WELD BUILDING ORDINANCE

ARTICLE 1. Purpose

This ordinance is enacted: to preserve public health, safety, and the general welfare of the Town; to prevent inappropriate residential, recreational, commercial or industrial construction detrimental to the Town; and to prevent the intermixing of incompatible residential, recreational, commercial and industrial activities.

ARTICLE 2. Interpretation

Interpretation of what may not be clear in this ordinance shall be according to the intent of the ordinance and its stated purpose.

ARTICLE 3. Conflict With Other Ordinances

Whenever the regulations of this ordinance conflict with those of another ordinance or other regulations, the stricter shall apply.

ARTICLE 4. Applicability

This ordinance applies to all land areas in the Town of Weld.

ARTICLE 5. Effective Date

This ordinance is effective after adoption by the Town Meeting.

ARTICLE 6. Validity and Severability

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

ARTICLE 7. Amendments

This ordinance may be amended by majority vote of the Town Meeting.

ARTICLE 8. Definitions

As used in this ordinance:

8.1 BUILDING - Building shall mean any structure having a roof or partial roof supported by columns or walls used or intended to be used for shelter or enclosure of persons, animals or objects, regardless of the materials of which it is constructed.

8.2 STRUCTURE - Structure shall mean anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground, including but not limited to buildings, trailers and mobile homes.

8.3 AGGRIEVED PARTY - The Municipal Officers acting in the name of the Town, a person whose land is directly or indirectly affected by the grant or denial of a permit or variance under this ordinance, a person whose land abuts land for which a permit or variance has been granted, or a group of five or more citizens of the municipality who represent an interest adverse to the grant or denial of such permit or variance.

8.4 LIGHTING - Permits will be required for any outside lighting where the lighting will illuminate the property of abutting landowners.

ARTICLE 9. Permit

9.1 A building permit must be obtained from the Planning Board BEFORE construction is begun on any NEW structure and before an existing structure is moved to a new site.

9.1.1 Stand alone structures of less than 100 square feet in area and less than 10 feet in height shall not require a building permit.

9.1.2 Application for permits shall be submitted online.

9.1.3 The completed application shall be submitted online to the Town Clerk and must be accompanied by the required permit fee, which shall also be paid online and covers compensation for the Code Enforcement Officer and expenses of the Planning Board.

9.1.4 Costs of direct expenses (including, but not limited to certified mail and newspaper advertisements) shall be paid by the applicant.

9.2 Remodeling, if done over existing foundation, does not require a permit unless done for seasonal conversion.

9.3 Permits will be required for any of the following activities prior to any actual work.

9.3.1 - STRUCTURES

Containing the primary activity of a lot.

Activity	Permits secured from
Residential	PB & LPI
Commercial	PB *
Industrial	PB *

Activity	Permits secured from
Recreational	PB *
Seasonal Conversion	PB * LPI

9.3.2 - OTHER

Activity	Permits secured from
Campgrounds	PB & LPI
Public Facilities	PB *
Sewage Disposal	PB * LPI
Subdivisions	PB
Spreading of Stabilized Sludge	PB

9.3.3 - AUXILIARY STRUCTURES

Activity	Permits secured from
Auxiliary to permitted use	PB

* LPI if applicable

9.3.4 SEASONAL DWELLING: Rebuilding, remodeling and redesigning to be habitual year round.

9.4 Plumbing Permit Required Prior to Building Permit No building permit shall be issued for any structure or use involving the construction, installation or alteration of Plumbing facilities unless a permit for such facilities has been secured by the applicant or his authorized agent. The plumbing permit must accompany the application to the Planning Board or no action can be taken on the application.

9.5 Procedure for Administering Permits: Within 30 days of the date of receiving a written application, the Planning Board or the Code Enforcement Officer shall notify the applicant in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make it complete, Permits shall not be denied if the proposed use is found to be in conformance with the provisions of this ordinance. Permits may be made subject to reasonable conditions to insure conformity with the purposes and provisions of this ordinance. If a permit is denied, the reasons for the denial shall be stated in writing. An appeal to the Board of Appeals from an approval or denial of a permit shall be made within 30 days of the approval or denial.

9.6 Permits granted are valid for two years for completing the approved activity.

ARTICLE 10. Appeals

Upon written application from the owner or other legitimate aggrieved party, the Weld Board of Appeals shall hear appeals from the decisions of the Planning Board. Such hearing shall be held in compliance with State law. The Board of Appeals shall have the authority to grant a variance from strict application of this ordinance or to reverse the decision of the Planning Board upon finding that the decision is clearly contrary to specific provisions of this ordinance.

10.1 APPEAL TO SUPERIOR COURT - An appeal may be taken within thirty days after any decision is rendered by the Board of Appeals, by any party, to Superior Court in accordance with State law.

ARTICLE 11. Enforcement

11.1 Any violation of this ordinance shall be deemed to be a nuisance.

11.2 It shall be the duty of the Code Enforcement Officer or Local Plumbing Inspector to enforce the provisions of this ordnance. If they shall find that any provision of this ordinance 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.

11.3 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 and directed to institute any and all action and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this ordinance in the name of the municipality.

11.4 Any person who continues to violate any provision of this ordinance, including failure to obtain a required permit, shall be subject to a find or not more that $100 for each offense. Each day in which a violation is proved to exist shall constitute a separate offense under this section.

ARTICLE 12. Lot Size

12.1 The minimum lot size for a residential structure, with the exception of seasonal use under the Shoreland Zoning Ordinance will be 50,000 square feet.

12.2 Not more that 20% of the lot will be covered by structures.

12.3 All lots with road frontage will have 150 feet minimum frontage.

ARTICLE 13. Non-Conforming Uses (Grandfather Clause)

13.1 Any lawful use of building, structures, premises, land or parts thereof existing at the effective date of this ordinance or amendments thereto and not in conformance with the provisions of this ordinance shall be considered to be a non conforming use.

13.2 Any non-conforming use may continue and may be maintained, repaired and improved. No such non-conforming use may be expanded, changed to another non-conforming use, replaced, or renewed after it has been discontinued for a period of 12 calendar months or more, without a permit from the Planning Board.

ARTICLE 14. Signs

The following provisions shall govern the use of signs in the Town of Weld:

14.1 Signs and billboards relating to goods and services sold on the premises shall be permitted, provided such signs shall not exceed fifteen (15) square feet in area. Billboards and signs relating to goods and services not rendered on the premises, with the exception of directional signs, shall be prohibited.

14.2 Residential users may display a single sign not over six (6) square feet in area relating to the sale, rental or lease of the premises.

14.3 Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

14.4 No sign shall extend higher than twenty (20) feet above the ground.

14.5 Signs may be illuminated only by shielded, non-flashing lights.

ARTICLE 15. Erosion and Sedimentation Control

Filling, grading, lagooning, dredging, earth-moving activities, and other land-use activities shall be conducted in such manner to prevent to the maximum extent possible, erosion and sedimentation of surface waters.

ARTICLE 16. Mineral Exploration

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance. A permit from the Planning Board shall be required for mineral exploration which exceeds the above limitations.

ARTICLE 17. Access Ways

Access ways and roads to any and all lots shall have a right-of-way not less than 50 feet in width, with no grade greater than 15% and no turn greater than 30%. Any ways not meeting these requirements shall not be eligible for acceptance as Town Ways.

ARTICLE 18. Shoreline Areas

Any and all of the shoreline areas are subject to the Weld Shoreland Zoning Ordinance adopted August 19, 1985, and any amendments thereto, if applicable.

ARTICLE 19. Sludge

Spreading of stabilized sludge within the area covered by this ordinance will be done in accordance with the Weld Stabilized Sludge Ordinance.

ARTICLE 20. Subdivisions

Applications for subdivisions shall include the following:

20.1 A map or maps prepared at a scale of not less than one (1) inch to 50 feet and shall include:

20.1.1 Name and address of the applicant or his authorized agent and name of proposed development and any land within 500 feet of the proposed development in which the applicant has title or interest;

20.1.2 Existing soil conditions as described by either a soil scientist, geologist, engineer or SCS medium intensity soil survey;

20.1.3 Municipal tax maps and lot numbers and names of abutting landowners;

20.1.4 Perimeter survey of the parcel and interior lot layout made and certified by a registered land surveyor relating to reference points, showing true north point, graphic scale, corners of parcel and date of survey and total acreage;

20.1.5 Existing and proposed locations and dimensions of any utility lines, sewer lines, water lines, easements, drainage ways and public or private rights-of-way;

20.1.6 An on-site soils investigation report by a Department of Human Services licensed site evaluator shall be provided. The report shall contain the types of soil, location of test pits, and proposed location and design of the best practical subsurface disposal system for the site;

20.1.7 Location and dimensions of on-site pedestrian and vehicular access ways, parking areas, loading and unloading facilities, design of entrances and exits of vehicles to and from the site on to public streets and roads and sidewalk lines;

20.1.8 Landscape plan showing location, type and approximate size of plantings and location and dimensions of all fencing and screening;

20.1.9 Topography indicating contours at intervals of either 5, 10, or 20 feet in elevation as specified by the Planning Board;

20.1.10 Location of aquifers and aquifer recharge areas, if mapped.

20.2 A written statement by the applicant that shall consist of;

20.2.1 Evidence by the applicant of his title and/or interest in the land which the application covers;

20.2.2 A description of the proposed uses to be located on the site, including quantity and type of residential unit, if any;

20.2.3 Total floor area and ground coverage of each proposed building and structure and percentage of lot covered by each building or structure;

20.2.4 Summary of existing and proposed easements, restrictions and covenants placed on the property;

20.2.5 Method of solid waste disposal;

20.2.6 Erosion and sedimentation control plan;

20.2.7 Copies of letters to the abutting landowners and selectmen notifying them of the proposed development by certified mail;

20.2.8 List of applicable local, state and federal ordinances, statutes, laws, codes and regulations such as, but not limited to, zoning ordinances, Great Ponds Act, the flood-prone areas subject to the National Flood Insurance Act, etc.;

20.2.9 The applicant's evaluation of the availability and suitability of off-site public facilities;

20.2.10 A statement from the Fire Chief as to the availability of fire ponds, or provisions for fire protection services;

20.2.11 A statement from the Selectmen that the proposed road or street construction will meet town specifications;

20.2.12 An estimate of the date when construction will start and when the development will be completed;

20.2.13 Any additional information that the Planning Board deems necessary.

20.3 Application:

20.3.1 The application shall be filed with the Planning Board for review. Within 30 days of filing, the planning Board shall notify the applicant in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the Planning Board has determined that a

complete application has been filed, it shall notify the applicant in writing and begin its review of the proposed development.

20.3.2 The Planning Board may hold a public hearing within 30 days of the filing of the completed application. The Planning Board shall publish the time, date and place of the hearing at least two times, the date of the first publication to be at least seven days prior to the hearing in a newspaper of areawide circulation. The abutting landowners shall be notified of the hearing. Public hearings by the Planning Board shall be conducted according to the procedures outlined in Title 30, M.R.S.A. Section 2411, Subsection 3 (A),), (B), (C), (D), and (E).

20.3.3 Within 30 days of the public hearing or 60 days of reviewing a completed application, the Planning Board shall either approve, approve with conditions, or disapprove the application. The time for review may be extended by mutual agreement between the Planning Board and the applicant.

20.3.4 Within seven (7) days of reaching their decision, the Planning Board shall notify the applicant in writing of any action taken and the reason for taking such action.

ARTICLE 21. Commercial and Industrial Structures

The following standards are to be used by the Planning Board in judging applications for Commercial and Industrial construction. In all instances the burden of proof shall be on the applicant.

21.1 The landscape shall be preserved in its natural state insofar as is practicable by minimizing tree removal and disturbance of soil, and by retaining existing vegetation during construction. After construction is completed, landscaping shall be designed and planted that will define, soften or screen the appearance of off- road parking areas from the public right-of-way and abutting properties and/or structures in order to minimize the encroachment of the proposed use on neighboring land uses.

21.2 Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity which have a visual relationship to the proposed buildings. Special attention shall be paid to the bulk, location and height of the building(s) and such natural features as slope, soil type and drainage ways.

21.3 The proposed site layout shall provide for sage entrances and exits from public and private roads.

21.4 Adequate provision shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality, soil erosion of the public health.

21.5 The development shall not impose an unreasonable burden on public utilities including, but not limited to, fire protection, solid waste disposal, and road maintenance.

21.6 All exterior lighting, except that for security purposes, shall be shielded and non-flashing and designed to minimize adverse impact on neighboring properties.

21.7 In making this application the applicant shall consult federal and state authorities to determine applicable air quality laws and regulation, and furnish evidence of compliance to the Board.

21.8 The applicant must demonstrate adequate financial and technical capacity to meet the above standards.

21.9 The proposed usage may not raise noise levels to the extent that abutting and/or nearby residents are adversely affected.

ARTICLE 22. Condominiums and/or Multiple Family Residential Units

22.1 Condominiums and multiple family residential units shall meet all requirements of Article 20.

22.2 The minimum lot size for a condominium or multiple family residential unit shall be 50,000 square feet for each individual family unit.

22.3 If the condominium or multiple family residential unit has access to Webb Lake or its tributaries, a minimum of 150 fee shore frontage measured in a straight line between the points of intersection of the side lot lines with the shoreline at normal high water elevation must be provided for EACH individual family unit of the structure.

22.4 For purposes of this ordinance, a condominium or multiple family residential unit shall be considered a commercial structure and must also meet all requirements of Article 21.

ARTICLE 23 Approval of application to construct a structure in the Town of Weld outside the Shoreland Zone.

23.1 Any applicant whose application is not in violation of any of the articles of the Weld Building Ordinance shall receive a permit from the Weld Planning Board.