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Article 38.1 Purpose, Authority, Scope, Amendments, Severability**Section 38.1.1 Purpose**

The purpose of this Chapter, pursuant to the Rangeley, Maine, Comprehensive Plan, is to promote the health, safety, and general welfare of the residents of the Town; to encourage the most appropriate use of the land throughout the Town; to promote traffic safety; to provide safety from fire and other elements; to provide adequate light and air; to prevent overcrowding of real estate; to promote a wholesome home environment; to prevent housing development in unsanitary areas; to provide an adequate street system; to promote the coordinated development of unbuilt areas; to provide allotment of land area in new developments sufficient for all the requirements of community life; to conserve natural resources; to provide for adequate public services; to prevent and control water pollution; to protect spawning grounds, fish, aquatic life, bird and other wildlife habitat; to protect buildings from flooding and accelerated erosion; to protect freshwater wetlands; to conserve the shore cover and to enhance visual and physical points of access to inland waters; and retain natural beauty.

Section 38.1.2 Authority

This Chapter is adopted pursuant to Article VIII-A of the Maine Constitution, Title 30-A, M.R.S.A., Section 3001, Title 30-A, M.R.S.A., Section 4352 and Title 38, M.R.S.A., Section 435 et. seq., and shall be known and may be cited as the "Zoning Ordinance of the Town of Rangeley, Maine".

Section 38.1.3 Scope

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

Section 38.1.4 Amendments

- .1 Initiation of Amendments. An amendment to this Chapter may be initiated by:
 - .1 The Planning Board, provided a majority of the Board has so voted (the municipal officers shall have final determination as to whether an amendment is to be presented to the voters);
 - .2 Request of the municipal officers; or
 - .3 Written petition in accordance with 30-A, M.R.S.A., Section 2522 and/or 2528, see Municipal Clerk.
- .2 The Planning Board shall hold a public hearing on the proposed amendment at least 14 days prior to the meeting of the Governing Body. Notice of the public hearing shall be posted at the Town Office at least 14 days prior to the public hearing. Notice of the hearing shall be published at least two times in a newspaper in general circulation in the area. The date of the first notice shall be at least 12 days before the hearing, and the date of the second notice shall be at least 7 days before the hearing. In addition, when

applicable, the provisions of Title 30-A, M.R.S.A., Section 4352(10). shall be complied with.

- .3 Adoption of Amendment: An amendment to this Chapter may be adopted by a majority vote of the Town Meeting.
- .4 Copies of amendments attested and signed by the Municipal Clerk that affect an area within 250 feet of the normal high water line of a great pond, river or upland edge of a wetland or 75 feet horizontal distance from a stream shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within 45 days of the Commissioner's receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the 45 day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

Section 38.1.5 Validity and Severability

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

Section 38.1.6 Conflict with Other Chapters

This Chapter shall not be construed to repeal any existing bylaws, codes, or ordinances, other than the Zoning Ordinance; or to impair the provisions of private restrictions placed upon property; provided, however, that where this Chapter imposes greater restrictions its provisions shall control.

Section 38.1.7 Effective Date

This Chapter and amendments thereto shall become effective upon a majority vote of a Town Meeting, except as provided in Section 38.1.4.4.

Section 38.1.8 Applicability

Upon adoption, this Chapter shall be applicable to all pending proceedings and applications for permits commenced after April 3, 1989. Unless otherwise specified, individual amendments to this Chapter shall be applicable to applications for permits not pending within the definition in 1 M.R.S.A. § 302 on the date of enactment.

Section 38.1.9 Availability

A certified copy of this Chapter 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.

Article 38.2 Administration & EnforcementSection 38.2.1 General

This Chapter shall be administered and enforced by a Code Enforcement Officer appointed by the Selectmen.

Section 38.2.2 Building and Use Permits

.1 Application

- .1 No building or other structure, permanent or temporary, shall be erected, moved, added to, or structurally altered without a permit issued by the Code Enforcement Officer.

Exception: A single one-story detached accessory structure, provided that the floor area does not exceed 200 square feet and meets all required setbacks from water bodies and property lines.

- .2 A permit for a building, structure, or use on any lot as prescribed in Section 38.6.6 shall be issued only to the owner of record thereof, or their authorized agent.
- .3 Any person required and entitled by any provision of this Chapter to obtain a building or use permit shall file a written application with the Code Enforcement Officer on forms to be provided for that purpose, accompanied by all submission requirements pertaining to the application and a fee established annually by the Board of Selectmen. The Code Enforcement Officer or Planning Board may require the submission of any other information that is necessary to determine conformance with the provisions of this Chapter.
- .4 If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system. No permit shall be issued for any structure or use involving the construction, installation, or alteration of plumbing facilities unless a valid Plumbing Permit has been issued to the applicant or their authorized agent by the Local Plumbing Inspector.
- .5 Applications for permits, along with their accompanying plans and permits issued or other decisions, shall be maintained as a permanent record by the Code Enforcement Officer.
- .6 All applications shall be dated, and the Code Enforcement Officer shall note upon each application the date and time of its receipt.
- .7 When an excavation contractor will perform an activity in the Shoreland Zone that requires or results in more than one (1) cubic yard of soil disturbance, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of

Environmental Protection. This person must be present at the site each day earthmoving activity occurs, for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, state, and federal employees engaged in projects associated with that employment.

- .8 If the Code Enforcement Officer determines that the building, structure, or use for which a permit is sought is one permitted by this Chapter without Planning Board review, or is one prohibited by this Chapter, they shall grant or deny the permit and provide prompt written notice of the decision to the applicant as defined in Section 38.2.2.2.1.
- .9 If the Code Enforcement Officer determines that the building, structure, or use for which a permit is sought is one requiring Planning Board approval, they shall refer the application to the Planning Board except as provided in Section 38.11.2.1

.2 Procedure for Administering Permits

- .1 Within 10 days of the date of receiving a written application, the Code Enforcement Officer shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The CEO shall approve, approve with conditions refer to the proper reviewing authority, or deny all permit applications in writing within 15 days of receiving a completed application. The Planning Board has the authority to deem any application referred to it as incomplete or to request additional submissions.
- .2 The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Chapter.
- .3 Every permit issued by the Planning Board or Code Enforcement Officer under the provisions of this Chapter shall expire by limitation and become null and void if the building or work authorized by such permit is not substantially commenced within twelve (12) months from the issue date of the permit, or if the building or work authorized by such permit is suspended or abandoned for a period of six (6) months at any time after the work is commenced.
 - (i) A permittee holding an unexpired permit may apply for a one-time extension to up to six (6) months, provided they can show good and satisfactory reasons, and beyond their control the work cannot be commenced within the twelve (12) month period from the issue date.

- (ii) If the building or work is substantially commenced within the time limits set forth in this section, then the applicant shall be allowed a total of three years from the issue date of the permit to complete the work suitable for occupancy.
- (iii) The board or official which granted a permit is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 calendar days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section 38.2.3 Enforcement

- .1 Nuisances: Any violation of this Chapter shall be deemed to be a nuisance.
- .2 Code Enforcement Officer: The Code Enforcement Officer shall have the authority to enforce the provisions of this Chapter. If the Code Enforcement Officer shall find that any provision of this Chapter is being violated, they shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings, structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be maintained as a permanent record.
- .3 Legal Actions: When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby authorized to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Chapter in the name of the municipality.
- .4 Fines: Any person who violates any of the provisions of this Chapter after receiving notice of such violation shall be deemed to have committed a civil violation, and, on conviction, shall be subject to a minimum fine of \$100.00 up to a maximum fine of \$2,500.00 per violation for each day that the violation continues, as well as all other remedies provided in 30-A, M.R.S.A. Section 4452.

Article 38.3 Reconsideration

The Planning Board may reconsider any decision upon request by any board member or aggrieved party within 45 days of the date of the vote on the decision. A request to the board to reconsider a decision must be filed within 10 days of the decision that is to be 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. The board may conduct additional hearings and receive additional evidence and testimony as provided in this subsection.

Article 38.4 Board of Appeals

Section 38.4.1 Appointment and Composition

There shall be a Board of Appeals of five (5) members and not more than two (2) alternates and all of whom shall be residents of the Town of Rangeley. Compensation shall be as determined by the Board of Selectmen. The members of the Board shall be appointed by the Board of

Selectmen, in accordance with the laws of the State of Maine and the following provisions shall apply:

- .1 Terms of the members shall be for three years except that initial appointments shall be made so that the terms of not more than two members may expire in any given year.
- .2 A municipal officer or their spouse shall not be a member of the Board.
- .3 When there is a permanent vacancy, the Board of Selectmen shall appoint a person to fill the unexpired term within ninety (90) days.

Section 38.4.2 Officers, Quorum, Majority

- .1 The Board shall annually elect a chairman from its members and may appoint a recording secretary from outside the Board, who shall be compensated for duties performed.
- .2 A quorum shall consist of three members.
- .3 The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Chapter, or to effect any variance of the application of this Chapter from its stated terms.

Section 38.4.3 Appeals and Variances

- .1 Appeal
 - .1 Powers and Duties of the Board of Appeals. The Board of Appeals shall have the following powers:
 - (i) Administrative Appeals: To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any decision, or determination made by the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any decision or determination made by the Code Enforcement Officer in their review of and action on a permit application under this Ordinance. Any order, requirement, decision, or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.
 - (ii) Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.
 - .2 Administrative Appeals
 - (i) When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a "de novo" hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity the Board of Appeals shall hear and decide the

matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

- (ii) When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board 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 is inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

.3 Variance Appeals. Variances may be granted only under the following conditions:

- (i) Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, lot coverage, and setback and open space requirements.
- (ii) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
- (iii) The Board shall not grant a variance unless it finds that:
 - a. The proposed structure or use would meet all dimensional standards except for the specific provision which has created the nonconformity and from which relief is sought; and
 - b. The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:
 - i. That the land in question cannot yield a reasonable return unless a variance is granted;
 - ii. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - iii. That the granting of a variance will not alter the essential character of the locality; and
 - iv. That the hardship is not the result of action taken by the applicant or a prior owner.

.4 Notwithstanding Section 38.4.3.3 above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The Board of Appeals shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include

railing, wall, or roof systems necessary for the safety or effectiveness of the structure.

- .5 Setback Variance: The Board of Appeals may grant a setback reduction variance provided that the variance requested meets the requirements below. A setback reduction variance shall not be construed as a variance to relieve undue hardship as defined in Section 38.4.3.3.iii.b above.

Upon granting a setback reduction variance, which complies with the standards of subsection .1-.9 below, the Board of Appeals may attach reasonable conditions which it finds necessary to protect the privacy of abutting property owners and neighbors. These conditions are limited to specifications for landscaping, fencing, parking, and construction materials. The Board shall grant a setback reduction variance as provided herein if the Board finds that the applicant has proved that the reduction, if granted, will meet the following criteria:

- (i) The structure is a single-family dwelling that is the primary year-round residence of the petitioner;
 - (ii) Any variance granted will not exceed 20 percent of the setback requirement unless the petitioner has obtained written consent of all affected abutting land owners;
 - (iii) The variance will not cause the dwelling to exceed the maximum allowable lot coverage;
 - (iv) The setback reduction shall not further encroach upon or further reduce a nonconforming setback from the normal high water line or upland edge of a fresh water wetland within the Shoreland Zone as defined herein;
 - (v) The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood;
 - (vi) The granting of the variance will not alter the essential character of the locality;
 - (vii) The hardship is not the result of action taken by the applicant or prior owner;
 - (viii) The granting of the variance will not substantially reduce or impair the use of abutting property; and
 - (ix) The granting of the variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.
- .6 The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- .7 If a variance request pertains to property located within the Shoreland Zone, a copy of the variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the

Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

.2 Appeal Procedure

.1 Making an Appeal

- (i) An administrative appeal may be taken to the Board of Appeals by an aggrieved party within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
- (ii) Applications for administrative appeals or variances shall be made by filing with the Board of Appeals a written notice of appeal which includes:
 - a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted; and
 - b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
- (iii) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall in a timely fashion transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
- (iv) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

.2 Decision by Board of Appeals

- (i) The person filing the appeal shall have the burden of proof.
- (ii) The Board shall decide all administrative appeals and variance appeals within thirty-five (35) days after the close of the hearing and shall issue a written decision on all appeals.
- (iii) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and (for appeals related to property located within the Shoreland Zone) to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.
- (iv) The Board of Appeals may reconsider its decision using the process set forth in 30-A M.R.S.A. Section 2691(3)(F).

.3 Appeal to Superior Court. Except as provided by 30-A, M.R.S.A. Section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

Article 38.5 Nonconformance**Section 38.5.1 Purpose**

It is the intent of this Chapter to promote land use conformities, except that nonconforming conditions that legally existed before the effective date, or amendments thereto, of this Chapter shall be allowed to continue but shall not be permitted to become more nonconforming, subject to the requirements set forth in this Section.

Section 38.5.2 General

- .1 **Transfer of Ownership:** Nonconforming structures, lots, and uses 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.
- .2 **Repair and Maintenance:** This Chapter allows the normal upkeep and maintenance of nonconforming uses and structures including repairs or renovations which 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.
- .3 **Nonconforming structures, lots and uses in the Shoreland Zone** must meet additional requirements. See Articles 38.5 and 38.7.

Section 38.5.3 Nonconforming Structures

- .1 **Expansions:** A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that required for a new structure if such addition or expansion does not increase the nonconformity of the structure.
- .2 **Foundation:** 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 same permitting authority as that for a new structure.
- .3 **Relocation:** 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 same permitting authority as that for a new structure and provided that the applicant demonstrates that the present subsurface sewage disposal system, if not connected to public sewer, meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules, or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the permitting authority shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic

systems, and the type and amount of vegetation to be removed to accomplish the relocation.

.4 Reconstruction or Replacement:

- .1 Any nonconforming structure which is removed, damaged, or destroyed by fire, lightning, wind, or other natural disaster by more than 50% of market value of the structure before such damage, destruction, or removal, may be reconstructed or replaced provided that a permit is obtained within one (1) year of the date of said damage or destruction from the same permitting authority as that for a new structure in accordance with the purposes of this Chapter. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity.
- .2 Reconstruction or replacement of nonconforming structures within the Shoreland Zone shall meet the requirements of Section 38.7.5.1.4.

Section 38.5.4 Nonconforming Uses

- .1 Expansion: Expansion of nonconforming uses may be allowed provided the Planning Board, after reviewing the written application, determines that no greater adverse impact would occur as the result of the expansion as defined in Section 38.5.4.3. Nothing in this Section shall prevent an expansion that brings a nonconforming use into conformance with all requirements of this Chapter. When all nonconformity is to be eliminated, the Code Enforcement Officer may issue a permit.
- .2 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 except that the Planning Board may, for good cause shown by the applicant, grant up to a one (1) year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.
- .3 Change of Use: An existing nonconforming use may be changed to another nonconforming use provided that the proposed use otherwise complies with applicable approval and performance standards set forth in this Chapter and will have no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. In determining that no greater adverse impact will occur, the Planning Board shall consider the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, or other nuisances likely to result from the change of use. The Planning Board may require such information and documentation from the applicant as is reasonably necessary to consider these potential impacts.

Section 38.5.5 Nonconforming Lots

- .1 Nonconforming Lots: A nonconforming lot of record as of the effective date of this Chapter or amendment thereto may be built upon, without the need for a variance,

provided that such lot is not contiguous with any other lot in the same ownership, and that all provisions of this Chapter except lot size and frontage can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.

- .2 **Contiguous Built Lots:** If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Chapter, 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. Sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this Chapter, 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 Chapter.

- .3 **Contiguous Vacant or Partially Built Lots:** 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 are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

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

- .1 Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or
- .2 Any lots that do not meet the frontage and lot size requirements of Section 38.5.5.3.1 above are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

Section 38.5.6 Restoration of Unsafe Property

Nothing in this Chapter shall prevent the strengthening or restoring to a safe condition any part of any building declared unsafe by the Code Enforcement Officer.

Article 38.6 Zoning Districts

Section 38.6.1 Establishment of Districts

To implement the provisions of this Chapter, the Town of Rangeley, Maine, is hereby divided into the following Districts:

- .1 Resource Protection
- .2 Shoreland
- .3 Woodland
- .4 Residential
- .5 Village
- .6 Downtown Commercial
- .7 Commercial
- .8 Industrial
- .9 Route 17 Split Lot Overlay

Section 38.6.2 Official Zoning Map

Said Districts are located and bounded as shown on the Official Zoning Map, entitled "Zoning Map of Rangeley, Maine", dated and on file in the office of the Town. 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. The Official Map shall be certified by the attested signature of the Municipal Clerk at the time of adoption or amendment of this Chapter certifying the date of such adoption or amendment and shall be located at the Town Office. Additional copies of this map may be seen at the Town Office.

- .1 Changes to the Official Zoning Map. If amendments are made to the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

Section 38.6.3 Interpretation of Districts

- .1 Unless otherwise indicated on the Official Zoning Map, district boundary lines are property lines, or the center lines, plotted at the time of adoption of this Chapter of streets, alleys, parkways, waterways, or rights-of-way of utilities and railroads or such lines extended, and the boundaries of the Shoreland Zone as defined herein.
- .2 Other district boundary lines, which are not listed in the preceding paragraph shall be considered as lines paralleling a street and at distances from the center lines of such streets as indicated by the Official Zoning Map. In the absence of a written dimension, the graphic scale of the Official Zoning Map shall be used.
- .3 The Planning Board shall make interpretations, where needed, as to the exact location of District boundaries. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

Section 38.6.4 Division of Lots by District Boundaries

- .1 Where a district boundary line divides a lot or parcel of land of the same ownership of record at the time such line is established by adoption or amendment of this Chapter, the regulations applicable to the less restricted portion of the lot may be extended not more

than 50 feet into the more restricted portion of the lot, except where such extension protrudes into the Shoreland or Resource Protection Districts.

Section 38.6.5 District Purposes and Criteria

- .1 Resource Protection District. The Resource Protection District includes land areas least suited for and least able to sustain development due to physical site conditions involving topography, soil types, drainage, or proximity to surface waters. Development in these areas may adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include, but is not limited to:
 - .1 Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain 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. This district shall also include 100 year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.
 - .2 Areas of two (2) or more contiguous acres with sustained slopes of 20% or greater.
 - .3 Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater as defined, and which are not surficially connected to a water body during the period of normal high water.
 - .4 Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement, and land areas within 75 feet, horizontal distance, from a stream as defined.
 - .5 Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, 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 the Geographic Information System (GIS) data layer maintained by MDIF&W.
- .2 Shoreland: The Shoreland District covers land areas adjacent to the lakes and ponds of Rangeley and provides for limited seasonal and year-round residential land uses. Development along shorelands requires closer scrutiny than development situated farther away due to potential water quality and visual impacts.
- .3 Woodland: The Woodland District includes land areas presently undeveloped or containing low density development. A variety of land uses may be allowed.
- .4 Residential: The Residential District includes areas currently developed primarily as residential and extends to areas suited for such development due to physical site characteristics. The District provides for a variety of housing types.
- .5 Village: The Village District includes the most highly developed areas in the Town. Development is more dense than in other areas and covers a broad mixture of land uses; including commercial, recreational, public, and residential. The village area is a

vital and active area, and this district seeks to maintain the existing character and land use mix.

- .6 Commercial: The Commercial District establishes an area in Rangeley intended for commercial enterprises, which may not be compatible with other land uses. It is located so as to provide an area suited to such development due to various conditions and to discourage the proliferation of strip development.
- .7 Industrial: The Industrial District provides for areas suitable for manufacturing, processing, treatment, research, warehousing, distribution, mineral extraction, and other industrial activities.
- .8 Downtown Commercial District:
 - .1 Purpose: The purpose of this district is to provide for greater flexibility in dimensional requirements, development review, and encourage business development and expansions in the Villages of Rangeley and Oquossoc while protecting the public health, safety, and welfare.
 - .2 Boundaries and Definitions: The Downtown Commercial District shall include the following areas exclusive of those lots or portions thereof located in the Resource Protection and Shoreland Districts:
 - (i) One lot deep or 500 feet deep measured from the center line, whichever is less, adjacent to Route 4 from its intersection with Hatchery Brook to the Hotel Road.
 - (ii) One lot deep or 500 feet deep measured from the center line, whichever is less, adjacent to Route 4 from the Bald Mountain Skiway Road and the easterly edge of Lot 4G on Map 5, as depicted on the Town of Rangeley Property Parcel Maps, to the Rangeley River and Route 17 south to an extension of Cupsuptic Avenue across Route 17 to the southerly boundary of Oquossoc Marine, Lot 6 on Map 30.
- .9 Route 17 Split Lot Overlay:
 - .1 Purpose and Applicability: This overlay district recognizes the existence of nonconforming and unbuildable lots created with the construction of Route 17 and provides the ability for inland property owners on the west side of Route 17 to build a single accessory structure without a principal dwelling on the lot. When the road was constructed the State acquired ownership of the right of way, dividing single lots into two separate lots. This overlay district allows for greater flexibility in dimensional requirements to allow for the construction of garages, storage buildings and similar accessory structures not intended for human habitation for the lot owner's personal use.
 - .2 Boundaries: The overlay is located on the west of Route 17, starting with Lots 7 & 8 on Map 29 in the north, and as depicted on the town Zoning Map.
 - .3 Dimensional Requirements: Dimensional requirements for the single accessory structure allowed by this Section shall be as provided in Section 38.6.7.

.4 Additional Requirements

- (i) A Maine Department of Transportation Driveway entrance permit approval shall be required prior to town action on any application;
- (ii) A permit from the Code Enforcement Officer is required;
- (iii) No new subsurface wastewater systems shall be permitted to serve an accessory structure allowed by this Section;
- (iv) Notwithstanding the maximum lot coverage, the total maximum footprint for the one accessory structure on a lot without a dwelling shall not exceed 1,400 square feet;
- (iv) The lot must be a legal lot of record as of the effective date of this Chapter or amendment thereto;
- (v) No structures are allowed within 15 feet of any state right-of-way.

Section 38.6.6 District Uses

Land uses permitted in each district in conformance with the Performance Standards of Section 38.8, are shown in the following table. Note: All uses involving building construction require a Building Permit from the Code Enforcement Officer prior to beginning construction.

KEY: yes _____ Allowed (no permit necessary)
 no _____ Prohibited
 CEO _____ Requires Permit from Code Enforcement Officer
 CU _____ Requires Conditional Use Permit from Planning Board
 PB _____ Requires Planning Board approval pursuant to Article 38.7 (Shoreland Area) and other situations outlined in this ordinance
 LPI _____ Local Plumbing Inspector

Land Use	Resource Protection	Shoreland	Woodland	Residential	Village	Downtown Commercial	Commercial	Industrial	Rt 17 Overlay
Agriculture	CU	yes	yes	yes	yes	yes	yes	yes	yes
Automobile Graveyards or Junkyards	no	no	no	no	no	no	no	CU	no
Bed & Breakfast	no	CU ⁹	CU	CU	CU	CU	CU	no	no
Boarding House	no	PB	CU	PB	PB	PB	PB	no	no
Campgrounds	no	CU	CU	CU	CU	CU	CU	no	no

Clearing for Approved Construction	CEO	CEO	yes	yes	yes	yes	yes	yes	yes
Clearing or removal of vegetation other than timber harvesting	CEO	CEO	yes	yes	yes	yes	yes	yes	yes
Commercial Facilities NOT Requiring Shoreland Location	no	no	CEO ¹	no	CU ²	CU	CU	CU	no
Commercial Facilities Requiring Shoreland Location	no	no	no	no	CU ²	CU	CU	no	no
Conversion of Seasonal Residence to Year-Round Residence	LPI	LPI	LPI	LPI	LPI	LPI	LPI	no	LPI
Day Care Center	no	no	CU	no	no	CU	CU	no	no
Day Care Home	no	PB ⁴	PB ⁴	PB ⁴	PB ⁴	PB ⁴	PB ⁴	no	PB ⁴
Essential services	PB ³	PB ³	PB	PB	PB	PB	PB	PB	PB
Essential services (a) Roadside distribution line 34.5kV and lower	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Essential services (b) Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland area	PB ³	PB	N/A	N/A	CEO	CEO	N/A	N/A	PB
Essential services (c) Non-roadside or cross-country distribution lines involving eleven poles or more in the shoreland area	PB ³	PB ³	N/A	N/A	PB	PB	N/A	N/A	no
Essential Services: (d) Non-roadside distribution lines outside of shoreland area and cell towers	no	no	PB	PB	PB	PB	PB	PB	no
Other Essential Services	PB	PB	PB	PB	PB	PB	yes	yes	PB
Event Center	no	CU	CU	no	CU	CU	CU	no	CU
Filling or other earth moving activity: Less than 10 cu. Yds;	CEO	CEO	yes	yes	yes	yes	yes	yes	yes
Filling or other earth moving activity: More than 10 cu. Yds.	PB	CEO	yes	yes	CEO	CEO	yes	yes	yes
Garages, Storage Buildings and similar structures NOT intended for human habitation on lots without principal dwellings	no	no	CEO	no	no	no	no	no	CEO
Land Use	Resource Protection	Shoreland	Woodland	Residential	Village	Downtown Commercial	Commercial	Industrial	Rt 17 Overlay
Home Occupations	PB ⁴	PB ⁴	CEO ⁴	CEO ⁴	CEO ⁴	CEO ⁴	CEO ⁴	no	CEO ⁴
Hotel	no	CU ⁹	no	no	no	CU	CU	no	no
Individual Private Campsites	no	no	CEO	no	no	no	no	no	no

Industrial - Heavy	no	no	no	no	no	no	no	CU	no
Industrial - Light	no	no	no	no	no	CU	CU	CU	no
Inn	no	CU ⁹	CU	CU	CU	CU	CU	no	no
Institutional	no	CU ⁹	CU	CU	CU	CU	CU	no	no
Lodging House	no	CU ⁹	CU	CU	CU	CU	CU	no	no
Modular Housing	PB	CEO	CEO	CEO	CEO	CEO	CEO	no	CEO
Marina	no	CU	no	no	no	CU	CU	no	no
Mineral Exploration	no	no	CEO	no	no	no	no	CEO	no
Mining of Land	no	no	CU	no	no	no	no	CU	no
Mobile Home	no	no	CEO	no	CEO	no	no	no	no
Mobile Home Park	no	no	CU	no	CU	no	no	no	no
Motel	no	CU ⁹	no	no	no	CU	CU	no	no
Multi-Family Dwelling	no	CU ^{11,13}	CU ¹³	CU ¹³	CU ¹³	CU ¹³	CU ¹³	no	CU ¹³
Open Space Uses	yes	yes	yes	yes	yes	yes	yes	yes	yes
Parking Facilities	no ⁵	CU	yes	yes	yes	yes	yes	yes	yes
Piers/Docks – Temporary	CEO	CEO	no	no	CEO	CEO	no	no	no
Public & Private Parks & Recreational Areas Involving Minimal Structural Development	CU	CU	CEO	CEO	CEO	CEO	CEO	no	CEO
Road Construction	no ⁶	PB ⁷	CEO ⁷	CEO ⁷	CEO ⁷	CEO ⁷	CEO ⁷	CEO ⁷	CEO ⁷
Sand and Gravel Extraction	no	PB	PB	no	no	no	PB	PB	no
Signs	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Single-Family Dwelling	PB ⁸	CEO	CEO	CEO	CEO	CEO	CEO	no	CEO
Small Nonresidential Facilities for Educational, Scientific or Nature Interpretation Purposes	PB	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Soil and Water Conservation Practices	yes	yes	yes	yes	yes	yes	yes	yes	yes
Structure Accessory to Permitted Uses	CEO	CEO ¹¹	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Two-Family Dwelling	no	PB ^{11,13}	CEO ¹³	CEO ¹³	CEO ¹³	CEO ¹³	CEO ¹³	no	CEO ¹³

Land Use	Resource Protection	Shoreland	Woodland	Residential	Village	Downtown Commercial	Commercial	Industrial	Rt 17 Overlay
Uses Similar to Allowed Uses ¹²	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Uses Similar to Uses Requiring a CEO permit ¹²	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Uses Similar to Uses Requiring PB approval ¹²	PB	PB	PB	PB	PB	PB	PB	PB	PB

Waste Processing or Disposal Facility	no	no	CU	no	no	no	no	CU	no
Wildlife Management Practices	yes	yes	yes	yes	yes	yes	yes	yes	yes

¹ Commercial facilities permitted in Woodland District shall be limited to forestry, forest products, natural resources, and outdoor recreation.

² Commercial facilities permitted in the Village District shall be limited to professional offices, real estate offices, gift shops, boutiques, or similar uses.

³ See further restrictions in Section 38.7.6.11 regarding essential services in the Resource Protection District.

⁴ Home Occupations shall comply with the standards contained in Section 38.9.12 of this Chapter.

⁵ Except when area is zoned for Resource Protection due to floodplain criteria in which case a conditional use permit is required from the Planning Board.

⁶ Except as provided for in Section 38.7.6.7 of this current chapter, new road or driveway in Resource Protection District.

⁷ As per Chapter 27, Road Construction, the Road Commissioner and Planning Board, shall review requests for gravel-surfaced roads, Section 27.2.4. Privately owned roads may be permitted within a subdivision as part of Planning Board review and approval, Section 27.2.5. All construction shall be to the satisfaction of the Road Commissioner, Article 27.7.

⁸ The Planning Board may issue a permit for a single-family dwelling in the Resource Protection District in accordance with Section 38.7.7.3 this current chapter,

⁹ Only if the setback from the protected resource is 250 feet.

¹⁰ A Forest Operations Notification must be filed as required by Maine Forest Service Rule 01-669 Chapter 26.

¹¹ Only if lot size and shore frontage is sufficient for use separate from primary use.

¹² The CEO or Planning Board, as noted, shall determine similarity by evaluation of (1) the nature of the activities to be conducted; and (2) similarity of the uses in terms of impacts including, but not limited to, traffic, parking, hours of operation, and possible nuisances such as noise, odors, and pollution.

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

- .1 Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- .2 Draining or otherwise dewatering;
- .3 Filling;
- .4 Any construction or alteration of any permanent structure.

Section 38.6.7 Dimensional Requirements

Lots in all districts shall meet or exceed the following minimum requirements:

Table 1 – Lot Area and Frontage

Zoning District	Minimum Lot Area (sq ft)		Minimum Frontage (ft)	
	With Sewer	Without Sewer	Road	Shore
Resource Protection	20,000	40,000	150	200
Shoreland	20,000	40,000	150	200
Woodland	80,000	80,000	150	N/A
Residential	20,000	40,000	150	N/A
Village	10,000	20,000	100	100
Commercial	10,000	20,000	100	200
Industrial	20,000	20,000	100	N/A
Downtown Commercial	5,000	20,000	N/A	100
Rt 17 Overlay ^{1,2}	20,000	40,000	100	N/A

¹ Allowable for a single accessory structure on the inland side of Route 17 only; see Section 38.6.5.9.

² Existing lots must meet minimum lot area to be buildable if not in same ownership as Shoreland lot. See Title 12, M.R.S. Chapter 423-A: Minimum Lot Size, Subsections 4807-4807-G for information on smaller lots and exemptions.

Table 2 – Shoreland Zone Dimensions

.1 Minimum Lot Standards

	Minimum Lot Area (sq ft)	Minimum Shore Frontage (ft)
Residential per dwelling unit	40,000 ¹	200
Governmental, Institutional, Commercial or Industrial per principal structure	60,000 ¹	300
Public and Private Recreational Facilities	40,000 ¹	200

¹ Minimum Lot Area shall be 20,000 square feet if lot is located in the Village or Commercial District and is served by municipal water and sewer.

.2 Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included in calculating minimum lot area.

.3 Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

.4 The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

- .5 If more than one residential dwelling unit, principal governmental, institutional, commercial, or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

Table 3 – Setbacks and Coverage

Zoning District	Side Yard (ft) ^{4,5}	Road & Street (ft) ¹	Rear Yard (ft) ⁵	Shoreline (ft) ³	Maximum Lot Coverage
Resource Protection ⁵	20	50	20	100	20%
Shoreland	20	25	20	100	20%
Woodland	20	50	20	75	25%
Residential	20	25	20	75	25%
Village	20	25	20	75	N/A
Commercial	10	25	10	75	N/A
Industrial	20	50	20	75	N/A
Downtown Commercial ²	5	5	5	75	N/A
Buildable Lot Rt. 17 Overlay	20	25	20	100	20%
Unbuildable Lot Rt. 17 Overlay ⁶	10	15	10	N/A	40%

¹ Setbacks from public or private-owned roads or streets shall be measured from the edge of the right-of-way. For corner lots, setbacks shall be met for both roads abutting the lot.

² No road/street setback need be any deeper than the average depth of front setbacks on the lots next to thereto on either side.

³Setbacks from the normal high water mark shall not be less than 75' from streams and the upland edge of wetlands and 100' from great ponds and rivers.

⁴Driveways, sidewalks, parking lots, signs, and docks shall be set back at a minimum of 10 feet from side yard lines.

⁵ Accessory structures with total floor area of 200 sf or less may be set back from the side or rear property line 10 feet.

⁶ Where the overlay district standards are less stringent than for the underlying zoning district, the overlay district standards shall apply for a single accessory structure to be placed on an "unbuildable lot," in accordance with Section 38.6.5.9. No structures are allowed within 15 feet of the State right-of-way land.

Section 38.6.8 General Requirements

The following requirements shall apply to all districts:

- .1 Principal Dwelling: If more than one residential dwelling is constructed on a single lot, all dimensional requirements shall be met separately for each such principal dwelling.

- .2 No structure shall be constructed, converted, or placed for use as a residential dwelling, which contains less than 600 sq. ft. of living space on one level.
- .3 Accessory Buildings: Accessory buildings shall meet all applicable setbacks.
- .4 Required yard spaces shall serve only one lot. No part of the yard or other open space required on any lot for any building shall be included as part of the yard or open space similarly required for another building or lot.
- .5 Height Restrictions: No building shall exceed thirty-five (35) feet in height. The height shall be measured from the average elevation of the original ground surface at the footprint of the building. This restriction shall not apply to farm buildings and industrial structures not used for human habitation, windmills, antennas, transmission towers, church steeples, flagpoles, and chimneys.
- .6 Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

Article 38.7 Shoreland Area

Section 38.7.1 Purpose

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

Section 38.7.2 Authority

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

Section 38.7.3 Applicability

This Article applies to all land areas within the Resource Protection District, the Shoreland District, and in areas of the town in other districts within 250 feet, horizontal distance, of the high-water line of great ponds, water bodies, rivers, streams, and the upland edge of wetlands.

This Article also applies 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.

Standards that apply town and district-wide must be met in addition to the requirements of this Article.

Section 38.7.4 Shoreland Zoning Map

- .1 Official Shoreland Zoning Map. The areas to which this Article is applicable are hereby divided into the following districts as shown on the Official Zoning Map of Rangeley, Maine:
 - (i) Resource Protection District
 - (ii) Shoreland District
 - (iii) Areas of the town in other districts within 250 feet of the high-water line of great ponds, water bodies, rivers, streams, and the upland edge of wetlands.

Section 38.7.5 Nonconformance

.1 Nonconforming Structures

- .1 Expansions: All new principal and accessory structures, excluding functionally water-dependent uses, within the Shoreland Zone must meet the water body, tributary stream, or wetland setback requirements contained in Section 38.7.6.1.1. A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure if such addition or expansion does not increase the nonconformity of the structure and is in accordance with subparagraphs (.1) and (.2) below.
 - (i) Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.
 - (ii) Notwithstanding paragraph (.1), above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by Section 38.7.6.
 - . The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.
 - (iii) All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal

land use standards are met and the expansion is not prohibited by Section 38.7.6 or Section 38.7.5.1.i above.

- a. For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.
 - b. For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 38.7.5.1.iii.a.
 - c. In addition to the limitations in subparagraphs (a) and (b), for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 38.7.5.1.iii.a.
- (iv) An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the registry of deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the nonconforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the municipal review authority.
- .2 Foundations: 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 or its designee, basing its decision on the criteria specified in Section 38.7.5.1.3 Relocation, below.
 - .3 Relocation: 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 or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules, or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure within the Shoreland Zone, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with Section 38.7.6.18. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

- .1 Trees removed in order to relocate a structure must be replanted with at least one (1) native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be 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.

- .2 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.
- .4 Reconstruction or Replacement: 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 eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this Article. In no case shall 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 Section 38.7.5.1.1 above, as determined by the nonconforming footprint of the reconstructed or replaced structure at its new location. If the total footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 38.7.18.

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 if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Section 38.7.5.3 above, the physical condition and type of foundation present, if any.

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

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

.2 Nonconforming Uses

- .1 Expansions: Expansions of nonconforming uses are prohibited, except that 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 Section 38.7.5.1.1 above.

Section 38.7.6 Land Use Standards

All land use activities within the shoreland zone shall conform with the dimensional standards and provisions of Section 38.6.7.

.1 Principal and Accessory Structures

- .1 All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.
 - (i) The water body, tributary stream, or wetland setback provision 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.
 - (ii) 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 eighty (80) square feet in area nor eight (8) feet in height and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.
- .2 Principal or accessory structures and expansions of existing structures which are permitted in the Shoreland Zone shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area. A cupola, dome, widow's walk, or other similar feature shall be exempt from this height limit.
- .3 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 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils. Accessory structures may be placed in accordance with the Town of Rangeley Floodplain Management Ordinance and need not meet the elevation requirements of this paragraph.
- .4 With the exception of the downtown districts, non-vegetated surfaces shall not exceed a total of twenty (20) percent of the portion of the lot located within the shoreland zone. This limitation does not apply to public boat launching facilities regardless of the district in which the facility is located.

In areas of the Village and Commercial Districts located adjacent to rivers that do not flow to great ponds, non-vegetated surfaces shall not exceed a total of seventy (70) percent of the portion of the lot located within the shoreland zone.

For the purposes of calculating lot coverage, non-vegetated surfaces include, but are not limited to the following: structures, driveways, parking areas, and other areas from which vegetation has been removed. Naturally occurring ledge and rock

- outcroppings are not counted as non-vegetated surfaces when calculating lot coverage for lots of record existing on March 24, 1990 and in continuous existence since that date.
- .5 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:
- (i) The site has been previously altered and an effective vegetated buffer does not exist;
 - (ii) 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;
 - (iii) 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;
 - (iv) The total height of the wall(s), in the aggregate, is(are) no more than 24 inches;
 - (v) Retaining walls are located outside of the 100-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 flood plain soils;
 - (vi) 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
 - (vii) 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:
 - a. 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;
 - b. Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
 - c. Only native species may be used to establish the buffer area;
 - d. 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;
 - e. A footpath not to exceed the standards in Section 38.7.6.15.2.i, may traverse the buffer.

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

- .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 (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the *Natural Resources Protection Act*, 38 M.R.S.A., Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.
 - .2 Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland, and Shoreline Stabilization
 - .1 No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage a second structure may be allowed and may remain as long as the lot is not further divided.
 - .2 Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
 - .3 The location shall not interfere with existing developed or natural beach areas.
 - .4 The facility shall be located so as to minimize adverse effects on fisheries.
 - .5 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 in non-tidal waters shall not be wider than six feet for non-commercial uses.
 - .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.
- NOTE:** A structure constructed on a float or floats is prohibited unless it is designed to function as and is registered with the Maine Department of Inland Fisheries and Wildlife as a watercraft.
- .7 New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the *Natural Resources Protection Act*.

- .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.
- .9 Except in the Village, Commercial, and Downtown Commercial Districts, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.
- .10 Vegetation may be removed in excess of the standards in Section 38.7.6.15 of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.
 - (i) When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than twelve (12) feet in width. When the stabilization project is complete the construction equipment accessway must be restored.
 - (ii) Revegetation must occur in accordance with Section 38.7.6.18.

NOTE: A permit pursuant to the *Natural Resource Protection Act* is required from the Department of Environmental Protection for Shoreline Stabilization activities.

- .11 A deck over a river may be exempted from the shoreland setback requirements if it is part of a downtown revitalization project that is defined in a project plan approved by the Rangeley Town Meeting, and may include the revitalization of structures formerly used as mills that do not meet the structure setback requirements, if the deck meets the following requirements:
 - (i) The total deck area attached to the structure does not exceed 700 square feet;
 - (ii) The deck is cantilevered over a segment of a river that is located within the boundaries of the downtown revitalization project;
 - (iii) The deck is attached to or accessory to an allowed commercial use in a structure that was constructed prior to 1971 and is located within the downtown revitalization project;
 - (iv) The construction of the deck complies with all other applicable standards, except the shoreline setback requirements in Section 38.6.7; and
 - (v) The construction of the deck complies with all other state and federal laws.

NOTE: New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the *Natural Resources Protection Act*, 38 M.R.S.A., Section 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.

- .3 Campgrounds shall conform to Section 38.9.8 of this ordinance.
- .4 Individual Private Campsites. Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:
 - .1 One campsite per lot existing on the effective date of this Ordinance.
 - .2 When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.
 - .3 Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland. Additionally, it must meet setback requirements for the district.
 - .4 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.
 - .5 The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in the Resource Protection District shall be limited to one thousand (1000) square feet.
 - .6 A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
 - .7 A recreational vehicle, tent, or similar structure shall not occupy the site for more than forty-five consecutive days in any calendar year. If a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year in the aggregate, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities. These limitations shall not apply where the Code Enforcement Officer has permitted the recreational vehicle, tent or similar structure to be temporarily located on the premises for use during construction, remodeling, or repair of a structure.
- .5 Commercial and Industrial Uses. The following new commercial and industrial uses are prohibited within the Shoreland Zone adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:
 - .1 Auto washing facilities;

- .2 Auto or other vehicle service and/or repair operations, including body shops;
 - .3 Chemical and bacteriological laboratories;
 - .4 Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms;
 - .5 Commercial painting, wood preserving, and furniture stripping;
 - .6 Dry cleaning establishments;
 - .7 Electronic circuit assembly;
 - .8 Laundromats, unless connected to a sanitary sewer;
 - .9 Metal plating, finishing, or polishing;
 - .10 Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas;
 - .11 Photographic processing; and
 - .12 Printing
- .6 Parking Areas
- .1 Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities in Districts other than the Downtown Commercial District shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
 - .2 Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.
 - .3 In determining the appropriate size of proposed parking facilities, the following shall apply:
 - (i) Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
 - (ii) Internal travel aisles: Approximately twenty (20) feet wide.
- .7 Roads and Driveways. The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts, and other related features.

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

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

Section 38.7.6.7.1 does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 38.7.6.7.1 except for that portion of the road or driveway necessary for direct access to the structure.

- .2 Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream or wetland.
- .3 New permanent roads are not allowed within the shoreland zone along Significant River Segments except:
 - (i) To provide access to structures or facilities within the zone; or
 - (ii) When the applicant demonstrates that no reasonable alternative route exists outside the shoreland zone. When roads must be located within the shoreland zone they shall be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.
- .4 New roads and driveways are prohibited in the 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 the 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 the 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.
- .5 Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 38.7.6.19.

- .6 Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.
- .7 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.
- .8 Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

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

Grade (%)	Spacing (ft)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21 and above	40

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

.9 Storm Water Runoff

- .1 All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters.

- .2 Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

NOTE: The *Stormwater Management Law* (38 M.R.S.A., Section 420-D) requires a full permit to be obtained from the DEP prior to construction of a project consisting of 20,000 square feet or more of impervious area or 5 acres or more of a developed area in an urban impaired stream watershed or most-at-risk lake watershed, or a project with 1 acre or more of developed area in any other stream, coastal or wetland watershed. A permit-by-rule is necessary for a project with one acre or more of disturbed area but less than 1 acre impervious area (20,000 square feet for most-at-risk lakes and urban impaired streams) and less than 5 acres of developed area. Furthermore, a Maine Construction General Permit is required if the construction will result in one acre or more of disturbed area.

.10 Septic Waste Disposal

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

NOTE: The Maine Subsurface Wastewater Disposal Rules require new systems, excluding fill extensions, to be constructed no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distance for a new subsurface disposal system may not be reduced by variance.

.11 Essential Services

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

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

The standards for mineral exploration and extraction in Section 38.9.10 must be met.

.13 Agriculture

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

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

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

.14 Timber Harvesting – Repealed

.15 Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

- .1 All cutting of trees and vegetation within the Resource Protection and Shoreland Districts shall require a permit from the Code Enforcement Officer.
- .2 In the 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 hazard trees as described in Section 38.7.6.16.

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.

- .3 Except in areas as described in Section 38.7.6.15.1, above, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, or within a strip extending seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
 - (i) 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 single footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline provided that a cleared line of sight to the water through the buffer strip is not created.
 - (ii) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 38.7.6.15.2.ii a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

Diameter of Tree at 4.5 ft Above Ground Level	Points
2-4 in	1
4-8 in	2
8-12 in	4
12 in and above	8

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

NOTE: As an example, adjacent to a great pond, if a 25-foot x 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 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 25-foot by 50-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:

- a. The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
 - b. Each successive plot must be adjacent to, but not overlap a previous plot;
 - c. Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
 - d. Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Ordinance; and
 - e. Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.
- (iii) For the purposes of Section 38.7.7.16.2.ii “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.
- (iv) Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.
- (v) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 38.7.6.15.2 above.
- (vi) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
- (vii) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, dead or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species in accordance with Section 38.7.6.18, unless existing new tree growth is present.
- (viii) In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related

equipment operation, within or outside the shoreline buffer, must comply with the requirements of Section 38.7.6.15.2.

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

- .5 Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.
- .6 Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 38.7.6.15.

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

- .1 Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
 - (i) Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height and be no less than two (2) inches in diameter. Stumps may not be removed.
 - (ii) Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new

tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.

- (iii) The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.
 - (iv) The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.
 - (v) The Code Enforcement Officer may require more than a one-for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.
- .2 Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
- (i) Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:
 - a. The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;
 - b. Stumps from the storm-damaged trees may not be removed;
 - c. Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and
 - d. If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.
 - (iii) Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

.17 Exemptions to Clearing and Vegetation Removal Requirements

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 38.7.6.15, provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

- .1 The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 38.7.15 apply;
- .2 The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of Section 38.6.7 are not applicable;
- .3 The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;
- .4 The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of Section 38.7.6.13 are complied with;
- .5 The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A section 343-E, and that is located along:
 - (i) A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.
- .6 The removal of non-native invasive vegetation species, provided the following minimum requirements are met:
 - (i) If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;
 - (ii) Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and
 - (iii) If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.

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

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

.18 Revegetation Requirements

When revegetation is required in response to violations of the vegetation standards set forth in Section 38.7.6.15 to address the removal of non-native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

- .1 The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.
- .2 Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed:
- .3 If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.
- .4 Revegetation activities must meet the following requirements for trees and saplings:
 - (i) All trees and saplings removed must be replaced with native noninvasive species;
 - (ii) Replacement vegetation must at a minimum consist of saplings;
 - (iii) If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;
 - (iv) No one species shall make up 50% or more of the number of trees and saplings planted;
 - (v) If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings

were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and

- (vi) A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.
- .5 Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:
- (i) All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;
 - (iii) Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - (iii) If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;
 - (iv) No one species shall make up 50% or more of the number of planted woody vegetation plants; and
 - (v) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.
- .6 Revegetation activities must meet the following requirements for ground vegetation and ground cover:
- (i) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - (ii) Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
 - (iii) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.
- .19 Erosion and Sedimentation Control
- .1 All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
- (i) Mulching and revegetation of disturbed soil.
 - (ii) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - (iii) Permanent stabilization structures such as retaining walls or rip-rap.

- .2 In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
 - .3 Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
 - .4 Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
 - (i) Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established;
 - (ii) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover; and
 - (iii) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
 - .5 Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.
- .20 Soils: All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists, and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.
- .21 Water Quality: No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream, or wetland.
- .22 Archaeological Site: Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and

comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

Section 38.7.7 Administration

- .1 Permits Required. After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the Shoreland Zone in a district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.
 - .1 A permit is not required for the replacement of an existing road culvert as long as:
 - (i) The replacement culvert is not more than 25% longer than the culvert being replaced;
 - (ii) The replacement culvert is not longer than 75 feet; and
 - (iii) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.
 - .2 A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.
 - .3 Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.
- .2 Approval Standards. After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:
 - .1 Will maintain safe and healthful conditions;
 - .2 Will not result in water pollution, erosion, or sedimentation to surface waters;
 - .3 Will adequately provide for the disposal of all wastewater;
 - .4 Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
 - .5 Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
 - .6 Will protect archaeological and historic resources as designated in the comprehensive plan;

- .7 Will avoid problems associated with floodplain development and use; and
- .8 Is in conformance with the provisions of Section 38.7.6, Land Use Standards, and all other applicable provisions of this Chapter and all other applicable Town ordinances.

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

- .3 Special Exceptions. In addition to the criteria specified in Section 38.7.7.2 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:
 - (i) Located on natural ground slopes of less than 20%; and
 - (ii) Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year flood-plain.
 - .4 The total footprint, 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 flood-plain, and its proximity to moderate-value and high-value wetlands.

Article 38.8 Performance StandardsSection 38.8.1 General

Section 38.8.1 to 38.8.8 shall apply to all Districts:

- .1 Buffers: Landscaping shall provide for smooth transitions between surrounding properties, proposed and existing buildings, streetscapes, driveway or access road entrances, and parking and pedestrian walkways. Compatible transitions may be achieved by utilizing buffer areas with screening materials, landscaping, and/or natural topography. Appropriate buffer area plantings shall be determined in consultation with the Town Arborist or designee. A single or double row of trees may be required, depending on the difference in scale and character of the adjacent uses and structures.
- .2 Erosion Control: Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following “best management practices”:
 - .1 Stripping of vegetation, soil removal, and regrading or other development shall be minimized as far as its practical and shall be done in a way as to minimize erosion;
 - .2 The duration of exposure of the disturbed area shall be kept to a practical minimum;
 - .3 Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;
 - .4 Until a disturbed area is stabilized; sediment in run-off water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods as determined by the Code Enforcement Officer; and
 - .5 Permanent (final) vegetation and mechanical erosion control measures shall be installed as soon as practicable after construction ends.

Section 38.8.2 Lighting

- .1 General Standard: Outdoor lighting shall not adversely impact road safety or adjacent properties and uses.
- .2 Applicability: New, current, and required retrofit lighting must meet all lighting requirements in this Section.
- .3 Specific Standards
 - .1 Exemptions: The following types of lighting are exempt from the standards in this Subsection:
 - (i) Lighting emitting brightness less than 1800 lumens;
 - (ii) String mini-lights used in window displays or in trees, bushes, and shrubs as part of the landscaping;

- (iii) Lighting of approved sports facilities, for the duration of events;
 - (iv) Short-term use, up to 60 consecutive days, of lighting for public festivals, celebrations, and the observance of holidays;
 - (v) Lighting required and regulated by any superior legal jurisdiction;
 - (vi) Lighting controlled by motion-activated sensors and which limit the duration of illumination to less than (5) minutes after activation; and
 - (vii) Lighting of state, municipal, or other monuments where approved by the Code Enforcement Officer.
- .2 Lighting Height: The maximum height of regulated freestanding lights shall be the height of the principal structure or 25 feet, whichever is less.
- .3 Light Shielding: All lighting not otherwise exempted from this Section shall:
- (i) Be fully shielded, meaning fixture constructed so that no light rays are emitted by the installed fixture at angles above 15 degrees below the horizontal plane and also so the filament or light source is not visible to the naked eye when viewed from a higher point than the 15 degrees below the horizontal plane of the fixture;
 - (ii) Avoid disability glare (i.e., avoid being a hazard or nuisance to motorists, pedestrians, or neighboring residents); and
 - (iii) Be directed away from adjacent properties and streets, including properties separated from the development site by a street, road, or right-of-way, so that the lighting elements are not exposed to direct view by motorists or sidewalk pedestrians, or from adjacent properties.
- .4 Curfew: For commercial, industrial, and other non-residential development, all non-essential lighting, including illuminated signage, shall be turned off after business hours, leaving only the minimal necessary lighting for site security. The term "non-essential" applies, without limitation, to display, aesthetic, and parking lighting.
- .5 Correlated Color Temperature: Lighting must be chosen to minimize the amount of short-wavelength light (blue light) emitted into the nighttime environment using a Correlated Color Temperature (CCT) not to exceed 3000 K (Kelvin) – *Color temperatures over 5000 K are called "cool colors" (bluish), while lower color temperatures (2700-3000 K) are called "warm colors" (yellowish).*
- .6 Public Lighting: New installations of outdoor lighting will only be installed on public properties and rights-of-way upon determination by the Town Manager that a public safety hazard exists in the area to be lit, and that the hazard can only be effectively mitigated through the use of outdoor lighting and not through some other passive means (such as reflectorized roadway paint or markers).

Section 38.8.3 Nuisance Conditions

Noise, vibration, dust, smoke, odors, heat, glare, radiation and waste disposal resulting from any use shall be kept to a practical minimum in order to avoid nuisance conditions.

Section 38.8.4 Off-Street Parking and Loading Requirements

The following standards shall apply to all new or expanded uses and structures:

- .1 Basic Requirement: Required off-street parking for all uses shall be located on the same lot as the principal structure or use of premises or within three hundred (300) feet measured along lines of access. However, establishments occupying or intending to occupy existing structures on Main Street, from the intersection of Main Street and Depot Road to the intersection of Main and Center Streets, may be exempted from the requirements of this paragraph when the lot on which the establishment is located does not contain sufficient area or is not within 300 feet of sufficient area to accommodate the required parking.
 - .1 Two (2) spaces per dwelling unit with exception of Downtown Commercial District which may allow for one (1) space per dwelling unit;
 - .2 One (1) space for each sleeping room in a tourist home, boarding or lodging house, motel or hotel plus one (1) space per 400 sq. ft. of public meeting rooms and restaurants;
 - .3 One (1) space for each recreational vehicle, tent or shelter site in a campground;
 - .4 One (1) space for each four (4) beds for institutions devoted to the board, care or treatment of persons;
 - .5 One (1) space for each one hundred fifty (150) square feet or fraction thereof, of floor area of any retail, wholesale or service establishment or office or professional building;
 - .6 One (1) space for each three (3) seats, permanent or otherwise, for patron use for restaurants, and other places serving food or beverage and for theaters, auditoriums and other places of amusement or assembly;
 - .7 One (1) space for each person employed or anticipated to be employed on the largest shift for all types of commercial, industrial or other permitted uses; and
 - .8 Adequate spaces shall be provided to accommodate customers, patrons, and employees at other permitted uses not specifically enumerated.
- .2 Parking areas shall meet the shoreline setback requirements for structures for the district in which such areas are located. This setback may be reduced if the Planning Board finds that no other reasonable alternative exists.
- .3 Off-Street Loading: In any District where permitted or allowed, commercial or industrial uses shall 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 shall not be located for loading or storage upon any public way.

.4 Location and Configuration

.1 Each parking area shall be designed with adequate access, turning radii and snow storage areas. Minimum dimensional standards shall apply as follows:

Parking Angle (deg)	Stall Width (ft/in)	Skew Width (ft/in)	Stall Depth (ft/in)	Aisle Width (ft/in)
90	9/0	10/0	18/5	26/0
60	8/6	10/5	19/0	16/0 (one way)
45	8/6	12/9	17/5	12/0 (one way)
30	8/6	17/0	17/5	12/0

- .2 No parking area may be constructed within a required setback.
- .3 Parking lots shall be designed and landscaped to avoid long, uninterrupted rows of parked vehicles. Surface parking lots containing more than 30 spaces shall be broken into separate parking areas by the use of landscaped islands, pedestrian and bicycle areas, or buildings.
- .4 The reviewing authority may reduce the requirements of this Subsection where a primary structure already exists on the parcel and there is no other alternative for siting parking, or where compliance would be impractical.

Section 38.8.5 Sanitary Provisions

The installation of all water supply systems and private sewage disposal systems in all districts shall conform to the provisions of the State of Maine Subsurface Wastewater Disposal Rules, the Town of Rangely Sewer Use Ordinance (Chapter 30), and any other applicable laws or regulations.

Section 38.8.6 Stormwater Run-Off

Surface water run-off shall be minimized and detained on-site if possible or practicable. If it is not possible to detain water on-site, downstream improvements to the channel may be required of the developer to prevent flooding caused by this project. The natural state of watercourses, swales, floodways, or rights-of-way shall be maintained as nearly as possible.

Section 38.8.7 Water Quality Protection

No activity shall 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 run-off, seep, percolate, or wash into surface 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.

Section 38.8.8 Wildlife Protection

No activity shall result in unreasonable damage to spawning grounds, fish, aquatic life, bird, and other wildlife habitat. If significant wildlife habitats, as defined by the Maine Department of Inland Fisheries and Wildlife, are located within the proposed development, the applicant shall provide a report from the Maine Department of Inland Fisheries and Wildlife stating that said habitat will not be affected by the particular development and/or stating any measures that should be taken to protect said habitat.

Article 38.9 Standards Related to Particular Uses**Section 38.9.1 Two-Family Dwellings**

- .1 Two-family dwellings shall meet all the dimensional requirements for a single-family dwelling except within the Shoreland Zone where dimensional requirements for a single dwelling shall be doubled.

Section 38.9.2 Multi-Family Dwellings

- .1 In the districts where allowed, multi-family development may be approved by the granting of a Conditional Use Permit by the Planning Board, in addition to Subdivision approval, in accordance with Section 38.6.6 of this Chapter, the following standards and other pertinent provisions of this Chapter.
- .2 Dimensional requirements for all multi-family developments shall meet or exceed the following:
 - .1 Within the Shoreland Zone, lot area and shore frontage shall be equal to that required for the equivalent number of single-family dwelling units.
 - .2 In all districts, the minimum road frontage shall be 50% greater than that required for a single dwelling.
- .3 In the Village, Commercial, and Downtown Commercial Districts, lot area shall meet or exceed the following:
 - .1 For lots served by public sewer, the minimum lot size for multi-family development shall be 10,000 sq. ft. for the first structure with three (3) units, and 3,500 sq. ft. for each additional unit within the first structure. For each additional structure proposed for a multi-family development, there shall be 10,000 sq. ft. for the additional structure(s) with three (3) units, and 3,500 sq. ft. for each additional unit.
 - .2 For lots not served by public sewer, the minimum lot size for multi-family development shall be 20,000 sq. ft. per dwelling unit. The lot size shall be in accordance with the State of Maine Plumbing Code.
- .4 In the Residential District, lot size shall meet or exceed the following:
 - .1 For lots served by public sewer, the minimum lot size for multi-family development shall be 20,000 sq. ft. for the first structure with three (3) units, and 5,000 sq. ft. for

- each additional unit within the first structure. For each additional structure proposed for a multi-family development, there shall be 20,000 for the additional structure(s) with three (3) units, and 5,000 sq. ft. for each additional unit.
- .2 For lots not served by public sewer, the minimum lot size for multi-family development shall be 80,000 sq. ft. for the first structure with three (3) units, and 20,000 sq. ft. for each additional unit within the first structure. For each additional structure(s) proposed for a multi-family development, there shall be 80,000 sq. ft. for the additional structure(s) with three (3) units, and 20,000 sq. ft. for each additional unit.
 - .5 In the Woodland District, lot size shall meet or exceed the following:
 - .1 For all lots, the minimum lot size for multi-family development shall be 80,000 sq. ft. for the first structure with three (3) units, and 20,000 sq. ft. for each additional unit within the first structure. For each additional structure(s) proposed for a multi-family development, there shall be 80,000 sq. ft. for the additional structure(s) with three (3) units, and 20,000 sq. ft. for each additional unit.
 - .6 The minimum shore frontage shall be as follows:
 - .1 For each multi-family dwelling of six (6) or less dwelling units, the minimum shore frontage shall be one-half (1/2) the frontage required for a single-family dwelling multiplied by the number of dwelling units therein.
 - .2 For each multi-family structure of six (6) or more dwelling units, the minimum shore frontage shall be one-half (1/2) the frontage required for a single-family dwelling multiplied by six (6).
 - .7 Any lot containing more than one multi-family dwelling structure must meet a setback of 10 feet between each structure.

Section 38.9.3 Apartment Conversions

1. Purpose: The purpose of these standards is to provide less expensive rental units to the housing stock, make housing units available to moderate income households who might otherwise have difficulty finding housing in Rangeley and to protect property values and traditional residential characteristics.
2. General Requirements: The Planning Board shall grant a Conditional Use Permit for the conversion of an existing single-family residence or duplex which otherwise would not meet dimensional requirements and/or parking requirements to a Multi-family Dwelling, if Section 38.9.1 and 38.9.2 of this Chapter, as modified by the following criteria, are met:
 - .1 Each unit shall have a minimum of 500 sq. feet of habitable living space.
 - .2 The converted apartments shall be designed so that the appearance of the building remains that of a single-family dwelling with the exception of a second-floor emergency egress.

- .3 The design of the apartments conforms to all applicable standards in the building and other codes.
- .4 Off-street parking shall be provided in accordance with the standards contained in Section 38.8.4 of this Chapter.
- .5 Adequate provisions shall be made for the disposal of sewage, waste, and drainage generated by the apartments.
- .6 Open, unpaved (lawn, garden, shrub, or tree) area of a minimum equal to half of the combined floor space of the dwelling units, but no less than 25% of the property shall be maintained. Apartment conversions in the Downtown Commercial District are exempt from this requirement.
- .7 Subsurface sewage disposal shall comply with all provisions of the State of Maine Subsurface Wastewater Disposal Rules.
- .8 Dimensional requirements shall meet or exceed the following:

Zoning District	Minimum Lot Area (sq ft)		Minimum Frontage (ft)	
	With Sewer	Without Sewer	Road	Shore
Shoreland	40,000	80,000	300	400
Woodland	20,000	(i)	75	N/A
Residential	10,000	(i)	75	N/A
Village	5,000	(i)	75(ii)	75
Commercial	5,000	(i)	75(ii)	75
Downtown Commercial	5,000	(i)	N/A	75

(i) In accordance with the State of Maine Subsurface Wastewater Disposal Rules.

(ii) May be less than 75' if the lot was a lot of record prior to May 28, 1987.

Section 38.9.4 Accessory Dwelling Units

- 1. The creation, conversion to, or construction of a new accessory dwelling unit shall require a permit to be issued by the Code Enforcement Officer.
- 2. No more than one accessory dwelling unit within the principal dwelling, and one accessory dwelling unit in a separate structure, shall be permitted per lot.
- 3. Accessory dwelling units shall contain a minimum of 190 square feet or such greater minimum square footage as adopted by the Technical Standards Board.
- 4. Accessory dwelling units located in a separate building from the principal structure shall be subject to the minimum lot size requirements set forth in Section 38.6.7 for each dwelling unit.

5. Accessory dwelling units shall meet all setback requirements applicable to principal structures.
6. Accessory dwelling units located in a separate building from the principal structure shall have a design that is reasonably consistent with the architecture of the principal structure.
7. Accessory dwelling units may not be rented for periods of less than six months. Where an accessory dwelling unit existing as of the effective date of this Chapter was rented for periods of less than six months during the 12 months preceding the effective date of this Chapter, the rental shall be considered a nonconforming use.
8. Accessory dwelling units served by private wastewater disposal shall be permitted only where evidence is provided of the wastewater disposal system's capacity to handle any increased wastewater.
9. Accessory dwelling units shall have sufficient access to public or private potable water.
10. Accessory dwelling units shall be in conformity with all applicable federal, state, and local laws, ordinances and regulations.
11. Accessory dwelling units shall meet the off-street parking requirements applicable to single-family dwellings as set forth in Section 38.8.4.

Section 38.9.5 Mobile Homes

1. Mobile Homes shall have a pitched roof, and have exterior walls of traditional site built appearance.
2. All mobile homes shall be placed upon one of the following foundation systems:
 - .1 Continuous, perimeter concrete wall extending at least four (4) feet below the finished grade. The wall shall be a minimum of eight (8) inches of thick, reinforced cast in place concrete.
 - .2 Another permanent foundation system approved by the Code Enforcement Officer if the applicant demonstrates that the requirements of Section 38.9.4.2.1 above are impractical due to the building or site.
 - .3 Mobile Home Parks shall comply with the regulations set forth in Title 30-A, M.R.S.A., Section 4358. In the event that Section 4358 does not cover an applicable subject that is regulated by the Rangeley Town Code, then the Rangeley Town Code shall apply as long as it does not conflict with State law.

Section 38.9.6 Mobile Home Parks

- .1 Review Requirements: All new and expansions of mobile home parks are subject to subdivision approval.

- .2 Public Water and Public Sewer: Sufficiently sized public water and public sewer facilities are required for all mobile home parks where available, unless it can be demonstrated that adequate on-site water supply and septic disposal systems are available.
- .3 Minimum Lot Size and Density: Minimum lot and density standards for mobile home parks shall be as follows:
 - .1 With public sewer, the minimum individual lot size shall be 6,500 square feet.
 - .2 With on-site sewage disposal within a community septic system for the park approved by the Maine Department of Health and Human Services, the minimum individual lot size shall be 13,000 square feet, provided that the maximum residential density in the park does not exceed one (1) dwelling unit per 20,000 square feet of net site area.
 - .3 Where on-site sewage disposal is located on each lot, the minimum individual lot size shall be 20,000 square feet.
- .4 Mobile home parks shall not be additionally subject to the underlying district dimensional and density requirements.
- .5 Lot Dimensions: Dimensions for individual mobile home sites are as follows:
 - .1 Minimum Site Width: 50 feet
 - .2 Minimum Setback Distance of Each Mobile Home from its Individual Site Lines:
 - (i) Front: 20 feet
 - (ii) Rear: 20 feet
 - (iii) Side: 20 feet
- .6 Open Space and Recreation: An area equal to at least ten (10) percent of the combined area of all individual lots shall be reserved for playgrounds and other recreational facilities and open space.
- .7 Park Setbacks
 - .1 Structures within a mobile home park shall maintain a minimum setback of 25 feet from all exterior property lines, except that where the mobile home park abuts a residential use or development, the minimum setback shall be 50 feet.
 - .2 The minimum setback area may be included as part of the required open space.
 - .3 The minimum setback area shall be sufficiently landscaped or fenced to effectively screen the park from surrounding properties.

- .8 Landscape Plan: A mobile home park shall have a landscape plan that takes into consideration the relationship of individual sites to one another, the proposed use of open space, and the relationship of the park to surrounding property.
- .9 Placement on Pad: In a mobile home park, each individual unit shall be placed upon a dwelling unit pad and shall have skirting placed around its base to screen the base from view

Section 38.9.7 Cluster Development

- .1 Purpose and applicability: The purpose of these standards is to permit greater flexibility and consequently more creative and imaginative design than generally is possible under other provisions of this Chapter. It is intended to further promote more economical and efficient use of land while providing a harmonious variety of housing choices and preservation of natural qualities and open space. This Section applies to new development and not to lots with existing structures.
- .2 All developments in the Woodland Zone shall contain at least 10 acres and be developed as a cluster development in accordance with the standards in this Section.
- .3 Basic Requirements: The Planning Board, in reviewing and approving development proposals containing an area of at least ten acres, may modify the minimum requirements for lot area, lot width, road frontage and yard space which would otherwise apply pursuant to existing Town ordinances and regulations, provided that the following standards are met:
 - .1 Overall density of the development shall not exceed the number of units that would otherwise be allowed if the land were subdivided in a conventional manner;
 - .2 Maximum reduction in size of individual lot shall be 50%;
 - .3 Road frontage requirements shall not apply provided that suitable access for public safety and other vehicles will be provided and properly maintained. Shore frontage shall not be reduced;
 - .4 Front yard setback requirements shall not apply except with respect to residential buildings located on an existing public road and/or along a water body;
 - .5 Side and rear setback requirements shall not apply;
 - .6 Residual open space created by reduction in lot sizes shall be permanently and legally preserved as open space. Land dedicated to permanent open space shall be in such condition, size and shape as to be readily usable for recreation or conservation. The developer of any cluster development shall make suitable provisions for the permanent maintenance of open space areas, by one of the following methods:
 - (i) Dedication of such open space to public use, if the Town or other public agency has indicated it will accept such dedication;

- (ii) Retention of ownership and responsibility for maintenance of such open space;
or
 - (iii) Provide for and establish one or more organizations for the ownership and maintenance of all common open space and property. Such organization shall be either a nonprofit homeowner's corporation or a community open space trust. If a homeowners corporation or open space trust is formed, it shall be governed by the following:
 - .a the organization shall be organized by the developer and operating, with financial subsidization by the developer if necessary, before the sale of any lots within the development;
 - .b membership in the organization shall be mandatory for all purchasers of homes therein and their successors;
 - .c the organization shall be responsible for the maintenance of common open space and property and for insurance and taxes on such common open space and property;
 - .d the members of the organization shall share equitably the cost of maintaining and developing common open space and property in accordance with procedures established by them; and
 - .e the organization shall administer the common facilities and maintain the common open space.
- .4 Procedures for application and review of cluster development proposals.
- .1 The Planning Board shall review any proposal for a cluster development as provided by the Town of Rangeley Subdivision Review of the Rangeley Town Code, Chapter 33.
 - (i) In addition to information required in the Town of Rangeley's Subdivision Review of the Rangeley Town Code, Chapter 33, the following will be provided in the application:
 - .a A legal description of the total site proposed for development including a statement of present and proposed ownership, present zoning, property tax map reference numbers, and the names and addresses of adjacent property owners.
 - .b A description of the character of the proposed development and the rationale behind the assumptions and choices made regarding the development.
 - .c A development schedule indicating the approximate date when construction of the cluster development can be expected to begin and be completed.
 - .d A statement of the applicant's intention with regards to the future selling or leasing of all or portions of the cluster development, such as land areas, dwelling units, etc.

- .e Quantitative data for the following:
 - .i total number and type of dwelling units;
 - .ii parcel size;
 - .iii proposed lot coverage of buildings and structures;
 - .iv appropriate gross and net residential densities;
 - .v total amount of improved open space; and
 - .vi total amount of unimproved open space.
 - .f Proposal for the maintenance and conservation of common open space.
 - .g The conditions of dedication of any parcels of land to be dedicated to public use.
- .5 Common Land Maintenance: After final approval has been granted by the Planning Board, the Code Enforcement Officer and Selectmen shall ensure that all provisions for securing and maintaining common or public land or facilities within the cluster development are met. Where open space lands are to be offered to the Town, the open space requirement shall not be considered fulfilled until town meeting has voted to accept the deed.

Section 38.9.8 Hotels, Motels, and Inns

Hotels, Motels, and Inns shall meet the following requirements:

- .1 The minimum lot size shall be three (3) acres of total area, except in the Downtown Commercial District, where lot size shall be as specified for other commercial uses.
- .2 The minimum road frontage shall be not less than 200 feet.
- .3 The minimum shore frontage shall be the same as for multi-family dwellings, treating each unit of the hotel, motel or inn as if it were a dwelling unit.
- .4 Setbacks shall be met for the applicable zone.
- .5 The minimum shoreline setback shall be 100 feet from the normal high water mark.
- .6 The combined footprint of all buildings on the lot shall not cover more than 20% of the area of the lot. This requirement shall not apply in the Downtown Commercial District.
- .7 If cooking and eating facilities similar to those traditionally found in residential dwelling units are provided in a lodging unit, each unit shall be considered a dwelling unit, and the facility shall be required to meet all the standards for multi-family developments in this Chapter, including the residential density requirements of the appropriate district.

- .8 Each lodging unit shall contain not less than 200 square feet habitable floor area enclosed by walls and roof, exclusive of any adjoining portions of roofed or covered walkways. Each sleeping room shall not be less than 12 by 15 feet horizontal dimensions, exclusive of bath. Each rental unit shall include private bathroom facilities.
- .9 On each hotel, motel or inn lot, one apartment may be provided for a resident owner, manager, or other staff person. The apartment shall be counted toward the total dwelling units for the purposes of calculating all dimensional requirements.
- .10 Building construction plans shall be reviewed and approved by the State Fire Marshal's Office, where applicable.

Section 38.9.9 Campgrounds

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the Department of Human Services rules for Tent, Recreational Vehicle and Wilderness Parks.

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

Section 38.9.10 Recreational Vehicles

- .1 A recreational vehicle may be placed on a lot and used for habitation for a period not to exceed fourteen (14) calendar days provided that the occupant of the recreational vehicle is a non-paying guest of the owner or renter of a residential dwelling unit located on the lot.
- .2 A single recreational vehicle may be placed on a lot not already containing a residential dwelling unit and used for habitation provided that:
 - .1 The Code Enforcement Officer has issued a permit and a fee has been paid as established by the Selectmen;
 - .2 The permit shall be issued for the lot and not for any particular recreational vehicle and shall be valid for thirty (30) days or less within any twelve (12) month period;
 - .3 The placement of the recreational vehicle on any lot shall meet all setback requirements;

- .4 The recreational vehicle shall not be temporarily or permanently connected to any type of subsurface waste disposal system unless such connection is approved by the Local Plumbing Inspector;
 - .5 The recreational vehicle shall not be located on any type of foundation; and
 - .6 No structure(s) of any kind shall be attached to the recreational vehicle.
- .3 A recreational vehicle permit may be issued by the CEO in conjunction with a primary dwelling permit to allow the recreational vehicle to be used as a dwelling during construction of the primary dwelling. Such permit shall not exceed twelve (12) months.
 - .4 Recreational vehicles located within a campground shall comply with Section 38.9.8.2 and this section.
 - .5 The provisions of this subsection shall not be construed to prohibit the owner of a residential dwelling unit to store their recreational vehicle on the lot.
 - .6 Recreational vehicles located within the Shoreland Zone shall comply with the provisions of Section 38.7.6.4.3.

Section 38.9.11 Mineral Extraction

- .1 A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 38.7.6.12, where applicable.
- .2 No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.
- .3 Extraction operations (sand and gravel pits, etcetera) shall not be permitted within 75 feet of any property line or traveled way.
- .4 Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - .1 All debris, stumps, and similar material shall be removed for disposal in an approved location or shall be buried on-site. Only materials generated on-site may be buried or covered on-site. The *State of Maine Solid Waste Laws*, 38 M.R.S.A., Section 1301 and the solid waste management rules, Chapters 400-419 of the Department of Environmental Protection's regulations may contain other applicable provisions regarding disposal of such materials.

- .2 The operation shall grade the pit area in a manner compatible with the surroundings. The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter. These grading operations may extend to within ten feet of the property line.
- .3 Wherever ponds are left within the pit, a slope of four horizontal to one vertical or flatter, shall extend into the water at least sixteen (16) feet to ensure that the pond will not be a hazard to the public.
- .4 Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
- .5 Section 38.9.10.4.3 above shall not apply to metallic ores, non-metallic minerals or bedrock. For such operations, the Planning Board may require alternative slopes and conditions not more restrictive than those specified in Section 38.9.10.4.3 as the Board deems necessary for the protection of public health and the environment.
- .5 In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

Section 38.9.12 Back Lots

Back lots may be built upon although they lack the frontage on a town approved road if the lot is in accordance with the following provisions:

- .1 If a back lot is accessible only by a legally enforceable right-of-way, it may be used for one single-family dwelling, if the following conditions are met:
 - .1 The right-of-way must be deeded to the owner of the back lot and be a minimum of 20 feet in width;
 - .2 A minimum legal description of the right-of-way by metes and bounds shall be attached to any building permit application for construction of a single-family dwelling on the back lot;
 - .3 The right-of-way easement must be recorded in the Registry of Deeds prior to issuance of the building permit;
 - .4 The right-of-way easement may serve only one single-family dwelling on the back lot;
 - .5 No more than one right-of-way for back lot development may be created out of any lot fronting on a town-approved road; and
 - .6 The back lot shall have a minimum of 5 acres.
- .2 Lots which qualify as back lots and which were of record in the Registry of Deeds on the effective date of this Chapter, and which are accessible only by a right-of-way may be

used for single-family homes even if they lack the 5 acre minimum established by Section 38.9.11.1.6 above.

Section 38.9.13 Home Occupations

- .1 Home occupations do not require a Code Enforcement Officer or Planning Board Permit if they meet the general requirements of this section and:
 - .1 Employ only persons for whom the residence is their permanent home.
 - .2 Do not display exterior signs in excess of six (6) square feet in aggregate area.
 - .3 Are not likely to generate regular daily or seasonal traffic in greater volumes than would normally be expected in the neighborhood.
- .2 Home occupations that do not meet the provisions of Section 38.9.12.1 shall obtain a permit from the Code Enforcement Officer which shall not be granted unless all requirements of Section 38.9.12.3 below are met.
- .3 All home occupations shall comply with the following conditions:
 - .1 No more than two persons who do not make the residence their permanent home may be employed (including part-time workers);
 - .2 The appearance of the structure or accessory structure may not be altered in a manner that would not cause the residence to differ from its residential character by means of colors, lights, or sounds;
 - .3 Additions to the residence or accessory structure for the express purpose of a home occupation shall be constructed and finished in the same manner as the original structure such that the character and appearance of the principal structure is maintained;
 - .4 There is adequate off-street parking on the premises for customers' or clients' use;
 - .5 There shall be no significant increase in commercial vehicle traffic over that traffic normal for the neighborhood;
 - .6 The home occupation does not adversely affect any natural resource or environmentally sensitive area including, but not limited to, a wetland, aquifer, watercourse, or water body. The home occupation shall not use chemicals not commonly found in a residence and shall not use any chemicals in quantities not commonly used in a residence;
 - .7 The home occupation shall not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances, which extend beyond the limits of the subject property. All waste material from the home occupation shall be removed promptly from the premises according to State laws and local ordinances;

- .8 Do not display exterior signs in excess of twelve (12) square feet in aggregate area, exterior exhibits, storage of materials or equipment or any other exterior indicators of the home occupation or variation from the residential character of the principal dwelling or accessory building;
 - .9 If the home occupation attracts any regular customer or client traffic, there shall be at least two, but not more than three, off-street parking spaces specifically designated for use by the employee and any customers of the home occupation. Such parking shall not be located between the house and the road as defined by a line drawn parallel to the road, which touches the point of the house nearest the road. Such parking areas shall be set back at least ten feet from side and rear lot lines;
 - .10 There shall be no public display of goods or ware for sale in the home occupation visible from any public or private way or adjacent properties exempting seasonal farmstands; and
 - .11 The home occupation shall not adversely affect any natural resource or environmentally sensitive area including, but not limited to, a wetland, aquifer, watercourse, or water body. The home occupation shall not use chemicals not commonly found in a residence and shall not use any chemicals in quantities not commonly used in a residence.
- .4 Home occupations not meeting the above standards shall be reviewed by the permitting authority otherwise applicable for the type of use and shall be permitted only where the type of use is otherwise allowed in the zoning district.

Section 38.9.14 Individual Private Campsites

Individual private campsites not associated with campgrounds shall meet the following conditions:

- .1 One campsite per lot existing on the effective date of this Chapter may be permitted.
- .2 Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall meet setback requirements for the district.
- .3 Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle.
- .4 A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
- .5 A recreational vehicle, tent, or similar structure shall not occupy the site for more than 45 days in any calendar year.

Article 38.10 Signs

All signs shall comply with the Maine Traveler Information Act, Title 23 M.R.S.A., Section 1901-1925, as amended, and any applicable rules and regulations promulgated thereunder. The following additional requirements shall apply to all on-premise signs.

Section 38.10.1 Purpose

The Town of Rangeley, after due and careful consideration, finds and declares that it desires to preserve the natural and scenic beauty of the Town and its rural areas and waterways, and that a proliferation of advertising and other signs would despoil the beauty of the Town and create hazards to vehicular and pedestrian traffic.

It is the intent and purpose of this section of the Town Code to preserve the beauty of the Town and the safety and well-being of the inhabitants while at the same time allowing reasonable advertising and informational signs by regulating the type, number, location, and size of such signs.

Section 38.10.2 Definitions

Banner: A sign of temporary construction made of vinyl, canvas, or similar flexible material.

Exterior Illuminated Sign: A sign with an exterior light source, either attached or detached from the sign, whose purpose is to illuminate the sign board.

Freestanding Sign: A sign supported by one or more uprights or braces permanently affixed into the ground.

Internally Illuminated Sign: A sign with a light source incorporated into the body of the sign and where light emanates through the message of the sign.

Off-Premise Sign: A sign that identifies one or more businesses that is located off the premises of the said business(es) and that is located within the public right-of-way.

On-Premise Sign: A sign that is located on the same lot of record as the business, facility, or point of interest referenced.

Pennant: An all-weather device constructed of lightweight plastic, fabric, or other material, which may or may not contain copy, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Portable Sign: A sign not designed or intended to be permanently affixed into the ground or to a structure.

Projecting Sign: A sign that is suspended from or supported by any building or structure and projects outward from the supporting structure.

Sign: An object, device, display or structure or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an

object, person, institution, organization, business, project, service, opinion, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, or projected image.

Sign Area: The area, when viewed from any direction, of the smallest simple geometric shape exemplified by a square, rectangle, triangle, circle, etcetera, encompassing all lettering, wording, design, or symbols, together with any background that is distinguishable from the building or support. For the purpose of calculating the area of a sign, a support that contains no information is not part of the sign.

Temporary Sign: A sign of a temporary nature, erected less than ninety (90) days within any twelve-month period, exemplified by the following: commercial advertising, political signs, charitable signs, fundraising signs, carnival signs, garage sale signs, rummage sale signs, flags, message flags, pennants, or banners, all signs advertising sales of personal property, and "for rent" signs. An exterior on-premise sign displayed by an ongoing business, on which the information changes while the structure remains unchanged, shall not be considered a temporary sign.

Section 38.10.3 Permit Required

Except as otherwise specified herein, no person, corporation, or other entity shall hereafter erect, hang, place, or alter a sign or sign structure of any kind without a permit issued by the Code Enforcement Officer and payment of a Sign Permit Fee not to exceed the cost of the label and processing. A Sign Permit label shall be issued with the Sign Permit and shall be affixed to the sign. Every application for a Sign Permit shall be accompanied by plans drawn to scale showing the area of the sign, the position of the building, structure or lot to which or upon which the sign is to be attached or erected, the method of illumination, if any, and such other information as the Code Enforcement Officer shall require to show full compliance with this and other chapters of the Town Code. The Sign Permit shall be issued if the proposed sign is in compliance with all such chapters of the Town Code.

Section 38.10.4 Violations

Per Section 38.2.3, Enforcement, Chapter 38 of the Rangeley Town Code.

Section 38.10.5 Exempted Signs

- .1 Any sign (except an Obsolete Sign or a sign otherwise prohibited by this section of the Town Code) that was in place prior to the date of adoption of this section is exempted from the requirements provided; however, that any subsequent change in the lettering, size, construction, wording, or location of said sign shall be deemed to constitute a new sign, and such new sign shall be governed by the terms of this section.
- .2 House address signs, family name signs, and residential property name signs not to exceed six (6) square feet; and "No Trespassing" signs, "Private Drive" signs, and "Private Property" signs not to exceed three (3) square feet per sign are exempted from the requirements of this section of the Town Code.
- .3 Traffic control signs, safety signs, and handicapped access signs are exempted from the requirements of this section of the Town Code.

- .4 Signs painted on the window of a business, provided such signs do not exceed fifty percent (50%) of the area of the window, are exempted from the requirements of this section of the Town Code.
- .5 Informational and directional signs concerning hospital emergency services and emergency care facilities are exempted from the requirements of this section of the Town Code.
- .6 Temporary Signs are exempted from the requirements of this section of the Town Code.
- .7 Message Flags are exempted from the requirements of this section of the Town Code, except that no more than two Message Flags may be displayed on a single lot of record in all zones.
- .8 Window decals and temporary advertisements printed on paper or cardboard, of a type generally used to advertise daily specials, sales, or similar activities, are excepted from the terms of this section of the Town Code so long as they measure less than one (1) square foot.
- .9 Flags, decorative banners, pennants, and message flags that are used for personal, not business use, are exempted.

Section 38.10.6 General Provisions

- .1 Community, Municipal, and Quasi-Municipal Facilities: Signs of such facilities shall meet the requirements of this Ordinance. All roadside municipal directional signs for public facilities, except those for public parking and transportation, shall be standard wordless symbol signs no larger than twelve inches by eighteen inches (12" x 18"), with an additional direction arrow where needed.
- .2 Obsolete signs shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure or lot upon which such sign may be found within ten (10) days of becoming obsolete.
- .3 Externally illuminated signs shall be lighted from sources that are shielded from streets or adjoining property, with no exposed source of illumination. The light from an externally illuminated sign should be so arranged that no direct rays of light from spotlights or floodlights are projected from the external source into adjoining properties or streets. The intensity of light shall remain constant in color, location, and brightness. No source of illumination shall exceed 1800 lumens (100 watt for incandescent bulbs, 17 watts for LED bulbs).
- .4 No sign shall be erected adjacent to any public way in such a manner as to obstruct clear and free vision or where, by reason of its position, shape, color, illumination, or wording, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or otherwise constitute a hazard to pedestrian or vehicular traffic. Billboards, roof signs, animated signs, flashing signs, internally illuminated, and signs containing visible moving parts are prohibited.

- .5 No sign and its supporting structure shall exceed (20) feet in height from the natural surface of the ground.
- .6 No more than one real estate sign for each broker, real estate company, or private owner not exceeding six (6) square feet on residential properties and thirty-two (32) square feet on non-residential properties. All such signs are to be removed within one week after the transaction. Two signs per broker on undeveloped parcels of ten (10) acres or more, relating to the sale, rental, or lease of the premises is allowed without a Sign Permit. One directional sign not exceeding six (6) square feet stating that a home, business, or lot is for sale is permitted without a Sign Permit at each intersection between a major thoroughfare and a property for sale. Directional signs for open houses are permitted only on the day of the open house. Directional signs must be removed by the broker, agent, or real estate company, who placed them, no later than twenty-four hours after the open house is over. Waterfront properties are permitted an additional sign on the waterfront.
- .7 One sign per construction site, not exceeding thirty-two (32) square feet, identifying project contractors, architects, and engineers is allowed without a Sign Permit. Such sign must be removed by the responsible contractor or property no later than one (1) week after construction is completed.
- .8 Official Business Directional Signs shall be allowed pursuant to the Maine Traveler Information Act and the rules and regulations promulgated thereunder by the Maine Department of Transportation. All Official Business Directional Signs must meet current MDOT standards regulating the installation of such signs.
- .9 Banners and pennants are allowed for the promotion of an event, provided that they are displayed for no longer than fourteen (14) consecutive days. A Sign Permit is required for each such use, but no fee is required for non-profit organizations.
- .10 Home Occupations: A single sign with a maximum area of six (6) square feet and not to exceed six (6) feet in height may be granted a Sign Permit. Properties with more than one Home Occupation must place all signs on the same sign not to exceed six (6) square feet in the aggregate.
- .11 Business and Commercial Signs: All permanent on-premise signs advertising a business or commercial use or uses on a single lot of record may not exceed thirty-two (32) square feet in the aggregate.
- .12 If the Planning Board finds, when reviewing an application for conditional use approval, that special circumstances exist on a particular lot that warrant a departure from the square footage limitations prescribed in this section, the Planning Board may do so provided that such departure would not adversely affect public health, safety, and welfare, and further provided that the application for conditional use approval includes all information required by Section 38.5.5.
- .13 Off-premise signs are prohibited, except Real Estate signs subject to the restrictions described in Section 38.5.5.6.6; Official Business Directional signs as defined by the State of Maine Department of Transportation; and Temporary Signs as described in Section 38.5.5.2.20, when erected by not-for-profit organizations.

- .14 Portable signs are prohibited on public sidewalks or any public property without a permit.
- .15 Temporary signs may not be illuminated and may not exceed six (6) square feet.
- .16 Not more than two (2) signs of a temporary nature may be placed on one property.
- .17 No sign shall project beyond the lot line(s) of the lot on which it is located.
- .18 No sign shall obstruct a driveway or a required parking space.
- .19 No sign shall be attached to utility poles, trees, or traffic control signs or devices.
- .20 No freestanding sign shall be located within the street right-of-way.
- .21 All signs shall be maintained in good condition.

Article 38.11 Conditional Use Permit

Section 38.11.1 Definition

A building, structure or parcel of land may be employed for a conditional use if the use is specifically listed in the regulations governing the Zoning District in which the use is proposed as requiring conditional use approval, and if a conditional use permit is approved by the Planning Board or Code Enforcement Officer as provided in this Article.

Section 36.11.2 Application and Review Procedure

- .1 Application for or an amendment to a conditional use permit shall be made to the Code Enforcement Officer on forms provided for that purpose, accompanied by a fee as established annually by the Board of Selectmen.

The Code Enforcement Officer shall review the application and prepare their findings of fact and conclusions. If the Code Enforcement Officer is the permitting authority for the application, their decision shall be final and shall be submitted to the applicant in writing.

If the Planning Board is the permitting authority for the application, the Code Enforcement Officer shall submit the application, the CEO's findings of fact and conclusions and recommendation for approval or denial to the Planning Board, which shall conduct its own findings of fact and conclusions.

If the Planning Board determines that it needs clarification or correction by the Code Enforcement Officer regarding their findings of fact and conclusions, the Planning Board may return the application to the Code Enforcement Officer for the needed information and such information, if available, shall be provided to the Planning Board within 15 days.

- .2 The applicant shall be responsible for the costs of advertising and mailing associated with the application. The applicant shall be responsible for the cost to the Town for professional review and advice related to the review of conditional use applications.
- .3 The application for Conditional Use review shall:
 - .1 Clearly specify the location of the proposed use, including assessor's tax map and lot number and a location map;
 - .2 Describe the exact nature of the proposed use;
 - .3 Provide evidence of the applicant's right, title and interest to the proposed development (e.g. deed or lease);
 - .4 Present a scale drawing of the lot with the locations of any existing or proposed buildings, structures, natural features, driveways, and parking areas;
 - .5 Include such other materials as will enable the Planning Board to determine that the standards for approval of a conditional use have been met. The burden for providing the information upon which the Planning Board bases its findings and decision shall be the applicant's.
- .4 Before rendering a decision on any conditional use permit; the Planning Board shall conduct a public hearing on the application within 30 days. The time and place of the hearing shall be published at least seven days in advance in a newspaper of general circulation in the area. A final decision shall be issued within 60 days of submission of the application to the Code Enforcement Officer unless the applicant agrees to further delay or unless additional time is reasonably necessary to receive professional review or advice in accordance with Section 38.11.2.1.

Section 38.11.3 Standards for a Conditional Use Permit

A conditional use may be granted by the Planning Board only in the event that the applicant has established to the satisfaction of the Planning Board that:

- .1 Neither the proposed use nor the proposed site upon which the use will be located is of such character that the use will have significant adverse impact upon the value or quiet possession of surrounding properties greater than would normally occur from approved existing uses in the Zoning District. In reaching a determination on this standard, the Planning Board shall consider:
 - .1 The size of the proposed use compared with surrounding uses and its impact upon significant scenic vistas;
 - .2 The intensity of the proposed use, including amount and type of traffic to be generated, hours of operation, expanse of pavement, and similar measures of intensity of use, compared with surrounding uses;
 - .3 The potential generation of noise, dust, odor, vibration, glare, smoke, litter, and other nuisances;

- .4 Unusual physical characteristics of the site, including size of the lot, shape of the lot, topography, and soils, which may tend to aggravate adverse impacts upon surrounding properties;
 - .5 The degree to which landscaping, fencing, and other design elements and materials have been incorporated to mitigate adverse impacts on surrounding properties.
- .2 Municipal or other facilities serving the proposed use will not be overburdened or hazards created because of inadequate facilities. In reaching a determination on this standard, the Board shall consider:
 - .1 the ability of traffic to safely move into and out of the site at the proposed location;
 - .2 the presence of facilities to assure the safety of pedestrians passing by or through the site;
 - .3 the capacity of the street network to accommodate the proposed use.
 - .4 the capacity of sewerage and water supply systems to accommodate the proposed use;
 - .5 the capacity of the storm drainage system to accommodate the proposed use;
 - .6 the ability of the fire department to provide necessary protection services to the site and development.
 - .3 The natural characteristics of the site, including topography, drainage, and relationship to ground and surface waters and floodplains, shall not be such that the proposed use when placed on the site will cause undue harm to the environment or to neighboring properties.
 - .4 The proposed structure and/or use complies with all other provisions of this Ordinance which are applicable to the type of structure or development.

Section 38.11.4 Review of Uses Requiring a Conditional Use Permit

- .1 Where the table of uses provided in Section 38.6.6 requires Planning Board approval, the Code Enforcement Officer may issue a CEO Conditional Use Permit without further review by the Planning Board if, after an application is submitted pursuant to Section 38.11, the CEO finds the following:
 - .1 The proposed use will occupy an existing structure;
 - .2 The structure and/or property has been utilized for a similar use as determined by the CEO within the past 24 months from the date of application;
 - .3 There are no external alterations to the property, which would increase the size of the structure by 25 percent or 750 square feet whichever is less;

- .4 The hours of operation will be similar to the previous use;
- .5 Parking standards contained in Section 38.8.3 are met; and
- .6 The CEO finds that all the criteria contained in Section 38.11.3 will be met.
- .7 If the CEO finds that the above criteria will not be met, a Conditional Use Permit must be approved by the Planning Board.

Section 38.11.5 Conditions of Approval

The Planning Board may attach conditions to its approval of a conditional use permit if deemed necessary to meet the standards of approval.

These conditions may include, but are not limited to, such requirements as:

- .1 street improvements;
- .2 access restrictions;
- .3 hours of use;
- .4 buffering and screening;
- .5 utility improvements; and
- .6 performance guarantees for required off-site improvements.

Section 38.11.6 Reapplication

If the Planning Board shall deny a conditional use application, a second request of a similar nature shall not be brought before the Planning Board within two years from the date of the first request, unless in the opinion of the majority of the Planning Board, substantial new evidence can be brought forward, or unless the Planning Board finds that an error of law or misunderstanding of facts has been made, or unless amendment has been made to this Chapter, which changes the status, circumstances, or conditions of the matter, which was brought the Planning Board.

Section 38.12 Definitions

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

Accessory Dwelling Unit: A dwelling unit constructed within or on the same lot as, and held in common ownership as, a single family dwelling, and containing no more than 50% of the square footage of, and a lesser number of bedrooms than, the principal dwelling unit.

Accessory Structure: A structure that is incidental and subordinate to the principal structure(s) and that is located on the same lot.

Accessory Use: A use which is incidental and subordinate to the principal use. Accessory uses, when aggregated, shall not subordinate the principal use of the lot.

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.

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

Alteration: Any change, addition, or modification in construction, or any change in the structural members of a building, such as bearing walls, columns, beams, or girders.

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

Back Lot: A parcel of land which does not have any frontage on an accepted town way, or on a road shown on an approved subdivision plan.

Basement - any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

Bed and Breakfast: A single-family dwelling in which lodging or lodging and meals are offered to the general public for compensation, offering no more than five bedrooms for lodging purposes.

Boarding House: Any residential structure where lodging or lodging and meals are provided for compensation for a period of at least two weeks, and where a family residing in the building acts as proprietor or owner. There is no provision for cooking in any individual room.

Boat Launching Facility: A facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

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

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

Canopy: The relatively continuous cover formed by tree crowns in a wooded area.

Commercial Use: The use of lands, buildings, or structures, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units. If a more specific use is listed and defined in this Ordinance, that use shall control.

Conditional Use: A use permitted only after review and approved by the Planning Board. A Conditional Use is a use that would not be appropriate without restriction but which, if controlled

under the provisions of this Chapter, would promote the purposes of this Chapter. Such uses may be permitted if specific provision for such Conditional Use is made in this Chapter.

Conditional Use Permit: A permit authorized by the Planning Board for a Conditional Use. A Conditional Use Permit may be issued only after the applicant has followed the applicable procedures of this Chapter.

Construction: Building, erecting, moving upon or any physical operations on the premises, which are required for construction. Excavation, fill, paving, drainage, and the like shall be considered part of construction.

Corner Lot: A lot located at the intersection of two (2) roads or streets. In districts where yards are required, such corner lots located at the intersection of two (2) streets shall be deemed to have a side rather than a front yard between the principal structure and the side street.

Day-Care Center: A home or other suitable structure, which meets the State licensing requirements in accordance with 22 M.R.S.A. Section 8301-A.

Day-Care Home: A home or other suitable structure which meets the State licensing requirements in accordance with 22 M.R.S.A. Section 8301-A. A Day-Care Home may be considered a Home Occupation if it meets all standards applicable to Home Occupations.

Days: Unless otherwise specified, "days" shall mean business days (days other than weekends or Town-designated holidays) where the time period is less than or equal to 14 days, and calendar days where the time period is greater than 14 days.

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

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

Disability: Any disability, infirmity, malformation, disfigurement, congenital defect, or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person, which constitutes a substantial handicap as determined by a physician or in the case of a 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.

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

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters, including provisions for living, sleeping, cooking, and eating. The term shall include mobile homes but shall not include recreational vehicles.

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

include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants, and similar accessories but shall not include service drops or buildings which are necessary for the furnishing of such services.

Event Center: A structure primarily or routinely used for groups of fifty (50) or more people to gather for an event, retreat, reunion, or regularly scheduled program. An event center may include a residential dwelling, arena, lecture hall, banquet facility or outdoor area or any other space used for such gatherings.

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

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

Family: one or more persons occupying a premise and living as a single housekeeping unit.

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

Floodway: The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

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

Footprint: The entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

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

Foundation: The supporting substructure of a building or other structure including, excluding wooden sills and post supports, but including, but not limited to, basements, slabs, frost walls, or other base consisting of concrete, block, brick or similar material.

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

- .1 of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream, or brook, such that in a natural state, the combined surface area is in excess of 10 acres;
- .2 inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and
- .3 freshwater wetland not included in forested wetlands.

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

For the purposes of this Chapter, the upland edge (the shoreline) of a freshwater wetland is defined as the boundary line at which the hydrological and biological characteristics in item 2 above no longer occur or where the wetland becomes a forested wetland.

Although wetlands are shown on the official Shoreland zoning map, the actual boundaries shall be determined by field investigation.

Frontage: The horizontal distance between side lot lines as measured along the front lot line. Frontage shall be continuous and under one ownership. For corner lots, frontage may be the total distance along more than one street as long as it is continuous.

Frontage, Shoreline: The horizontal distance, measured in a straight line, between the intersection of the side lot lines with the shoreline at normal high water elevation.

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 cannot be located away from these waters. The uses includes, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, retail and wholesale fish marketing facilities, waterfront dock facilities, 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 cannot reasonably be located or operated at an inland site, and uses that primarily provide general public access to inland waters.

Great Pond: Any inland body of water, which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased, which has a surface area of excess of thirty (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.

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

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

Hazard tree: A tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

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

Home Occupation: A commercial activity which is conducted in whole or in part within a dwelling unit or accessory structure and is clearly incidental to and compatible with the residential use of the property and surrounding residential uses.

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

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.

Individual Private Campsite: An area of land, which is not associated with a campground, but which is developed for repeated camping by its owner or a lessee, and which involves site improvements which may include, but not be limited to, a gravel pad, parking area, or tent platform.

Industrial: Connected with the assembly, fabrication, finishing, manufacturing, packaging, or processing of goods or the extraction of minerals.

- .1 **Light industrial:** the use of building or structure for the purpose of manufacturing, processing, fabrication, assembly, treatment, packaging and incidental storage of goods and materials, provided that all activities are conducted within a wholly enclosed building, and that the operations do not involve any furnaces or machinery that emit noxious fumes or gases, discharge dirt, dust or particle matter into the air or result in noise or vibration. See also the definition for heavy industrial use.
- .2 **Heavy industrial:** manufacturing of products, primarily extracted of raw materials, or bulk storage and handling of such products and materials which pose significant risks due to the involvement of explosives, radioactive materials, pesticides, and other hazardous materials. Uses in this category typically involve more intense impacts associated with large industrial uses, their accessory outdoor storage uses, and large building areas. This use category includes, but is not limited to, wrecking yards, building

material manufacturing, chemical plants, concrete and asphalt plants, and freight facilities.

Inland Wetland: Areas enclosed by the normal high-water mark of inland waters and areas otherwise identified on the basis of soils, vegetation, or other criteria as inland wetlands, including, but not limited to, swamps, marshes or bogs.

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

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.

Junkyard: A Junkyard, Automobile Graveyard or Automobile Recycling Business as defined by 30-A, M.R.S.A., Section 3752.

Lodging House: A one-family dwelling where one or more occupants are primarily permanent in nature, and rent is paid for guestrooms (IRC 2015, page 2-29 & IBC 2015, page 2-66), also can be referred to as a hostel

Lot: A parcel of land in single ownership, described in a deed, plot or similar legal document. A parcel divided by a street shall be considered as two separate lots.

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

Definition for Article 38.6:

Lot, Buildable: a lot which has sufficient dimensions and size for the construction of a primary structure and required services, such as wastewater disposal, as determined by State and Rangeley requirements.

Definition for Article 38.6:

Lot, Unbuildable: a lot which does not have sufficient dimensions and size for the construction of a primary structure and the required services, such as wastewater disposal, as determined by State and Rangeley requirements.

Lot Coverage: That percentage of the plot or lot area covered by buildings or other structures.

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 with the County Registry of Deeds.

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

Marina: A business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and

outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

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

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

Mineral Extraction: The removal of geologic materials such as metallic ores, non-metallic minerals, or bedrock to be crushed or used as building stone or other industrial uses.

Mobile Home: Those units constructed after June 15, 1976 that the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, that in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and that are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit.

Mobile Home Park: A parcel of land under common ownership intended or used for the placement of three or more mobile homes.

Modular Housing: 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 required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.

Motel: A building or group of buildings in which lodging is offered to the general public for compensation, and where entrance to rooms is made directly from the outside of the building. Motel includes such terms as tourist cabins and tourist court.

Multi-Family Dwelling: A residential structure containing three or more dwelling units.

Native: Indigenous to the local forests.

Nonconforming Lot: A single lot of record which, at the effective date of adoption or amendment of this Chapter, does not meet the area, frontage, or width requirements of the district in which it is located.

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

Nonconforming Use: Use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Chapter or subsequent amendments took effect.

Non-native Invasive Species of Vegetation: species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

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

Open Space Use: Reserved land that is permanently protected from further development and remains in a natural condition or is managed according to an approved management plan for natural resource functions, e.g. habitat protection, passive recreation, agriculture, forestry or some combination of these.

Parking Facility: Area other than a street or other public way, either open or enclosed within a structure or portion thereof, designed or used for the parking of motor vehicles.

Piers, Docks, Wharves, Breakwaters, Causeways, Marinas, Bridges over 20 feet in length, and uses projecting into water bodies:

- .1 **Temporary:** Structures, which remain in the water for less than 7 months in any period of 12 consecutive months.
- .2 **Permanent:** Structures, which remain in the water for 7 months or more in any period of 12 consecutive months.

Principal Structure: The building 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.

Private Road or Private Street: A way for vehicular traffic providing access to lots or units over a common parcel, primarily by the owners or occupants of the common parcel, and necessary service and emergency vehicles, but from which the public may be excluded and which are not maintained by a public agency.

Recent Floodplain Soils: the following soil series as described and identified by the National Cooperative Soil Survey:

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

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

Recreational Vehicle: A vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer and motor home. To be considered as a recreational vehicle and not as a structure, it must have its tires on the ground and be legally registered pursuant to the Department of Motor Vehicle Laws.

Residential Structure: A building containing one or more dwelling units.

Reviewing Authority: The Code Enforcement Officer, Planning Board, or Zoning Board of Appeals as designated for review of the particular structure, use or activity.

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

River: Any free-flowing body of water from that point at which it provides drainage for a watershed of 25 square miles to its mouth.

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

Road Frontage: That portion of the lot abutting a road or street from which the lot is served for ingress and/or egress.

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

Sapling: A tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level.

Scenic Byway: 35-mile system of roads, encompassing portions of Routes 4,16, and 17 through Rangeley and Oquossoc

Seedling: A young tree species that is less than four and one half (4.5) feet in height above ground level. tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level.

Setback: The minimum horizontal distance from a lot line to the nearest part of a structure.

Setback, Shoreline: The minimum horizontal distance from the normal high water elevation to the nearest part of a structure.

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

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

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

Sign: A name, identification, description, display or illustration for advertising or information purposes painted or represented upon any surface.

.1 As used in Section 38.10, the following terms have the following meanings:

Banner: A sign of temporary construction made of vinyl, canvas, or similar flexible material.

Exterior Illuminated Sign: A sign with an exterior light source, either attached or detached from the sign, whose purpose is to illuminate the sign board.

Freestanding Sign: A sign supported by one or more uprights or braces permanently affixed into the ground.

Internally Illuminated Sign: A sign with a light source incorporated into the body of the sign and where light emanates through the message of the sign.

Off-Premise Sign: A sign that identifies one or more businesses that is located off the premises of the said business(es) and that is located within the public right-of-way.

On-Premise Sign: A sign that is located on the same lot of record as the business, facility, or point of interest referenced.

Pennant: An all-weather device constructed of lightweight plastic, fabric, or other material, which may or may not contain copy, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Portable Sign: A sign not designed or intended to be permanently affixed into the ground or to a structure.

Projecting Sign: A sign that is suspended from or supported by any building or structure and projects outward from the supporting structure.

Sign: An object, device, display or structure or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, project, service, opinion, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, or projected image.

Sign Area: The area, when viewed from any direction, of the smallest simple geometric shape exemplified by a square, rectangle, triangle, circle, etcetera, encompassing all

lettering, wording, design, or symbols, together with any background that is distinguishable from the building or support. For the purpose of calculating the area of a sign, a support that contains no information is not part of the sign.

Temporary Sign: A sign of a temporary nature, erected less than ninety (90) days within any twelve-month period, exemplified by the following: commercial advertising, political signs, charitable signs, fundraising signs, carnival signs, garage sale signs, rummage sale signs, flags, message flags, pennants, or banners, all signs advertising sales of personal property, and “for rent” signs. An exterior on-premise sign displayed by an ongoing business, on which the information changes while the structure remains unchanged, shall not be considered a temporary sign.

Solid Waste: Discarded solid material with insufficient liquid content to be free flowing. This includes, but is not limited to, rubbish, garbage, scrap materials, junk, refuse, inert fill material, and landscape refuse.

Storm-Damaged Tree: A tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

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

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

Subdivision: A subdivision is defined as per Title 30-A, M.R.S.A., Section 4401, and any future amendments thereof.

Substantial Commencement: Completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface Sewage Disposal System: Any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A., Section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

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

Tree: A woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4.5) feet above the ground, with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity.

Timber Harvesting: The cutting and removal of timber for the primary purpose of selling or processing forest products. "Timber harvesting" does not include the cutting or removal of vegetation within the shoreland zone when associated with any other land use activities. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 38.7.6.15, Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

Tributary stream: A channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity. This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Two-Family Dwelling: A residential structure containing two dwelling units.

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

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

Variance: a relaxation of the terms of this Chapter where such variance would not be contrary to the public interest, and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Chapter would result in unnecessary or undue hardship. A financial hardship shall not constitute grounds for granting a variance. As used in this Chapter, variance is authorized only for height, area, and size of structures or size of yards, and open spaces. Establishment of a use prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the Land Use District, or uses in adjoining Land Use Districts.

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

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.

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

Wetland: A freshwater 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.

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

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