



TOWN OF ARROWSIC

ZONING ORDINANCE

Effective Date June 30, 1979
As Amended June 13, 2007

\$8.00

**TOWN OF ARROWSIC, MAINE
ZONING ORDINANCE**

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ZONING ORDINANCE TOWN OF ARROWSIC, MAINE

(Note: Dates in parentheses indicate when the section was last amended.)

1.0 General

1.1 Purpose

The purpose of this zoning ordinance is to promote the health, safety, and welfare of the town residents through implementation of the Comprehensive Plan; provision of relief from fire, flooding and other dangers; provision of adequate light and air; lessened street congestion; prevention of the over-crowding of land, provision of adequate water, sewer, school, recreation and other public facilities; and the fulfillment of the desires of each citizen for an orderly and amenable community.

1.2 Basic Requirements

All buildings or structures hereinafter constructed, enlarged, or moved, and subsequent uses of land and buildings in the Town of Arrowsic shall be in conformity with the provisions of this Ordinance.

1.3 Non-conformance (6-15-05)

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 shall be allowed to continue, subject to the requirements set forth in this section and its amendments.

1.3.1 General

1.3.1.1 **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.

1.3.1.2 **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.

1.3.2 Non-conforming Structures

1.3.2.1 **Expansions:** A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure. For purposes of this requirement, there is no increase in nonconformity with the setback requirement 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 and irregular shapes may be in-filled.

Further Limitations within Shoreland Districts:

- a. No structure which is less than the required setback from the high water line of a water body, tributary stream or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.
- b. After June 30, 1989, if any portion of a structure is less than the required setback from the high water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume by 30% or more during the lifetime of the structure.
- c. Construction or enlargement of a foundation beneath an existing structure shall not be considered an expansion of the structure; provided that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Section 1.3.2.2. Relocation, below; that the completed foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the structure to be elevated by more than three additional feet.

- 1.3.2.2 **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 CEO, or, in the Shoreland District as determined by the Planning Board and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules, or that a new system can be installed in compliance with the law and said Rules. In no case 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 CEO or 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.

1.3.2.3 **Reconstruction or Replacement**

- a. Any non-conforming structure which is located less than the required setback from the high water line of a water body, tributary stream, or upland edge of a wetland, or from a road or lot line and which is removed, or damaged or destroyed by more than 50% of the market value of the structure, such damage, destruction or removal may be reconstructed or replaced provided that

(i) within one year of said damage, destruction or removal, and prior to the start of any reconstruction or replacement, the owner obtains a Conditional Use Permit from the CEO, or in the Shoreland District from the Planning Board, and a Building Permit from the CEO, and

(ii) such reconstruction is in compliance with the setback requirements to the greatest practical extent as determined by the CEO or by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

b. Any non-conforming structure which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a Building Permit from the CEO.

c. In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent, the CEO or the Planning Board shall consider, in addition to the criteria in Section 1.3.2.2 above, the physical condition and type of foundation present, if any.

1.3.2.4 **Change of Use of a Non-conforming Structure**

The use of a non-conforming structure may not be changed to another use unless the Planning Board after receiving a written application determines that the new use will have no greater adverse impact on a water body or wetland, or on the subject or adjacent properties and resources than the existing use. For other non-conforming uses of a structure, application for permit may be made to the CEO. The determination of no greater impact shall be made according to the criteria of Section 4.2.3.

1.3.3 **Non-conforming uses**

1.3.3.1 **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.

1.3.3.2 **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 except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five-year period.

1.3.3.3 **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.

1.3.3.4 **Change of Use of a Non-conforming Structure**

The use of a non-conforming structure may not be changed to another use unless the Planning Board after receiving a written application determines that the new use will have no greater adverse impact on a water body or wetland, or on the subject or adjacent properties and resources than the existing use. For other non-conforming uses of a structure, application for permit may be made to the CEO. The determination of no greater impact shall be made according to the criteria of Section 4.2.3.

1.3.4 **Non-conforming Lots**

1.3.4.1 **Non-conforming Lots:** A non-conforming lot of record which has not been built on as of the effective date of this Ordinance, or of any amendment thereto which creates a non-conformity, may not be built upon.

1.3.4.2 **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 of or since 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 extent necessary to meet the dimensional requirements.

1.4 **Effective Date**

The effective date of this Ordinance is June 30, 1979.

2.0 **Zoning Districts**

2.1 **Establishment and Location**

The Town is hereby divided into zoning districts as described herein: Rural Residential 1, Rural Residential 2 (6-25-87), Shoreland, and Resource Protection. These districts are shown on the Town of Arrowsic Zoning Map, as amended June 24, 1992, on file with the Town Clerk and recorded at the Sagadahoc County Registry of Deeds. Unless otherwise set forth on the Official Zoning Map, district boundary lines are property lines, the centerlines of roads and rights of way, and the boundaries of the zoning area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location. Where the map conflicts with the written description of a district, the Ordinance wording shall govern. Wherever the Rural Residential Districts are overlaid by Resource Protection and/or Shoreland Districts, the most restrictive requirements shall apply.

Permitted and Conditional uses in each District shall conform to all dimensional requirements and other applicable requirements of this Ordinance. In districts where buildings are permitted, a plumbing permit and building or use permit shall be required for all buildings, uses and sanitary facilities, according to the provisions of Section 4 of this Ordinance.

2.2 Land Use Requirements

2.2.1 Resource Protection District

2.2.1.1 General: The purpose of this District is to control and protect water quality, aquatic life, fish, spawning grounds, birds and other wildlife habitat and to prevent damage by erosion through improper uses.

The District includes the following areas:

1. Wetlands, salt meadows and salt marshes greater than two acres and all upland within 250 feet of the upland edge of such wetland, marsh, swamp or bog. The wetlands, marshes, swamps, and bogs are designated by characteristic wetland soils and vegetation, including but not limited to those listed in Table II. The burden of proof is on the landowner for determining the upland edge of the wetland.
2. All land within 250 feet of high water of Sewell Pond.
3. All land within the 100-year flood plain as designated on the Town of Arrowsic FEMA Flood Insurance Rate Maps.
4. All areas of two or more contiguous acres with sustained slopes of 20% or greater that are within the Shoreland District.
5. All land within 250 feet of high water line on the Mill Pond and on the Back River from the outlet of Mill Pond south to Bald Head.

2.2.1.2 Permitted, Conditional and Prohibited Uses: The permitted, conditional and prohibited uses in this district are shown in Table I. Conditional uses may be allowed only upon the issuance of a Conditional Use Permit by the Code Enforcement Officer or Planning Board in accordance with Article 4 of this Ordinance.

2.2.1.3 Performance Standards: Permitted Uses and Conditional uses shall conform to the following performance standards as described in Article 3, Table I and related performance standards.

2.2.2 Shoreland District

2.2.2.1 General: The purpose of this district is control and protection of water quality, aquatic life, fish, spawning grounds; birds and other wildlife habitat and to prevent damage by erosion through improper uses.

This District shall include all land within 250 feet of:

1. high water line or high water of any river or stream;
2. high water line of any salt water body.

2.2.2.2 Permitted, Conditional and Prohibited Uses: The permitted, conditional and prohibited uses in this district are shown in Table I. Conditional uses may be allowed only upon the issuance of a Conditional Use Permit by the Code Enforcement Officer or Planning Board in accordance with Section 4 of this Ordinance.

2.2.2.3 Performance Standards: Permitted uses and conditional uses shall conform to the following performance standards as described in Section 3, Table I and related performance standards.

2.2.3 Rural Residential 1 District

2.2.3.1 General: The purpose of this district is to provide for the public health and safety, environmental quality, and economic well-being of the community.

The boundaries of the Rural Residential 1 District are as designated on the official Town of Arrowsic Zoning Map.

2.2.3.2 Permitted, Conditional and Prohibited Uses: The permitted, conditional and prohibited uses in this district are shown in Table I. Conditional uses may be allowed only upon issuance of a Conditional Use Permit by the Code Enforcement Officer or the Planning Board in accordance with Section 4 of this Ordinance.

2.2.3.3 Performance Standards: Permitted uses and conditional uses shall conform to the following performance standards as described in Section 3, Table I and related performance standards.

2.2.4 Rural Residential 2 District (6-25-87)

2.2.4.1 General: The purpose of this District is to provide for the public health and safety, environmental quality and economic well-being of the community and to preserve open space.

The boundaries of the Rural Residential 2 District are as designated on the official Town of Arrowsic Zoning Map.

2.2.4.2 Permitted, Conditional and Prohibited Uses: The permitted, conditional and prohibited uses in this district are shown in Table I. Conditional uses may be allowed only upon issuance of a Conditional Use Permit by the Code Enforcement Officer or the Planning Board in accordance with Section 4 of this Ordinance.

2.2.4.3 Performance Standards: Permitted Uses and Conditional uses shall conform to the following performance standards as described in Section 3, Table I and related performance standards.

2.2.5 Mobile Home Park Overlay District

2.2.5.1 General: The purpose of this district is to provide for the health and safety, environmental quality and economic well-being of the community, and to provide affordable housing.

This district shall include the area in the Rural Residential 1 District which has direct access to Route 127 and is not in the Shoreland or Resource Protection Districts, or the Flood Plain Zone.

2.2.5.2 Permitted, Conditional and Prohibited Uses: The conditional use permitted in this district is mobile home parks, per Section 3.19 of the Town of Arrowsic Zoning Ordinance. All other permitted, conditional and prohibited uses are shown in Table I, column 3 of the Zoning Ordinance.

2.2.5.3 Performance Standards: See Section 3.19 of the Town of Arrowsic Zoning Ordinance.

2.2.6. **Zoning Map** (dated 6-29-89; adopted 6-24-92)

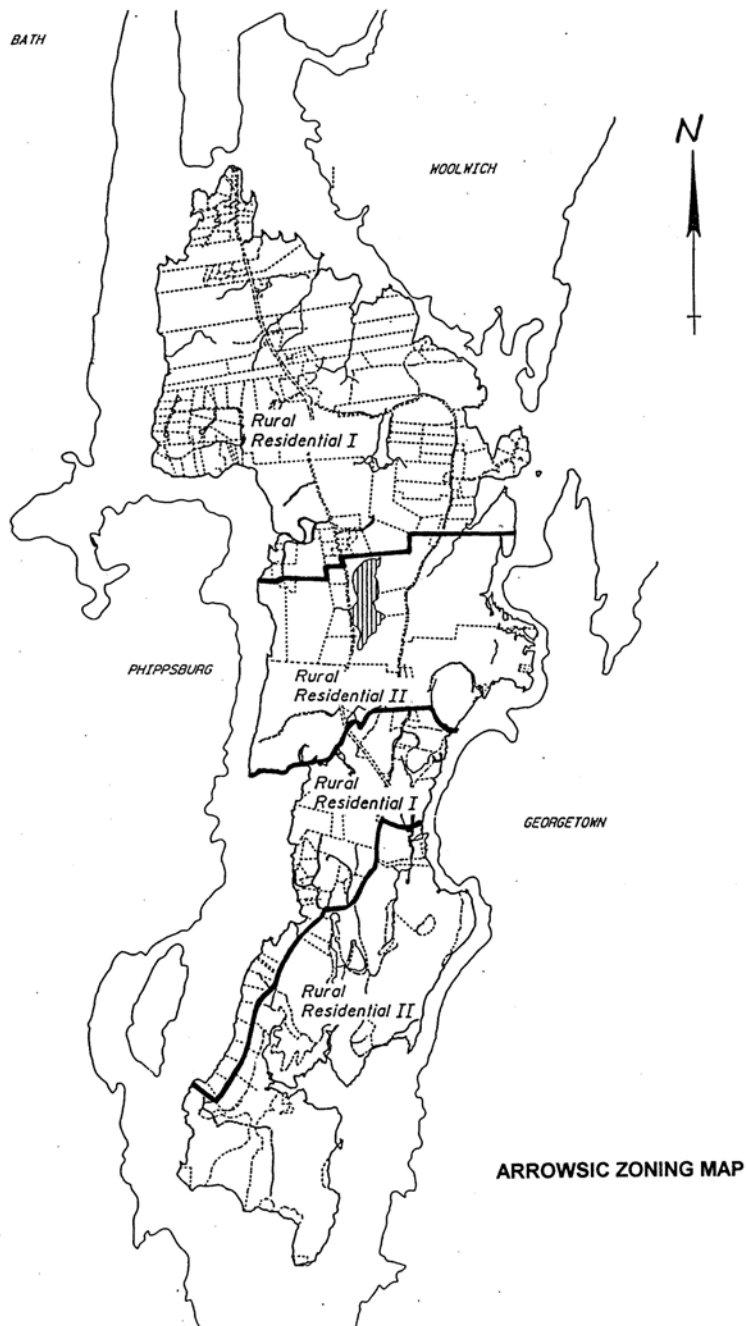


TABLE I: USES BY DISTRICT (6-15-05)

LAND USES	DISTRICTS			
	Resource Protection	Shoreland Areas	Rural Residential 1	Rural Residential 2
* 1. Non-intensive recreational uses not requiring structures	P	P	P	P
* 2. Timber harvesting & Land Clearing	C/CEO	C/CEO	P	P
* 3. Mineral and Mining Exploration	X	X	C/PB	C/PB
4. Harvesting of wild crops & fishing	P	P	P	P
* 5. Agriculture	P	P	P	P
* 6. Structures				
Residential dwelling units	B&C/CEO	B&C/CEO	B	B
Commercial, Industrial	X	X	X	X
Accessory structures greater than 200 sq. ft.	B&C/CEO	B&C/CEO	B	B
Accessory structures 200 sq. ft. and under	B&C/CEO	B&C/CEO	P	P
Additions greater than 100 sq. ft.	B&C/CEO	B&C/CEO	B	B
Additions 100 sq. ft. and under	B&C/CEO	B&C/CEO	P	P
Reconstruction/Replacement				
More than 50% with less than required setback	B&C/PB	B&C/PB	B&C/CEO	B&C/CEO
Less than 50% with less than required setback	B&C/CEO	B&C/CEO	B&C/CEO	B&C/CEO
(Amended 6-17-99 and 6-15-05)				
Replacement > 200 sq. ft.	B&C/CEO	B&C/CEO	P	P
* 7. Home business	HBP	HBP	HBP	HBP
* 8. Road and Driveway Construction	C/PB	C/PB	C/CEO	C/CEO
* 9. Individual private campsites	C/CEO	C/CEO	C/CEO	C/CEO
10. Campgrounds	X	X	X	X
* 11. Piers, docks, wharves, breakwaters, causeways, bridges and other structures and uses projecting over or beyond the high water line or within a wetland				
Temporary, new or replacement	B&C/PB	B&C/CEO	N/A	N/A
Permanent, new	X	B&C/PB	N/A	N/A
Permanent, replacement	B&C/PB	B&C/PB	N/A	N/A
* 12. Private sewage disposal systems	PP	PP	PP	PP
* 13. Public utilities, public facilities, and private facilities open to the public	C/PB	C/PB	C/PB	C/PB
* 14. Signs	P	P	P	P
* 15. Filling, grading or other earth-moving activity of less than 25 cu. yds./yr.	C/CEO	C/CEO	P	P
Filling, grading or other earth-moving activity of equal to or more than 25 cu. yds./yr.	C/PB	C/PB	C/CEO	C/CEO
** 16. Motorized recreational vehicular traffic on existing roads and trails	Town of Arrowsic Code. Chapter 12, Article II Recreational Vehicle Use Ordinance			
* 17. Cluster development	X	P	P	R
* 18. Junk yards	X	X	X	X
** 19. Mobile home parks	X	X	C/PB	X
20. Land Clearing for development	See Timber Harvesting and Land Clearing			
* 21. Conversion of seasonal residences to year-round	C/CEO/PP	C/CEO/PP	C/CEO/PP	C/CEO/PP

TABLE I - continued

LAND USES	DISTRICTS			
	Resource Protection	Shoreland Areas	Rural Residential 1	Rural Residential 2
22. Public and private parks and recreational areas involving minimal structural development	C/PB	C/PB	C/PB	C/PB
23. Erosion and Sedimentation Control	P	P	P	P
24. Uses similar to allowed uses or CEO uses	C/CEO	C/CEO	C/CEO	C/CEO
25. Uses similar to uses requiring P.B. permit	C/PB	C/PB	C/PB	C/PB

Table I Key	
Symbol	Meaning
X	Prohibited use
C/PB	Conditional Use Permit from Planning Board
C/CEO	Conditional Use Permit from CEO
P	Permitted use as regulated herein
N/A.....	Not applicable in this district
B	Building permit from CEO
PP	Plumbing permit from Town Plumbing Inspector
R	Required for all subdivisions of 5 or more units or lots
HBP	Home Business Permit from Planning Board
*	Performance standard included in Performance Standard Section
**	See Sections 2.2.5 and 3.19

**TABLE II: VEGETATION AND SOIL TYPES
FOR WETLANDS AND UPLANDS**

Wetlands Vegetation

Sphagnum Moss
 Bull Rushes (Scirpus)
 Spike Rushes (Eleocharis, Juncus)
 Cattails (Typha)
 Burr Reeds (Sparganium)
 Sweet Flag (Acorus)
 Blue Flag (Iris versicolor)
 Sedges (Carex)
 Cord Grasses (Spartina)
 Manna Grasses (Glyceria)
 Smartweeds (Polygonum)
 Saltmarsh Aster (Aster)
 Glasswort (Salicornia)
 Loosestrife (Lythrum)
 (Gerardia)
 Arrowheads (Sagittaria)
 Water Plantains (Alisma)
 Sea Lavender (Limonium)
 Alders (Alnus)
 Willows (Salix)
 Cedar (Thuja)
 Swamp Maple (Acer)
 Alderberries (Ilex)
 Swamp Bayberry (Myrica)
 Cranberry (Vaccinium)

Uplands Vegetation

Checkerberry (Gaultheria)
 Arbutus (Epigaea)
 Hawthorne (Crataegus)
 Sumac (Rhus)
 Viburnum (Viburnum)
 Oak (Quercus)
 Aspens (Populus)
 Low Blueberries (Vaccinium)
 White Ash (Fraxinus americana)
 White Pine (Pinus strobus)
 White Spruce (Picea alba)
 Common Milkweed (Asclepias)
 Dogbane (Apocynum)
 Queen Anne's Lace (Paucus)
 Yarrow (Achillea)
 Sarsaparilla (Arabia)
 Juniper (Juniperus)

Wetland Soils

Symbol
 Bo
 Ck
 Du
 Lk
 Pa
 Sa
 ScA
 So
 Tn

Name
 Biddeford silt loam
 Coastal beach
 Dune land
 Limerick silt loam
 Peat and muck
 Saco silt loam
 Scantic silt loam, 0-3% slopes
 Scarboro fine sandy loam
 Tidal marsh

TABLE III (6-13-07)
Dimensional Requirements

District	Minimum Lot Size or Land Per Dwelling Unit	Minimum Shore Frontage	Minimum Road Frontage	Minimum Lot Depth	Minimum Front and Rt.127 Setback	Minimum Side and Rear Setback⁴	Minimum High Water Line/Upland Edge Setback
Resource Protection District	2 acres and all lots shall be of such dimension as to contain within their boundaries a circle having a diameter of 200'.	200' measured along the upland edge of wetland/meadow/marsh.	Equal to the width of the principal access to the lot but not less than 50'.	200' measured from the high water line or upland edge of wetland/ marsh, whichever is more restrictive.	50' from the frontage lot lines along Route 127. 75' from the center line of the traveled way for all other locations. ³	20' from property line or 36' from center line of a traveled way abutting the side or rear property line or traversing a property.	(see next page)
Shoreland District	2 acres and all lots shall be of such dimension as to contain within their boundaries a circle having a diameter of 200'.	200' measured along the high water line.	Equal to the width of the principal access to the lot but not less than 50'.	200' measured from the high water line or upland edge of wetland/marsh, whichever is more restrictive.	50' from the frontage lot lines along route 127. 75' from the center line of the traveled way for all other locations. ³	20' from property line or 36' from center line of a traveled way abutting the side or rear property line or traversing a property.	100'

TABLE III (6-13-07)
Dimensional Requirements (continued)

District	Minimum Lot Size or Land Per Dwelling Unit	Minimum Shore Frontage	Minimum Road Frontage	Minimum Lot Depth	Minimum Front and Rt.127 Setback	Minimum Side and Rear Setback ⁴	Minimum Shoreland Setback	Minimum Resource Protection District Setback
Rural Residential 1 District¹	2 acres and all lots shall be of such dimension as to contain within their boundaries a circle having a diameter of 200'.	200' measured along the high water line or upland edge of wetland marsh.	Equal to the width of the principal access to the lot but not less than 50'.	200' measured from the high water line or upland edge of wetland/marsh, whichever is more restrictive.	50' from the frontage lot lines for lots along Route 127. 75' from the center line of the traveled way for all other ³ locations.	20' from property line or 36' from center line of a traveled way abutting the side or rear property line or traversing a property.	100' from high water line	Setback = 300' - 1/2 (upland edge frontage). In no case shall the setback be less than 150' from the upland edge of the wetland ²
Rural Residential 2 District¹	5 acres and all lots shall be of such dimension as to contain within their boundaries a circle having a diameter of 300'.	300' measured along the high water line or upland edge of wetland marsh.	Equal to the width of the principal access to the lot but not less than 50'.	300' measured from the high water line or upland edge of wetland/marsh, whichever is restrictive.	50' from the frontage lot lines along route 127. 75' from the center line of the traveled way for all other ³ locations.	50' from property line or 66' from centerline of a traveled way abutting the side or rear property line or traversing a property.	150' from high water line	Setback = 400' - 1/2 (upland edge frontage). In no case shall the setback be less than 150' from the upland edge of the wetland ²

¹ When conflicts between this and Shoreland and Resource Protection districts exist, the most restrictive shall apply.

² For lots having both Resource Protection and Shoreland Frontage, the aggregate frontage may be used.

³ If a property has more than one road frontage, the "Front Setback" applies to the road specified in the E911 address for the property and all locations Route 127

⁴ In subdivisions, setbacks in areas that have buffer strips shall be measured from the property line and shall not be less than the width of the buffer strip (6-13-07)

3.0 Performance Standards

3.1 Non-intensive recreational uses not requiring structures are permitted in all districts.

3.2 Timber Harvesting and Land Clearing (6-15-05)

3.2.1 **Controlled Areas** Timber harvesting and/or clearing of vegetation is prohibited within 250 feet of the high water line of any water body or of the upland edge of any marsh greater than two acres, except as permitted herein.

Cleared openings legally in existence on the effective date of this Ordinance may be maintained but shall not be enlarged, except as permitted herein.

3.2.2 **Special Resource Protection Districts** Within 100 feet of the high water line of Sewell Pond and in the area within 250 feet of the high water line on the Mill Pond and on the Back River below Mill Pond, there shall be no timber harvesting or clearing of vegetation, except to remove storm damaged, diseased, unsafe or dead trees or to allow for permitted uses for which appropriate permits have been obtained.

Within these areas, when the removal of storm damaged, diseased, unsafe or dead trees results in the creation of cleared openings, such openings shall be replanted with native tree species unless sufficient new growth exists to insure the survival of a well distributed stand of trees.

3.2.3 **Shoreland and Resource Protection Districts** Except as described above, timber harvesting and land clearing within the Shoreland and Resource Protection Districts shall conform to the following provisions.

- a. **Buffer Strip within 100 Feet.** Except in areas described in Section 3.2.2 and except to allow for permitted uses, within a strip of land extending 100 feet inland from the high water line of any water body or the upland edge of any marsh greater than two acres, a buffer strip of vegetation shall be preserved as follows:
 - i. There shall be no cleared openings except to allow for permitted uses for which permits have been obtained. A well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained, however, a footpath not to exceed six (6) feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created.
 - ii. Selective cutting of trees within the buffer strip is permitted, provided that a well-distributed stand of trees and other vegetation is maintained. A well-distributed stand of trees and other vegetation is defined by the following point system.

Diameter of Tree at 4 1/2 Feet Above Ground Level	Points per Tree Within 25'-sq. Area
2 to 4 inches	1
4.1 to 12 inches	2
greater than 12 inches	4

Adjacent to ponds, and to rivers and streams flowing to ponds, a rating score of 12 or more points must be maintained per 25-foot square area. Adjacent to other water bodies, tributary streams and wetlands, a minimum rating score of 8 must be maintained per 25-foot square area.

As an example of the above rating system adjacent to other water bodies (such as the Kennebec River), if a 25-foot by 25-foot plot contains three trees between 2 and 4 inches in diameter, three trees between 4 and 12 inches in diameter, and three trees over 12 inches in diameter, the rating score is 21 points. [$(3 \times 1) + (3 \times 2) + (3 \times 4) = 21$ points.] Thus the 25-foot by 25-foot plot contains trees worth 21 points. Trees totaling 13 points ($21 - 8 = 13$) may be removed from the plot providing that no cleared opening is created.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 and 1/2 feet above ground level may be removed in any ten (10) year period.

- iii. Pruning of tree branches, on the bottom 1/3 of the tree is permitted.
 - iv. In order to maintain a buffer strip of vegetation, when the removal of storm damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.
 - v. Vegetation removal is prohibited within a 100-foot buffer area around a pond that is zoned for resource protection, except to remove safety hazards. Vegetation less than three feet in height, including ground cover, cannot be removed from shorelands around ponds or rivers and streams flowing into ponds.
- b. **Limited Cutting Area 100 Feet to 250 Feet.** Except in areas described in Section 3.2.2 and except to allow for permitted uses, within a strip of land between 100 feet and 250 feet inland from the high water line of any water body or the upland edge of any marsh greater than two acres, no clear-cut openings, including but not limited to principal and accessory structures, driveways and sewage disposal areas, shall exceed ten thousand (10,000) square feet including land previously developed. Where such openings exceed 5,000 square feet, they shall be at least 100 feet apart. There shall be permitted in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level provided that a well-distributed stand of trees and other vegetation remains.

- c. **Slash.** No accumulation of slash shall be left within fifty (50) feet of the high water line of any water body. In all other areas, slash shall be disposed of in such a manner that no part thereof extends more than four feet above the ground.
- d. **Equipment.** Timber harvesting equipment shall not use stream channels as travel routes except when surface waters are frozen and the activity will not result in any ground disturbance.
- e. **Water Crossings.** All crossings of flowing water shall require a bridge or culvert, except where there is no danger of erosion. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.
- f. **Erosion and Sedimentation Control.** Where skid trails approach water crossings, they shall be designed so as to prevent water runoff from directly entering the water body or tributary stream.
- g. **Shoreland Buffer.** Skid trails shall be located so as to leave an unscarified strip of vegetation at least 100 feet wide adjacent to the upland edge of any wetland greater than two acres or the high water line of any water body.

3.2.4 **Cutting Near Roads.** Within fifty (50) feet of any town way, except to provide access for an approved use and/or for maintaining existing pastures and croplands, selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level in a ten (10) year period is permitted, and a well distributed stand must remain. No accumulation of slash shall be left within 50 feet of any town way.

3.3. Mining and Mineral Exploration

3.3.1 Mineral exploration

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than 100 square feet of ground surface. Mineral exploration which exceeds the above limitation shall be treated as mineral extraction in accordance with Section 3.3.2. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective means, so as to restore disturbed areas and to protect the public health and safety.

3.3.2 Mineral extraction

3.3.2.1 A reclamation plan and performance guarantee shall be filed with, and approved by the Planning Board before a conditional use permit is granted. The reclamation plan shall describe in detail the procedures to be undertaken to fulfill the requirements of Section 3.3.2.4 below. The performance guarantee shall be in the form and follow the procedures set forth in Section 5.0 of the Arrowsic Subdivision Ordinance, except that the required improvements noted therein shall be the procedures required by the reclamation plan.

- 3.3.2.2 Unless authorized pursuant to the Natural Resources Protection Act, Title 38, MRSA Section 480-C, no part of any extraction operation, including drainage and runoff control features, shall be permitted in the Shoreland or Resource Protection Districts. Extraction operations shall not be permitted within 75 feet of any property line, without written permission of the owner of such adjacent property.
- 3.3.2.3 Within 12 months following the completion of extraction operations at any extraction site, the site shall be reclaimed in accordance with the reclamation plan on file with the Town Clerk. Extraction operations shall be deemed complete when less than 100 cubic yards of materials are removed in any consecutive twelve month period. As a minimum, the reclamation plan shall require the following:
 - a. All debris, stumps, and similar material shall be removed for disposal in an approved location or shall be buried on site. Only materials generated on site may be buried or covered on site.
 - b. The final graded slope shall be two to one (2:1) or flatter.
 - c. Topsoil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with native vegetation. Additional topsoil or loam shall be obtained from off site sources if necessary to complete the stabilization project.
- 3.3.2.4 Mining activity, other than exploration, shall be conducted in accordance with State Law Title 10, M.R.S.A., Section 2201. Application to the Planning Board for a Conditional Use Permit to conduct a mining operation shall be supported by a copy of the mining plan and other documents required by the State Department of Environmental Protection.

3.4 Harvesting of wild crops and fishing are permitted in all districts.

3.5 Agriculture

- 3.5.1 All spreading or disposal of manure resulting from agricultural operations shall be accomplished in conformance with the Maine Guidelines for Manure and Manure Sludge Disposal on Land published by the University of Maine Soils and Water Conservation Commission, July, 1972.
- 3.5.2 Manure shall not be stored or stockpiled within one hundred (100) feet of the high water line of Sewell Pond, or other water bodies, tributary streams, or wetlands. Within five years of the effective date of this ordinance, all agricultural manure storage areas in the Shoreland and Resource Protection Districts must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water to Sewell Pond, other water bodies, tributary streams or wetlands. Existing facilities which do not meet these requirements may remain, but must meet the no-discharge provision within the above five year period.
- 3.5.3 Agricultural activities involving tillage of soil greater than 40,000 square feet in surface area, or the spreading, disposal or storage of agricultural manure in the Shoreland or Resource Protection Districts shall require a Soil and water

conservation plan (see Definitions) to be approved by the CEO and filed with the Town Clerk. Non-conformance with the provisions of said Plan shall be considered to be a violation of this ordinance.

- 3.5.4 After the effective date of this ordinance, new tilling of soil for agricultural purposes in excess of 2,500 square feet shall not be permitted within 100 feet of the high water line of Sewell Pond or of other water bodies, or within 25 feet of the high water line of tributary streams and wetlands. Existing operations not in conformance with this ordinance may be maintained, provided that such operations are conducted in accordance with a Soil and water conservation plan approved by the CEO and filed with the Town Clerk, and provided that a permanently vegetated buffer strip of not less than 25 feet width is established and/or maintained adjacent to Sewell Pond, other water bodies, tributary streams and wetlands. Non-compliance with the provisions of said plan shall be considered to be a violation of this Ordinance.
- 3.5.5 After the effective date of this ordinance, newly established livestock grazing areas for agricultural purposes shall not be permitted within 100 feet of the high water line of Sewell Pond or other water bodies, or within 25 feet of the high water line of tributary streams and wetlands. Existing operations not in conformance with this ordinance may be maintained, provided that such operations are conducted in accordance with a Soil and water conservation plan approved by the CEO and filed with the Town Clerk, and provided that a permanently vegetated buffer strip of not less than 25 feet width is established and/or maintained adjacent to Sewell Pond, other water bodies, tributary streams and wetlands. Non-compliance with the provisions of said plan shall be considered to be a violation of this ordinance.

3.6 Structures

3.6.1 General

- 3.6.1.1 Structures existing on June 30, 1979 shall not be affected by this standard unless public health or safety is threatened.
- 3.6.1.2 No owner or occupant of land shall permit fire or other building ruins to remain but shall repair or remove the same within nine months.
- 3.6.1.3 Structures are prohibited in the Resource Protection District areas of steep slope and flood plain (Section 2.2.1.1).

3.6.2 Construction Standards

- 3.6.2.1 No dwelling shall be permitted that will enclose an area of less than 400 square feet of living space. Living space shall mean actual enclosed space suitable for year-round occupancy and shall not include porches, patios and similar areas whether or not enclosed.
- 3.6.2.2 Sewage and plumbing systems for all buildings must comply with regulations of the Maine Internal Plumbing Code and Subsurface Wastewater Disposal Rules.
- 3.6.2.3 Construction for all buildings shall comply with the current National Fire Protection Association (N.F.P.A.) Codes in the following areas:
N.F.P.A. 70 -- National Electrical Code, N.F.P.A. 31 – Standards for the

Installation of Oil Burner Equipment, and N.F.P.A. 54 & 58 – National Fuel Gas and Liquefied Petroleum Gas Code. (Note: N.F.P.A. codes are available at www.nfpa.org.) (6-17-99)

- 3.6.2.4 Dwellings, including manufactured housing units, shall be erected on a frost-proof masonry foundation, slab or pillars. An occupied manufactured housing unit or travel trailer may be allowed to remain without a foundation for a period not to exceed one year if the manufactured housing unit or travel trailer is being used as temporary housing on the same lot as a permanent dwelling under construction.
- 3.6.2.5 No structures shall exceed 40 feet in height (6-25-87), except for antennas erected by Federal Communication Commission licensed amateur radio operators in conformance with Federal Communication Commission regulations.
- 3.6.2.6 Structures are prohibited in areas of steep slope as defined in 2.2.1.1.
- 3.6.2.7 Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils, provided that the structure is limited to a maximum of four feet in width; that the structure does not extend below or over the 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.

3.6.3 Parking

- 3.6.3.1 Off-street parking shall be provided in the amount of 300 square feet per dwelling unit. This may be accomplished by driveway space, garage space or parking lot space. Parking areas shall meet the shoreline setback requirements for structures for the District in which such areas are located.

3.6.4 Dimensional Requirements: See Table III.

3.7 Home Business

- 3.7.1 Arrowsic has no commercial zone. A home business, as defined herein, may be conducted within a residential zone only after a "Home Business Permit" has been issued by the Planning Board.

A home business is an occupation or business which is carried on within a dwelling or accessory structure to the dwelling by a member of the family residing therein; is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and does not involve any exterior alteration which would change the residential character of the premises. Permitted home businesses include: the production of goods, the sale of goods produced on site, the provision of services performed on site, the provision of goods and services off site for which the material and equipment are kept on site. A sales outlet is not a home business unless the item sold is a product of the labor of a person working in the business (i.e., manufactured, produced, created, caught, grown by the owner or an employee of the business).

If the proposed home business employs more than one person not residing in the dwelling, or if the proposed business use causes the premises to be in any way distinguishable from a single-family residence, the Planning Board may require a Conditional Use Permit, as described in Section 4.2 herein. (6-24-82, 6-15-05)

- 3.7.2 The owner of a home business must reside in the dwelling where the business is conducted. A home business shall not have more than six (6-23-93) non-family members working on the premises.
- 3.7.3 The Planning Board shall be satisfied that the existing character of the neighborhood will not be adversely affected by the business, and may require protection for abutters, including, but not limited to, screening of outdoor parking and storage areas.
- 3.7.4 No nuisance, excessive traffic, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, or radiation shall be generated.
- 3.7.5 Adequate off-street parking as determined by the Planning Board shall be provided.
- 3.7.6 Home businesses employing persons other than the family residing in the dwelling shall not be conducted on lots of less than two acres.
- 3.7.7 All agricultural activities and businesses in existence on or before July 1, 1982, are exempt from these performance standards. Thereafter, any business that is abandoned for a period of at least 12 consecutive months shall become subject to these performance standards upon renewal of operation. For purposes of this subsection, a property's legal, non-conforming use shall be presumed to be voluntarily abandoned if the use has been discontinued for 12 consecutive months. Expansion of any existing business shall be in conformance with these standards.

3.8 Road and Driveway Construction

- 3.8.1 All road and driveway construction requires a permit (see Table I).

All roads and driveways shall be located, constructed, and maintained in such a manner that minimal erosion results. At all times, during and after construction, provision shall be made to prevent soil erosion and sedimentation of surface waters.

- 3.8.2 All roads within approved subdivisions and cluster developments shall be constructed in accordance with the road standard section of the Arrowsic subdivision ordinance. All other roads and driveways shall conform to the following standards.
 - i. Road crossings of watercourses shall be kept to the minimum number necessary.
 - ii. Bottoms of culverts shall be installed at streambed elevation.
 - iii. All cuts, fills, and other areas of exposed soils shall be revegetated as soon as possible.

- iv. Bridges or culverts of adequate size and design shall be provided for all road crossings of watercourses (which are to be used when surface waters are unfrozen).
 - v. Ditch relief culverts shall be sized and installed so as to function effectively. Ends of culverts shall be stabilized with appropriate materials. Culverts and other storm water runoff installations shall be maintained so as to function efficiently.
- 3.8.3 Existing public roads may be expanded within the legal right-of-way, regardless of its setback from a marsh or water body.
- 3.8.4 All roads and driveways shall be set back 100 feet from the tidal high water line, the high water line of Sewell Pond, or the upland edge of any wetland, salt meadow, or salt marsh greater than two acres, unless the Planning Board determines that no reasonable alternative exists.

If no reasonable alternative exists, the Planning Board may reduce the required setback distance to no less than 50 feet upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body.

All roads and driveways shall be designed and constructed so as to leave an unscarified buffer strip of at least 50 feet, plus twice the average slope, between the traveled way and any water body or the upland edge of any wetland, salt meadow, or salt marsh greater than two acres.

This paragraph shall not apply to water crossings or to roads or driveways that provide access to structures located near the shoreline due to operational necessity, for which the necessary permits have been obtained.

- 3.8.5 See Section 3.23: Erosion and Sedimentation Control.

3.9 Individual Private Campsites

Individual, private campsites are permitted provided the following conditions are met:

- 3.9.1 There shall be only one campsite per lot, the lot size must meet current Ordinance lot size or be an existing lot on the effective date of this Ordinance.
- 3.9.2 Campsite shall meet the setback requirements of the zone within which the lot is located.
- 3.9.3 Recreational vehicles shall not be located on any type of permanent foundation except a gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle.
- 3.9.4 Any necessary clearing of vegetation shall be conducted in conformance with the timber harvesting and/or land clearing provisions of the ordinance.
- 3.9.5 A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

3.10 Campgrounds are not permitted in the Town of Arrowsic.

3.11 Piers, Docks, Wharves, Ramps, Bridges and Other Structures and Uses Extending Over or Beyond the High Water Line of a Water body or Within a Wetland.

- 3.11.1 Permanent piers and docks are prohibited in the Resource Protection zone. In other than the Resource Protection zone, piers, docks, ramps and other structures requiring direct access to the water for a functionally water dependent use require a permit; see Table I. Necessary permits from the Department of Environmental Protection and the U. S. Army Corps of Engineers shall be obtained prior to applying to the Town.
- 3.11.2 Where access to a structure requires a Conditional use Permit, it shall be obtained in conjunction with the permit for the structure.
- 3.11.3 No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the high water line of a water body or within a wetland unless the structure requires direct access to the water as a functionally water-dependent use.
- 3.11.4 Failure to remove a temporary structure for a period of five months or more in any consecutive 12 month period shall be cause for permanently revoking the Conditional Use Permit.
- 3.11.5 The facility shall be no larger than necessary to carry on the activity and be consistent with existing conditions, use, and character of the area.
- 3.11.6 A ramp for launching boats, floats, etc. is considered a structure, either temporary or permanent, and requires a Building Permit and Conditional Use Permit.

3.12 Private Sewage Disposal Systems

All sewage disposal facilities shall conform to the State of Maine Plumbing Codes. A plumbing permit issued by the Town Plumbing Inspector shall be obtained for all new residences, changes in use, and replacement disposal systems.

3.13 Public Utilities, Public Facilities, and Private Facilities Open to the Public

- 3.13.1 Public facilities and private facilities open to the public shall be permitted only after approval by the Planning Board.
- 3.13.2 Where feasible, the installation of public utilities shall be limited to existing public ways and existing service corridors.
- 3.13.3 The installation of public utilities is not permitted in the Resource Protection District, except to provide services for an approved use within said district for which a permit has been issued, or except where the applicant demonstrates to the Planning Board that no reasonable alternative exists. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

3.14 Signs

3.14.1 Purpose

It is the purpose of this standard to provide for the safety of motorists and pedestrians by regulating the location and use of road signs while permitting directional information to travelers as well as reasonable opportunities for the advertisement of goods, services and other attractions in the town and to conserve the natural beauty of the shorelines by regulating signs along the shore.

3.14.2 The following provisions shall apply to signs and billboards in all districts where permitted.

- 3.14.2.1 With the exception of directional signs, all signs and sign structures shall be located only on the premises where the business advertised is conducted or the organization identified is located.
- 3.14.2.2 Unless otherwise approved by the Planning Board, all directional signs shall be limited to four feet in length and one foot in width, having white letters on a dark background.
- 3.14.2.3 Signs shall not be located where they obstruct vision of any public or private way nor create any unsafe conditions. Signs other than directional signs shall be located on the premises at least 33 feet from the center of the right-of-way, except that where existing buildings on the premises are closer to the road than permitted by this Ordinance, this distance may be proportionately reduced. Name signs shall be permitted, provided such signs shall not exceed two signs per premises.
- 3.14.2.4 There shall be a maximum of three commercial or identification signs allowed per premises. The combined surface area of all signs including border and trim but excluding supports shall not exceed 32 square feet. Any individual sign shall not exceed 20 square feet. Where both sides of a sign are displayed, it shall be considered as two signs. For signs along the shore, see Section 3.14.2.9.
- 3.14.2.5 Signs relating to trespassing and hunting shall be permitted without restriction as to quantity. Each such sign shall be limited to one and one-half square feet.
- 3.14.2.6 Signs shall not be placed higher than 16 feet from the ground level at their location, measured to the highest point.
- 3.14.2.7 Signs may be illuminated only by non-flashing lights shielded so as to illuminate only the sign itself. Animated signs or moving devices such as, but not limited to, promotional flags and flashing lights, are prohibited.
- 3.14.2.8 Temporary signs shall be limited to a quantity of two at a maximum of three square feet each and shall not be displayed for more than 30 days per year, except that signs advertising the sale of property may remain until the property is sold.

3.14.2.9 One name sign per premises, not to exceed six square feet shall be permitted along the shore. Other signs along the shore shall be limited to those necessary for the safety of persons and protection of property.

3.14.2.10 Non-conforming signs in existence at the effective date of this Ordinance may not be altered, enlarged, or rebuilt unless they are made to conform with this Ordinance. Normal maintenance and repairs are permitted.

3.14.2.11 No signs identifying subdivisions, mobile home parks, or cluster developments shall be permitted (6-13-07)

3.14.3 Other Statutory Requirements

Nothing permitted or outlined herein shall be construed as relieving a sign owner from statutory licensing or permit requirements of the State of Maine Department of Transportation prior to erection of any sign permitted under this Ordinance and in accordance with these provisions.

3.15 Filling, Grading or Other Earth-moving Activity

3.15.1 General

The following provisions shall apply to filling, grading, and earth moving activities other than mining and mineral exploration. Such activities, when resulting in erosion, sedimentation, or impairment of water quality or fish and aquatic life are prohibited.

3.15.2 Construction by filling, dredging, grading and landfill shall be performed in a manner as delineated in Agricultural Information Bulletin #347, "Controlling Erosion on Construction Sites," December 1970. Copies of this standard are on file with the Town Clerk.

3.15.3 Earth-moving Not Requiring a Conditional Use Permit

The following earth-moving activity shall be allowed without a Conditional Use Permit:

3.15.3.1 The removal or filling of less than 25 cubic yards of material from or onto any lot in any one year; except in the Resource Protection and Shoreland Districts;

3.15.3.2 The removal or filling of material incidental to approved construction, alteration or repair of a building or in the grading and landscaping incidental thereto; and

3.15.3.3 The removal, filling, or transfer of material incidental to alteration or repair of a public or private way or essential services.

All other earth-moving, processing and storage shall require a Conditional Use Permit authorized by the Code Enforcement Officer or the Planning Board.

3.15.4 Topsoil

Removal of topsoil for sale is prohibited in all zoning districts.

3.16 Motorized Recreational Vehicular Traffic on Existing Roads and Trails

Refer to Table I—Uses by District.

3.17 Cluster Development

3.17.1 Single Family Cluster Developments

3.17.1.1 Purpose: Development under this provision is intended to promote imaginative, well designed subdivisions which preserve open space, respect the physical qualities of the land, and reduce the overall development costs.

3.17.1.2 Location: All single family developments of five or more lots in the Rural Residential 2 District shall be clustered developments and shall conform to the following conditions. Single family developments in the Rural Residential 1 District and developments of less than five lots in the Rural Residential 2 District may utilize a clustered concept design which shall conform to the following standards. A 20% density bonus shall be given to all single family developments in the Rural Residential 1 District which utilize a clustered concept.

3.17.1.3 Dimensional Requirements:

- a) There shall be no minimum parcel size for clustered developments.
- b) Allowable density shall be based on net residential density and shall be calculated in the following manner:
 1. Determine the net residential acreage of the parcel.
 2. Divide the net residential acreage by the minimum lot size required in the district to obtain the maximum allowable number of lots. After the maximum allowable number of lots is determined, individual lot size shall be reduced, if cluster development is proposed, to the following standards:

Rural Residential 1 District

Lot Size: Minimum 40,000 sq. feet
Maximum 60,000 sq. feet

All lots must contain within their boundaries a circle having a diameter of 100 feet

Road Frontage: As shown in Table III.

Rural Residential 2 District

Lot Size: Minimum 1 acre
Maximum 2 acres

All lots must contain within their boundaries a circle having a diameter of 125 feet

Road Frontage: As shown in Table III.

The residual area accumulated by modifying dimensional requirements and the areas which are subtracted from gross area to calculate net residential area shall be designated as common space.

- c) Minimum front setbacks in the Rural Residential 1 and Rural Residential 2 districts shall be reduced to 60 feet from the centerline of the traveled way.
- d) Minimum side and rear setbacks in the Rural Residential 2 district shall be reduced to 20 feet. All other setback requirements shall remain as specified in Table III.
- e) A buffer strip of at least 50 feet shall be required along the entire parcel perimeter. Access for lots bordering an existing road shall be limited to the interior road system. A maximum of two entrances from a public way for the interior road system shall be permitted through the perimeter buffer strip.
- f) A buffer strip of at least 250 feet shall be required for lots bordering a river, great pond, salt water body, wetlands, salt meadows and salt marshes greater than two acres or in any other area with shoreline frontage.
- g) Where a single family cluster development abuts a water body, a portion of shoreline as well as reasonable access to it, shall be part of the common land.

3.17.2 Multi-family Cluster Developments

3.17.2.1 Purpose: These provisions are intended to promote a unified development which will be in harmony with surrounding uses and which will preserve open space. Multi-family cluster developments are considered to be the same as multi-family developments or condominium developments and all must conform to the standards set forth below.

3.17.2.2 Location: Multi-family clustered developments are permitted in the Rural Residential 1 and the Rural Residential 2 districts.

3.17.2.3 Dimensional Requirements:

- a) There shall be no minimum parcel size for multi-family clustered subdivisions.
- b) Allowable density shall be based on net residential density and shall be calculated in the following manner:

1. Determine the net residential acreage of the parcel.
 2. Divide the net residential acreage by the minimum lot size required in the zoning district to obtain the maximum allowable number of units.
- c) Where a multi-family cluster development abuts a water body, a portion of the shoreline, as well as reasonable access to it, shall be part of the common land.
 - d) Minimum front setbacks in the Rural Residential 1 and the Rural Residential 2 districts shall be reduced to 60 feet from the centerline of the traveled way.
 - e) Minimum side and rear setbacks in the Rural Residential 2 district shall be reduced to 20 feet.
 - f) A maximum of two entrances from a public way for the interior road system shall be permitted through the perimeter buffer strip. Access to the subdivision shall be limited to the interior road system.
 - g) A buffer strip of at least 50 feet shall be required along the entire parcel perimeter.
 - h) A buffer strip of at least 250 feet shall be required for subdivisions bordering a lake, great pond, salt water body, wetlands, salt meadows and salt marshes greater than two acres or in any other area with shoreline frontage.
 - i) Distances between principal adjacent buildings shall be a minimum of the height of the taller building. All other dimensional requirements listed in Table III shall be maintained.

3.17.3 Recreation and Common space

Requirements for Single Family Cluster Developments and Multi-family Cluster Developments.

- 3.17.3.1 Common spaces shall be shown on the subdivision plan and with appropriate notation that it shall not be further subdivided for any other use.
- 3.17.3.2 Common space shall be either dedicated to public use through agreement of the Town of Arrowsic, given to a land trust, or shall be reserved for the use of residents and guests of the subdivision. It shall not be used for commercial recreation or for private clubs whose membership is different from the Homeowners' Association.
- 3.17.3.3 Common areas shall be contiguous, where possible.
- 3.17.3.4 Depending on the size and location of the subdivision, the Planning Board may require the developer to provide up to 10 percent of the total area for recreation. Areas reserved for recreation shall be at least one acre in size and easily accessible from all lots or units within the subdivision.

3.17.3.5 When reviewing the site design of the proposed type of common area, the Planning Board shall consider the following criteria:

- a) Individual lots, building, roads, parking areas shall be designed and situated to minimize alteration of natural site features to be preserved.
- b) The usability of common area intended for recreation for common use shall be determined by the size, shape, topographic and location requirements of the particular purpose proposed for the site.
- c) Common area shall include irreplaceable natural features located on the tract (such as, but not limited to, stream beds, significant stands of trees, individual trees of significant size, and rock outcroppings).
- d) Common area intended for recreation or common use shall be easily accessible to pedestrians.
- e) The suitability of common areas intended for scenic value and purposes shall be determined by their visibility from a significant number of units or buildings or length of roads.
- f) Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the land.
- g) Individual lots, buildings, and units shall be arranged and situated to relate to surrounding properties, to improve the view from and the view of buildings, and to lessen areas devoted to motor vehicle access.
- h) Individual lots, buildings, units, and parking areas shall be situated to avoid the adverse effects of shadows, noise, and traffic on the residents of the site.

3.17.3.6 Ownership and Maintenance

- a) Ownership: Common area which is not deeded to the Town of Arrowsic after approval by the Town or given to a land trust shall be owned in common by all owners of lots in a single family cluster subdivision or by all owners of units in multi-family developments. Ownership percentages shall be apportioned among all owners and shall be recorded in their deeds. A listing of ownership percentages shall be filed with the Town Assessor before the first unit is sold. Each owner shall be assessed a percentage of the property tax levied on the common area and shall be responsible for its payment.
- b) Maintenance: Maintenance of common area not deeded to the Town of Arrowsic or to a land trust, shall be the responsibility of all owners of lots and/or units. A Homeowners Association shall be organized, one of whose purposes shall be the maintenance

of common areas. Membership shall be compulsory and assessments, sufficient to provide for adequate maintenance, shall be levied. All relevant legal papers shall be submitted to the Planning Board for review and approval before the subdivision is approved. Until 51 percent of all lots and/or units have been sold, and a Homeowners' Association organized, the developers shall be responsible for maintenance of the common open areas. Owner(s) of multi-family rental developments are responsible for maintenance.

3.17.4 Waivers

Where the Planning Board finds that extraordinary and unnecessary hardships, not self imposed, may result from strict compliance with these standards, it may grant waivers provided that such relaxation will not have the effect of nullifying the intent and purpose of the Comprehensive Plan or these Standards. Such waivers may be granted in accordance with the requirements for a variance established in the Zoning Ordinance, Appeals Section.

3.18 Junk Yards

Junk yards are prohibited in the Town of Arrowsic. (6-24-82)

3.19 Mobile Home Parks

Except as stipulated below, mobile home parks shall meet all the requirements for a residential subdivision, and shall conform to all applicable Federal and State laws, and local ordinances or regulations. Where the provisions of this section conflict with specific provisions of the Arrowsic Subdivision Ordinance, the provisions of this section shall prevail.

3.19.1 Lot Area and Lot Width Requirements

Notwithstanding the Dimensional Requirements Table III of this Ordinance, lots in a mobile home park shall meet the following lot area and lot width requirements.

A. Lots served by public sewer:

Min. lot area: 6,500 square feet
Min. lot width: 50 feet

B. Lots served by individual subsurface waste water disposal systems approved by the Maine Department of Human Services:

Min. lot area: 20,000 square feet
Min. lot width: 100 feet

C. Lots served by a central subsurface waste water disposal system approved by the Maine Department of Human Services:

Min. lot area: 12,000 square feet
Min. lot width: 75 feet

- D. The overall density of any park served by any subsurface wastewater disposal system shall not exceed one dwelling unit per 20,000 square feet of buildable land.
- E. Lots located within any Shoreland zoning district shall meet the lot area, lot width and shore frontage requirements for that district.

3.19.2 Unit Setback Requirements

- A. On lots 6,500 square feet in area or larger, structures shall not be located less than 15 feet from any boundary lines of an individual lot.
- B. On lots which abut a public way either within the park or adjacent to the park, or on lots which are located within a Shoreland zoning district, structures shall meet the front setback and setback from high water mark requirements in Table III of this Ordinance.

3.19.3 Buffering

If a park is proposed with a residential density of at least twice the density of adjacent development in existence, or at least twice the density permitted in the zoning district in which the park is located if the neighboring land is undeveloped, the park shall be designed with buffer strips.

3.19.4 Open Space Reservation

An area no less than 10% of the total area of those lots with a lot area of 6,500 square feet or less shall be reserved as open space. The area reserved as open space shall be suitable to be used for recreational purposes. Generally, the reserved open space shall have slopes less than 5%, shall not be located on poorly or very poorly drained soils, and shall be accessible directly from roads within the park. The Planning Board may waive the requirement for open space when the park is located within one-half mile of a publicly owned recreation area.

All developed open space shall be designed and landscaped for the use and enjoyment of the park residents and shall be maintained for their long term use. Plans for these areas shall be submitted by the developer.

3.19.5 Road Design, Circulation, and Traffic Impacts

Roads within a park shall be designed by a Professional Civil Engineer, registered in the State of Maine.

- A. Roads which the applicant wishes to offer to the community for acceptance as town ways shall be designed, constructed, and proposed to the Town Meeting, in accordance with Section 4.5 of the Arrowsic Subdivision Ordinance.
- B. Roads which the applicant proposes to remain private ways shall meet the following geometric design standards.
 - 1. Minimum right-of-way width within park: 23 feet
 - 2. Minimum width of traveled way: 20 feet
 - 3. Cul-de-sac radius at dead ends: 50 feet

4. Minimum right-of-way for access roads: 50 feet
- C. Mobile home park access shall be limited to Route 127. Any mobile home park expected to generate average daily traffic of 200 trips per day or more shall have at least two road connections with Route 127 for safety and site circulation. Any road within a park with an average daily traffic of 200 trips per day or more shall have at least two road connections leading to other roads within the park.
- D. No individual lot within a park shall have direct vehicular access onto an existing public road.
- E. The intersection of any road within a park and an existing public road shall meet the following standards.
 1. Angle of intersection. The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees.
 2. Maximum grade of intersection. The maximum grade of intersection within 75 feet of the intersection shall be two percent.
 3. Minimum sight distance. A minimum sight distance of 10 feet for every mile per hour of posted speed limit or observed speed, whichever is higher, on the existing road shall be provided. Sight distances shall be measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye three and one-half feet above the pavement and the height of the object four and one-quarter feet.
 4. Distance from other intersections. The centerline of any road within a park intersecting an existing public road shall be no less than 125 feet from the centerline of any other road intersecting that public road.
- F. The application shall contain an estimate of the average daily traffic to be generated by the park. Estimates of traffic generation shall be based on the Trip Generation Manual, 1987 Edition, published by the Institute of Transportation Engineers. If the park is projected to generate more than 400 vehicle trips per day, the application shall also include a traffic impact analysis done by a registered professional engineer with experience in transportation engineering.
- G. For each mobile home lot there shall be provided and maintained at least two off-street parking spaces. Each parking space shall contain a minimum area of 200 square feet with minimum dimensions of 10 feet by 20 feet.

In addition to occupant parking, off-street guest and service parking shall be provided within the boundaries of the park at a ratio of one space for each four mobile home lots. The spaces shall be reserved for that sole use.

3.19.6 Groundwater Impacts

- A. Assessments submitted. Accompanying the application for approval of any mobile home park which is not served by a public sewer shall be an analysis of the impacts of the proposed mobile home park on groundwater quality. The hydrogeologic assessment shall be prepared by a Certified Geologist or Registered Professional Engineer experienced in hydrogeology, and shall contain at least the following information.
 - 1. A map showing basic soils types.
 - 2. The depth to the water table at representative points throughout the mobile home park.
 - 3. Drainage conditions throughout the mobile home park.
 - 4. Data on existing groundwater quality, either from test wells in the mobile home park or from existing wells on neighboring properties.
 - 5. An analysis and evaluation of the effect of the mobile home park on groundwater systems. The evaluation shall, at a minimum, include a projection of post-development nitrate-nitrogen concentrations at any wells within the mobile home park, at the mobile home park boundaries, and at a distance of 1,000 feet from potential contamination sources, whichever is a shorter distance. For mobile home parks within the watershed of Sewell Pond and/or the watershed of the Resource Protection District, projections of the development's impact on groundwater phosphate concentrations shall also be provided.
 - 6. A map showing the location of any subsurface waste water disposal systems and drinking water wells within the mobile home park and within 200 feet of the mobile home park boundaries.

- B. Standards for Acceptable Groundwater Impacts.
 - 1. Projections of groundwater quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
 - 2. No mobile home park shall increase any contaminant concentration in the groundwater to more than one-half of the Primary Drinking Water Standards. No mobile home park shall increase any contaminant concentration in the groundwater to more than the Secondary Drinking Water Standards.
 - 3. If groundwater contains contaminants in excess of the primary standards, and the mobile home park is to be served by on-site groundwater supplies, the applicant shall demonstrate how water quality will be improved or treated.
 - 4. If groundwater contains contaminants in excess of the secondary standards, the mobile home park shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

- C. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Plan.

3.19.7 Conversion to Another Use

No development or subdivision which is approved under this section as a mobile home park may be converted to another use without the approval of the Planning Board, and must meet the appropriate lot size, lot width, setback and other requirements. The plan to be recorded at the Registry of Deeds and filed with the municipality shall include the following restrictions as well as any other notes or conditions of approval.

- A. The land within the park shall remain in a unified ownership and the fee to lots or portions of lots shall not be transferred.
- B. No dwelling unit other than a manufactured housing unit shall be located within the park.

3.20 Land Clearing for Development

Must be in conformance with Section 3.2 of the Ordinance.

3.21 Conversion of Seasonal Residences to Year-Round

Refer to Table I—Uses by District.

3.22 Public and Private Parks and Recreational Areas Involving Minimal Structural Development

Refer to Table I—Uses by District.

3.23 Erosion and Sedimentation Control

3.23.1 All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions require a soil erosion and sedimentation control plan. The permitting authority may require a written copy for approval. The plan should provide any of the following applicable provisions.

- 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.

3.23.2 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 should be avoided wherever possible, and natural contours shall be followed as closely as possible.

3.23.3 Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in functional 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.

3.23.4 Any exposed ground area shall be temporarily or permanently stabilized within one week from the time it was last actively worked, by use of riprap, sod, seed,

and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine months of the initial date of exposure. In addition:

- a. Where mulch is used, it shall be applied at a rate of at least one bale per five hundred 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.

3.23.5 Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty-five year storm or greater, and shall be stabilized with vegetation or lined with rip-rap. Roads and driveways shall be designed and constructed to withstand a 100-year storm.

4.0 Administration

4.1 Building and Plumbing Permits

4.1.1 All applications for Building Permits shall be submitted in writing to the Code Enforcement Officer and shall be signed by the owner or designee.

4.1.2 An application for a Building Permit shall be approved or denied by the Code Enforcement Officer within 14 days of receipt. The decision shall be in writing.

4.1.3 An application for a Building Permit shall be accompanied by the following:

- A plan showing the shape and dimensions of the lot to be built upon, location and size of existing buildings or structures, and the location and size of buildings to be constructed.
- Location of existing and proposed waste disposal facilities.
- Statement as to present and intended use of buildings.
- Plumbing permit.

The application shall be on a form provided by the Code Enforcement Officer.

4.1.4 Building Permit applications, supporting material, and copies of the Code Enforcement Officer's decisions shall be maintained as a permanent record by the Town Clerk.

4.1.5 A Building Permit secured under the provisions of this Ordinance shall expire if the work or change is not commenced within one year of the date on which the permit is granted, and if the work or change is not substantially complete within two years of the date on which the permit is granted.

4.1.6 No Building Permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities unless a valid Septic Permit has been secured by the applicant in conformance with the sanitary provisions of this Ordinance.

- 4.1.7 Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least 20 days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

4.2 Conditional Use Permits

- 4.2.1 All applications for Conditional Use Permits shall be submitted in writing to either the Code Enforcement Officer or Planning Board as specified in Table I: Uses By District, on forms provided for that purpose.

Applications for Conditional Use Permits shall be approved, approved with conditions, or denied by the Code Enforcement Officer or Planning Board in accordance with the provisions of this Ordinance.

- 4.2.2 Any application for a Conditional Use Permit shall be accompanied by the following as applicable:

- A plan showing the shape and dimensions of the lot, location and size of existing buildings or structures, and the location and dimensions of the activity requiring a Conditional Use Permit.
- Statement as to present and intended use of buildings and lot.
- Distances of existing buildings and proposed activities from lot lines and high water line.

- 4.2.3 The Planning Board or Code Enforcement Officer shall approve, deny, or approve with conditions, all applications for a Conditional Use Permit. The applicant shall have the burden of proving that his or her application is in compliance with the requirements of this Ordinance. After submission of a complete application, the Planning Board or Code Enforcement Officer must grant a permit if it/he makes a positive finding on each of the following factors, based upon the information the applicant presented to it/him, that the proposed use:

Will not result in unsafe or unhealthy conditions;
Will not result in erosion or sedimentation;
Will not result in water pollution;
Will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;
Will conserve shoreland vegetation;
Will conserve the visual points of access to waters as viewed from public facilities;
Will conserve actual points of public access to water;
Will conserve natural beauty;
Will avoid problems associated with flood plain development and use; and
Is in conformance with the provisions of Section 3.0 Performance Standards.

A negative finding of any one of the above enumerated factors will result in denial of the application, or subject the application to being granted with conditions. The Planning Board or Code Enforcement Officer may only impose conditions upon Conditional Use Permits which remedy the defect.

4.2.4 Conditional Use Permit Procedure: Code Enforcement Officer

An application for a Conditional Use Permit requiring Code Enforcement Officer approval shall be approved or denied by the Code Enforcement Officer within 14 days of receipt. The decisions shall be in writing.

4.2.5 Conditional Use Permit Procedure: Planning Board

Within 30 days following the receipt of an application requiring its approval, the Planning Board shall hold a public hearing on the application. The Planning Board shall publish a notice of the hearing at least seven days in advance in a newspaper of general circulation in the area.

Not less than 7 days before the public hearing, the Planning Board shall give written notice of the public hearing to all property owners within 200 feet of the applicant's property by sending the written notice via US first-class mail to the property owners at their addresses shown on the Town assessment records. (6-13-07)

Within 20 days after the public hearing, the Planning Board shall reach a decision on a conditional use and shall inform, in writing, the applicant and the Code Enforcement Officer of the decision and its reasons therefore.

4.2.6 The Planning Board or Code Enforcement Officer may attach conditions, in addition to those required elsewhere in this Ordinance, that it finds necessary to carry out the purposes of this Ordinance. Violation of any of these conditions shall be a violation of this Ordinance.

4.2.7 Conditional Use Permit applications, supporting material, and Code Enforcement Officer and Planning Board decisions shall be maintained as a permanent record by the Town Clerk.

The Code Enforcement Officer shall keep a complete record of all essential transactions of that office, including applications submitted, permits granted or denied, variances granted or denied, revocation of permits, appeals, court actions, violations investigated, violations found and fees collected. On a biannual basis, a summary of this record shall be submitted to the Department of Environmental Protection's Bureau of Land Quality Control.

4.2.8 A Conditional Use Permit secured under the provisions of this Ordinance shall expire if the work or change is not commenced within one year of the date on which the permit is granted, and if the work or change is not substantially complete within two years of the date on which the permit is granted. (6-17-99)

4.3 Fees

4.3.1 No Building Permit or Conditional use Permit shall be issued without payment of a fee according to a schedule determined by the Selectmen.

- 4.3.2 Pursuant to the Maine State Internal Plumbing Code and as provided in the Maine Subsurface Waste Disposal Rules, a reinspection fee shall be required in those instances when work has been found to be incomplete at a prearranged inspection, when work is found to be unsatisfactory or when access cannot be obtained at a prearranged date and time.

4.4 Appeals

4.4.1 Procedure

- 4.4.1.1 All appeals shall be based on a written decision of the Code Enforcement Officer or Planning Board.
- 4.4.1.2 Appeals shall proceed from the decision of the Code Enforcement Officer or Planning Board to the Board of Appeals and from the Board of Appeals to the Superior Court.
- 4.4.1.3 Appeals shall be heard and decided upon by the Board of Appeals in accordance with the provisions of this Ordinance.

4.4.2 Appeal Procedure: Board of Appeals

- 4.4.2.1 In all cases, a person aggrieved by a decision of the Code Enforcement Officer or Planning Board shall commence his appeal within 30 days after notification of the decision. The appeal shall be filed with the Board of Appeals and shall specifically set forth the grounds of appeal.
- 4.4.2.2 Within 30 days following the filing of an appeal, the Board of Appeals shall hold public hearing on the appeal. The Board of Appeals shall publish a notice of the hearing at least seven days in advance in a newspaper of general circulation in the area.
- 4.4.2.3 Within 20 days after the public hearing, the Board of Appeals shall reach a decision on the appeal and shall inform, in writing, the appellant, the property owner, the Code Enforcement Officer, and/or the Planning Board of its decision and its reasons therefore.

4.4.3 Board of Appeals

4.4.3.1 Establishment

Pursuant to Title 30, MRSA, Section 2691, the Town of Arrowsic, Maine, hereby established the Arrowsic Board of Appeals.

4.4.3.2 Appointment and Composition (6-16-04)

The Board of Appeals shall be appointed by the Selectmen and shall consist of five members and two alternates, all of whom shall be residents of the Town of voting age. Members shall serve staggered five-year terms. A town officer may not serve as a member. The Board shall choose a chairman and secretary from its membership. The secretary shall keep the minutes of the proceedings of the Board of Appeals, which shall show the vote of each member upon each question. All minutes of the Board shall be a public record. A quorum

shall consist of three (3) members or designated alternate members. The Board shall act by a majority of those present and voting. In the absence of a regular member, the chair shall designate an alternate member to act.

4.4.3.3 Powers and Duties

4.4.3.3.1 Administrative Appeals: To hear and decide cases in which it is alleged that there is an error in any order, requirement, decision, or determination by the Code Enforcement Officer or the Planning Board. Such hearing shall be held in accordance with State laws. Following such hearing, the Board of Appeals may reverse the decision of the Planning Board or Code Enforcement Officer only upon a finding that the decision is clearly contrary to specific provisions of this Ordinance.

4.4.3.3.2 Variance Appeals: To hear and decide specific cases in which a relaxation of the terms of this Ordinance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in "unnecessary" or "undue hardship." The term "undue hardship" shall mean:

- that the land in question cannot yield a reasonable return unless a variance is granted;
- that the need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood;
- that the granting of a variance will not alter the essential character of the locality; and
- that the hardship is not the result of action taken by the applicant or a prior owner.

As used in this Ordinance, a variance is authorized only for area, size, location and setback of structures, size of building lots or to bring the property more closely into compliance with this Ordinance. In granting a variance, the Board of Appeals may prescribe such conditions and safeguards as are appropriate under this Ordinance. A copy of all variances granted by the Board of Appeals within the Shoreland and Resource Protection Districts shall be submitted to the Department of Environmental Protection.

4.5 Enforcement

4.5.1 This Ordinance shall be enforced by the Selectmen, who shall appoint a Code Enforcement Officer (CEO)/Local Plumbing Inspector (LPI) for this purpose.

4.5.2 An Alternate Code Enforcement Officer may be appointed by the Selectmen. The duties of the Alternate Code Enforcement Officer shall be to assist the regular Code Enforcement Officer in the performance of his or her duties as directed by the Code Enforcement Officer. In the event that the Code

Enforcement Officer is absent or otherwise unavailable, the Alternate CEO is authorized to act on his or her behalf.

4.5.3 Any violation of this Ordinance shall be deemed a nuisance.

4.5.4 If the Code Enforcement Officer should find that a provision of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it.

4.6 Legal Actions (6-16-04)

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Selectmen are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunction of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the town, including but not limited to enforcement through the use of a Land Use Citation and Complaint filed in the name of the Town of Arrowsic. The Selectmen 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 in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection 4452.

4.7 Fines

Any person who continues to violate any provision of this Ordinance after receiving written notice of such violation by the Code Enforcement Officer, shall be guilty of a civil violation subject to a fine of up to \$2500.00 for each violation. Each day such a violation is continued is a separate offense.

4.8 Planning Board

4.8.1 Establishment

Pursuant to MRSA Const. Art. VIII-A and Title 30, MRSA, Section 1917, the Town of Arrowsic, Maine hereby establishes the Arrowsic Planning Board.

4.8.2 Appointment and Composition (6-16-04)

The Planning Board and its Chairman shall be appointed by the Selectmen. The Board shall consist of five members and two alternates, all of whom shall be residents of the town of voting age. Members shall serve staggered terms of five years. A town officer may not serve as a member. The Board shall choose a secretary from its membership. The secretary shall keep the minutes of the proceedings of the Planning Board, which shall show the vote of each member upon each question. All minutes of the Board shall be public record. A quorum shall consist of three members or designated alternate members. The Board shall act by a majority of those present and voting. In the absence of a regular member, the chair shall designate an alternate member to act.

4.8.3 Powers and Duties (6-14-06)

The Board shall have the following duties:

- The Board shall perform such duties and exercise such powers as are provided by Arrowsic ordinances and the laws of the State of Maine.
- The Board may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose and in accordance with town purchasing procedure.

5.0 Miscellaneous Provisions

5.1 Enabling Legislation

Authority to enact the provisions of this Ordinance is contained in one or more of the following statutes:

Title 38, M.R.S.A., Section 435-448

Title 30A, M.R.S.A., Chapter 239, Section 4351-4355

5.2 Validity

The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof.

5.3 Precedence

In the case of any difference of meaning or implication between the text of this ordinance and any map or illustration, the text shall control.

5.4 Amendments

This Ordinance may be amended by majority vote of the town meeting. The Department of Environmental Protection shall be notified by the Town Clerk of amendments to this Ordinance within 30 days after the effective date of such amendments. The County Registry of Deeds shall also be notified by the Town Clerk of any amendments, in accordance with State Statute Title 33, MRSA, Section 662-A.

Copies of amendments affecting Shoreland and Resource Protection Districts, attested and signed by the Municipal Clerk, shall be submitted to the Board of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Board of Environmental Protection. If the Board of Environmental Protection fails to act on any amendment within forty-five (45) days of the Board's 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.

5.5 Filing

Upon passage by the town meeting, a copy of this Ordinance, as revised, shall be filed with the County Registry of Deeds, in accordance with State Statute, Title 33, M.R.S.A., Section 662-A.

5.6 Repeal

All previously existing ordinances in conflict with this Ordinance are hereby repealed.

5.7 Conflicts between Ordinance Provisions (6-15-05)

In cases where ordinance provisions are in conflict, the more restrictive provision shall govern.

6.0 Cell Tower Ordinance

Printed under separate cover.

DEFINITIONS ACCOMPANYING TOWN OF ARROWSIC ZONING AND SUBDIVISION ORDINANCES

Access Road: A road connecting a mobile home park or subdivision parcel to the public way.

Accessory Structure or Use: A use incidental or subordinate to those of the principal use or structure. Accessory structures when aggregated shall not dominate the use of the lot. Extensions to the principal structure which share a common wall or roof are 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: forages and sod crops, grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and greenhouse products. Agriculture does not include forest management, timber-harvesting activities, and the incidental sale or lease of plant and animal products from operations primarily intended for home consumption.

Antenna: Antenna, including but not limited to radio antennae and satellite receiving dishes, are accessory structures as defined by this Ordinance and are regulated accordingly.

Buffer Strip: A continuous area of land unless otherwise specified shall not be less than 50 feet in width which shall contain no structures or roads. The first 25 feet shall contain either natural vegetation, evergreen shrubs, trees, fences, walls, or any combination which forms an effective visual barrier. Driveways shall be kept open to provide visibility for vehicles entering or leaving the lot.

Buildable land: That land in a parcel which is left over after all deductions, except road deductions, required under the Net Residential Area or acreage calculations.

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

Campground: Any premise established for overnight use for the purpose of temporary camping, and for which a fee is charged.

Clearing: The removal of timber to an extent greater than permitted by Section 3.2.3 of the Zoning Ordinance.

Cluster Development: A form of development that permits a reduction in lot area and other specified dimensional requirements, provided there is no increase in the number of lots or units permitted under conventional subdivision requirements and the resultant land is devoted to common space.

Common Land: Land within or part of a subdivision or planned unit, condominium or cluster development, owned by the unit or lot owners as tenants in common or jointly, or owned by an association or corporation comprised of unit or lot owners or shareholders, and controlled by the development's articles, by-laws, declarations or covenants.

Common Space: The residual land area which remains when a subdivision is clustered.

Conditional Use: A use permitted only after review and approval by the Planning Board or Code Enforcement Officer. A Conditional Use is a use that would not be appropriate without restriction but which if controlled under the provisions of the Zoning Ordinance, would promote the purposes of that Ordinance.

Conditional Use Permit: A permit authorized by the Planning Board or Code Enforcement Officer for a Conditional Use.

Condominium: As defined in Title 33 M.R.S.A., 1601-103(7).

Conforming Use: A use of buildings, structures or land which complies with all applicable provisions of the Zoning Ordinance.

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

Distance: Measured horizontally, unless otherwise noted.

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

Dwelling: A place of abode, a structure occupied as a residence as distinct from a store, office, or other building.

Single Dwelling: A place of abode for a single family in one principal structure.

Multiple Dwelling: A place of abode for two or more families in one or more principal structures.

Expansion of Structure: An increase in the floor area or volume of a structure. New stairways used solely for gaining access to a residential structure need not be considered when determining a structure's setback, providing they are no wider than four feet.

Expansion of Use: The addition of weeks or months to a use's operating season, or more floor area or ground area devoted to a particular use.

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

Floor Area: Sum of the horizontal area of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of structures such as porches and decks. Floor area with a ceiling height of six feet or less or non-living basement space shall be excluded from this calculation. (6-18-03)

Frontage, Shore: The horizontal distance, measured along the high water mark, or upland edge of a wetland/meadow/marsh between the intersections of the side lot lines.

Frontage, Road: The horizontal distance between the intersections of the side lot line with the front lot line.

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, coastal and inland waters and which cannot be located away from these waters.

Height of Structure: The vertical distance between the mean original grade and the highest point of the structure, excluding chimneys, and similar appurtenances which have no floor area.

High Water Line: The upland edge of land subject to tidal action during the maximum spring tide as defined by N.O.A.A. Along lakes and ponds, the elevation at which vegetation changes from predominantly aquatic to predominantly terrestrial; and along freshwater rivers and streams, the highest elevation of the bank of a channel at which the water has left a definite mark.

Home Business: A home business is an occupation or business which is carried on within a dwelling or accessory structure to the dwelling by a member of the family residing therein; is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and does not involve any exterior alteration which would change the residential character of the premises. Permitted home businesses include: the production of goods, the sale of goods produced on site, the provision of services performed on site, the provision of goods and services off site for which the material and equipment are kept on site. A sales outlet is not a home business unless the item sold is a product of the labor of a person working in the business (i.e., manufactured, produced, created, caught, grown by the owner or an employee of the business). (6-23-93 and 6-15-05)

Individual Private Campsite: An area of land which is not associated with a campground but which is developed for repeated temporary camping not to exceed 130 days per year by only one group not to exceed ten individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fireplaces or tent platforms.

Junk Yard: Any area used as a place of storage for:

1. Discarded, worn-out or junked plumbing, heating supplies, household appliances, furniture and automobiles, including salvage operations;
2. Discarded, scrap and junked lumber;
3. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material; and
4. Private garbage dumps, waste dumps and sanitary fills.

Lot: A parcel of land having distinct and defined boundaries and described in a deed, plan. Parcels of land on opposite sides of a public way shall be considered separate lots.

Manufactured Housing Unit: Structure, designed for occupancy, transportable in one or more sections, which was constructed in a manufacturing facility and is transported to a building site and designed to be used as a dwelling when connected to the provided utility systems contained therein.

Marina: A shorefront commercial facility with provisions for one or more of the following: boat storage, boat launching, or the sale of supplies and services for watercraft and their equipment and accessories.

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

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

Mobile Home Park: A parcel of land under unified ownership, approved by the municipality, designed and/or used to accommodate three or more manufactured housing units of one or two sections.

Multi-family Cluster Developments: Multi-family development which includes apartments, condominiums and all other forms of multi-family construction.

Net Residential Area: Net residential area means the area of a parcel, which is suitable for development as determined by the Planning Board, calculated by subtracting the following from the gross acreage of a parcel.

- 1) Total acreage which is used for road, sidewalk rights-of-way and transmission of utilities.
- 2) Portions of the parcel containing slopes over 15%.
- 3) Portions of the parcel shown to be within the 100-year floodplain as designated on the Town of Arrowsic Flood Zone Map.
- 4) Portions of the parcel located in the Resource Protection District.
- 5) Portions of the parcel which, based on current Soil Conservation Service data, are unsuitable for development in their natural state due to drainage or subsoil conditions, including, but not limited to:
 - a) Water table at or near the surface for all or part of the year
 - b) Unstable soils such as Scantic.
- 6) Portions of the parcel covered by surface water bodies.

Net Residential Density: Net residential density shall mean the number of dwelling units per acre of net residential area.

Non-conforming Building or Use: A building, structure, use of land, or portion thereof, existing at the effective date of adoption or amendment of the Zoning Ordinance which does not conform to all applicable provisions of that Ordinance.

Non-conforming Lot: A single lot of record existing at the effective date of the adoption of the Ordinance that does not meet the area, frontage or width requirements of the district within which it is located.

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

Parcel: The gross land area which will be divided by a subdivision.

Piers, Docks, Wharves, Ramps, Bridges and Other Structures and Uses Extending Over or Beyond the High Water Line or Within a Wetland:

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

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

Permitted Waterfront Uses: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and which cannot be located away from these waters.

Planned Unit Development: A development in which a unit owner owns both the interior and exterior of the unit and the lot on which it stands, with the remaining "common land" owned by an association or corporation.

Pond: Any inland body of water which has a surface area in excess of 10 acres, except where such body of water is man-made and in addition is completely surrounded by land held by a single owner.

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

Private Facilities Open to the Public: Churches, schools, hospitals, and other facilities privately owned but open to the public.

Public Facilities: Any facilities including, but not limited to, buildings, property, recreation areas and roads which are owned, leased, or otherwise operated, or funded by a governmental or public entity.

Public Utilities: Those services furnishing gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public.

Publicly Owned Recreation Area: An area owned by the Town of Arrowsic managed specifically for recreation purposes.

Recreational Vehicle: A vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, camp trailer, tent 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.

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

Salt Marsh: Areas along coastal waters (most often along coastal bays) which support salt tolerant species, and where at average high tide during the growing season, the soil is regularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

Salt Meadow: Areas which support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (*Spartina patens*) and black rush; common threesquare occurs in fresher areas.

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

Sign: Any painted, printed, or stenciled device either erected on a frame structure, mounted or painted on a building.

Billboard: A sign, structure or surface larger than 6 square feet which is available for advertising purposes for goods or services rendered off the premises, excluding directional signs.

Commercial Sign: A sign advertising or promoting a business enterprise of any kind.

Directional Sign: A sign conveying only directional information.

Identification sign: A sign identifying a professional service, church, fraternal organization, service club or public institution.

Name Sign: A sign naming the occupant of the premises.

Temporary Sign: A sign erected for private sales or other purposes in non-established business locations.

Surface Area: Determined as the product of maximum width and maximum height of the sign.

Soil and Water Conservation Plan: A plan, prepared by the Androscoggin Valley Soil and Water Conservation District or other recognized agency or by a private consultant acceptable to the Town of Arrowsic, covering the operations and facilities of an agricultural or timber harvesting operation for the purpose of minimizing soil erosion and pollution from manure or chemical runoff.

Stream: A free-flowing body of water from the outlet of a great pond or the confluence of two perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river.

Structure: Anything constructed, temporarily or permanently, the use of which requires location on the ground or attachment to something on the ground, except a boundary wall or fence.

Principal Structure (Building): The structure in which the primary use of the lot is conducted.

Accessory Structure: A structure of a nature subordinate to that of the principal structure or the primary use to which the premises are devoted.

Incidental Structure: A structure which is of no consequence in achieving or maintaining the purposes and goals of the Ordinance. Structures which need not be considered as structures for purposes of meeting the shoreland setback standard are, for example, lawn furniture, picnic tables. Structures considered significant and that require compliance with the setback and dimensional standards include, but are not limited to: decks, patios, buildings, antennas with ground contact and any structure having substantial volume, and visual impact.

Subdivision: As defined in Title 30 MRSA, Section 4956.

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

Travel Trailer: A manufactured housing unit not designed for permanent occupancy.

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

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

Variance: An easing of the terms of the Zoning Ordinance, due to the peculiar and unique characteristics of the particular property in question, where literal enforcement would result in undue hardship, and such easing of the terms would not substantially depart from the intent of the Ordinance.

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

Water body: Any great pond, river, stream or tidal area.

Wetland: A freshwater or coastal wetland.

Coastal Wetlands: All tidal and intertidal lands below the high water line. All lands designated by wetland soils and vegetation including but not limited to those listed in Table II.

Fresh Water Wetlands: Swamps, marshes, bogs and similar areas which are designated by characteristic wetland soils and vegetation including but not limited to those listed in Table II.

