commercial District, on a property with street frontage on Maine State Route 4, and shall not be permitted in other portions of the Commercial District, nor in any other district.
- B. Only one site for a registered medical marijuana dispensary, located on contiguous land in unified ownership, shall be permitted within the Town of Alfred. Said single site may contain only a growing facility, or only a sales facility, or may contain a facility that combines growing functions with sales functions.
- C. In addition to meeting all of the standards of Maine DHHS 10-144 CMR Chapter 122 Rules, any registered medical marijuana dispensary shall be required to meet all of the applicable standards of the Town of Alfred Code.

§ 160-134. Mineral 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 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.

[Amended 3-28-2009 ATM by Art. 21]

- B. Permit required. Unless specifically allowed in Subsection A, above, or in § 160-135 (Minor earthmoving activities), topsoil, loam, rock, peat, sand, gravel, and similar earth materials may be removed from locations where permitted under the terms of this chapter only after a permit for such operations has been authorized by the Planning Board and issued by the Code Enforcement Officer.
- C. Submission requirements.

[Amended 10-9-2007 STM by Art. 7; 3-28-2009 ATM by Art. 21]

- (1) Applications to the Planning Board for a permit for the excavation, screening, or storage of topsoil, loam, peat, sand, gravel, rock, or other mineral deposits shall be accompanied by a plan prepared according to the performance standards herein.
- (2) Plans for the proposed extraction site shall include:
 - (a) A standard boundary survey of the property lines;
 - (b) Names and addresses of owners of abutting property;
 - (c) Existing elevations, at not greater than five-foot contour intervals as well as the location and slope of the grades proposed upon completion of the extraction operation;
 - (d) Proposed fencing, buffer strips, measures to control dust, signs, lighting;
 - (e) Parking and loading areas, entrances and exits;
 - (f) A written statement of the proposed method, regularity, working hours;
 - (g) Proposed plans and specifications for the rehabilitation and restoration of the site upon completion of the operation. Such plan shall describe in detail procedures to be undertaken to fulfill the

requirements of Subsection **D(14)** below.

- (h) An estimate of the elevation of the seasonal high-water table within the excavation site shall be submitted. The Board may require the additional submission of a hydrogeologic study to determine the effects of the proposed activity on groundwater movement and quality within the general area.

D. Performance standards.

- (1) No part of any extraction operation shall be permitted within 150 feet of any property or street line, except that drainageways to reduce runoff into or from the extraction area may be allowed up to 100 feet from such line. No part of any extraction operation, including drainage and runoff control features, shall be permitted within 100 feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland. Natural vegetation shall be left and maintained on the undisturbed land. Excavation may not occur below the level of the traveled surface of any street, road, or right-of-way within 150 feet of that street, road, or right-of-way, except that excavation below the traveled surface level may occur within 150 feet of a private road or right-of-way with the written permission of the owner of that road or right-of-way. A natural buffer strip at least 150 feet wide shall be maintained between any excavation and a property boundary, including a street right-of-way. This distance may be reduced to not less than 10 feet with the written permission of the affected abutting property owner or owners, except that the distance may not be reduced to less than 25 feet from the boundary of a cemetery or burial ground. The distance between excavations owned by abutting owners may be reduced to not less than 75 feet with the abutter's written permission.

[Amended 3-11-1995 ATM by Art. 18; 3-28-2009 ATM by Art. 21]

- (2) If any standing water accumulates, the site shall be fenced in a manner adequate to keep out children. Measures shall be taken to prevent or stop the breeding of insects.

[Amended 3-28-2009 ATM by Art. 21]

- (3) No slopes steeper than three feet horizontal to one foot vertical are permitted at any extraction site unless a fence at least six feet high is erected to limit access to such locations.
- (4) Before commencing removal of any earth materials, the owner or operator of the extraction site shall present evidence to the Planning Board of adequate insurance against liability arising from the proposed extraction operations, and such insurance shall be maintained throughout the period of operation.

[Amended 3-28-2009 ATM by Art. 21]

- (5) Any topsoil and subsoil suitable for purposes of revegetation shall, to the extent required for restoration, be stripped from the location of extraction operations and stockpiled for use in restoring the location after extraction operations have ceased. Such stockpiles shall be protected from erosion, according to the erosion prevention performance standards of this section.

[Amended 3-28-2009 ATM by Art. 21]

- (6) Sediment shall be trapped by diversions, silting basins, terraces or other measures designed by a professional engineer.

[Amended 3-28-2009 ATM by Art. 21]

- (7) The sides and bottom of cuts, fills, channels, and artificial watercourses shall be constructed and stabilized to prevent erosion or failure.

[Amended 3-28-2009 ATM by Art. 21]

- (8) The daily hours of operation at any extraction site shall be limited as the Planning Board deems advisable, and additionally, the Board may require closure on weekends and legal holidays to ensure operational compatibility with nearby residences.

[Amended 10-9-2007 STM by Art. 7; 3-28-2009 ATM by Art. 21]

- (9) Excavation may not extend below five feet above the seasonal high-water table without the submission of detailed findings of the depth of the water table. The Planning Board may, upon verified determination of the depth of the seasonal high-water table, permit excavation within two feet above the water table. Existing operations which commenced before the adoption of this subsection, and have not been reviewed by the Planning Board, are allowed to continue pursuant to Subsection **E** below, but shall not extend any excavation below five feet above the seasonal high-water table.

[Amended 3-9-2007 ATM by Art. 25]

- (10) A sufficient number of monitoring wells shall be installed for the purpose of determining the local depth to the seasonal high-water table. The mineral extraction operator of any operation authorized by the

Planning Board, or any existing operation which has not been reviewed, shall, at the request of the Code Enforcement Officer, present monitoring well reports or dig a test pit to verify compliance with the standards of Subsection **D(9)** above.

[Added 3-9-2007 ATM by Art. 25 Editor's Note: This article also renumbered former Subsection D(10) through (13) as Subsection D(11) through (14) respectively.]

- (11) Loaded vehicles shall be suitably covered to prevent dust and contents from spilling or blowing from the load, and all trucking routes from the site to the nearest numbered state route, and trucking methods are subject to approval by the Road Commissioner and the Planning Board. No mud, soil, sand, or other materials may be allowed to accumulate on a public road from loading or hauling vehicles.

[Amended 10-9-2007 STM by Art. 7; 3-28-2009 ATM by Art. 21]

- (12) All access and or egress roads leading to or from the extraction site to public roads shall be treated with suitable materials and include design features to reduce dust and mud, and shall be paved for a distance of at least 100 feet into the site from the edge of the public road.

[Amended 10-9-2007 STM by Art. 7; 3-28-2009 ATM by Art. 21]

- (13) No equipment debris, junk, or other material is permitted on an extraction site. Any temporary shelters or buildings erected for such operations and equipment used in connection therewith shall be removed within 30 days following completion of active extraction operations.

[Amended 3-28-2009 ATM by Art. 21]

- (14) Within six months of the completion of extraction operations at any extraction site or any one or more locations within any extraction site, which operations shall be deemed complete when less than 100 cubic yards of materials are removed in any consecutive twelve-month period, ground levels and grades shall be established in accordance with the approved plans filed with the Planning Board. These plans shall provide for the following:

[Amended 3-9-2007 ATM by Art. 25; 3-28-2009 ATM by Art. 21]

- (a) All debris, stumps, boulders, and similar materials shall be removed for disposal in an approved location, or shall be buried and covered with a minimum of two feet of soil, on-site.
 - (b) The final graded slope shall be 2 1/2:1 slope or flatter.
 - (c) Storm drainage and watercourses shall leave the location at the original natural drainage points and in a manner such that the amount of drainage at any point is not significantly increased.
 - (d) At least four inches of topsoil or loam shall be retained to cover all disturbed areas, which shall be reseeded and properly restored to a stable condition with vegetation native to the area, adequate to meet the provisions of the Erosion and Sediment Control, Best Management Practices, published by the Maine Department of Environmental Protection. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
 - (e) A performance guarantee meeting the requirements of Article **XIX**, § **160-155**, shall be given to the Town before the issuance of a land use permit for any mineral extraction use approved by the Planning Board. The performance bond shall be of sufficient size to rehabilitate the site in accordance with the restoration plan approved by the Planning Board. If a mineral extraction use is discontinued (as defined in Subsection **E**) its approval shall expire, and the Town, after providing the owner and/or operator written notice of its intent, shall use the posted security to restore the site in accordance with the approved restoration plan if the owner or operator fails to do so.
- (15) Additional standards for legally nonconforming mineral extraction within the Wellhead Protection Districts 1, 2 and 3:
- [Added 3-29-2005 STM by Art. 2]**
- (a) Mining for metallic ores shall be prohibited.
 - (b) Storage of fuels, chemicals, solvents, or other liquid wastes shall be prohibited in gravel pits or rock mining areas.
 - (c) Rock crushers shall be prohibited in Wellhead Protection Districts 1 and 2 only.

E. Existing operations.

[Amended 3-9-2007 ATM by Art. 25; 10-9-2007 STM by Art. 7]

- (1) Any legally nonconforming operation involving the excavation, processing, or storage of soil, earth, loam, sand, gravel, peat, rock, or other mineral deposits in lawful operation at the time this section becomes effective or is amended, may continue to operate in nonconformance with the provisions of this section

for a period of three years from the effective date of those provisions which made the operation legally nonconforming. Within 30 days of the effective date or the date of any amendments of this section, the Code Enforcement Officer shall notify, by certified mail, return receipt requested, the owners of all property which, to the best of the Code Enforcement Officer's knowledge, contain existing operations, informing them of the requirements of this section, so they may apply to the Planning Board to bring their operations into conformance within the three-year period.

[Amended 3-28-2009 ATM by Art. 21]

- (2) Discontinuation of any existing operation for a period of more than one year shall result in the requirement to comply with all of these standards before resumption of the mineral extraction use. "Discontinuation" is defined as being the excavation, processing, or storage of less than 10 cubic yards of material. The Code Enforcement Officer may require the mineral extraction operator to produce applicable business records should the question arise whether a particular operation has been discontinued.

§ 160-135. Minor earthmoving activities.

[Amended 3-28-2009 ATM by Art. 21]

- A. The following minor earthmoving activities do not require a permit:
- (1) The removal or filling of less than 100 cubic yards of material from, onto, or within any lot in any one year outside of any Shoreland Zone.
 - (2) The removal or filling of material incidental to construction, alteration, or repair of a building or in the grading and landscaping incidental thereto, outside of any Shoreland Zone.
 - (3) The removal, filling, or transfer of material incidental to construction, alteration, or repair of a public or private way or essential services, such as a fire pond, outside of any Shoreland Zone.
- B. Any other earthmoving activities shall require a permit from the review authority — indicated in the Land Use Table in § 160-32.

§ 160-136. Mobile home parks.

[Amended 3-11-2006 ATM by Art. 24]

- A. Except as stipulated below, mobile home parks must meet all the requirements for a residential subdivision, and must conform to all applicable state laws and local ordinances or regulations. Where the provisions of this section conflict with specific provisions of the Alfred Subdivision Regulations, *Editor's Note: See Ch. 148, Subdivision of Land.* the provisions of this section prevail.
- B. Lot area and lot width requirements. Notwithstanding the district dimensional requirements contained in this chapter, lots in a mobile home park must meet the following lot area and lot width requirements.
- (1) Lots served by individual subsurface wastewater disposal systems, as follows:
 - (a) Minimum lot area: 20,000 square feet.
 - (b) Minimum lot width: 100 feet.
 - (2) Lots served by a central subsurface wastewater disposal system approved by the Maine Department of Human Services, as follows:
 - (a) Minimum lot area: 12,000 square feet.
 - (b) Minimum lot width: 75 feet.
 - (3) The overall density of any park served by any subsurface wastewater disposal system may not exceed one dwelling unit per 20,000 square feet of total park area.
 - (4) Lots located within the Shoreland Zone must meet the lot area, lot width, and shore frontage requirement for that district.
- C. Unit setback requirements.
- (1) Structures may not be located less than 15 feet from any boundary lines of an individual lot.
 - (2) On lots which abut a public way either within the park or adjacent to the park, or on lots which are located within the Shoreland Zoning District, structures must meet the front setback requirements found in the district dimensional requirements of this chapter.
- D. Buffering. If a park is proposed with a residential density at least twice the density of adjacent development in existence, or at least twice the density permitted in the zoning district in which the park is located, and if

the neighboring land is undeveloped, the park must be designed with a continuous landscaped area not less than 50 feet in width which may contain no structures or streets. The first 25 feet of the buffer strip, as measured from the exterior boundaries of the park, must contain evergreen shrubs, trees, fences, walls, or any combination which forms an effective visual barrier to be located on all exterior lot lines of the park, except that driveways must be kept open to provide for vehicles entering and leaving the park.

E. Road design, circulation and traffic impacts.

- (1) Streets within a park must be designed by a professional engineer registered in the State of Maine.
- (2) Streets which the applicant proposes to be dedicated as public ways must be designed and constructed in accordance with the standards for streets in the Alfred Subdivision Regulations.
- (3) Streets which the applicant proposes to remain as private ways must meet the following minimum geometric design standards:
 - (a) Minimum width of right-of-way: 23 feet.
 - (b) Minimum width of traveled way: 20 feet.
- (4) No individual lot within a park may have direct vehicular access onto an existing public street.
- (5) The intersection of any street within a park and an existing public street must meet the following standards:
 - (a) Angle of intersection. The minimum angle of intersection is 75°.
 - (b) Maximum grade within 75 feet of intersection. The maximum permissible grade within 75 feet of the intersection is 2%.
 - (c) Minimum sight distance. A minimum sight distance of 10 feet for every mile per hour of legal speed limit on the existing road must be provided. Sight distance is measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye 3 1/2 feet above the pavement and the height of the object 4 1/4 feet.
 - (d) Distance from other intersections. The center line of any street within a park intersecting an existing public street may be no less than 125 feet from the center line of any other street intersecting that public street.
- (6) The application must contain an estimate of the average daily traffic projected to be generated by the park. Estimates of traffic generation must be based on the most recent edition of the Trip Generation Manual, published by the Institute of Transportation Engineers. If the park is projected to generate more than 140 vehicle trip ends per day, the applicant must also include a traffic impact analysis by a registered professional engineer with experience in transportation engineering.
- (7) Any mobile home park expected to generate average daily traffic of 200 trips per day or more must have at least two street connections with existing public streets. Any street within a park with an average daily traffic of 200 trips per day or more must have at least two street connections leading to existing public streets, other streets within the park, or other streets shown on an approved subdivision plan.

F. Groundwater impacts.

- (1) Assessment submitted. Accompanying the application for approval of any mobile home park which is not served by public sewer must be an analysis of the impact of the proposed mobile home park on groundwater quality. The hydrogeologic assessment must be prepared by a certified geologist or registered professional engineer experienced in hydrogeology and must contain at least the following information:
 - (a) A map showing the basic soil types.
 - (b) The depth to the water table at representative points throughout the mobile home park.
 - (c) Drainage conditions throughout the mobile home park.
 - (d) Data on the existing groundwater quality, either from test wells in the mobile home park or from existing wells on neighboring properties.
 - (e) An analysis and evaluation of the effect of the mobile home park on groundwater resources. The evaluation must, at a minimum, include a projection of postdevelopment nitrate-nitrogen concentrations at any wells within the mobile home park boundaries and at a distance of 1,000 feet from potential contamination sources, whichever is a shorter distance. For mobile home parks within the watershed of a lake, projections of the development's impact on groundwater phosphate concentrations must also be provided.
 - (f) A map showing any subsurface wastewater disposal systems and drinking water wells within the

mobile home park and within 200 feet of the mobile home park boundaries.

(2) Standards for acceptable groundwater impact.

- (a) Projections of groundwater quality and quantity must be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
- (b) No mobile home park may increase any contaminant concentration in the groundwater to more than 1/2 of the primary drinking water standards. No mobile home park may increase any contaminant concentration in the groundwater to more than the secondary drinking water standards.
- (c) If groundwater contains contaminants in excess of the primary standards, and the mobile home park is to be served by on-site groundwater supplies, the applicant must demonstrate how water quality will be improved or treated.
- (d) If the groundwater contains contaminants in excess of the secondary standards, the mobile home park may not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.
- (e) The quantity of water to be taken from groundwater sources may not lower the groundwater table at the property lines by more than two feet, cause undesirable changes in groundwater flow patterns, or cause unacceptable ground subsidence, based on the assumption of drought conditions.
- (f) Annual testing of a monitoring well, located at the property line closest to the water supply well, shall be provided to the Code Enforcement Officer at the expense of the applicant for the life of the project, to insure continued compliance with the standards of this section. The Planning Board shall include this testing requirement as a condition of approval.

(3) Subsurface wastewater disposal systems and drinking water wells must be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards must be included as a note on the plan.

G. No development or subdivision which is approved under this section as a mobile home park may be converted to another use without the approval of the Planning Board, and without meeting the appropriate lot size, lot width, setback, and other requirements of this chapter. The mobile home park plan must be recorded at the Registry of Deeds and filed with the Town and must include the following restrictions as well as any other notes or conditions of approval:

- (1) The land within the park must remain in a unified ownership, and the fee simple title to lots or portions of lots may not be transferred.
- (2) No dwelling unit other than a manufactured housing unit may be located within the park.

§ 160-137. Multifamily dwelling units.

A. Two-family dwelling units. Lots for two-family units must meet the district dimensional requirements in this chapter and the multifamily criteria listed in Subsection **B(5)** and **(10)** below.

[Amended 3-11-1995 ATM by Art. 18]

B. Multifamily dwelling units. Multifamily (three or more) dwelling units must meet all of the requirements for a Planning Board authorized permit, detailed in Article **XIX** and the following criteria:

- (1) The site plan must show proposed buffering and screening and provisions for playground, recreation, or open space. A site location map at a scale of not more than 1,500 feet to the inch must also be submitted.
- (2) No building may contain more than four dwelling units.
- (3) All multifamily dwelling units must be connected to a sewage collection and treatment system which meets state requirements.
- (4) All multifamily dwelling units must be connected to a common water supply and distribution system, either public or private, at no expense to the Town of Alfred.
- (5) All living areas below grade must be constructed with at least 50% of the total wall area above grade, or the total wall area of one wall entirely above grade.
- (6) All developments containing 15 or more dwelling units must have an emergency access which will permit emergency vehicle access but will not allow other vehicle access.
- (7) Multifamily dwellings must be oriented with respect to scenic vistas, natural landscape features, topography, south-facing slopes (where possible), and natural drainage areas, in accordance with an

overall plan for site development and landscaping. When proposed buildings are near each other, shadow projections must be examined to ensure that solar access to any building is not blocked or substantially reduced. A site inspection must be conducted by the Planning Board prior to approval.

- (8) Except where buildings, roads, or parking areas are to be sited, no topsoil may be removed from the site and existing vegetation must be left as much as possible to prevent soil erosion.
- (9) There must be at least 50 feet between principal buildings.
- (10) Each principal building must be set back at least 50 feet from any exterior lot line, and from any existing or proposed public road.

C. Multifamily dwelling units which are not cluster developments must meet district dimensional requirements.

§ 160-138. Piers, docks, wharves, bridges and other structures and uses extending over or below normal high-water line of water body or within wetland.

A. In addition to federal or state permits which may be required for such structures and uses, they must conform to the following:

- (1) Access from shore shall be developed on soil appropriate for such use and constructed so as to control erosion.
- (2) The location shall not interfere with existing developed or natural beach areas, nor impede navigation.
[Amended 3-31-2012 ATM by Art. 22]
- (3) The facility shall be located so as to minimize adverse effect on fisheries.
- (4) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf shall not be wider than six feet for non-commercial uses.

[Amended 3-28-2009 ATM by Art. 21]

- (5) The application for any structure, permanent or floating, must be reviewed and approved by the Planning Board if it:

- (a) Extends more than 20 feet from the bank of any lake, pond, river or stream;

[Amended 3-31-2012 ATM by Art. 22]

- (b) Has any permanent parts located between the banks of any stream or below the normal high-water elevation of any lake or pond;
 - (c) Is constructed as part of any commercial use; or
 - (d) Requires dredging or filling.

- (6) No new structure shall be built on, over, or abutting a pier, wharf, dock, or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

[Amended 3-28-2009 ATM by Art. 21]

- (7) New permanent piers and docks shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

[Added 3-28-2009 ATM by Art. 21]

- (8) No existing structures built on, over, or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

[Amended 3-28-2009 ATM by Art. 21]

- (9) Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed 20 feet in height above the pier, wharf, dock or other structure.

[Added 3-28-2009 ATM by Art. 21]

B. Application for Planning Board review. For any proposed shoreland construction or alteration requiring a permit from the Board of Environmental Protection, a copy of said permit and all attachments thereto constitute the application to the Planning Board. For all other proposed shoreland construction or

alteration, application to the Planning Board must be made on forms provided for the purpose.

C. Conditions of permit. The Planning Board may authorize the issuance of a permit, provided that the criteria applicable to Planning Board authorized land use permits have been met, and the applicant has clearly demonstrated that the following will be met:

- (1) The use will not unreasonably interfere with existing recreational and navigational uses, nor unreasonably alter scenic and aesthetic qualities;
- (2) The use will not unreasonably interfere with or harm the natural environs of any lake, pond, tributary, stream, or river, nor harm any fish or wildlife habitat;
- (3) The use will not cause unreasonable soil erosion nor lower the quality of any waters;
- (4) The use will not unreasonably alter the natural flow or storage capacity of any water body; and
- (5) The use will not create or cause to be created unreasonable noise or traffic of any nature.

D. Assistance. The Planning Board may seek assistance from the Department of Inland Fisheries and Wildlife and the Department of Environmental Protection in evaluating these proposals.

§ 160-139. Recreational facility.

Recreation facilities in Land Use Categories 6, except 6.2.7, must meet the standards below:

- A. There must be provided adequate off-street parking for the anticipated maximum attendance at any event.
- B. Containers and facilities for rubbish collection and removal must be provided.
- C. Adequate screening, buffer area, or landscape provisions must be built, planted, or maintained, to protect adjacent residences from adverse noise, light, dust, smoke, and visual impact.
- D. The proposed use may not create a traffic hazard.

§ 160-140. Restaurants, bars and bottle clubs (Land Use Categories 8 and 9).

- A. The application for a permit must state the maximum seating and standing capacity of the building. Any expansion or enlargement over this capacity requires a new permit.
- B. When subsurface wastewater disposal is proposed, completed soil evaluation forms (HHE-200) must be submitted. All proposed subsurface disposal systems must meet the State of Maine Subsurface Wastewater Disposal Rules.
- C. All parking and loading facilities must be located to the side or rear of the building, and must be screened from abutting residences within 200 feet. Screening must be comprised of a continuous landscaped area not less than eight feet in width, containing evergreen shrubs, trees, fences, walls, berms, or any combination thereof, forming a visual barrier not less than six feet in height.
- D. Restroom facilities for the patrons must be provided on the premises.

§ 160-141. Special events.

[Amended 3-11-1995 ATM by Art. 18]

- A. The operator of a special event must guarantee that litter generated by the event will be removed at no expense to the Town. The reviewing authority may require the operator to post a bond to ensure compliance with this requirement.
- B. The reviewing authority may not approve an application for a special event unless it finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic.

§ 160-142. Temporary dwellings used in connection with the construction of a permanent building or for some nonrecurring purpose.

- A. Temporary residences used on construction sites of nonresidential premises must be removed immediately upon completion of the project.

- B. Permits for temporary residences to be occupied pending the construction, repair, or renovation of the permanent residential building on a site expire within six months after the date of issuance, except that the CEO may renew such permit for one additional period not to exceed three months if the CEO determines that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the construction, repair, renovation, or restoration work necessary to make such building habitable.

§ 160-142.1. Temporary school bus shelters.

[Added 3-11-1995 ATM by Art. 18]

The front setback provisions of the district need not be met by a shelter for children waiting for transportation to school, if the following are met:

- A. The structure is no more than four feet by eight feet in horizontal dimension and no more than eight feet tall;
- B. The sides of the structure are enclosed with a transparent material three feet above the floor area;
- C. The structure is not located within the street right-of-way;
- D. The structure is no closer than 15 feet to the edge of the pavement; and
- E. The structure is only in place between September 1 of one year and July 1 of the following year.

§ 160-143. Timber harvesting within the Shoreland Zone.

[Amended 3-28-2009 ATM by Art. 21; 3-29-2013 ATM by Art. 24]

See Maine Forest Service Rule, Ch. 21, for Timber Harvesting Regulations, 38 M.R.S.A. § 438-B5.

§ 160-143.1. Wireless telecommunications facilities.

[Added 3-17-2001 ATM by Art. 22]

- A. Applicability. This local section applies to all construction and expansion of wireless telecommunications facilities, except as provided below.
- B. Exemptions. The following are exempt from the provisions of this section:
 - (1) Amateur (ham) radio stations. Amateur (ham) radio stations licensed by the Federal Communications Commission.
 - (2) Parabolic antenna. Parabolic antennas less than seven feet in diameter, that are an accessory use of the property.
 - (3) Maintenance or repair. Maintenance, repair or reconstruction of a wireless telecommunications facility and related equipment, provided that there is no change in the height or any other dimension of the facility.
 - (4) Temporary wireless telecommunications facility. Temporary wireless telecommunications facility, in operation for a maximum period of 180 days.
 - (5) Antennas as accessory uses. An antenna that is a noncommercial accessory use to a residential dwelling unit.
- C. Approval required. No person shall construct or expand a wireless telecommunications facility without a permit from the Code Enforcement Officer (CEO) or approval of the Planning Board as follows:
 - (1) Expansion of an existing facility and collocation. A permit from the CEO is required for any expansion of an existing wireless telecommunications facility that increases the height of the facility by no more than 20 feet; accessory use of an existing wireless telecommunications facility; or collocation on an existing wireless telecommunications facility.
 - (2) New construction. Approval by the Planning Board is required for construction of a new wireless telecommunications facility; and any expansion of an existing wireless telecommunications facility that increases the height of the facility by more than 20 feet.
- D. Approval process.
 - (1) Preapplication conference. All persons seeking approval of the CEO or the Planning Board under this section shall meet with the CEO no less than 30 days before filing an application. At this meeting the CEO shall explain to the applicant the section provisions, as well as application forms and submissions

that will be required under this section.

- (2) Application to CEO. In addition to the information required by § 160-147, applications for permit approval by the CEO must include the following materials and information:
 - (a) Documentation of the applicant's right, title or interest in the property where the facility is to be sited, including name and address of the property owner and the applicant.
 - (b) A copy of the FCC license for the facility or a signed statement from the owner or operator of the facility attesting that the facility complies with FCC regulations.
 - (c) Identification of districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed, or eligible for listing in the National Register of Historic Places.
 - (d) Location map and elevation drawings of the proposed facility and any other proposed structures showing color, and identifying structural materials.
- (3) Application for Planning Board approval. In addition to the information required by § 160-147, applications for permit approval by the Planning Board must include the following materials and information:
 - (a) Documentation of the applicant's right, title, or interest in the property on which the facility is to be sited, including name and address of the property owner and the applicant.
 - (b) A copy of the FCC license for the facility, or a signed statement from the owner or operator of the facility attesting that the facility will comply with FCC regulations.
 - (c) A USGS 7.5 minute topographic map showing the location of all structures and wireless telecommunications facilities above 150 feet in height above ground level, except antennas located on rooftops, within a five-mile radius of the proposed facility unless this information has been previously made available to the municipality. This requirement may be met by submitting current information (within 30 days of the date the application is filed) from the FCC Tower Registration Database.
 - (d) A site plan prepared and certified by a professional engineer registered in Maine indicating the location, type, and height of the proposed facility antenna capacity, on-site and abutting off-site land uses, means of access, setbacks from property lines. The site plan must include:
 - [1] Certification by a professional engineer registered in Maine that the proposed facility complies with all American National Standards Institute (ANSI) and other applicable technical codes.
 - [2] A boundary survey performed by a land surveyor licensed by the State of Maine.
 - (e) A scenic assessment consisting of:
 - [1] Elevation drawings of the proposed facility and any other proposed structures, showing height above ground level.
 - [2] A landscaping plan indicating the proposed placement of the facility on the site; location of existing structures, trees, and other significant site features; the type and location of plants proposed to screen the facility; the method of fencing, the color of the structure, and the proposed lighting method.
 - [3] Photo simulations of the proposed facility taken from perspectives determined by the Planning Board or its designee during the preapplication conference. Each photo must be labeled with the line of sight, elevation and with the date taken imprinted on the photograph. The photos must show the color of the facility and method of screening.
 - [4] A narrative discussing:
 - [a] The extent to which the proposed facility would be visible to a passing motorist or boater, within a designated scenic resource, or from a public recreational facility as identified in the Comprehensive Plan;
 - [b] The tree line elevation of vegetation within 100 feet of the facility; and
 - [c] The distance to the proposed facility from the designated scenic resources noted vantage points.
 - (f) A written description of how the proposed facility fits into the applicant's telecommunications network. This submission requirement does not require disclosure of confidential business information.
 - (g) Evidence demonstrating that no existing building, site, or alternative tower structure can

accommodate the applicant's proposed facility, which may consist of any one or more of the following:

- [1] Evidence that no existing facilities are located within the targeted market coverage area as required to meet applicant's engineering requirements.
 - [2] Evidence that existing facilities do not have sufficient height or cannot be increased in height at a reasonable cost to meet the applicant's engineering requirements.
 - [3] Evidence that existing facilities do not have sufficient structural strength to support the applicant's proposed antenna and related equipment. Specifically:
 - [a] Planned, necessary equipment would exceed the structural capacity of the existing facility, considering the existing and planned use of those facilities, and these existing facilities cannot be reinforced to accommodate the new equipment.
 - [b] The applicant's proposed antenna or equipment would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna or equipment on the existing facility would cause interference with the applicant's proposed antenna.
 - [c] Existing or approved facilities do not have space on which planned equipment can be placed so it can function effectively.
 - [4] For facilities existing prior to the effective date of this section, the fees, costs, or contractual provisions required by the owner in order to share or adapt an existing facility are unreasonable. Costs exceeding the pro rata share of a new facility development are presumed to be unreasonable. This evidence shall also be satisfactory for a tower built after the passage of this section.
- (h) Identification of historic districts, historic landmarks and other historic or archaeological resources.
- (i) A form of surety approved by the Planning Board to pay for the costs of removing the facility if it is abandoned. The amount of the surety shall be determined by the Planning Board based on estimates provided by the applicant, and advice from the Board of Selectmen and technical advisers to the Board.
- (4) Submission waiver. The CEO or Planning Board, as appropriate, may waive any of the submission requirements based upon a written request of the applicant. Such request must be made at the time of the application. A waiver of any submission requirement may be granted only if the CEO or Planning Board finds in writing that the information is not required to determine compliance with this section, and is consistent with purposes and standards in this chapter.
- (5) Fees.
- (a) In addition to the fees established in § **160-156**, an application for CEO approval shall include payment of an application fee of \$3 per \$1,000 of estimated value. The application shall not be considered complete until this fee is paid.
 - (b) The review fee for an application for Planning Board approval as required by § **160-156B**.
- (6) Standards for approval. To obtain approval from the CEO or the Planning Board, an application for a wireless telecommunications facility must comply with the standards in this section.
- (a) An application for approval by the CEO must meet the following standards.
 - [1] The proposed facility is an expansion, accessory use, or collocation to a structure existing at the time the application is submitted.
 - [2] The applicant has sufficient right, title, or interest to locate the proposed facility on the existing structure.
 - [3] The proposed facility increases the height of the existing structure by no more than 20 feet nor to a height exceeding 150 feet.
 - [4] The proposed facility will be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable.
 - [5] The proposed facility, to the greatest degree practicable, will not have an undue adverse impact upon historic districts, historic landmarks and other historic or archaeological resources.
 - (b) An application for approval by the Planning Board under § **160-143.1** must meet the following standards.
 - [1] Priority of locations. New wireless telecommunications facilities must be located according to the priorities below. The applicant shall demonstrate that a location of a higher priority cannot

- reasonably accommodate the applicant's proposed facility.
- [a] Collocation on an existing wireless telecommunications facility or other existing structure.
 - [b] New facility in a Commercial District.
 - [c] New facility in a Rural Residential District.
 - [d] New facility in a Village or Center Village District.
- [2] Siting on municipal property. If an applicant proposes to locate a new wireless telecommunications facility, or expand an existing facility on municipal property, the applicant must show the following:
- [a] The proposed location complies with applicable municipal policies and ordinances.
 - [b] The proposed facility will not interfere with the intended purpose of the property.
 - [c] The applicant has adequate liability insurance and a lease agreement with the municipality that includes reasonable compensation for the use of the property and other provisions to safeguard the public rights and interests in the property.
- [3] Design for collocation. A new wireless telecommunications facility and related equipment must be designed and constructed to accommodate future collocation of at least two additional wireless telecommunications facilities or providers.
- [4] Height. A new wireless telecommunications facility must be no more than 199 feet in height and may not be superseded by subsequent alterations.
- [5] Setbacks. A new or expanded wireless telecommunications facility must comply with the setback requirements for the zoning district in which it is located, or be set back 100% of its height from all property lines, whichever is greater. The setback may be satisfied by including the areas outside the property boundaries if secured by an easement. An antenna is exempt from the setback requirement if it extends to more than five feet horizontally from the edge of the structure to which it is attached, and it does not encroach upon an abutting property.
- [6] Landscaping. A new wireless telecommunications facility and related equipment must be screened with plants from view by abutting properties, to the maximum extent practicable. The approved site plan must show the location of existing structures, trees, and other significant site features; the type and location of plants proposed to screen the facility. Existing plants and natural land forms on the site shall also be preserved to the maximum extent practicable.
- [7] Fencing and access. A new wireless telecommunications facility must be fenced to discourage trespass on the facility and to discourage climbing on any structure by trespassers. The access road to the facility must be barred with a locked gate. A copy of the key to the lock shall be deposited with the Alfred Fire Chief to allow emergency access to the facility.
- [8] Lighting. A new wireless telecommunications facility must be illuminated only as necessary to comply with Federal Aviation Administration or other applicable state and federal requirements. Security lighting may be used as long as it is shielded to retain light within the boundaries of the site, to the maximum extent practicable, by using down-directional, sharp cutoff luminaires so that there is at least a minimum of spillage of illumination off-site.
- [9] Color and materials. A new wireless telecommunications facility must be constructed with materials and colors that match or blend with the surrounding environment, to the maximum extent practicable.
- [10] Structural standards. A new wireless telecommunications facility must comply with the current Electronic Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."
- [11] Visual impact. The proposed wireless telecommunications facility shall be located and constructed to minimize visual impact within the site and still allow the facility to function consistent with its purpose.
- [12] Noise. Construction, repair, or replacement operation of a back-up power generator at any time during a power failure, and testing of a back-up generator between 8:00 a.m. and 9:00 p.m. are exempt from noise standards of § 160-97 of the Alfred Zoning Ordinance.
- [13] Historic and archaeological properties. The proposed facility, to the greatest degree practicable, will have no undue adverse impact upon historic districts, historic landmarks and

other historic or archaeological resources.

- (7) Standard conditions of approval. The following standard conditions of approval shall be a part of any approval or conditional approval issued by the CEO or Planning Board. Reference to the conditions of approval shall be clearly noted on the final approved site plan and shall include:

(a) Agreement.

- [1] The owner of the wireless telecommunications facility and his or her successors and assigns agree to:

[a] Respond in a timely, comprehensive manner to a request for information from a potential collocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

[b] Negotiate in good faith for shared use of the wireless telecommunications facility by third parties;

[c] Allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for collocation.

- [2] This agreement shall also be added on the face of the final approved site plan, together with a notation that indicate these conditions of approval.

(b) Every year the applicant shall demonstrate continued uninterrupted compliance with all applicable FCC regulations. Proof of annual maintenance inspections shall be submitted to the CEO.

(8) Abandonment.

(a) A wireless telecommunications facility that is not operated for a continuous period of 12 months shall be considered abandoned. The owner of an abandoned facility shall be notified in writing by the CEO to remove the facility within 90 days of receipt of a written notice. The owner of the facility shall have 30 days from the receipt of the notice to show that the facility has been in use or under repair during the time period.

(b) If the owner fails to show that the facility has been in use or under repair, he or she shall have 60 days to remove the facility. If the facility is not removed within this time period, the municipal officers, after a public hearing with notice to the owners, may remove the facility at the owner's expense. The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its preconstruction condition, including the removal of roads, and reestablishment of vegetation plants.

(c) If a surety has been given to the municipality to ensure removal of the facility, the owner of the facility may apply to the Planning Board for release of the surety when the facility and related equipment have been removed by the owner to the satisfaction of the Planning Board.

Article XIX. Administration, Enforcement, and Penalties

§ 160-144. Code Enforcement Officer.

[Amended 3-11-1995 ATM by Art. 18; 3-9-1997 ATM by Art. 72; 3-9-2007 ATM by Art. 25; 3-28-2009 ATM by Art. 21]

- A. The Board of Selectmen shall appoint or reappoint a Code Enforcement Officer (CEO) annually by July 1st. The Board of Selectmen may appoint a Deputy Code Enforcement Officer who shall serve at the will of the Board of Selectmen, and who may perform any of the duties of the Code Enforcement Officer.
- B. It shall be the duty of the CEO to enforce the provisions of this chapter, the applicable sections and provisions of the current Alfred Subdivision Regulation, the Building Code, *Editor's Note: See Ch. 148, Subdivision of Land, and Ch. 88, Building Construction.* any other local land use ordinances, and state statutes over which the Town has enforcement responsibility. If the CEO shall find that any provision is being violated, the CEO shall notify, in writing, the person responsible for such violations, indicating the nature of the violations and ordering the action necessary to correct it. The CEO shall order the discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions, or must take any other action authorized by this chapter to insure compliance with, or to prevent violation of, its provisions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

- C. The CEO shall conduct on-site inspections to insure compliance with all applicable laws, regulations, and standards the CEO is authorized to enforce, and any conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this ordinance. 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 all the regulations the CEO is authorized to enforce. If consent is denied, the CEO must obtain an administrative warrant before entering the property. The CEO may revoke a permit after proper notification if it was issued in error or if based on erroneous information.
- D. The Code Enforcement Officer may attend any meetings of the Planning Board and Zoning Board of Appeals, and may present reports, photographs or other materials the Officer deems appropriate for assisting the Boards in their determination of whether or not any pending application meets all applicable standards.
- E. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office within any Shoreland Zone, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.

§ 160-145. Land use permit required.

[Amended 3-11-2006 ATM by Art. 24]

No person may construct or cause to be constructed or operate or cause to be operated a new land use or activity requiring a land use permit according to the Land Use Table in Article V, or expand such an existing land use or activity, unless a land use permit for such use or activity has been authorized by the appropriate reviewing authority, either the CEO or the Planning Board, and the land use permit has been issued by the CEO.

§ 160-146. Land uses and activities not requiring a land use permit.

[Amended 3-11-2006 ATM by Art. 24; 3-28-2009 ATM by Art. 21; 3-29-2013 ATM by Art. 25]

The following activities do not require a new land use permit, or amendments to an approved land use permit, but may require a building permit:

- A. Transfers of property with existing, approved land use permits, when no change of use is proposed between categories in the Land Use Table in Article V, and when no expansions or exterior alterations are proposed.
- B. Improvements made to existing buildings in order to meet the Americans with Disabilities Act, provided that the activity is in conformance with federal, state, or local laws.
- C. A permit is not required for the replacement of an existing road culvert as long as:
 - (1) The replacement culvert is not more than 25% longer than the culvert being replaced;
 - (2) The replacement culvert is not longer than 75 feet; and
 - (3) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.
- D. A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's Level 1 or Level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.
- E. Any permit required by this ordinance shall be in addition to any other permit required by other law or ordinance.

§ 160-147. Permit application.

- A. Every applicant for a land use permit shall submit a written application, including a scaled site plan, on forms provided by the CEO. Supplemental information in narrative, report, and/or development plan form, as appropriate, must also be submitted to the CEO, and must include the following information, if applicable:

[Amended 3-11-1995 ATM by Art. 18; 3-28-2009 ATM by Art. 21]

- (1) The name and address of the property owner.
 - (2) A copy of the deed to the property.
 - (3) The name, address, and telephone number of the person or firm involved in the construction or land use on the property.
 - (4) The value of the proposed construction.
 - (5) A statement of the proposed use for any new or moved structure or altered portion of an existing structure.
 - (6) Any other information, in narrative, report, or development plan form, as appropriate, which is necessary to clearly indicate that the proposed land use or activity will conform to all applicable provisions of this chapter, other applicable codes or ordinances of the Town, and state statutes over which the Town has enforcement responsibilities.
 - (7) A valid subsurface wastewater permit application, including a site evaluation, shall be submitted to the Plumbing Inspector for review, whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.
 - (8) For structures proposed to be erected, structures to be moved, structural modifications to the interior of existing structures, and exterior additions to existing structures:
 - (a) The shape, size, and location of the lot on which the structure is, or is proposed to be, located.
 - (b) The shape, size, and location on the lot of the structure or additions, precisely located and noted as to distances and dimensions.
 - (c) The shape, size, and location of any other existing structures on the lot.
 - (9) A certification that the information in the application is complete and correct to the best of the applicant's knowledge and belief.
 - (10) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder.
 - (11) All applications shall be dated, and the Code Enforcement Officer shall note upon each application the date and time of its receipt.
- B. The following additional information shall be submitted, if applicable, for structures, projects or uses within the Wellhead Protection Districts 1, 2 and 3:
- [Added 3-29-2005 STM by Art. 2 Editor's Note: With the addition of this new Subsection B, former Subsection B was redesignated as Subsection C.]**
- (1) Hazardous materials, petroleum products, and other chemicals:
 - (a) Handling and storage:
 - [1] Type of volume of chemical compounds handled and/or stored.
 - [2] Site plan showing all storage, handling and use areas for raw materials and wastes.
 - (b) For outside areas, details to contain spills including:
 - [1] Drainage and contour information to prevent the flow of runoff from entering the storage area and which keep leaks or spills from flowing off site.
 - [2] Provisions to collect chemicals should they enter any drainage system.
 - [3] Provisions to segregate underground systems to insure that there are no cross connections.
 - [4] Statement of emergency measures which can be implemented for surface drainage systems.
 - (c) For inside areas, details to contain spills including the design of dikes around rooms.
 - (d) A spill prevention and control and countermeasure (SPCC) plan detailing:
 - [1] Materials and equipment to be available.
 - [2] A training plan and schedule.
 - [3] A list of contacts (EPA/DEP/local fire officials) with phone numbers.
 - [4] An inspection schedule.
- C. Upon receipt of an application for a land use permit the CEO shall:
- [Amended 3-28-2009 ATM by Art. 21]**
- (1) Determine whether the land use or activity is allowed by this chapter in the district where it is proposed. If the use or activity applied for is not allowed, the CEO must deny the application.
 - (2) Determine whether the CEO or the Planning Board is the reviewing authority of the land use or activity contained in the application. If the land use or activity contained in the application is one over which the

Planning Board has review authority, a copy of the application must be forwarded to the Planning Board and the applicant so notified within 10 days of receipt of the application.

§ 160-148. Land use permit review procedure by the CEO.

- A. Within 14 days of receipt of the application the CEO must determine whether the application is complete. If the application is not complete, the CEO must notify the applicant in writing that it is not complete and must indicate what information is missing.
- B. If, because of the technical nature of any application submission, the CEO cannot judge that the proposed land use or activity will conform to all applicable provisions of this chapter, or other applicable codes or ordinances of the Town, the CEO shall, after notification to, and at the expense of, the applicant, employ one or more independent engineering, planning, or other technical consultants to ensure compliance with all requirements of this chapter, pursuant to the procedure set forth in § 160-156.

[Amended 10-25-2005 STM by Art. 12 Editor's Note: This Article also redesignated former Subsections B through F as Subsections C through G, respectively.]

- C. Once the CEO has determined that the application is complete, the CEO must determine whether the application is satisfactory.
- D. An application is satisfactory if it clearly indicates that the proposed land use or activity will conform to all applicable provisions of this chapter, and other applicable codes or ordinances of the Town, and is accompanied by the required fee.
- E. If the application is satisfactory, the CEO must, within 30 days of its receipt, issue the land use permit, notify in writing the Board of Selectmen, and file the application, including all narrative, reports, and development plan filed with the application, and a copy of the permit, in a permanent file in the Town office. If a permit is approved with conditions, the reasons for the conditions, as well as the conditions themselves, shall be stated in writing.

[Amended 3-28-2009 ATM by Art. 21]

- F. If the application is not satisfactory, the CEO must, within 30 days of determining that it is a complete application, deny the permit and state in writing the reasons for the denial.
- G. The CEO must deny any land use permit if the CEO has knowledge that the proposed land use or activity would be located in an unapproved subdivision, and/or if the proposed land use or activity would be in violation of this chapter, or any other local ordinance or code, or regulation or statute administered by the Town.

[Amended 3-28-2009 ATM by Art. 21]

§ 160-149. Land use permit review procedure by the Planning Board.

- A. Once the Planning Board has received the application from the CEO, it must schedule review of the application at the next available Planning Board meeting. The next available meeting could be the next meeting or it could be a later meeting, depending on the length of the Planning Board review waiting list.
- B. The Planning Board shall, after notification to, and at the expense of, the applicant, employ one or more independent engineering, planning, or other technical consultants to ensure compliance with all requirements of this chapter, pursuant to the procedure set forth in § 160-156.

[Amended 10-25-2005 STM by Art. 12 Editor's Note: This article also redesignated former Subsections B through I as Subsections C through J, respectively.]

- C. Seven days prior to the Planning Board meeting at which the application will be reviewed for completeness, the Planning Board must notify the CEO in writing, and the applicant by first class mail.
- D. The Planning Board must also, seven days prior to the Planning Board meeting, post a notice at the Town Hall. The notice posted and the notice specified in Subsection B above must state the name of the applicant, the land use or activity proposed, the location of the proposed land use or activity, and the date, time, and location of the Planning Board meeting.
- E. No application may be reviewed for completeness at a Planning Board meeting if it has not been received by the Planning Board at least 14 days prior to that meeting.

F. The Planning Board has 35 days to determine if the application is complete. This time period may be extended by mutual agreement of a majority of the Board and the applicant.

[Amended 3-28-2009 ATM by Art. 21]

G. If the application is not complete, the Planning Board may not review the application to determine if it is satisfactory and must notify the applicant in writing of the information that is missing.

H. If the Planning Board determines that the application is complete, it must schedule a public hearing, after which it will begin a review to determine if the application is satisfactory. The application is satisfactory if it clearly indicates that the proposed land use or activity will conform to the provisions of this chapter, and other applicable codes or ordinances of the Town, and is accompanied by the required fee.

[Amended 3-17-2010 ATM by Art. 20]

I. Seven days prior to the date of the public hearing at which the Planning Board will begin review of the application to determine if the application is satisfactory the Board must notify by certified mail:

[Amended 3-11-1995 ATM by Art. 18; 3-9-2007 ATM by Art. 25; 3-27-2010 ATM by Art. 20; 3-31-2012 ATM by Art. 22]

(1) The applicant; and

(2) All other persons owning land within 500 feet of the lot on which the land use or activity is proposed.

J. The Planning Board must use the following procedure when reviewing the application to determine whether it is satisfactory:

(1) The applicant presents the application and explains how the proposed land use or activity will conform to all applicable provisions of this chapter, and other applicable codes or ordinances of the Town. The applicant may present oral and written documentation.

(2) Questions from those present, including Planning Board members, may be asked through the Planning Board Chair.

(3) The applicant or any other party may be represented by an agent.

(4) The Planning Board is to review the information presented and determine if the proposed land use or activity will conform to all applicable provisions of this chapter, and other applicable codes or ordinances of the Town. If the Planning Board determines that the application is satisfactory, the Board must authorize the CEO to issue the land use permit. If the Board determines that the application is not satisfactory, the Board must deny the permit and state in writing the reasons for the denial.

(5) If the Planning Board needs more time to review the application and the information presented, or if the applicant needs more time to present additional information to show that the application is satisfactory, the Planning Board may vote to continue review of the application to another Planning Board meeting. However, the Planning Board shall approve, approve with conditions, or deny all permit applications in writing within 35 days of finding the application complete, in accordance with Subsection H above. If the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this ordinance. This time period may be longer by mutual agreement of the applicant and the Planning Board. The motion to continue must state the reason for the continuation and the date, time, and location of the meeting to which it is continued.

[Amended 3-28-2009 ATM by Art. 21]

K. The Planning Board must deny any land use permit if it has knowledge that the proposed land use or activity would be located in an unapproved subdivision, and/or if the proposed land use or activity would be in violation of this chapter, or any local ordinance or code.

L. The Planning Board must notify in writing the CEO and the applicant of its decision within 10 days of making that decision.

[Added 3-11-1995 ATM by Art. 18]

§ 160-149.1. Revisions to land use permits approved by the Planning Board.

[Added 3-27-2010 ATM by Art. 20]

A. Procedure. An applicant for a revision to a previously approved plan shall, at least 10 days prior to a scheduled

meeting of the Board, request to be placed on the Board's agenda.

- B. Submissions. The applicant shall submit a copy of the approved plan, as well as nine copies of the proposed revisions. The application shall also include supporting information as determined by the Planning Board to allow it to make a determination that the proposed revisions meet the standards of these regulations.
- C. Fees. Fees for revisions shall be set by the municipal officers according to § 160-156.

§ 160-150. Burden of proof.

[Amended 3-28-2009 ATM by Art. 21]

The applicant has the burden of proving to the review authority that the application is satisfactory, and in conformity with the purposes and provisions of this chapter.

§ 160-151. Expiration of permit.

[Amended 3-28-2009 ATM by Art. 21; 3-31-2012 ATM by Art. 22]

Following the issuance of a land use permit, if no substantial start is made in construction or in use of the property within two years of the date of the permit, the permit is deemed to have lapsed and is void. Within any Shoreland Zone, if a substantial start is made within two years of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire. Outside of any Shoreland Zone, if a substantial start is made within two years of the issuance of the permit, the applicant shall have two additional years to complete the project, at which time the permit shall expire.

§ 160-151.1. Display of permit.

[Added 3-28-2009 ATM by Art. 21]

A person who is issued a permit pursuant to this ordinance shall have a copy of the permit posted on site in a conspicuous location, while the work authorized by the permit is performed.

§ 160-151.2. Installation of public utility service.

[Added 3-28-2009 ATM by Art. 21]

A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in the Shoreland Zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous ordinance has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

§ 160-152. Certificate of occupancy required.

- A. A certificate of occupancy issued by the CEO is required in advance of the use or occupancy of:
- (1) Any lot, or change in the use of any lot from one use category to another according to the Land Use Table in Article V.
 - (2) A structure hereafter erected or a change in the use category of an existing structure, or as the Building Code requires.
 - (3) Change in the occupant of a commercial or industrial use (Land Use Categories 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16.4, 17, 18, 19, 21, 22, 23, 24, 26, and 28).
- B. No certificate of occupancy may be issued unless the proposed improvements to the lot and/or building have been completed or a performance guarantee covering the cost of their completion has been given to the Town according to the standards for performance guarantees in § 160-155, and the lot, building, or structure complies with all the provisions of this chapter, and any other local ordinance or code. A record of all certificates of occupancy must be kept on file in the office of the CEO, and a copy must be furnished, on request, to any person having a proprietary or tenancy interest in the structure or land involved. A duplicate copy must be filed in the office of the Tax Assessor and the certificate of occupancy must state specifically the uses which it permits.

[Amended 3-28-2009 ATM by Art. 21]

§ 160-153. Legal action and violations.

A. Violations of this chapter include, but are not limited to:

- (1) Engaging in a land use or activity without obtaining prior approval as required from the review authority.
- (2) Occupying a lot or building without first obtaining a certificate of occupancy as required.
- (3) Failing to maintain all of the improvements proposed in the narrative, report, and development plan portions of the approved application.

B. Nuisances. Any violation of this ordinance shall be deemed to be a nuisance.

[Added 3-28-2009 ATM by Art. 21]

C. When any violation of any provision of this chapter is found to exist, and a notice of violation does not result in the correction or abatement of the violation or nuisance condition, the municipal officers, upon notice from the CEO, are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this chapter in the name of the Town. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this ordinance and recovering fines without court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

[Amended 3-28-2009 ATM by Art. 21]

§ 160-154. Fines.

[Amended 3-28-2009 ATM by Art. 21]

Any person, including but not limited to a firm, or corporation being the owner, a landowner, a landowner's agent or a contractor, or any other entity having control or use of any structure or premises who violates any of the provisions or requirements of this chapter shall, upon conviction, be fined in accordance with provisions of 30-A M.R.S.A. § 4452. Each day such a violation is permitted to exist after notification constitutes a separate offense. Fines are payable to the Town.

§ 160-155. Performance guarantees and inspections of required improvements (applies only to commercial, industrial, and multifamily uses).

[Amended 10-25-2005 STM by Art. 12]

- A. The purpose of a performance guarantee is to assure that the land use or activity proposed by the applicant and approved by the review authority, including all of the improvements proposed in the application, whether in narrative, report, or development plan form, are completed as proposed.
- B. At the time of approval of an application for a land use permit, the review authority may require the applicant to give to the Town a performance guarantee. If a performance guarantee is required, the review authority shall require the applicant to submit the proposed performance guarantee to the Board of Selectmen for review and approval of its form, content and amount. The Board of Selectmen may seek the advice of the Municipal Engineer and/or Town Attorney, in its review. The review authority shall not make a final decision on any application requiring a performance guarantee, until said guarantee is approved by the Board of Selectmen. Submission of an approved performance guarantee shall not be made as a condition of any approval.

[Amended 3-28-2009 ATM by Art. 21]

If circumstances such as weather conditions do not permit the completion of all improvements proposed by the applicant, occupancy may take place but only after a performance guarantee has been given to the Town covering the full cost to the Town of their completion.

- C. The performance guarantee may be either a certified check payable to the Town, an irrevocable letter of credit from a lending institution, or a performance bond payable to the Town issued by a surety company. The performance guarantee must be in an amount adequate to cover the total costs of all required improvements, taking into account the time span of the guarantee and the effects of inflation upon costs.

[Amended 3-28-2009 ATM by Art. 21]

- D. During the construction period and prior to the release of any part of or the entire performance guarantee, the review authority shall employ an engineer, at the expense of the applicant, to inspect and certify that the improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested. The Review Authority shall follow the procedures set forth in § 148-27 of the Alfred Subdivision Regulations for scheduling such inspections, and obtaining funds from the applicant to reimburse the Town's consulting engineer. Any interest accumulated on an escrow account must be returned with any money owed by the Town to the developer after it has been determined that the proposed improvements meet all design and construction requirements.

[Amended 3-31-2012 ATM by Art. 22]

- E. If the review authority finds, upon inspection of the improvements performed before release of the guarantee, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the applicant, the review authority must so report to the Board of Selectmen. The Town must then notify the applicant, and, if necessary, the bonding company or lending institution, and take all necessary steps to preserve the Town's rights under the guarantee.

§ 160-156. Fees.

[Amended 10-25-2005 STM by Art. 12]

- A. The municipal officers must annually set the amount of all fees not otherwise specified in this chapter.
- B. If the review authority requires the employment of one or more independent engineering, planning, or other technical consultants pursuant to the requirements of this chapter, an estimate of the cost of the services shall be obtained and presented to the applicant. The estimated costs of such studies shall be deposited with the Town Treasurer in a special escrow account prior to their undertaking. If the balance in the special escrow account is drawn down by 75%, the review authority shall notify the applicant and require that the balance be brought back up to the amount of the original deposit. Any balance in the special escrow account remaining after a final decision on the application shall be returned to the applicant.

Article XX. Board of Appeals

§ 160-157. Establishment and organization.

- A. A Board of Appeals is hereby established in accordance with the provisions of 30-A M.R.S.A. § 2691. It consists of not more than seven members. Members of the Board of Appeals are appointed by the municipal officers. A municipal officer or municipal officer's spouse may not be a member of the Board of Appeals.

[Amended 3-28-2009 ATM by Art. 21]

- B. The term of office of a member is three years serving staggered terms. Initial terms are two members appointed for one year, two for two years, and three for three years.
- C. When there is a permanent vacancy, the municipal officers must appoint a new member to serve for the remainder of the unexpired term.
- D. Members of the Board of Appeals must be legal residents of Alfred when appointed and serving.
- E. Members of the Board of Appeals may be removed from office by the municipal officers for cause upon written charges and after public hearing. "For cause" includes failure of a Board member to attend three consecutive meetings without the recorded consent of the Chair.
- F. The Board of Appeals must annually elect a Chair, Vice Chair, and Secretary from its own membership. No member may hold two Board of Appeals offices simultaneously.
- G. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting must be decided by a majority of the members, except the member who is being challenged.

§ 160-158. Proceedings of the Board of Appeals.

- A. A quorum necessary to conduct business of the Board of Appeals is four members.
- B. The Board of Appeals must adopt rules necessary to the conduct of its affairs, in keeping with the provisions of this chapter and 30-A M.R.S.A. § 2691.
- C. Meetings are held at the call of the Chair and at such other times as the Board of Appeals may determine. All meetings are open to the public.
- D. The Board of Appeals must keep minutes of its proceedings, showing the vote of each member upon each question, or of absence or failure to vote, and must keep records of its examinations and other official actions, all of which are a public record and must be filed with the Town Clerk.

§ 160-159. Powers and duties of the Board of Appeals.

The Board of Appeals has the following powers and duties:

- A. Administrative appeal of the CEO. To hear and decide administrative appeals, on a de novo basis, where it is alleged by an aggrieved party that there is an error in any written order, requirement, decision, or determination made by, or failure to act by, the CEO in the review of and action on a permit application under this chapter. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

[Amended 3-28-2009 ATM by Art. 21]

- B. Administrative appeal of the Planning Board. To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in its administration of this chapter.

[Amended 3-28-2009 ATM by Art. 21]

- C. Variances. To authorize variances when specifically applied for, but only within the limitations set forth in this chapter.

§ 160-160. Variances.

[Amended 3-8-2003 ATM by Art. 26; 3-8-2008 ATM by Art. 26]

- A. Standards applicable to all variances. Any of the following types of variances may be granted only under the following conditions:

[Amended 3-28-2009 ATM by Art. 21]

- (1) Variances may be granted only from dimensional requirements, including but not limited to lot size, lot frontage, structure height, lot coverage, and setback requirements, subject to the specific limitations and restrictions found below in this section.
 - (2) The Board shall not grant a variance unless it finds that the proposed structure or use would meet the provisions of this chapter except for the specific provision which has created the nonconformity and from which relief is sought.
 - (3) Establishment or expansion of nonconforming uses otherwise prohibited are not allowed by variance.
 - (4) A variance may not be granted simply because of the presence of nonconformities in the district or uses in adjoining districts.
 - (5) The variance granted shall only be the minimum variance that will make possible the reasonable use of the land or structure in order to preserve the terms of this chapter as much as possible, and the Board of Appeals may impose such conditions to a variance as it deems necessary, to this end. The party receiving the variance and any subsequent owner of the property shall comply with any conditions imposed.
 - (6) The Board of Appeals may grant a variance only by the concurring vote of at least four members.
- B. Types of variances allowable and standards for each. The Board of Appeals may only grant three types of variances, as set forth below:
 - (1) Relaxed setback variances only for single-family dwellings outside of shoreland areas. The Board may grant a variance from a setback requirement for a single-family dwelling only when strict application of the Zoning Ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

- (a) The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- (b) The granting of a variance will not alter the essential character of the locality;
- (c) The hardship is not the result of action taken by the applicant or a prior owner;
- (d) The granting of the variance will not substantially reduce or impair the use of abutting property; and
- (e) That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

The use of the above relaxed setback variance standards is strictly limited to permitting a variance from a setback requirement for a single-family dwelling that is the primary year-round residence of the petitioner.

A variance under this subsection shall not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage.

A variance under this subsection may only exceed 20% of a setback requirement, if the petitioner has obtained the written consent of an affected abutting landowner.

Under this subsection, variances of setbacks from water bodies in Shoreland Areas as described in Title 38, M.R.S.A. § 435 shall be prohibited. Variances of setbacks from water bodies in Shoreland Areas shall meet the criteria of Subsection **B(3)** below.

- (2) Relaxed dimensional standards variance, available to other uses than single-family outside of shoreland areas. The Board may grant a variance from the dimensional standards of the Zoning Ordinance to any uses other than single-family dwellings when strict application of the ordinance to the petitioner and the petitioner's property would cause a practical difficulty and when the following conditions exist:
 - (a) The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;
 - (b) The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;
 - (c) The practical difficulty is not the result of action taken by the petitioner or a prior owner;
 - (d) No other feasible alternative to a variance is available to the petitioner;
 - (e) The granting of a variance will not unreasonably adversely affect the natural environment; and
 - (f) The property is not located in whole or in part within shoreland areas as described in Title 38, M.R.S.A. section 435.

As used in this subsection, "dimensional standards" means and is limited to ordinance provisions relating to lot area, lot coverage, frontage and setback requirements.

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

- (3) Dimensional variances allowable within shoreland areas. Within shoreland areas as described in Title 38, M.R.S.A. § 435, the Board of Appeals may grant a variance only if it finds that the strict application of the terms of this ordinance would result in undue hardship. The term "undue hardship" shall mean:

[Amended 3-28-2009 ATM by Art. 21]

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

C. Approval of a cluster development is not a variance. The approval of the Planning Board of a cluster development, pursuant to § **160-123** of the Alfred Town Code, shall not be considered the granting of a

variance. In a cluster development, the Planning Board is not authorized to reduce the dimensional standards required under the mandatory shoreland zoning laws, Title 38, Chapter 3, Subchapter 1, Article 2-B. *Editor's Note: See 38 M.R.S.A. §§ 435 through 449.*

- D. Variances are not required for the placement of equipment or structures necessary for the sole purpose of making a dwelling accessible to a person with a disability, as defined by this chapter. Such equipment or structures are excluded from the definition of a structure; see Article II, definition of "structure."

[Added 3-28-2009 ATM by Art. 21]

§ 160-161. Administrative appeal and variance procedure.

A. Application procedure.

[Amended 3-11-1995 ATM by Art. 18]

- (1) An aggrieved party may apply for an administrative appeal, a variance, or both.

[Amended 3-28-2009 ATM by Art. 21]

- (2) An application is made by filing with the Board of Appeals a written notice of appeal or application for a variance on forms provided. The application must be received at the Alfred Town Hall, addressed to the Board of Appeals, within 30 days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty-day requirement.

[Amended 3-28-2009 ATM by Art. 21]

The application must include the following:

- (a) A sketch drawn to scale showing lot lines, location of existing structures and other physical features of the lot pertinent to the relief request.
 - (b) A concise written statement stating what relief is requested and why the appeal or variance should be granted.
 - (c) The application fee.
- (3) When an application is filed, it must be examined for completeness and accuracy, and particularly to determine whether all information necessary to make a determination has been supplied. Where information is lacking or inadequate at the time of submission, the applicant must be notified in writing of the incompleteness. A hearing may not be set until the application is complete. It is the responsibility of the Board of Appeals Chair to determine completeness.
- (4) Upon being notified of an application for an administrative appeal or a variance, the CEO, or the Planning Board, if the appeal is of their decision in the administration of Article XIX, must transmit to the Board of Appeals copies of all the written documentation which makes up the record of the decision.
- (5) A copy of any variance request located in any Shoreland Zone, including the application and all supporting information supplied by the applicant, shall be forwarded by the Board of Appeals to the Commissioner of the Department of Environmental Protection at least 20 days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

[Added 3-28-2009 ATM by Art. 21 *Editor's Note: This Article also renumbered former Subsection A(5) and (6) as Subsection A(6) and (7), respectively.* **]**

- (6) All advertising and administrative costs of an appeal or a variance must be borne by the applicant and must be paid at the public hearing.
- (7) The Board of Appeals shall hold a public hearing on the appeal or variance request within 35 days of the receipt of the completed application, unless this time period is extended by agreement between the Board and the applicant.

[Amended 3-28-2009 ATM by Art. 21]

B. Notification.

- (1) At least 10 days prior to the date of the hearing on the appeal, the Board of Appeals must cause to be posted in the Town Hall and must cause to be published once in a newspaper of general circulation in the Town 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 10 days prior to the date set for hearing, the Board of Appeals must also notify by certified mail:
 - (a) All property owners of record whose properties lie within 200 feet of the property in the Village or Center Village District and 500 feet of the property in other districts, and
 - (b) The person making the appeal.
 - (c) The Planning Board, the CEO, and any other party of record must also be notified in writing.
- (3) The Board of Appeals must keep a record of all parties notified.
- (4) Failure of any property owner to receive a notice of any public hearing does not necessitate another hearing or invalidate any action by the Board of Appeals.

C. Hearings.

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

[Amended 3-28-2009 ATM by Art. 21]

The Board of Appeals may exclude irrelevant, immaterial, or unduly repetitious evidence. Every party has the right to present a 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.

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

- (2) The applicant's case is heard first. To maintain orderly procedure, each side has the right to proceed without interruption. All persons at the hearing must abide by the order of the Chair.
- (3) At any hearing, a party may be represented by an agent.
- (4) Hearings may not be continued to other times except for good cause. If the Board of Appeals votes to continue a hearing, the motion to continue must include the reason for the continuance and the time and date to which the hearing is continued.
- (5) The CEO or designated assistant, or the Planning Board Chair if the appeals is of the Planning Board's decision in the administration of Article **XIX**, must attend all hearings and may present to the Board of Appeals all plans, photographs, or other material the CEO or Planning Board deems appropriate for an understanding of the appeal.
- (6) The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, constitute the record.
- (7) The person filing the appeal shall have the burden of proof.

[Added 3-28-2009 ATM by Art. 21 *Editor's Note: This Article also renumbered former Subsection C(7) as Subsection C(8).* **]**

- (8) The Board of Appeals may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose and purchasing policies of the Town.

§ 160-162. Decisions of the Board of Appeals

- A. The concurring vote of at least four members of the Board of Appeals is necessary to grant an administrative appeal or a variance. A tie vote fails.
- B. The Board of Appeals shall decide all administrative appeals and variances within 35 days after the close of the hearing, and shall issue a written decision.

[Amended 3-28-2009 ATM by Art. 21]

- C. All decisions become a part of the record and must include a statement of findings and conclusions as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented, and the appropriate order, relief, or denial thereof. Notice of any decision must be mailed or hand delivered to the applicant and agent, the Planning Board, the CEO, and the municipal officers within seven days of the decision date.
- D. Upon notification of the approval of an administrative appeal or a variance by the Board of Appeals, the CEO or Planning Board must comply with the order of the Board of Appeals.
- E. The Board shall cause written notice of its decision to be mailed or hand-delivered to the Department of Environmental Protection within seven days of the decision.

[Amended 3-28-2009 ATM by Art. 21]

- F. Whenever the Board of Appeals grants a variance, 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 act that a variance, including any conditions on the variance, has been granted and the date of the granting, must be prepared in recordable form. This certificate must be recorded by the property owner in the York County Registry of Deeds within 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. For the purpose of this subsection, the date of the final written approval is the date stated on the written approval.
- G. Except as provided by 30-A M.R.S.A. § 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with state laws within 45 days from the date of any decision of the Board of Appeals.

[Amended 3-28-2009 ATM by Art. 21]

- H. If the Board of Appeals cannot judge information presented to it because of its technical nature, the Board may, after notification to, and at the expense of, the applicant, employ one or more independent consultants to review the information. The estimated costs of such studies must be deposited with the Town Treasurer prior to their undertaking. Any money not spent must be reimbursed to the applicant.

[Added 3-11-1995 ATM by Art. 18]

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

[Added 3-28-2009 ATM by Art. 21]

Appeal of a reconsidered decision to Superior Court must be made within 15 days after the decision on reconsideration.

§ 160-163. Stay of proceedings.

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

§ 160-164. Fees.

The application fee must be set annually by the Board of Selectmen.

Article XXI. Planning Board

§ 160-165. Establishment.

Pursuant to Art. VIII, Part 2, Section 1 of the Maine Constitution and Title 30-A, M.S.R.A. § 3001, the Town of Alfred hereby establishes the Alfred Planning Board. The existing Planning Board stays in effect until the Planning Board members appointed by the Board of Selectmen according to this article have been sworn into office.

§ 160-166. Appointment.

- A. Planning Board members are appointed by the Board of Selectmen and must be sworn by the Clerk or other person authorized to administer oaths.
- B. The Planning Board consists of not more than seven members.
- C. The term of each member is three years.

[Amended 3-27-2010 ATM by Art. 20]

- D. When there is a permanent vacancy, the Board of Selectmen must appoint a new member to serve for the remainder of the unexpired term. A vacancy occurs upon the resignation or death of any member, when a member ceases to be a legal resident of the Town, when a member fails to attend four consecutive regular meetings, or fails to attend at least 75% of all meetings during the preceding twelve-month period. When a vacancy occurs, the Chair of the Planning Board must so advise the Board of Selectmen in writing. The Planning Board may recommend to the Board of Selectmen that the attendance provision be waived for cause, in which case no vacancy will then exist until the Board of Selectmen disapprove the recommendation. The Board of Selectmen may remove members of the Planning Board by unanimous vote, for cause, after notice and hearing.
- E. A Selectman may not be a member of the Planning Board.
- F. The Selectmen must annually appoint a Secretary. The Secretary may be a voting member of the Planning Board and is responsible for its recordkeeping and correspondence. The Secretary may be an employee of the Town.

[Amended 3-27-2010 ATM by Art. 20]

- G. All Planning Board members must be residents of the Town of Alfred when appointed and while serving.

§ 160-167. Organization and rules.

- A. The Planning Board must elect a Chair and Vice Chair from among its members. The term of these offices is one year with eligibility for reelection.
- B. No member, including the Secretary, may hold two Planning Board offices simultaneously.
- C. Any question of whether a member must be disqualified from voting on a particular matter must be decided by a majority vote of the members except the member who is being challenged.
- D. The Chair must call at least one regular meeting of the Planning Board each month.
- E. No meeting of the Planning Board may be held without a quorum. A quorum consists of four members authorized to vote. The Planning Board acts by majority vote, calculated on the basis of the number of members present and voting, including the Chair.
- F. The Planning Board must adopt rules for transaction of business and the Secretary must keep a record of its resolutions, transactions, correspondence, findings, and determinations. All records are deemed public and may be inspected at reasonable times. Minutes of all meetings must be kept. A copy of all minutes must be filed with the Town Clerk.

§ 160-168. Duties and powers.

- A. The Planning Board must perform such duties and exercise such powers as are provided by this chapter, Chapter **148**, and the laws of the State of Maine.
- B. The Planning Board must make recommendations regarding all amendments to this chapter and these recommendations must appear in the Town Meeting Warrant.
- C. The Planning Board may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose and within the limits of the Town's purchasing policies.