Shoreland Zoning Ordinance

Town of Weld, Maine

March 4, 2017

ENACTED March 6, 1993

REVISED March 2, 1996

REVISED March 1, 1997

REVISED: March 7, 1998

REVISED: March 6, 1999

REVISED: February 29, 2000

REVISED: March 6, 2010

REVISED: March 4, 2017

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Shoreland Zoning Ordinance for the Town of Weld

Section 1. Purposes

The purposes of this Ordinance 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 land from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual access points to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

Section 2. Authority

This Ordinance has been prepared in accordance with the provisions of Title 38 Sections 435 449 (Mandatory Shoreland Zoning Act), of the Maine Revised Statutes Annotated (M.R.S.A.), Article VI I I-A of the Maine Constitution, the provisions of Title 30-A, M.R.S.A. Section 3001 (Home Rule), the State's Growth Management Law, Title 30-A, M.R.S.A. Section 4312 et seq.

Section 3. Applicability

This Ordinance applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of Webb Lake; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; and within 250 feet, horizontal distance, of the normal high water line of a stream that drain to Webb Lake to prevent intensive commercial and industrial use and as depicted on the Official Shoreland Zoning Map. This Ordinance also applies to any structure built on, over or abutting a dock, wharf, or pier, or other structure extending below the normal high water line of water body or within a wetland.

Section 4. Effective Date of Ordinance and Ordinance Amendments

This Ordinance, which was adopted by the municipal legislative body on March 6, 1993, and amended on March 4, 2017 the Commissioner for approval must be certified by the attested signature of the chairperson of the Weld Planning Board and the Weld Municipal Clerk. If the Commissioner fails to act on this Ordinance within 45 days of its receipt of the Ordinance or Ordinance Amendment, it shall be deemed approved.

Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance or Ordinance Amendment if the Ordinance or Ordinance Amendment is approved by the Commissioner.

Section 5. Availability

A certified copy of this Ordinance shall be filed with the Weld 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.

Section 6. 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 provision of the Ordinance.

Section 7. Conflicts with Other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control.

Section 8. Amendments

This Ordinance may be amended by majority vote of the municipal legislative body. Copies of amendments attested and signed by the chairperson of the Weld Planning Board and the Weld Municipal Clerk shall be submitted to the Commissioner of the Department 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 forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

Section 9. Districts and Zoning Map

A. Official Shoreland Zoning Map

The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map which is made a part of this Ordinance:

1. Resource Protection
2. Limited Residential
3. Stream Protection

B. Scale of Map

The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

C. Certification of Official Shoreland Zoning Map

The Official Shoreland Zoning Map shall be certified by the attested signatures of the chair person of the Weld Planning Board and the Weld Municipal Clerk and shall be located in the Weld Town Office.

D. Changes to the Official Shoreland Zoning Map

If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the

Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of Environmental Protection.

Section 10. Interpretation of District Boundaries

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

A. District boundary lines are property lines, the center lines of streets, roads and rights of way, and the boundaries of the shoreland zone.

B. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with actual shoreline.

C. Sources for the delineation of the 100 year flood plain shall be the Federal Emergency Management Agency's Flood Insurance Rate Maps, or if such maps are not available, by flood elevation records or by soil types identifiable as recent flood plain soils.

D. Boundaries indicated as being parallel to, or extensions of features indicated in paragraphs A through C above shall be so construed.

E. Distances not specifically indicated on the Official Shoreland Zoning Map shall be determined by the scale of the map. Any conflict between the Official Shoreland Zoning Map and a description by metes and bounds in a deed shall be resolved in favor of metes and bounds.

F. Where a zoning district boundary line divides a lot or parcel of land of the same ownership, the regulations applicable to the less restricted portion of the lot may not be extended into the more restricted portion of the lot.

G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Shoreland Zoning Map or where other circumstances not covered by subsections A through F above exist, the Board of Appeals shall interpret the district boundaries and shall be the final authority as to location of the boundaries.

Section 11. Land Use Requirements

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

Section 12. Non-Conformance

A. Purpose:

It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. General

1. Transfer of ownership: Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.

2. Repair and Maintenance: This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non conforming use or structure as federal, state, or local building and safety codes may require.

C. Non-conforming Structures

1. Expansions: All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in Section 15.B.1. A non-conforming structure may be added to or expanded after obtaining a permit from the Weld Planning Board, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs a and b below.

a. 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.

b. Notwithstanding paragraph a, 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 12.C.1.

(i) 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.

c. 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 12.C.1 or Section 12.C.1.a, above.

(i) 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.

(ii) For structures located less than 100 feet from the normal high-water line of a great pond 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 12.C.1.b.(i) and Section 12.C.1.c.(i), above.

(iii) In addition to the limitations in subparagraphs (i) and (ii), 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 12.C.1.b.(i) and Section 12.C.1.c.(i), above.

d. 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 non-conforming 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, basing its decision on the criteria specified in subsection 12.C 7. Relocation, below.

3. Expansions of non-conforming structures shall be subject to the State Plumbing Laws (Title 30-A, M.R.S.A. Section 4221, Subsection 3) requiring documentation of wastewater disposal capabilities.

4. Remodeling, such as, but not limited to enclosing a porch, deck, or other attached structure to increase the enclosed living area of a structure may not be done without a permit from the Weld Planning Board and may be denied if the additional room may overload existing wastewater disposal capabilities.

5. Discontinuance: Discontinuance of the use of a legally existing non-conforming structure for a period of 5 years or more shall constitute abandonment of the structure. Thereafter, use of the structure shall only be commenced after the structure is brought into compliance with this Ordinance, or a variance is obtained.

6. Relocation: A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of the State of Maine Subsurface Wastewater Rules (Rules), or that a

new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

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

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with Section 15.W. In addition, the area from which the relocated structure was removed must be replanted with vegetation.

Replanting shall be required as follows: a. Trees removed in order to relocate a structure must be replanted with at least one 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.

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

Nothing in this section shall prohibit the relocation of a non-conforming structure to a separate conforming lot on which the structure and use will be conforming, provided that all necessary permits are obtained.

8. Reconstruction or Replacement: Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or a wetland and which is removed, or damaged or destroyed, regardless of cause by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced 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 Weld Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. 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 12.C.1 above, as determined by the non-conforming 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 12.C.2 above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with the proper permits from the Weld Planning Board 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 shall consider in addition to the criteria in paragraph 2 above, the physical condition and type of foundation present, if any.

9. Change of Use of a Non-Conforming Structure a. The use of a non-conforming structure may not be changed to another kind of use (for example, from residential to home occupation or commercial use) or in intensity of commercial use unless 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 other functionally water-dependent uses.

b. A non-conforming seasonal structure may not be changed in use to a year round structure (seasonal conversion) unless a permit for seasonal conversion from the Licensed Plumbing Inspector (LPI) is attached to the application form submitted to the Planning Board.

This includes, but not limited to, a 100' setback of the septic system from any body of water.

c. Any person changing or converting the use of a permit granted by the Weld Planning Board will be in violation. The unapproved use will cease until the applicant receives a valid permit for the new use. If the new use is not allowed under the Weld Shoreland Zoning Ordinance the use will cease permanently. Failure to cease will result in a penalty fee to the Town of Weld of $1,000.

D. Non-Conforming Uses

1. Expansions: Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as permitted in Section 12.C.1.

2. Resumption Prohibited: A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use. In the case of a residential structure, this time limit shall be extended to five (5) years.

3. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use as determined by the Planning Board, using the criteria listed in Section 12.C.9 above.

E. Non-Conforming Lots

1. Non-conforming lots: A non-conforming lot of record as of the effective date of this Ordinance, March 6, 1993 may be built upon it without the need for a variance provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met.

Variances relating to other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.

2. Contiguous Built Lots: For the purpose of erecting a structure, two (2) or more contiguous lots or parcels in single or joint ownership of record at the time of the adoption of this Ordinance may be considered one lot for the purposes of this Ordinance if all or part of the lots do not meet the dimensional requirements of this Ordinance, even if a principal use of structure exists on each lot. The merger of the two lots shall be recorded in the registry of deeds before building is begun. If two (2) or more principal uses or structures exist on a single lot of record, the lot shall not be divided in a manner that creates a non-conforming lot or causes a non-conforming lot to become more non-conforming.

3. Contiguous Lots, Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time or since the adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance 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 extant necessary to meet the dimensional requirements.

This provision shall not apply to 2 or more contiguous lots, at least one of which is non conforming, owned by the same person or persons on the effective date of this Ordinance, March 6, 1993 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 a. Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or b. Any lots that do not meet the frontage and lot size requirements of Section 12.E.3.a 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 13. Establishment of Districts

Note: See Section 14, Table 1 and Shoreland Districts of Weld for specific written descriptions of boundaries and restrictions.

A. Resource Protection District

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone.

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF & W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of May 30, 2013. For the purposes of this paragraph “wetlands associated with great ponds” shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond, and have a surface elevation at or below the water level of the great pond during the period of normal high water. “Wetlands associated with great ponds” are considered to be part of that great pond.

2. Areas of two or more 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 wetland as defined, and which are not surficially connected to a water body during the period of normal high water.

4. Other significant wildlife habitat

5. Natural sites of significant scenic or aesthetic value.

6. Areas designated by federal, state or municipal government as natural areas of significance to be protected from development.

7. Other significant areas which should be included in this district to fulfill the purposes of this Ordinance.

B. Limited Residential District

The limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District and areas which are used less intensively than those in the General Development District.

C. Stream Protection District

The Stream Protection District includes all land areas within one hundred (100) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond or within two-hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland.

Where a stream and its associated shoreland area is located within two-hundred fifty (250) feet, horizontal distance of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland. See Section 14, Table 1. and Shoreland Districts in Weld.

Section 14. Table of Land Uses

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform to all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1: Yes - Allowed (no permit required but the use must comply with all applicable land use standards.) No - Prohibited PB – Allowed with permit issued by the Planning Board CEO - Allowed with permit issued by the Code Enforcement Officer LPI - Allowed with permit issued by the Local Plumbing Inspector Abbreviations:

1. RP - Resource Protection

2. LR - Limited Residential

3. SP - Stream Protection

TABLE 1. LAND USES IN THE SHORELAND ZONE

LAND USES DISTRICT

SP RP LR

1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking yes yes yes

2. Motorized vehicular traffic on existing roads and trails yes yes yes

3. Reserved

4. Reserved 5.Clearing or removal of vegetation for activities other than timber harvesting CEO CEO1 Yes

6. Fire prevention activities yes yes yes

7. Wildlife management practices yes yes yes

8. Soil and water conservation practices yes yes yes

9. Mineral exploration no yes 2 yes 2

10. Mineral extraction including sand and gravel extraction no PB3 PB

11. Surveying and resource analysis yes yes yes

12. Emergency operations yes yes yes

13. Agriculture PB PB yes

14. Aquaculture PB PB PB

15. Principal structures and uses

A. One and two family residential, including driveways No No PB

B. Multi-unit residential no no PB

C. Commercial no no10 no10

D. Industrial no no no

E. Governmental and institutional no no PB

F. Small non-residential facilities for educational, scientific, or nature PB4 PB CEO interpretation purposes

16. Structures accessory to allowed uses PB4 PB CEO

17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland a. Temporary CEO11 CEO11 CEO11 b. Permanent PB PB PB

18. Conversions of seasonal residences to year-round residences LPI/PB LPI/PB LPI/PB

19. Home occupations PB PB PB

20. Private sewage disposal systems for allowed uses LPI LPI LPI

21. Essential services PB PB6 PB

A. Roadside distribution lines (34.5kV and lower) CEO6 CEO6 yes 12

B. Non-roadside or cross-country distribution lines involving ten poles or less in PB6 PB6 CEO
the shoreland zone

C. Non-roadside or cross-country distribution lines involving eleven or more PB6 PB6 PB
poles in the shoreland zone

D. Other essential services PB6 PB6 PB

22. Service drops, as defined, to allowed uses yes yes yes

23. Public and private recreational areas involving minimal structural development PB PB PB

24. Individual, private campsites PB PB CEO

25. Campgrounds no no7 PB

26. Road construction PB no8 PB

27. Land management roads yes PB yes

28. Parking facilities no no7 PB

29. Marinas PB no PB

30. Filling and earth moving of <10 cubic yards CEO CEO yes

31. Filling and earth moving of >10 cubic yards PB PB CEO

32. Signs yes yes yes

33. Uses similar to allowed uses CEO CEO CEO

34. Uses similar to uses requiring a CEO permit CEO CEO CEO

35. Uses similar to uses requiring a PB permit PB PB PB 1In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.

2Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.

3In RP not allowed in areas so designated because of wildlife value. 4Provided that a variance from the setback requirement is obtained from the Board of Appeals.

5Functionally water-dependent uses and uses accessory to such water dependent uses only (See note on previous page).

6See further restrictions in Section 15.O.2. 7Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.

8Except as provided in Section 15.K.3. 9 Reserved 10Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds that are allowed in the respective district.

11Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

12Permit not required, but must file a written "notice of intent to construct" with CEO.

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 48-c, if the activity occurs in, on, over or adjacent to any freshwater wetland, great pond, stream or brook and operates in such a manner that material or soil may be washed into them:

A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;

B. Draining or otherwise dewatering;

C. Filling, including adding sand or other material to a sand dune;

D. Any construction or alteration of any permanent structure.

SHORELAND DISTRICTS IN WELD

LOCATION Designation Reason 1 From Weld-Carthage line on the South end of Webb Lake on west shore of lake northwesterly along the shoreline to the State Park line LR housing 2 State Park No Control 3 From northern line of State Park on west side RP wetland of lake running northwesterly along the lake to southern line of Lot 1 on Map 31 including the mouth of Swett Brook 4 From southern line of Lot 1, Map 31 to northern line of Lot 25, Map 32 on west side of lake except the mouth of Snowman Brook LR housing 5 Mouth of Snowman Brook RP Floodplain 6 From northern line of Lot 25, Map 32 north- RP low westerly along the shore 300 feet beyond the wetlands northern shoreline of West Brook including the mouth of West Brook 7 From 300 feet beyond the northern shoreline LR housing of West Brook northwesterly to the northern line of Lot 6, Map 35 8 From the northern line of Lot 6, Map 35 to RP low northeasterly line of Lot 19, Map 10 including wetlands the mouth of Bachelor Brook 9 From the west line of Lot 19, Map 10 to a LR housing point 863 feet along the shoreline westerly from the center of East Brook 10 From the above named point 810 feet along the RP wetland shore of the lake easterly to a point

common to Lots 7 and 8, Map 30 including the mouth of East Brook 11 From the above named point common to Lots 7 and 8, Map 30 southerly on the east shore of the lake to the southern property line of Lot 4, Map 3--except the mouths of Parlin Brook, Houghton Brook, and Bowley Brook LR housing 12 Mouth of Parlin Brook RP Floodplain 13 Mouth of Houghton Brook RP Floodplain 14 Mouth of Bowley Brook RP Floodplain 15 From the southern line of land shown as Lot 4, LR housing Map 3, southerly to Weld-Carthage line 16 Swett Brook from the State aid road westerly SP/LR to its origin except the Sprague Meadows 17 Sprague Meadows RP wetlands 18 Snowman Brook, 250 feet from the lake to LR housing its origin 19 West Brook, 250 feet from the lake to the RP wetlands bridge on the State aid road 20 The west side of West Brook from the bridge SP/LR on the State aid road to the Holman Meadow 21 The east side of West Brook from

the bridge RP wetlands on the State aid road to the Storer Bridge on the town road 22 The east side of West Brook from the Storer SP/LR Bridge on the town road to the Holman Meadow 23 Holman Meadow RP wetlands 24 West Brook from the Holman Meadow to the SP/LR Webster Meadow 25 Webster Meadow RP wetlands 26 West Brook from Webster Meadow to the #6 line SP/LR 27 Bachelor Brook, 250 feet from the lake to the RP wetlands bridge on the Byron Road 28 Bachelor Brook from the bridge on the Byron SP/LR

Road to the #6 line 29 East Brook, 250 feet from the lake to the SP/LR Phillips line 30 Parlin Brook, 250 feet from the lake to the SP/LR State Park line 31 Houghton Brook, 250 feet from the lake to the RP lowlands bridge on Route 142 32 Houghton Brook from the bridge on Route 142 to SP/LC the north end of Map 23, Lot 5 33 Houghton Brook from the north end of Lot 5, SP/LR Map 23 to its origin except the Gus Masterman Meadows 34 Gus Masterman Meadows RP wetlands 35 Bowley Brook, 250 feet from the lake to the SP/LR Perkins line 36 100'from the high water marks on both sides of any and all perennial streams, named or SP state/ unnamed, that appear on the topographical map uniform of Weld and that are not named above setback 37 From 100 to 250' from the high water marks on LR housing both sides of any and all perennial streams, named or unnamed, that appear on the topographical map of Weld and that are not named above 38 Two hundred and fifty feet from the upland edge of any wetlands not named above. LR-R *SP within 100' from high water mark on both sides of a stream for Stream Protection mandated by State; and LR for 100' to 250' from the high water marks on both sides of a stream to prevent intensive commercial and industrial use.

**SP within 75' from high water mark on the north side of the stream; SP within 100' from high water mark on the south side of the stream; and LR for 100' to 250' from the high water mark on the south side of the stream.

Section 15. Land Use Standards

All land use activities within the Shoreland Zone shall conform to the following provisions, if applicable.

A. Minimum Lot Standards

1. Minimum Lot Area Minimum Lot Frontage (sq ft.) (ft.) Residential per dwelling unit 50,000 200 Governmental, Institutional, Commercial or Industrial per principal structure a. Within the Shoreland Zone 60,000 300

2. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads servicing more than two (2) lots shall not be included toward calculating minimum lot area. Also, land with sustained slope in excess of fifty percent (50%) shall not be included toward calculating the 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, stream 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.

6. Lots within the Shoreland Zone which are proposed for development using on-site subsurface sewage disposal shall have sufficient areas of suitable soil to accommodate the proposed system and a future replacement system installed in compliance with the State of Maine Subsurface Wastewater Disposal Rules. The reserve area shall not be developed in any way which would preclude the use of that area for future subsurface sewage disposal.

B. 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 a water body, streams and upland edge of wetlands, and fifteen (15) feet, horizontal distance, from side and rear lot lines except as provided below. 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.

a. The normal high-water line setback provision shall not apply to structures that require direct access to the water as an operational necessity, such as piers, docks and retaining walls, nor shall it apply to other water-dependent uses and structures.

b. On a non-conforming 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 which are permitted in the Resource Protection, Limited Residential and Stream Protection, Districts, shall not exceed thirty (30) feet in height.

3. Where new structures are proposed in the Shoreland Zone in or adjacent to significant scenic areas as identified in the Comprehensive Plan, such structures shall be located and designed so as to minimize their adverse visual impact on those scenic areas.

4. The total area of non-vegetated surfaces shall not exceed twenty (20) percent of the lot located in the Shoreland zone. This limitation does not apply to public boat launching facilities regardless of the district in which the facility is located.

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 nonvegetated surfaces when calculating lot coverage for lots of record on March 24, 1990 and in continuous existence since that date.

5. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 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.

6. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:

a. The site has been previously altered and an effective vegetated buffer does not exist;

b. The wall(s) is (are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;

c. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;

d. The total height of the wall(s), in the aggregate, are no more than 24 inches;

e. Retaining walls are located outside of the 100-year floodplain on 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.

f. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and g. vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:

(i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;

(ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;

(iii) Only native species may be used to establish the buffer area;

(iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;

(v) A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer;

7. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Planning Board, to provide shoreline access in areas of steep

slopes or unsuitable soils provided; that the structure is limited to a maximum of three (3) 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; and that the applicant demonstrates that no reasonable access alternative exists on the property.

C. Clustered Housing

Municipal ordinances may allow for clustered housing within the Shoreland Zone provided that cumulatively all dimensional requirements, including frontage and lot area, per dwelling unit are met. When determining whether the dimensional requirements are met, only land area within the Shoreland Zone may be considered. Open space preserved by permanent deed restrictions or other permanent protective measures may be included toward meeting dimensional requirements. The minimum site size for a cluster development in all zones shall be five (5) acres. Clustered housing may be permitted only if the applicant can demonstrate that the proposed use will result in:

1. The preservation of open space within the Shoreland Zone through permanent deed restrictions;

2. A pattern of development in harmony with the natural features of the land;

3. More efficient use of the land using smaller networks of utilities and streets within the Shoreland Zone than would be present if single family residential construction in conformance with this Ordinance were to be proposed;

4. Reduction in the total area of impervious surfaces.

D. Shoreland Common Areas

Each shoreland common area shall have a minimum of one hundred and fifty (150) feet of shore frontage and one hundred (100) feet of lot depth for each residential dwelling having access to the common area.

E. Home Occupations

Home occupations shall conform to the following:

1. The use of a residence for a home occupation shall be clearly secondary to the residential use of the property and shall be limited to no more than twenty (20) percent of the floor area of all structures on the property.

2. No visible evidence of the operation of such home occupation other than one (1) sign, no larger than six (6) square feet in area is permitted.

3. Not more than two (2) persons other than family members residing in the home shall be employed in home occupations.

F. 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 as specified in Section 15.A, 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 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 as an operational necessity.

7. No existing structures built on, over, or abutting a pier, dock, or 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.

8. 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.

9. New permanent piers and docks shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

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, Title 38 M.R.S.A., Section 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.

10. Vegetation may be removed in excess of the standards in Section 15(P) 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.

a. 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 12 feet in width. When the stabilization project is complete the construction equipment accessway must be restored.

b. Revegetation must occur in accordance with Section 15(S). NOTE: A permit pursuant to the Natural Resource Protection Act is required from the Department of Environmental Protection for Shoreline Stabilization activities.

G. Campgrounds

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

1. Campgrounds shall contain a minimum five thousand (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 areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond, other water bodies, tributary streams, or the upland edge of a wetland.

3. Recreational vehicles or tents shall not be sited at a campground for more than seven (7) months in a year. This provision does not apply to recreational vehicles or similar shelters which are placed in a designated storage area in a campground.

H. Individual Private Campsites

Individual private campsites not associated with campgrounds are permitted provided the following conditions are met:

1. One campsite per forty thousand (40,000) square feet of lot area within the Shoreland Zone may be permitted unless otherwise prohibited.

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 and one hundred (100) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

4. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of a 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 a Resource Protection District shall be prohibited.

6. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite permitted 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. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including

the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

I. Commercial and Industrial Uses

The following new commercial and industrial uses are prohibited within the Shoreland Zone adjacent to great ponds and streams which flow to great ponds:

a. Auto washing facilities b. Auto or other vehicle service and/or repair operations, including body shops c. Chemical and bacteriological laboratories d. Storage of chemicals, including herbicides, pesticides, or fertilizers other than amounts normally associated with individual households or farms e. Commercial painting, wood preserving, and furniture stripping f. Dry cleaning establishments g. Electronic circuit assembly h. Laundromats, unless connected to a sanitary sewer i. Metal plating, finishing or polishing j. 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 k. Photographic processing l. Printing

J. Parking Areas

1. Parking areas shall meet the shoreline setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities may be reduced to no less than fifty (50) feet from the normal high-water line or upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water 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: a. 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.

b. Internal travel aisles: Approximately twenty (20) feet wide.

K. 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 of a water body or upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement to no less than 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 greater than twenty (20) percent the road and/or driveway setback shall be increased by ten feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

This paragraph does not apply to approaches to water crossings nor 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 this Section 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 roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the District. A road or driveway mal also be approved by the Planning Board in a Resource Protection District upon a finding that no reasonable alternative route or location is available outside the District. When a road or driveway is permitted in the Resource

Protection District the road and/or driveway shall be setback as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

4. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained herein.

5. Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

6. In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least fifty (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

7.Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway or ditch. To accomplish this, the following shall apply:

a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

Grade Spacing (Percent) (feet) 0-2 250 3-5 200-135 6-10 100-80 11-15 80-60 16-20 60-45 21+ 40 b. Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.

c. On surfaces 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.

d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

8. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

L. Signs

The following provisions shall govern the use of signs in the Resource Protection, Limited Residential and Stream Protection Districts:

1. Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

2. Name signs are allowed, provided such signs shall not exceed two (2) signs per premises.

3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.

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

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

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

7. Signs relating to public safety shall be permitted without restriction.

M. Storm Water Runoff

1. All new construction and development shall be designed to minimize storm water runoff from the site above 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 and kept free of silt, debris, or foreign matter.

N. 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: a) 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 b) 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.

O. 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 permitted in a Resource Protection or Stream Protection District, except to provide services to a permitted

use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

3. Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

P. Alteration of Streams, Great Ponds and Wetlands

1. The following activities require a permit from the Department of Environmental Protection if performed in, on or over any freshwater wetland, great pond, or stream, or adjacent to said natural resources such that material or soil may be washed into them:

a. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;

b. Draining or otherwise dewatering; c. Filling, including but not limited to adding sand, gravel or loam.

Q. 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 Planning Board shall be required for mineral exploration, which exceeds the above limitation.

All excavations, including test pits and holes shall be immediately capped, refilled or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

1. A reclamation plan shall be filed with the Planning Board before a permit is granted.

2. Mineral extraction within the Shoreland Zone shall not expose more than two (2) surface acres of soil in total at any one point in time. When this limit has been reached, extraction in new areas shall not begin until the formerly excavated area has been reclaimed in accordance with the reclamation plan required herein.

3. Expansions of gravel pits in existence on the effective date of this Ordinance shall meet the standards contained herein and shall require a permit from the Planning Board. For the purposes of this section, an expansion is defined as an enlargement of the excavated pit perimeter.

4. Mineral exploration and extraction shall conform to the Erosion and Sedimentation Control and Storm Water Runoff standards contained within this Ordinance.

5. 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, water bodies, tributary streams, or the upland edge of a wetland or within one hundred (100) feet of any property line, unless such property line borders an existing gravel pit.

The property line setback may be reduced with written permission of the owner of such adjacent property. However, in no case shall extraction operations including final grading and reclamation extend to within ten (10) feet of a property line.

6. Mineral extraction shall be prohibited within two hundred and fifty (250), feet, horizontal distance, of "moderate" or "high" value water fowl and wading bird habitat as rated by the Maine Department of Inland Fisheries and Wildlife, or any other habitat areas designated by the municipality. [Revised 07.09.10]

7. Mineral deposits shall not be removed or excavated within two (2) feet of the seasonal high water table.

8. 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 reclamation plan required herein and the following:

a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried or covered on site.

b. The final graded slope shall be two and one-half to one (2 ½: 1) slope or flatter.

c. 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.

9. 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.

R. Agriculture

1. All spreading of manure shall be accomplished in conformance with 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 stockpiled or stored within the Shoreland Zone.

3. There will be no tilling of soil within one hundred (100) feet, horizontal distance, of the normal high-water line of any great pond and one hundred (100) feet horizontal distance of other water bodies; nor within one hundred (100) feet, horizontal distance of tributary streams, and wetlands.

4. Industrial and/or septic sludge spreading in all Shoreland Zones shall require a permit from the Planning Board.

5. Agriculture shall require a Conservation Plan filed with the Planning Board unless the area tilled is less than twenty thousand (20,000) square feet in surface area, except in the Resource Protection District where any amount of tillage shall be prohibited. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance. In addition, animal husbandry associated with farms that produce more than ten (10) animal units annually shall require said plan.

6. 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.

S. Reserved

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

1. Clearing of trees and other vegetation may be allowed for those structures and uses permitted according to Section 14. The clearing of any vegetation in a designated Resource Protection District or its equivalent shall be limited to that which is necessary for uses expressly authorized in that District. However, no cutting of vegetation shall occur within seventy five (75) feet, horizontal distance, of the normal high-water line in any Resource Protection District or its equivalent abutting a great pond, except to remove hazard trees as described in section Q.

2. Except in areas as described in Paragraph T.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 or within in 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:

a. 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.

3. Where permitted, the clearing of trees and other vegetation within the one hundred (100) foot buffer is limited to the following:

a. No cleared openings shall be created, except to locate uses permitted within the buffer strip such as, but not limited to water-dependent facilities, water crossings and public recreation areas.

b. Selective cutting of trees in non-cleared areas is allowed provided that a well distributed stand of trees and other natural vegetation is maintained. Selective cutting shall not exceed forty (40) percent of the total volume of trees four (4) inches or more in diameter, measured at four (4) feet above ground level, on any lot in a twenty (20) year period.

For the purposes of this section, a "well distributed stand of trees" adjacent to a great pond 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 4-1/2 feet Above Points Ground Level (inches) 2 - < 4 in. 1

4 - <8 in. 2 8 - < 12 in. 4 12 in. or greater 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.

The following shall govern in applying this point system:

(i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

(ii) Each successive plot must be adjacent to, but not overlap a previous plot;

(iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;

(iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Ordinance;

(v) 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.

For the purposes of Section 15.T.3.b “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. [Note: Revised 07.09.10] c. In order to protect water quality and wildlife habitat, existing vegetation under four (4) feet in height and ground cover, including leaf litter and the forest duff layer shall not be cut covered, pruned or removed, except as allowed under paragraph 15.T.2 and 2.a, above.

d. Pruning of live tree branches not to exceed twelve (12) feet in height above the ground level is permitted provided that at least the top two-thirds of the tree canopy is maintained.

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 15.Q, below, unless existing new tree growth is present.

f. 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 15.Q.2.

Section 15.Q.2 does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

4. Outside of the buffer strip, the following provisions shall apply: a. Cleared openings shall not exceed twenty five (25) percent of the lot area or 10,000 square feet, whichever is greater, including land previously cleared. This shall include, but is not limited

to, areas designated for principal and accessory structures, driveways, sewage disposal areas, and lawns. This provision applies to the portion of a lot within the shoreland zone, including the buffer area.

5. Legally existing cleared openings may be maintained. Where such openings exceed the limits defined above, they shall not be enlarged.

6. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

U. 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:

a. 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.

b. 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.

c. 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.

d. 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.

e. 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:

a. 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:

(i) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;

(ii) Stumps from the storm-damaged trees may not be removed;

(iii) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and

(iv) 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.

b. 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.

V. Exemptions to Clearing and Vegetation Removal Requirements

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 15.Q, 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 Ordinance, 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 15.Q apply;

2. The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of section 15(B) 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 15(N) are complied with;

5. The removal of non-native invasive vegetation species, provided the following minimum requirements are met:

a. 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;

b. Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and c. 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.

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

W. Revegetation Requirements.

When revegetation is required in response to violations of the vegetation standards set forth in Section 15.Q, 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: a. All trees and saplings removed must be replaced with native noninvasive species;

b. Replacement vegetation must at a minimum consist of saplings; c. If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;

d. No one species shall make up 50% or more of the number of trees and saplings planted;

e. 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

f. 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:

a. 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;

b. 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;

c. If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;

d. No one species shall make up 50% or more of the number of planted woody vegetation plants; and e) 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:

a) 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;

b. 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 c. 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.

W. 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 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:

a. Mulching and revegetation of disturbed soil. b. Temporary runoff control features such as hay bales, silt fencing, or diversion ditches.

c. Permanent stabilization structures such as retaining walls or riprap.

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:

a. 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.

b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

c. Additional measures shall be taken where necessary in order to avoid siltation into the water.

Such measures may include the use of staked hay bales and/or silt fences.

5. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways 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.

X. 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, and 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.

Y. 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.

Z. Solid Waste

Solid waste may not be disposed of in the Shoreland Zone except as permitted by the State of Maine Department of Environmental Protection.

AA. Archaeological Sites Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least 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.

NOTE: Municipal officials should contact the Maine Historic Preservation Commission for the listing and location of Historic Places in their community.

Section 16. Administration

A. Administering Bodies and Agents

1. Code Enforcement Officer A Code Enforcement Officer shall be appointed or re-appointed annually by July 1st.

2. Board of Appeals There is hereby created a Board of Appeals for the Municipality of Weld in accordance with the provisions of Title 30-A M.R.S.A. Section 2691.

3. Planning Board A Planning Board shall be created in accordance with the provisions of State Law.

B. 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 district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a

discontinued non-conforming 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.

Such violation will result in a fine of not less than thirty-five ($35) in addition to the fee for the permit. If the structure is in violation of the Ordinance the offending structure must be removed.

A permit is required for any construction in the Shoreland Zone. No construction may take place in the setback area, one hundred (100) feet from the high-water line of any water body or upland edge of a wetland.

1. A permit is not required for the replacement of an existing road culvert as long as: a. The replacement culvert is not more than 25% longer than the culvert being replaced.

b. The replacement culvert is not longer than 75 feet; and

c. 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.

b. Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. Permit Application

Every applicant for a permit shall submit a written application, which shall include the following information, to the appropriate official as indicated in Section 14:

1. The name and address of the property owner.

2. The name, address and telephone number of the person, firm, or firms involved in the construction of the property.

3. The names and addresses of abutting property owners.

4. A detailed description of the proposed structures or land use activity.

5. A site plan indicating: a. The size and shape of the lot for which application is made including lot boundary lines, and the location of the water body.

b. The size, shape and location of the proposed use or structure(s) on the property.

c. The shape, size and location of all existing developments on the property including all buildings, driveways, parking areas, wells, sewage disposal systems and other developed areas.

d. The location of significant natural features on the property including wooded and open areas, areas of steep slope, and any streams, wet areas or other natural drainage areas.

6. 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 would require plumbing facilities.

7. A Certification that the information in the application is complete and correct to the best of the applicant's knowledge and belief.

8. All applications shall be signed by the owner or owners of the property or other person authorizing the work. If the person signing the application is not the owner or lessee of the property, then that person shall submit a letter of authorization from the owner or lessee.

9. All applications shall be dated, and the Municipal Clerk or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

10. The basic application fee for a permit required by this Ordinance shall be $20.00. In addition, when an application requires a Planning Board permit that requires outside consulting services, the applicant shall pay the following additional fee for use of the Planning Board in hiring such independent consulting services:

a. The applicant shall pay into a special account the cost to the Municipality of Weld of hiring independent consulting services. The fee shall be determined after the Planning Board has secured an estimate of the cost of the services and the applicant has seen the estimate. If the balance in the special account is drawn down by 75%, the Board shall notify the applicant and require an additional amount. Any balance in the account remaining after a final decision on the application shall be returned to the applicant.

11. When an excavation contractor will perform an activity 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.

D. Procedure for Administering Permits

Within 35 days of the date of receiving a written application, the Planning Board and Code Enforcement Officer, as indicated in Section 14, 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. All permit applications shall either be approved or denied in writing within 35 days of receiving a completed application.

However, if the Planning Board has a waiting list, such approval or denial shall occur within 35 days after the first available date on the Planning Boards' agenda following receipt of the completed application, or within 35 days of the public hearing, if one is held. Permits shall be

approved if the proposed use is found to be in conformance with the purposes and provisions of this Ordinance.

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance. 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 flood plain development and use; and

8. Is in conformance with the provisions of Section 15, Land Use Standards. 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 any State law, which the municipality is responsible for enforcing.

E. Reserved

F. Expiration of Permit

Following the issuance of a permit, if no substantial start is made in construction or in the use of the property within one year of the date of the permit, the permit shall lapse and become void.

Construction authorized by a permit and which is not completed within two (2) years of the effective date of the permit shall not continue until a new permit is obtained.

G. Public Hearings

1. In scheduling public hearings under this Ordinance, the Planning Board shall notify the applicant, the Selectmen, the Code Enforcement Officer and the Board of Appeals at least ten (10) days in advance of the hearing time and place, and shall publish notice of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven (7) days prior to the hearing.

2. The Planning Board shall also notify, by mail, owners of all property within five hundred (500) feet of the property involved, at least seven (7) days in advance of the hearing, of the nature of the application and of the time and place of the public hearing.

3. The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Planning Board.

4. Public hearings shall be conducted according to the procedures contained herein.

H. Installation of Public Utility Service

No public utility or any utility company of any kind may install services to any new structure located in the Shoreland Zone unless written authorization attesting to the validity and currency of all local permits required under this Ordinance has been issued by the appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.

I. Appeals

1. Powers and Duties of the Board of Appeals The Board of Appeals shall have the following powers:

a. 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 order, requirement, decision, or determination made by, or failure to act by, 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 order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her 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.

b. Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.

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

a. Variances may be granted only from lot size, frontage, and percent of lot coverage. Percent of lot coverage may not be increased by more than five (5) percent.

b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

c. The Board shall not grant a variance unless it finds that: (1) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and (2) 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. d. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent

possible, and in so doing, may impose such conditions to a variance as it deems necessary.

The party receiving the variance shall comply with any conditions imposed. e. The Code Enforcement Officer as authorized by Title 30-A MRSA Section 4353-A 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 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 variances, 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. Any permit issued pursuant to this subsection is subject to Sections 16.I.2.f and 16.I.4.b.)(iv) below.

f. A copy of each 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.

g. Whenever the Board of Appeals grants a variance under this section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed or deeds of ownership in its chain of title, and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared in recordable form and provided to the applicant for recording in the Franklin County Registry of Deeds. Variances not recorded within thirty (30) days of final approval of the variance shall be invalid. No rights may accrue to the variance recipient or his heirs, successors or assigns unless and until the recording is made within thirty (30) days.

3. Administrative Appeals 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.

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 are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

4. Appeal Procedure a. Making an Appeal

(1) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board except for enforcement-related matters as described in Section 16.H.1.a above. Such an appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board, upon showing of good cause, may waive the thirty (30) day requirement.

(2) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:

(i) A concise written statement indicating what relief is requested and why the appeal or variance should be granted.

(II) 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.

(3) Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of decision appealed from. Each appeal shall be accompanied by a fee to cover advertising and administration costs. If the actual cost of advertising and notification exceeds the fee paid, the applicant shall pay the balance. This fee will be $25.00.

(4) The Board of Appeals shall hold a public hearing on the appeal within thirty five (35) days of its receipt of an appeal request.

b. Hearings (1) The Board may receive any oral or documentary evidence but may also exclude any irrelevant, immaterial or unduly repetitious evidence. All parties shall have the right to present their case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(2) The appellant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the chair. All persons at the hearing shall abide by the order established by the chairperson.

(3) At any hearing, a party may be represented by agent or attorney. Hearings shall not be continued to other times except for good cause.

(4) The transcript or tape recording of testimony, if any, minutes and exhibits, together with all papers, documents, exhibits and requests filed in the proceedings, shall constitute the record.

(5) The record may be kept open after the hearing to receive additional comments or evidence by order of the Chair-person until a date established by the order.

c. Decision by Board of Appeals (1) A majority of the Board shall constitute a quorum for the purpose deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.

(2) The person filing the appeal shall have the burden of proof.

(3) The Board shall decide all appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

(4) All decisions shall be based upon the material issues of fact and law. Notice of any decision shall be mailed or hand delivered to the petitioner, his representative or agent, Department of Environmental Protection, the Planning Board, the Code Enforcement Officer, and the Municipal Officers within seven (7) days of the decision date.

4. 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.

5. Reconsideration In accordance with 30-A M.R.S.A. Section 2691(3)(F) the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abuttors and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

J. Enforcement

1. Nuisances Any violation of this Ordinance shall be deemed to be a nuisance.

2. Code Enforcement Officer a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement shall also investigate all complaints of alleged violations of this Ordinance. The Code Enforcement Officer

may enter any property at reasonable hours and enter any structure with the consent of the property owner, occupant or agent, to inspect the property or structure for compliance with the laws or ordinances set forth in this section. If consent is denied, the Code Enforcement Officer shall obtain an administrative warrant before entering the structure or subject property.

c. The Code Enforcement Officer shall maintain a current file of all pertinent federal, state and local statutes, ordinances, regulations, codes and plans relating to land-use regulation.

The Code Enforcement Officer shall keep a complete record of essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.

3. Construction or land changing in the Shoreland Zone without a permit. a. Any person construction a building, harvesting timber or changing the land within the zone of the Weld Shoreland Zoning Ordinance without a valid permit will be in violation. The person will have to obtain a permit after-the-fact from the Weld Planning Board. The fee for this permit will be not less than $250 nor more than $1,000. If the violation cannot be granted under the Weld Shoreland Zoning Ordinance the violator may be told to remove the offending structure if it is found that less harm will be caused to the environment than leaving the structure.

4. 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 directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

5. Fines Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection 4452. Each day a violation is permitted to exist after notification shall constitute a separate offense. Fines shall be payable to the town.

Current penalties include fines of not less than $100 nor more than $2500 per violation for each day that the violation continues.

SHORELAND ZONING

ORDINANCE
FOR THE

TOWN OF WELD

DEFINITIONS

Section 17. Definitions

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

Agriculture - the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forage and sod crops; grain 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.

Aggrieved party - an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit 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.

Alternative Toilet - A device to treat blackwaste only. Examples are: privy, compost, chemical, re-circulation, incinerating and vacuum toilet, among others. A pit privy is considered a disposal area for the purposes of the setback distances. A vault privy is considered a treatments tank for the purpose of the setback distances.

Aquaculture -the growing or propagation of harvestable freshwater plants or animal species.

Area of Special Flood Hazards - means the land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Rate Map.

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

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.

Black waste - waste containing human excrement and/or urine. Boat Launching Facility - a facility designed primarily for the launching and landing of water craft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Brook - See stream. Campground - any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including but not limited to tents, recreational vehicles or other shelters.

Canopy – the more or less continuous cover formed by tree crowns in a wooded area.

Cesspool - an unapproved excavation which is constructed to retain organic matter and solids, but allows liquids to seep through the bottom and sides.

Change of Use - the change of use of a structure or activity from its previous use to a new or substantially expanded one and/or its change from a seasonal to a year-round one.

Commercial use - the use of lands, buildings, or structures, other than a "home occupation", defined below, the intent and result of which is the production of income for the buying and selling of goods and/or services, exclusive of rental of residential buildings or dwelling units.

DBH – the diameter of a standing tree measured 4.5 feet from ground level. 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.

Disability - any disability, infirmity, 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.

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

Disposal area - That component of a system designed for the subsurface disposal of wastewater into the soil. Examples are beds, chambers, trenches and pit privies.

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.

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

Engineered system -Any system designed, installed and operated as a single unit to treat 2000 gallons per day (GPD) or more; or any system designed to treat wastewater with characteristics significantly different from domestic wastewater.

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, wires, mains, drains, pipes, conduits, cable, 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.

Expansion of a structure - an increase in the footprint of a structure, including all extensions such as, but not limited to attached decks, garages, porches and greenhouses. The addition of one or two bedrooms beyond the original number of bedrooms or the replacement of an alternative toilet shall constitute an expansion which shall meet the wastewater disposal requirements for seasonal conversion. The addition of three or more bedrooms shall meet the requirements of a new system.

Expansion of use - the addition of one or more months to a use's operating season; or the use of more footprint of a structure or ground area devoted to a particular use.

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

Flood Plain or Flood Prone Area - means any area susceptible to being unindated by water from any source (see definition of flooding).

Flooding - (a) a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland waters (2) the unusual and rapid accumulation or runoff of surface waters from any source. (b) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or by some similarly unusual and unforeseeable event which results in flooding as defined (1) of this definition.

Floor Area - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

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 or more meters tall or taller.

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

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

Freshwater wetlands - freshwater swamps, marshes bogs and similar areas other than forested wetlands 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 areas is in excess of 10 acres; and/or 2) land inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which

under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition. See also Wetlands associated with great ponds and rivers, Wetlands, Forested wetlands.

Functionally water-dependent uses - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in inland waters and which cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, waterfront dock facilities, boat building facilities, marinas, navigation aids, basins and channels, and shoreland structures necessary for erosion control purposes. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

Grandfathered system - an existing system shall be deemed to be in compliance with the Wastewater Rules if the system was constructed/installed in accordance with the Rules in effect at the time of its installation, unless the system has been documented to be malfunctioning.

Once the grandfathered system malfunctions or the structure is expanded, it shall be replaced in accordance with the current Rules. See also Expansion.

Gray wastewater - Wastewater excluding blackwaste. 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 increase which has a surface areas of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land by a single owner.

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

Hazardous Substance - Any gaseous, liquid or solid materials, designated as a hazardous substance by the U.S. Environmental Protection Agency, or wastes designated as hazardous by the Maine Department of Environmental Protection.

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 grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

Highwater Line- see Normal Highwater Line. Holding Tank - A watertight receptacle, with an alarm, which receives and holds wastewater prior to disposal at a location licensed by the Department of Environmental Protection.

Home occupation - an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

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 only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fire places or tent platforms.

Industrial - the assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

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.

Intermittent Water body - Standing or flowing water, resulting from the surface runoff or the position of the ground water table, which occurs for a period of not more than six consecutive months. See also perennial and waterbody.

Lodging facility - a motel, hotel, inn, rooming house, housekeeping cabins, tourist home, bed and breakfast or like facility, designed for transient occupancy.

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.

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.

Minimum 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.

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

Mineral extraction - any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat or other like material from its natural location and to transport the product removed away from the extraction site.

Multi-unit residential - a residential structure containing three (3) or more residential dwelling units.

Native – indigenous to the local forests.

Non-conforming condition – non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

Non-conforming lot - a single lot of record which, at the effective date of adoption or amendment of this Ordinance does not meet the area, frontage, or width requirements of the district in which it is located.

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

Non-conforming use - use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated but which is allowed to remain solely because it was in lawful existence at the time of this Ordinance or subsequent amendments took effect.

Non-engineered system - any system designed, installed and operated in a single unit to treat less than 2000 gallons per day or less, and that is not a primitive disposal system.

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

Open space - undeveloped land, including without limitation, fields and agricultural land.

Outlet stream - any perennial or intermittent stream, as shown 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, that flows from a freshwater wetland.

Person - an individual, corporation, government agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Piers, docks, wharves, bridges and other structure and uses extending over or beyond the normal high-water line or within a wetland (1) Temporary: structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

(2) Permanent: structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Primitive disposal area - a minimal disposal area designed specifically to treat graywater originating from a single sink serviced by a non-pressurized water supply. See also disposal area.

Primitive disposal system - a system designed to serve a structure where water is hand carried or hand pumped and only sink wastewater is generated. An alternative toilet for blackwaste shall be used in conjunction with a primitive disposal system.

Principal structure - a structure other than one which is used for purposes wholly incidental or accessory to the use of another structure or use on the same Principal use - a use which is other than one which is wholly incidental or accessory to another use on the same lot.

Public access area - an area adjacent to the shoreline, either publicly or privately owned on which the public is afforded the right, without fee, to enter for the purpose of gaining physical access to the water. Public rights of access may be subject to reasonable regulations regarding times and manners of use.

Public facility - any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased or otherwise operated, or funded by a governmental body or entity.

Recent flood plain soils - the following soil series as described and identified by the National Cooperative Soil Survey: Alluvial, Cornish, Charles, Fryeburg, Hadley, Limerick, Lovewell, Meddomak, Ondawa, Podunk, Rumney, Saco, Suncook, Sunday and 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 an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up or camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Replacement system - a system intended to replace: 1) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the stricture, or 2) any existing overboard wastewater discharge.

Residential dwelling unit - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

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

Rip rap - 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 vertically.

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

Sanitary sewer - a public or private sewer where wastes are conveyed off site for treatment.

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

Seasonal Conversion Permit - a permit issued by the Licensed Plumbing Inspector (LPI) to allow the conversion of a seasonal dwelling to year round use in an area subject to mandatory Shoreland Zoning Controls. See also change of use Seasonal Dwelling - is a dwelling which has not been utilized as a principal or year round dwelling during the period from 1977 to 1981. Evidence of use as a principal or year round residence [during that period] includes, but is not limited to, the listing of that residence as an occupant's legal residence for the purposes of either voting, filing a state tax return or automobile registration or the occupancy of that residence for a period exceeding 7 months in any calendar year.

Seedling - a young tree species that is less than four and one half (4.5) feet in height above ground level.

Septage - the sludge material pumped from the septic tank of a residential subsurface sewage disposal system/ Service drop - any utility line extension which does not cross or run beneath any

portion of a water body provided that: 1) in the case of electric service a.) the placement of wires an/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and b.) the total length of the extension is less than one thousand (1000) feet. 2) in the case of telephone service a.) the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or b.) the extension requiring the installation of new utility poles or placement underground is less than one thousand (1000) feet in length.

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

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.

Shoreland common area - a parcel of land containing shore frontage, which parcel is part of a planned development, such as a sub-division or a land owners' association or similar organization, and which parcel provides access to the shoreline for lot owners in the development, subdivision or association. The term also includes shorefront parcels to which more than two families have right of access through written contract or deed.

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

Shoreline – the normal high-water line, or upland edge of a freshwater wetland.

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

Single family residential unit - Single family residential unit means any structure of any kind, including mobile homes, used or designed to house a single family, and shall include those structures used permanently and seasonally.

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 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 that drain to Webb La or where the stream meets the shoreland zone of another water body or wetland and as may be depicted on the Official Shoreland Zoning Map. 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.

Substantial compliance - The minimum site, setback, and system requirements that must be met for a residence located in the shoreland zone to be converted from seasonal to year round use.

Substantive review - a review of an application to determine whether it complies with the review criteria and with other applicable requirements of this Ordinance.

Substantial start - 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 measurer area.

System - Abbreviation for subsurface wastewater disposal system. 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 15. T, Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

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.

Tributary stream - means 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 the Ordinance, and only applies to that portion of the

tributary stream located within the shoreland zone of the receiving water body or wetland. See also Stream.

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

Vault privy - A toilet which retains black waste in a sealed vault. A vault privy is considered a treatment tank for the purpose of the setback distances in Table 6-2 of the Subsurface Wastewater Disposal Rules.

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 roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Waste - Waste means any liquefied sewage, garbage, sewage sludge, chemical, biological or radiological materials, human body wastes, or any other refuse or effluent in a liquid form generated from domestic, commercial or industrial activities, except any wastes containing insufficient liquid to be free flowing and wastes generated from agricultural activities or animal husbandry.

Wastewater - The liquid and water borne wastes derived from the ordinary living processes;

and other commercial processes producing wastes that are nontoxic, non-hazardous, biodegradable, and free from industrial wastes; that may be disposed of without special treatment into a public sewer or by means of a subsurface wastewater disposal system.

Water body - any great pond and stream. The term water body includes, but is not limited to:

natural and artificial lakes, ponds, streams, brooks, swamps, marshes, bogs and tidal marshes.

It usually discharges into a larger water body and has a definite channel, bed banks and high water mark.

Water Crossing - any project extending from one bank to the opposite bank of a stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer

lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Wetland - a freshwater wetland. See also freshwater wetlands, forested wetlands, and wetlands associated with great ponds.

Wetlands associated with great ponds -wetlands contiguous with or adjacent to a great pond and which during normal high water are connected by surface water to the great pond. Also included are wetlands which are separated from the great pond 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. Wetlands associated with great ponds are considered to be part of that great pond.

Woody Vegetation - live trees or woody, non-herbaceous shrubs.