



# The Land Use Ordinance for the Town of Chapman

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*Adopted March 23, 2015*

The Chapman Land Use Ordinance

Adopted by the Residents on March 23, 2015


Board of Selectmen


  
Patricia Sutherland (Chair)


  
Milford Maynard


  
Isaac Braley

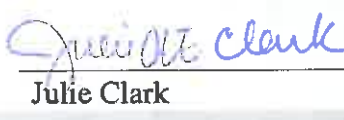
Planning Board

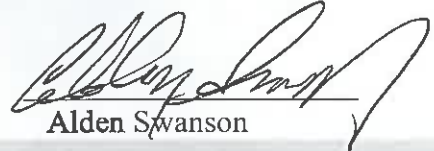
  
Terry Hanlon

  
Leah Buck

  
Andrew Sutherland

  
Carla Cambridge

  
Julie Clark

  
Alden Swanson

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# The Chapman Land Use Ordinance

## Section 1 Legal Status Provisions

### 1. Purposes

The purpose of this Ordinance is to:

- a. Protect the health, safety, and general welfare of the residents of the Town of Chapman;
- b. Encourage appropriate use of land throughout the Town;
- c. Promote traffic safety;
- d. Provide safety from fire and other elements;
- e. Provide adequate light and air;
- f. Prevent overcrowding of real estate;
- g. Prevent housing development in unsuitable areas;
- h. Provide an allotment of land area in new developments sufficient for all the requirements of community life;
- i. Conserve natural resources and town character;
- j. Provide for adequate public services as an integral part of a comprehensive plan for town development;
- k. Protect archaeological and historic resources, freshwater wetlands, fish spawning grounds, aquatic life, bird and other wildlife habitat, and buildings and lands from flooding and accelerated erosion;
- l. Conserve shore cover, natural beauty and open space, and visual as well as actual points of access to inland waters;
- m. Prevent and control water pollution; and
- n. Assure new development meets the goals and conforms to the policies of the Chapman Comprehensive Plan.

### 2. Authority

This Ordinance has been adopted in accordance with the provisions of Article VIII-A of the Maine Constitution; the provisions of MRSA Title 30-A, Section 3001 (Home Rule); and the State's Growth Management Law MRSA Title 30-A, Section 4311 et seq.; as may be amended.

### 3. Applicability

The provisions of this Ordinance shall govern all land and all structures within the boundaries of the Town of Chapman.

### 4. Repeal of Prior Ordinances

All prior Zoning Ordinances, Site Design Review Criteria, Subdivision Rules and Regulations, Mobile Home Park Ordinances, and Road Construction Standards and Acceptance Regulations for the Town, except for the Shoreland Zoning Ordinance of Chapman, Floodplain Management, and E-911 Ordinance, are repealed as of the effective date of this Ordinance.

### 5. Effective Date

This Ordinance shall take effect and be in force from the date of its adoption.

### 6. Conflict with Other Laws


Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards shall govern.

**7. Separability**

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

**8. Availability**

A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.



## Section 2 Land Use Ordinance

### 1. Title

This Ordinance shall be known and may be cited as the "*Chapman Land Use Ordinance*."

### 2. Regulations

#### A. Basic Requirement

Permitted Uses and Uses requiring Site Design Review shall conform to all applicable specifications and requirements. A Plumbing Permit, Land Use Permit, Building Permit, and/or Certificate of Occupancy shall be required for all buildings, uses of land and buildings, and sanitary facilities, according to the provisions of this Ordinance.

#### B. Land Use Requirements

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

Land uses in conformance with the provisions of this Ordinance are shown in the following table.

Key:

CEO	=	Requires a permit from the CEO.
PB	=	Requires review by the Planning Board.
BOA	=	Permitted when a variance is obtained from the Board of Appeals. Then requires review by the Code Enforcement Officer.
YES	=	Permitted
NO	=	Not permitted.

<b>CHAPMAN LAND USE TABLE</b>	
<b>Land Use</b>	<b>Permitting</b>
<b>Abattoir (Slaughterhouse)</b>	<b>PB 1</b>
<b>Agriculture Product Storage and Fresh Pack</b>	<b>CEO</b>
<b>Agricultural Processing</b>	<b>PB 1</b>
<b>Agriculture</b>	<b>YES</b>
<b>Airport</b>	<b>PB 1</b>
<b>Art Gallery, Pottery Barn, or Ceramics Studio</b>	<b>PB</b>
<b>Auction Barn and Antique Sales</b>	<b>PB</b>
<b>Auto Body Shop</b>	<b>PB 1</b>
<b>Auto Car Wash</b>	<b>PB 1</b>
<b>Automobile Graveyard</b>	<b>PB1</b>
<b>Automobile Storage and Repair Facility</b>	<b>PB 1</b>
<b>Bed and Breakfast</b>	<b>CEO</b>
<b>Boarding House</b>	<b>PB</b>
<b>Boarding Kennel</b>	<b>CEO</b>
<b>Building Materials - Storage and Sale</b>	<b>PB 1</b>
<b>Bulk Grain Storage</b>	<b>CEO</b>
<b>Bulk Oil and/or Gas Terminal</b>	<b>NO</b>
<b>Professional Office</b>	<b>PB 1</b>
<b>Campground</b>	<b>PB 1</b>
<b>Cemetery</b>	<b>PB 1</b>
<b>Church, Synagogue, and/or Parish House</b>	<b>PB 1</b>
<b>Clinic</b>	<b>PB</b>
<b>Cluster Light Manufacturing Development</b>	<b>NO</b>
<b>Cluster Residential Subdivision</b>	<b>NO</b>
<b>Commercial Greenhouse</b>	<b>CEO</b>
<b>Commercial Recreation, Indoor</b>	<b>PB 1</b>
<b>Commercial Recreation, Outdoor</b>	<b>PB 1</b>
<b>Commercial Recycling Facility</b>	<b>PB 1</b>
<b>Community Center</b>	<b>PB 1</b>
<b>Confined Feeding Operation</b>	<b>PB 1</b>
<b>Congregate Housing</b>	<b>PB</b>
<b>Day Care</b>	<b>PB 1</b>
<b>Demolition Waste Disposal</b>	<b>PB</b>
<b>Dwelling, Multi Family</b>	<b>PB</b>
<b>Dwelling, Single Family</b>	<b>CEO</b>
<b>Dwelling, Two Family, Duplex</b>	<b>CEO</b>
<b>Farm Stand</b>	<b>CEO</b>
<b>Fire, Ambulance, and/or Police Station</b>	<b>PB</b>
<b>Firewood Processing</b>	<b>PB</b>
<b>Funeral Home</b>	<b>PB</b>



<b>Gasoline Service Station</b>	<b>PB</b>
<b>Golf Course</b>	<b>PB 1</b>
<b>Home Occupation 1</b>	<b>CEO</b>
<b>Home Occupation 2</b>	<b>PB</b>
<b>Hospital</b>	<b>NO</b>
<b>Hotel, Motel, or Inn</b>	<b>PB</b>
<b>Indoor Amusement Facility</b>	<b>NO</b>
<b>Junkyard</b>	<b>PB1</b>
<b>Library</b>	<b>NO</b>
<b>Livestock and Poultry</b>	<b>YES</b>
<b>Mobile Home, Newer, Post 1976</b>	<b>CEO</b>
<b>Mobile Home, Older, Pre 1976</b>	<b>CEO</b>
<b>Mineral Exploration</b>	<b>PB</b>
<b>Mineral Extraction</b>	<b>PB1</b>
<b>Mineral Storage</b>	<b>PB 1</b>
<b>Mobile Home Park</b>	<b>PB 1</b>
<b>Municipal Recycling Facility</b>	<b>PB 1</b>
<b>Municipal Recycling Collection Point</b>	<b>PB</b>
<b>Museum</b>	<b>PB</b>
<b>Newspaper and Printing Plant</b>	<b>NO</b>
<b>Nursing Home, Group Home, Hospice</b>	<b>PB</b>
<b>Owner Operated General Store or Grocery Store</b>	<b>PB 1</b>
<b>Personal Service Establishment</b>	<b>PB</b>
<b>Pharmacy and/or Retail Medical Supply Store</b>	<b>PB</b>
<b>Private Club</b>	<b>PB</b>
<b>Processing, Manufacturing, and other Industrial Use which is not injurious, offensive, or noxious by reason of noise, smoke, vibration, gas, fumes, odor, dust, or vapors.</b>	<b>PB 1</b>
<b>Public and Government Facility</b>	<b>PB 1</b>
<b>Public and Private School</b>	<b>NO</b>
<b>Public Utility and Communication Structure</b>	<b>PB 1</b>
<b>Recreation (see definition)</b>	<b>PB 1</b>
<b>Research Laboratory</b>	<b>NO</b>
<b>Restaurant</b>	<b>PB</b>
<b>Retail Business</b>	<b>PB</b>
<b>Retail Use with Outdoor Sales or Service</b>	<b>PB 1</b>
<b>Retail/Service Establishment with &lt; 5000 SF of Gross Floor Area</b>	<b>PB</b>
<b>Riding Stable</b>	<b>CEO</b>
<b>Sawmill</b>	<b>PB</b>
<b>Seaplane Base</b>	<b>NO</b>

<b>Second or Third Story Apartment</b>	<b>PB</b>
<b>Septage Spreading and/or Storage</b>	<b>PB1</b>
<b>Shopping Center</b>	<b>PB</b>
<b>Sludge Spreading and/or Storage</b>	<b>PB1</b>
<b>Structure Accessory to Permitted Use</b>	<b>CEO</b>
<b>Temporary Non-Conforming Structure or Use</b>	<b>PB</b>
<b>Veterinary Hospital</b>	<b>PB</b>
<b>Wholesaling and Warehousing</b>	<b>PB</b>
<b>Use Similar to Permitted Use</b>	<b>YES</b>
<b>Use Similar to Not Permitted</b>	<b>NO</b>
<b>Use Similar to Use Requiring CEO Review and Permit</b>	<b>CEO</b>
<b>Use Similar to Use Requiring PB Review and Permit Issued by CEO</b>	<b>PB</b>
<b>PB = REQUIRES PLANNING BOARD REVIEW</b> <b>CEO = REQUIRES CEO PERMIT</b> <b>NO = EQUALS PROHIBITED USE</b> <b>YES = ALLOWED USE NO PERMIT</b> <b>REQUIRED</b> <b>1 = REQUIRES SITE DESIGN REVIEW, APPROVAL BY PLANNING BOARD, AND PERMIT BY CEO</b>	

**3. Dimensional Requirements**

- A. Lots and structures shall meet or exceed the minimum dimensional requirements listed in the following table.
- B. Height requirements do not apply to barns, barn silos, flagpoles, chimneys, transmission towers, steeples, windmills, cooling towers, elevator bulkheads, sky lights, ventilators, stacks, spires, if not used for human occupancy, ornamental towers, observatory towers, and similar structures that do not occupy more than twenty-five (25) percent of the lot area where these structures are permitted; nor similar structures usually erected at a greater height than the principal building, however such accessory structures or appurtenances require a lot line setback distance of no less than its height.
- C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirement, herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements, herein.

**Dimensional Requirements Table**

Minimum Lot Size	43,560 square feet
Minimum Frontage	200 feet
Depth to Width Ratio	<5:1
<b>Minimum Yard Dimensions</b>	
Front setback From Right of Way	40 feet
Side Setback	25 feet
Rear Setback	25 feet
<b>Maximum Lot Coverage By Building</b>	
Maximum Lot Coverage By Building	25%
Visibility At Corner Lots (measured along the intersecting street lines)	25 feet
Building Height	35 feet
Features of Building and Structures (chimneys, towers, ventilators, spires)	>35 feet

#### 4. Non-Conformance

##### A. General

1. Continuance, Enlargement, and Reconstruction: Any non-conforming use, non-conforming lot of record or non-conforming structure may continue to exist but may not be extended, reconstructed, enlarged, or structurally altered except as specified below.
2. Transfer of Ownership: Non-conforming structures, non-conforming lots of record, and non-conforming 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.
3. Restoration or Replacement: This Ordinance allows the normal upkeep and maintenance of non-conforming uses and structures; repairs, renovations, or modernizations which do not involve the expansion of the non-conforming use or structure provided that the value of the repairs, renovations, or modernizations is less than 50 percent of the market value of the structure before the repair is started. Changes required correcting cited violations of Federal, State, or local building and safety codes are permitted and may exceed 50 percent of the market value.

Any non-conforming use or structure which is hereafter damaged or destroyed by fire or any cause other than the willful act of the owner or their agent, may be restored or reconstructed within two (2) years of the date of said damage or destruction, provided that:

- a. The non-conforming dimensions of any restored or reconstructed structure shall not exceed the non-conforming dimensions of the structure it replaces;
- b. Any non-conforming structure shall not be enlarged except in conformity with this Ordinance and the Maine State Subsurface Wastewater Disposal Rules; and
- c. Any non-conforming use shall not be expanded in area.

Nothing in this section shall prevent the demolition of the remains of any building so damaged or destroyed.

4. Essential Service: Nothing within this section shall restrict the extension, reconstruction, enlargement, or structural alteration of essential services. All plans for the extension, reconstruction, enlargement, or structural alteration of essential services shall be reviewed by the Planning Board.
5. Shoreland Areas: In designated shoreland areas, any non-conformance shall be required to meet the standards for that non-conformance contained in the Chapman Shoreland Zoning Ordinance.

##### B. Non-Conforming Use

1. Resumption Prohibited: A lot, building, or structure in or on which a non-conforming use is discontinued for a period exceeding two (2) years, or which is superseded by a conforming use, may not again be devoted to a non-conforming use, even if the owner has not intended to abandon the use.
2. A Structure Non-Conforming As To Use: Except for single-family dwellings, a building or structure, non-conforming as to use, shall not be enlarged unless the non-conforming use is terminated. Except in a Resource Protection district, single family dwellings, which are non-conforming uses, may be enlarged as long as the dimensional requirements are met. A non-conforming use of part of a building or structure shall not be extended throughout other parts of the building or structure unless those parts of the building or structure were manifestly arranged or designed for such use prior to the adoption of this Ordinance, or of any amendment making such use non-conforming.
3. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use is equally or more appropriate than the existing non-conforming use, and the impact on adjacent properties is less adverse than the impact of the former use as determined by the Board of Appeals. The case shall be heard as an administrative appeal. The determination of appropriateness shall require written findings on the probable changes in traffic (volume and type), parking, noise, potential for litter, wastes or by-products,

fumes, odors, or other nuisances likely to result from such change of use. The General Regulations in Section 7 of this Ordinance shall apply to such requests to establish new non-conforming uses.

4. Use of Land: A non-conforming use of land may not be extended into any part of the remainder of a lot of land. A non-conforming use of land which is accessory to a non-conforming use of a building shall be discontinued at the same time the non-conforming use of the building is discontinued.

In the case of earth removal operations, the removal of earth may not be extended as a non-conforming use beyond the required set-back lines of the specific lot upon which such operations were in progress when such use became non-conforming, as required by the performance standards for extractive industries. Adjacent lots in the same or different ownership shall not be eligible for exemption under the non-conforming use provisions unless earth removal operations were in progress on these lots before these provisions were enacted.

The provision of required off-street parking for an existing non-conforming use shall not be considered the expansion of the use.

### **C. Non-Conforming Structure**

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.
2. Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided that such enlargement does not further reduce setbacks. Within 250 feet horizontal distance of the normal high water line of a great pond, river, or upland edge of a wetland or 75 feet horizontal distance from a stream refer to Chapman Shoreland Zoning Ordinance.
3. No structure which is less than the required setback from the normal 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, as defined herein.
4. Relocation:
  - a. 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 same permitting authority as that for a new structure 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.
  - b. In determining whether the building relocation meets the setback to the greatest practical extent, the permitting authority shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and within 250 feet refer to the Chapman Shoreland Zoning Ordinance.

5. Reconstruction or Replacement:
  - a. Any non-conforming structure which is located less than the required setback from the normal high water line of a water body, tributary stream, or upland edge of a wetland and which is damaged or destroyed by fire, lightning, wind or other natural disaster by more than 50 percent of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced in compliance with all local and state regulations or codes provided that a permit is obtained within two (2) years of the date of said damage, destruction, or removal and provided that such reconstruction or replacement is in compliance with the water setback to the greatest practical extent as determined by the same permitting authority as that for a new structure 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. In addition, the provisions of the Floodplain Management Ordinance for the Town of Chapman, Maine, shall be met. Any non-conforming structure which is damaged or destroyed by 50 percent or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit, from the Code Enforcement Officer.
  - c. Any non-conforming structure which is located more than the required setback from the normal high water line of a water body, tributary stream, or upland edge of a wetland and which is damaged or destroyed by fire, lightning, wind or other natural disaster, it may be rebuilt provided that construction is commenced within two (2) years after the destruction of the building or structure. In addition, the provisions of the Floodplain Management Ordinance for the Town of Chapman, Maine, shall be met.
6. Discontinuance: Discontinuance of the use of a legally existing non-conforming structure shall not constitute abandonment of the structure. Conforming use of the structure may be commenced at any time.
7. Lack of Required Parking or Loading Space: A building or structure which is non-conforming as to the requirements for off-street parking and/or loading space shall not be enlarged, added to, or altered unless off-street parking and/or loading space is provided to bring parking and/or loading space into conformance with the requirements of this Ordinance for both the addition or alteration and for the original building or structure, or a variance is obtained.

#### **D. Non-Conforming Lots of Record**

1. Vacant Lots: A vacant non-conforming lot created before September 1, 1971 may be built upon provided that such lot is in separate ownership and not contiguous with any other vacant lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can be met. Variance of setback or other requirements not involving area or width shall be obtained only by action of the Board of Appeals.
2. Built Lots: A non-conforming lot that was built upon prior to the enactment or subsequent amendment of this Ordinance is subject to the following restrictions. The structure(s) may be repaired, maintained, or improved, and may be enlarged in conformity with all dimensional requirements of this Ordinance except lot area, lot width, or lot frontage. If the proposed enlargement of the structure(s) cannot meet the dimensional requirements of this Ordinance a variance shall be obtained from the Board of Appeals.
3. Contiguous Built Lots: If two (2) or more contiguous lots or parcels are in single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principle use exists on each lot, the non-conforming lots may be conveyed separately or together, providing the State Minimum Lot Size Law and the State of Maine Subsurface Disposal Rules are complied with. If two (2) or more principal uses existed on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot. Approved group development must be sold as a single lot.
4. Contiguous Lots - Vacant or Partially Built: If two (2) 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 those lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if two (2) or more of the lots are vacant or contain only an accessory structure, the lots shall be combined to the extent necessary to meet the dimensional standards, except where rights have vested, or the lots have frontage on parallel roads and state laws are complied with.

5. Lot Width and Area Requirements: If a non-conforming lot of record or combination of lots and portions of lots with continuous frontage in single ownership are on record as of the effective date of this Ordinance, the lands involved shall be considered to be a single parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Ordinance. No division of the parcel shall be made which leaves remaining any lot width or area below the requirements stated in this Ordinance.

**E. Vested Rights**

Non-conforming use rights cannot arise by the mere filing of a notice of intent to build, an application for building permits, or an application for required state permits and approvals. Such rights arise when substantial construction of structures and development infrastructure improvements for Town approved subdivisions began prior to or within twelve (12) months of the adoption of this Ordinance, or in the case of pending applications when substantial review of an application has commenced. Such construction must be legal at the time it is commenced and the owner must be in possession of an in compliance with all validly issued permits, both state and local.

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## **Section 3 Site Design Ordinance**

### **1. Title**

This Section shall be known and may be cited as the "*Chapman Site Design Ordinance*".

### **2. Applicability of Site Design Review**

- A. Site Design Review in conformity with the criteria and standards of this Section shall be required for the following:
1. Uses which require Site Design Review as identified in the land use chart;
  2. A change in use when the new use is subject to Site Design Review;
  3. Resumption of conforming uses which have been discontinued for at least three (3) years which would require Site Design Review if being newly established;
  4. The construction of a commercial building, industrial building, or other non-residential building when the gross impervious surface is 6000 square feet or greater;
  5. The addition(s) to a commercial building, industrial building, or other non-residential building, having a total gross floor area in excess of four thousand (4000) square feet cumulatively within a three (3) year period;
  6. The construction of any parking area(s) in excess of ten (10) parking spaces;
  7. The construction of any impervious surface in excess of four thousand (4000) square feet cumulatively within a three (3) year period;
  8. The change of use of any portion of any existing building or structure in excess of four thousand (4000) square feet cumulatively within any three (3) year period;
  9. The change in on-site vehicle access of any existing parking lot or driveway; or
  10. Filling, grading, or excavation projects which move in excess of one thousand (1000) cubic yards of materials.
- B. Site Design Review shall not be required for:
1. Single-family and two-family (duplex) residential dwelling unit development, including their basement excavations.
  2. Multi-family, cluster, and mobile home park development, including their basement excavations. (It shall be noted that multi-family, cluster, and mobile home park development, including their basement excavations will require subdivision review)
  3. The normal and customary repairs, replacement, and/or maintenance not requiring structural elements, decorative changes in existing structures or buildings, provided that the activity is in conformance with federal, state, and/or local laws and does not involve any other physical modifications or changes requiring a permit under this Ordinance.
  4. The normal and customary practices and structures associated with agriculture and borrow pits approved or established prior to the effective date of this Ordinance.

### **3. Site Design Approval**

- A. All applicable development projects shall require the review and approval of the Planning Board as provided by this Ordinance.
- B. A public hearing may be scheduled for any application if the proposed development poses the potential for significant impacts to municipal facilities or natural resources. Said hearing shall be conducted prior to final action on the application.
- C. All site design approvals shall expire within one (1) year of the date of final approval, unless work thereunder is commenced and 50 percent of the approved Plan is completed and an extension is approved by the CEO for an additional year. If work is not completed within two (2) years from the date of final approval, a new application must be made. There will be no additional charge.
- D. In the event that a site design is recorded with the Registry of Deeds without final approval, the design shall be considered null and void, and the CEO shall institute proceedings to have the design stricken from the records of the Registry of Deeds. Any site design not recorded in the Registry of Deeds within ninety (90) days of the date of final approval shall become null and void.



- E. Final approval of a site design shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the Plan to be dedicated to the municipality, approval of the design shall not constitute an acceptance by the municipality of such areas. The Planning Board shall require the design to contain appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the municipal officers covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

#### **4. Site Design Notification**

- A. The Town Clerk or CEO shall notify all property owners impacted as determined by the Planning Board. It shall be the responsibility of the applicant to supply the names and mailing addresses of the abutting or other identified property owners. Failure to provide full documentation could delay the application. The notice shall include a description of the nature of the applicant's proposal and the time and place of any meeting or the public comment time period required.
- B. The Town Clerk or CEO shall notify the identified property owners of the application at least fourteen (14) days before the first workshop meeting and first public meeting, if a public meeting is necessary, where the application will be discussed. A final decision may not be made on the application for a period of thirty (30) days after the date the Planning Board has determined that the application is complete to provide an opportunity for public comment.
- C. The notice of any meetings shall be published in a local newspaper at least seven (7) days before the date of the meeting and displayed in one (1) place of general public access. The notice shall include a brief description of the application and the Ordinance(s) by which the proposal is to be reviewed.

#### **5. Fees and Guarantees**

- A. An application for site design approval shall be accompanied by a fee for commercial, industrial, or other non-residential applications. This application fee shall be made payable to the "*Town of Chapman*" and shall not be refundable.
- B. The Planning Board may require that an expert consultant(s) review one or more submissions of an application and report as to compliance or non-compliance with this Ordinance, and advice if necessary, of procedures which will result in compliance. The consultant shall estimate the cost of such review and the applicant shall deposit with the municipality the full estimated cost which the municipality shall place in an escrow account. The municipality shall pay the consultant from the escrow account. If the balance in the escrow account is drawn down by 75 percent, the CEO shall notify the applicant and require an additional amount. Any balance in the account remaining after a final decision on the application has been rendered shall be returned to the applicant. The consultants shall be fully qualified to provide the required information and shall be mutually acceptable to the municipality and the applicant.
- C. The Final Plan shall be accompanied by a Performance Guarantee, or at the approval of the Planning Board, a Condition Agreement. A Performance Guarantee may be tendered in the form of either a certified check payable to the Town of Chapman, a savings account passbook issued in the name of the Town of Chapman or a faithful performance bond running to the Town of Chapman and issued by a surety company acceptable to the Town Manager. It shall be in an amount of money to be determined by the Town Manager with the advice of various Town departments and agencies to be sufficient to cover the cost of at least furnishings, installing, connecting and completing all of the street grading, paving, storm drainage, utilities, and other improvements for public benefit or use specified in the Final Plan. It shall be conditioned upon the completion of all such improvements within two years from the date of such check or bond. A Conditional Agreement, if acceptable in lieu of a Performance Guarantee, shall be endorsed by the Planning Board on the Final Plan, and shall provide that no lot or parcel of land may be conveyed, and that no permit may be issued by the CEO for any building on any portion of the development until the completion of all street grading, paving, storm drainage, utilities and other improvements for public benefit or use specified in the Final Plan. Completion shall be determined by the Municipal Officers to their satisfaction, who shall receive written certification signed by the Town Manager, Planning Board, Road Commissioner, Fire Chief, and Sewer District, if applicable, that all improvements assured by the Performance Guarantee or conditions agreement have been constructed in conformance with the Final Plan and all applicable codes and ordinances. In addition, the developer shall furnish at his own expense the signed certification by a registered surveyor or civil engineer that all permanent bounds or monuments have been installed and are accurately in place in the locations designated in the Final Plan.
- D. The applicant may be required to provide a one year defect bond upon completion of all public improvements. The amount of the defect bond shall be ten percent (10%) of the amount of those public improvements approved as part of

the site design. The bond shall be placed in an account in the municipality's name. The bond, including accrued interest, remaining in the account and which has not been spent or appropriated shall be returned to the applicant within three-hundred and sixty-five (365) days from date of final approval.

- E. Irrespective of any other provision of this Ordinance, the application shall not be considered complete if the applicant fails to pay any of the fees, bonds, or guarantees, or appeals any fee, bond, or guarantee determination. If the applicant appeals the payment of any fees, bonds, or guarantees to the Board of Appeals, the Board shall decide whether the fee, bond, or guarantee is reasonable for the purpose found necessary. The fee, bond, or guarantee shall be placed into an appropriate account in the municipality's name. The money, including any accrued interest, remaining in the account and which has not been spent or appropriated, shall be returned to the applicant within thirty (30) days from date of final approval.

## **6. Site Design Review Procedure and Requirements**

- A. A person informed by the CEO that they require site design review approval shall file a site design review application with the CEO on forms provided for the purpose. It shall be the responsibility of the applicant to demonstrate that the proposed use meets all of the design criteria and standards, herein.
- B. All applications shall be made by the owner of the property or their agent, as designated in writing by the owner. A site design application must be diligently pursued from the date of submission.
- C. The CEO shall make an initial determination of the completeness of all applications. An application requiring review and approval by the Planning Board shall be subject to the final determination by the Planning Board. An application requiring review and approval by the CEO shall be subject to the final determination by the CEO. Any application which the CEO initially determines to be incomplete shall be returned to the applicant by the CEO with a written notice of the additional information required within. The written notice shall set forth those items which need to be submitted and that the applicant will have one hundred and twenty (120) days to complete the application. If the applicant fails to submit any item specified within the one hundred twenty (120) days of the date of said notice from the CEO, the application shall expire and shall be deemed null and void. Nothing in this Section shall prevent the CEO from requiring additional information as otherwise permitted or required by the terms of this Ordinance. At such time that the additional information has been supplied, the CEO shall pass the application on for review and final determination of completeness.
- D. An application shall not be considered as having pending status and shall be subject to changes in local, state, or federal laws until it has been determined to be a complete application.
- E. The Planning Board may require the applicant to undertake any study which it deems reasonable and necessary to insure that the requirements of the Ordinance are met. The cost of all such studies shall be borne by the applicant.
- F. The following application process shall be followed to facilitate site design review.

- 1. Upon receipt of an application for site design review, the CEO shall determine and schedule the development for either concept or Final Plan review. The CEO may advise the applicant whether Preliminary Plan review is appropriate prior to submission of a Final Plan; however, the applicant shall determine whether to seek concept or Final Plan review prior to submitting an application for Final Plan review. Neither concept nor Final Plan review shall occur unless there is evidence that the required public notice has been given and the material required by this Ordinance is filed in a timely manner. The application is distributed to the appropriate municipal departments. Final determination as to the completeness of applications for Preliminary Plan and Final Plan review shall be made by the Planning Board.

### **2. Concept Plan Review**

Concept Plan review is intended to provide the applicant with an opportunity to discuss the proposed development; obtain CEO and Planning Board comments prior to expending significant resources in furtherance of specific development plans; and gain an understanding of the review procedures, requirements, and standards. The Planning Board may identify issues that are to be addressed in the Final Plan application. No decision is made during Concept Plan review.

### **3. Preliminary Plan Review**

Within sixty (60) days after determining that an application is a complete, a public hearing on the proposed development may be called if the development poses the potential for significant impacts to municipal facilities

or natural resources, or either the applicant, or the Planning Board determines that additional workshops are necessary.

4. Final Plan Review

The Planning Board shall issue a written decision approving, approving with conditions, denying, or tabling the Final Plan. If the Planning Board tables the item, an additional public hearing may be held. If the Planning Board shall vote to approve the site design application, the CEO shall issue a permit, provided that all other requirements of the Ordinance are met.

5. Statement of Findings

All findings and decisions by the Planning Board denying or conditionally approving any site design shall be made in writing or reduced to writing within thirty (30) days of the decision and shall state the reason(s) therefore sufficient to appraise the applicant and any interested member of the public of the basis for the decision. Except for the appeal of any fee, bond, or guarantee, the decisions regarding site designs are appealable by the applicant to the Board of Appeals.

6. Applications Requiring Other Public Agency Review

- a. The Planning Board may approve complete final applications subject to the condition that all necessary permits be received from agencies such as, but not limited to, the Army Corps of Engineers, Maine Department of Environmental Protection, Maine Department of Transportation, or Maine Department of Human Services. However, the Planning Board may require that approvals required by state or federal law be submitted to the municipality prior to final approval upon finding that the permits from state or federal agencies may have a significant effect on the site design application.
- b. The Planning Board may request copies of the application to be forwarded to other municipal committee(s). The comments of the committee(s) are advisory to the Planning Board and shall pertain to the application's conformance with the review criteria of this Ordinance. The Planning Board may postpone final decisions regarding the application until such time as the comment from the municipal committee(s) has been submitted.

7. **Site Design Application Requirements**

A. Required Number of Copies

Final application for site design review shall consist of ten (10) copies of the required information. The applications are to be submitted to the CEO no later than twenty-one (21) days prior to the meeting at which the item is to be heard.

B. Preliminary Site Design Plan

1. The Planning Board may review applications as a Preliminary Plan. These are applications that do not meet the Final Plan requirements. At a minimum, Preliminary Plan applications shall include the following information:
  - a. Preliminary Plan Requirements
    1. Name and address of the owner of record and applicant (if different);
    2. Name of the proposed development;
    3. Names and addresses of all property owners within 500 feet of the edge of the property line and others indicated by the Planning Board as being impacted;
    4. Names and addresses of all consultants working on the project;
    5. Graphic scale and north arrow;
    6. A copy of the deed to the property, option to purchase the property, or other documentation to demonstrate right, title, or interest in the property on the part of the applicant;
    7. Location and dimensions of any existing or proposed easements and copies of existing covenants or deed restrictions;

8. Name, registration number, and seal of the land surveyor, architect, engineer, and/or similar professional who prepared the Plan;
9. All property boundaries, land area, and zoning designations of the site, regardless of whether all or part is being developed at this time;
10. Size, shape, and location of existing and proposed buildings on the site including dimensions of the buildings and setbacks from property lines;
11. Location and layout design of vehicular parking, circulation areas, loading areas, and walkways including curb cuts, driveways, parking space and vehicle turn around area dimensions;
12. Location and names of streets and rights-of-way within and within 200' adjacent to the proposed development;
13. Proposed finish grades and graphic arrows indicating the direction of storm water runoff;
14. Conceptual treatment of on and off site storm water management facilities;
15. Location and sizes of existing and proposed sewer and water services including connections;
16. Conceptual treatment of landscaping buffers, screens, and plantings;
17. Location of outdoor storage areas, fences, signs (front view and dimensions) , advertising features, and solid waste receptacles;
18. Context map illustrating the area surrounding the site which will be affected by the proposal including all streets, sidewalks, intersections, storm water drainage ways, sanitary sewer lines and pump stations, nearby properties, buildings, and geographic features such as, but not limited to, wetlands, natural features, historic sites, flood plains, significant scenic areas, and significant wildlife habitats as provided in the Comprehensive Plan; and
19. Plans for all proposed exterior lighting including the location, type of light, radius of light, manufacturer's specifications sheet, and the ground level intensity in foot-candles.

b. Project Description

The project description is to describe the proposal, its scheme of development, and proposed land uses. The project description shall also include estimates from qualified professionals as to the anticipated gallons per day of wastewater, the number of vehicles entering and leaving the site during the day (and at peak traffic hours), the increased amount of stormwater runoff, and the rate of the stormwater runoff of the post-development site.

C. Final Site Design Plan

The Final Site Design Plan application shall include all information required in the Preliminary Plan requirements, above and in addition shall require the following information:

1. Boundary Survey. Prepared by a licensed Maine surveyor indicating the boundaries, artificial monuments, encumbrances, and topography of the site.
2. Storm water Management Plan. Prepared by a Maine Registered Engineer analyzing the proposal's impact on existing storm water facilities and watersheds. The storm water management plan shall include a map of all watersheds significantly impacted by the proposal and identify all areas of existing or anticipated flooding, locations of existing and proposed culverts, pipes, detention ponds, and flow restrictions to be affected by the proposal. The storm water management plan shall comply with the review criteria found in this Ordinance.
3. Finish Grading Plan. Prepared by an Engineer, surveyor, or landscape architect indicating the final grading of the site, the amount of fill to be imported to or exported from the site, and graphic arrows indicating the direction of storm water runoff.
4. Site Improvement Details. Including sufficient information to enable the creation of an itemized cost estimate for all required on/or off-site improvements.
5. Building Elevations. Scale plans of exterior building surfaces including materials, doorways, and advertising features.
6. Additional Information. Additional information as deemed necessary to review the proposal's conformance with the site design review criteria and Sec. 6, "*General Requirements*", herein. Additional information may address items such as, but not limited to, traffic, wetlands, high intensity soils, environmental analyses, or the interpretation of the data by municipal consultants. Additional information may be financed pursuant to the consulting fees of this Ordinance.

7. Topography. General topography of the site.
8. Variations/Restrictions. A copy of any variances granted or deed restrictions on the subject use or property. Such variances and/or restrictions shall be noted on the final (recording) copy of the plan.

D. Waiver of Required Information

The Planning Board may waive the submittal of required application materials upon finding that the specific information is unnecessary in order to review the application's conformance. Such waiver(s) shall be noted on the final (recording) copy of the plan.

E. Final Copies of the Plan

The applicant shall submit two (2) signed copies of the final approved plan to the CEO. One copy shall be forwarded to the Tax Assessor. One copy shall be kept by the CEO.

**8. Site Design Review Criteria**

The Review Criteria contained in Sec. 5, "*Review Criteria*", herein, shall be utilized in reviewing applications for site design approval. The standards are not intended to discourage creativity, invention, or innovation. The Planning Board may waive the criteria presented in this subsection upon a determination that the criteria are not applicable to the proposed development or are not necessary to carry out the intent of this Ordinance.

**9. Site Design General Requirements**

The "*General Requirements*" contained in Sec. 6 and the "*Access Management, Off-Street Parking, Loading, and Road Design and Construction*" contained in Sec. 7, herein, as applicable, shall apply to all proposed development.

**10. Conditional Approval of Site Designs**

A. The Planning Board may impose any condition upon approval of any site design for the following reasons:

1. To minimize or abate, to the extent feasible, any adverse impact of the proposed development on the value or utility of other private property, or on public property or facilities; or
2. To bring the development into compliance with the requirements of this Ordinances; or
3. To mitigate any other adverse effects of the proposed development.

B. Such conditions may include, but are not be limited to, the imposition of a time limit for the conditional use; the employment of specific engineering, construction, or design technologies; modes of operation or traffic patterns; and may also include the construction of on or off site improvements including, without limitation, roads, intersection improvements, sidewalks, sewers, and drainage courses. All such conditions shall be consistent with the purposes set forth in this Ordinance.

**11. Revisions to Approved Site Plans**

The site shall be developed and maintained as depicted in the approved site design and the written submission of the applicant. Modification of any approved site design shall require the prior approval of a revised site design by the Planning Board pursuant to the terms of this Ordinance. Any such parcel lawfully altered prior to the effective date of this Ordinance shall not be further altered without approval as provided herein. Modification or alteration shall mean and include any deviations from the approved site design, including but not limited to, topography, vegetation, and impervious surfaces shown on the site design. Field changes for site designs may be made by the CEO and are limited to minor variations necessary to deal with unforeseen difficulties that arise during the course of construction involving such technical detail as utility location and substitution of equivalent plantings and shall not include any substantial alteration of the approved plan or change any condition imposed by the Planning Board.

**12. Post Application Submissions**

Following site design approval and prior to issuance of any permit, the applicant shall submit copies of the contract plans and specifications, in reproducible form, showing the design of all infrastructure improvements, including without limitation all streets, sewers, drainage structures, and landscaping, to the CEO for review and approval for compliance with the municipality's construction standards. Thereafter, all departures from such plans may be approved by the CEO as "field changes", subject to *Revisions of Approved Site Designs*, above. Nothing herein shall diminish the obligation of the applicant to supply plans or specifications as provided in this Ordinance.

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## Section 4 Subdivision Ordinance

### 1. Title

This Section shall be known and may be cited as "*Chapman Subdivision Ordinance*."

### 2. Applicability of Subdivision Review

- A. Subdivision review, in conformity with the procedures, criteria, and standards of this Section, shall be required for all development that meets the definition of "*Subdivision*" as contained within Sec. 14, "*Definitions*", herein.
- B. Subdivision review does not apply to:
  - 1. Any subdivisions approved before September 23, 1971 in accordance with laws then in effect;
  - 2. Subdivisions in actual existence on September 23, 1971 that did not require approval under prior law; or
  - 3. A subdivision, a plan of which had been legally recorded in the Aroostook County Registry of Deeds, before September 23, 1971.
  - 4. Airports, if the airport has an airport layout plan that has received final approval from the airport sponsor, the MDOT, and the FAA.

### 3. Procedures for Subdivision Review

- A. Introduction. Every applicant for subdivision approval shall obtain and submit a written application to the CEO. Applicants must submit a cluster development plan for parcels of 10 acres or greater located on Route 227 or Route 163 (*refer to Section 7 Cluster Development*). The Planning Board shall review all requests for subdivision approval. On all matters concerning subdivision review the Planning Board shall maintain a permanent record of all its meetings, proceedings, and correspondences.
- B. Agendas. In order to establish an orderly, equitable, and expeditious procedure for reviewing subdivisions and to avoid unnecessary delays in processing applications for subdivision review, the Planning Board shall cause a written agenda for each meeting to be prepared and distributed. Applicants shall request to be placed on the Planning Board's first open agenda by contacting the CEO. Applicants who attend a meeting, but who are not on the Planning Board's agenda may be heard, but, only after all agenda items have been completed, and then only if a majority of the Planning Board so votes. The Planning Board shall take no action on any application not appearing on the Planning Board's written agenda.
- C. Joint Meetings. If any portion of a subdivision crosses municipal boundaries, the Planning Board from each of the adjoining municipalities may meet jointly to discuss the application. The planning boards can waive in writing the requirement for a joint meeting or hearing. However, when a subdivision crosses the municipal boundaries each planning board shall consider the impacts on traffic.
- D. Re-subdivision. The further division of a lot within a subdivision, as defined herein, existing after September 23, 1971, or the change of a lot size therein, or the relocation of any road or lot line within an approved subdivision shall require the written approval of the Planning Board. Such re-subdivision activity shall comply with all provisions of this Ordinance.
- E. Review Procedure. This Ordinance shall provide for a multi-stage application review procedure consisting of three (3) stages:
  - a. Pre-Application and Sketch Plan,
  - b. Preliminary Plan, and
  - c. Final Plan.

### 4. Pre-Application Meeting, On-Site Inspection, and Subdivision Sketch Plan Procedures

- A. Purpose. The purpose of the pre-application meeting and on-site inspection is for the applicant to present general information regarding the proposed subdivision to the Planning Board and receive the Planning Board's comments prior to the expenditure of substantial sums of money on surveying, soils identification, and engineering by the applicant.

## B. Procedure

1. Application: All applications for sketch plan review of a subdivision shall be obtained from and submitted to the CEO.
  2. Sketch Plan: The sketch plan shall show, in simple sketch form, the proposed layout of roads, lots, buildings, and other features in relation to existing conditions. The sketch plan does not have to be engineered and may be a free-hand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It shall be most helpful to both the applicant and the Planning Board for site conditions such as steep slopes, wet areas, and vegetative cover to be identified in a general manner. The sketch plan shall be accompanied by:
    - a. A copy of a portion of the USGS topographic map of the area showing the outline of the proposed subdivision, unless the proposed subdivision is less than ten (10) acres in size; and
    - b. A copy of that portion of the soil survey covering the subdivision, showing the outline of the proposed subdivision.
  3. Inspection: Within thirty (30) days of the pre-application meeting, the Planning Board may hold an on-site inspection of the property. The applicant shall place "flagging" at the centerline of any proposed roads, and at the approximate intersections of the road centerlines and lot corners, prior to the on-site inspection. Lot line flags shall be different colors from the centerline flags. The Planning Board reserves the right to postpone the on-site inspection if the Planning Board determines that the on-site inspection is not possible due to surface conditions of the site, such as, but not be limited to, snow cover, flooding rains, and frozen ground.
  4. Presentation: The applicant shall present the sketch plan and make a verbal presentation regarding the proposed subdivision at the first scheduled Planning Board meeting when time is available. Following the applicant's presentation, the Planning Board may ask questions and make suggestions to be incorporated by the applicant into the Preliminary Plan application.
  5. Contour Interval: At the pre-application meeting, or when the applicant decides to proceed to the next stage of subdivision review, the Planning Board shall inform the applicant in writing of the required contour interval on the Preliminary Plan. Contour lines shall be drawn at 2' intervals, unless indicated otherwise by the Planning Board.
- C. Rights Not Vested. The pre-application meeting, the submittal for review of the sketch plan, or the on-site inspection shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, MRSA, §302.
- D. Establishment of File. Following the pre-application meeting, the CEO shall establish a file of the proposed subdivision for use by the Planning Board and the CEO. All correspondence and submissions regarding the pre-application meeting and application shall be maintained in the file.
- E. Waiver of Application Requirements. Where the Planning Board finds that extraordinary and unnecessary hardships may result from the strict compliance with this Ordinance, or where there are special circumstances of a particular plan, the Planning Board may waive, in writing, any of the application requirements, non-statutory criteria/performance standards, or general requirements--provided that such waiver shall not have the effect of nullifying the purpose of this Ordinance, the land use plan, the Shoreland Zoning Ordinance, or any other federal, state, and local rule, law, ordinance, or regulation. Any such waiver shall be duly noted on the Final Recording Plan. In granting any waiver, the Planning Board shall require such conditions as shall, in its judgment, secure substantially the objectives of the requirements so waived.

## 5. **Preliminary Subdivision Plan Procedure and Requirements**

### A. **Preliminary Subdivision Plan Procedure**

1. Within six (6) months after the pre-application sketch plan meeting with the Planning Board, the applicant shall submit an application for approval of a Preliminary Plan at least fourteen (14) calendar days prior to a scheduled meeting of the Planning Board. Applications shall be submitted to the CEO for review for completeness and passed on to the Planning Board for final determination of completeness. All applications for Preliminary Plan approval for a subdivision shall be accompanied by an application fee payable by check to the "*Town of Chapman*". The Preliminary Plan shall approximate the layout shown on the sketch plan, plus any



recommendations made by the Planning Board. Failure to do so shall require resubmission of a sketch plan to the Planning Board.

2. The Planning Board may require that an expert consultant(s) be hired to assist in its review of an application. The applicant shall pay a reasonable fee necessary for such services. The Planning Board shall provide the applicant with notice of its intent to require such a fee, the purpose of the fee, and its approximate amount. The applicant shall be given an opportunity to be heard on the purpose and the amount before the Planning Board. After either being heard or waiving the right, the applicant shall pay the fee or appeal payment of the fee to the Board of Appeals.
3. Irrespective of any other provision of this Ordinance or any other ordinance, the Planning Board shall not accept the application as complete if the applicant fails to pay the fee(s) or appeals the fee(s) determination. If the applicant appeals the payment of the fee(s) to the Board of Appeals, the Board shall decide whether the fee(s) is/are reasonable for the purpose found necessary by the Planning Board. The fee(s) shall be placed in an interest bearing escrow account in the "*Town of Chapman's*" name. The money, including accrued interest, remaining in the account and which has not been spent or appropriated, shall be returned to the applicant within thirty (30) days after the Planning Board issues its final decision.
4. The applicant, or their duly authorized representative, shall attend the meeting of the Planning Board to present the Preliminary Plan application.
5. Within thirty (30) days of receiving the Preliminary Plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Planning Board shall cause notification to be made to the applicant in writing of the specific material needed to complete the application.
6. Upon receiving an application for review, whether the application is complete or not, the Planning Board/Code Enforcement Officer shall:
  - a. Issue a dated receipt to the applicant.
  - b. Determine whether to hold a public hearing on the Preliminary Plan application.
  - c. Have the CEO notify by mail: all abutting property owners or such other property owners as the Planning Board may deem necessary. The notice shall indicate a subdivision application has been received, include a description of the nature of the applicant's proposal, and the Ordinance(s) by which the application is to be reviewed.
  - d. Have the CEO notify the Municipal Clerk and the Chair of the Planning Board of the neighboring municipality (ies) if any portion of the proposed subdivision includes or crosses the municipal boundary.
7. If the Planning Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days of determining it has received a complete application and shall prepare an agenda. No less than ten (10) days prior to the hearing, the CEO shall notify by mail: all abutting property owners and such other property owners as the Planning Board may deem necessary, it shall be the responsibility of the applicant to supply the names and mailing addresses of the abutting or other identified property owners; the person making application; and Planning Board members. The CEO shall also cause notice to be posted in a (1) prominent location in Town and in the local print media sources. The notice shall include a description of the nature of the applicant's proposal, the Ordinance(s) by which the application is to be reviewed, and the time and place of any meeting or the public comment time period.
8. Within thirty (30) days from the date of the public hearing or within sixty (60) days of determining a complete application has been received, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Planning Board and the applicant, the Planning Board shall make findings of fact on the application, and approve, approve with conditions, or deny the Preliminary Plan application. The Planning Board shall specify in writing its findings of facts and reasons for any conditions or denial.
9. When granting approval to a Preliminary Plan, the Planning Board shall state in writing the conditions of such approval, if any, with respect to:
  - a. The specific changes which the Planning Board shall require in the Final Plan;
  - b. The character and extent of the required improvements for which waivers may have been requested and which the Planning Board finds may be waived without jeopardy to the public health, safety, and general welfare; and
  - c. The construction items for which cost estimates and performance guarantees shall be required as prerequisite to the approval of the Final Plan.

10. Approval of a Preliminary Plan by the Planning Board shall not constitute approval of the Final Plan or intent to approve the Final Plan, but rather it shall be deemed an expression of approval of the design of the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval to the Planning Board upon fulfillment of the requirements of this Ordinance and the conditions of preliminary approval, if any. Prior to the approval of the Final Plan, the Planning Board may require additional changes as a result of the further study of the subdivision or as a result of new information received.

## **B. Preliminary Subdivision Plan Requirements**

The Preliminary Plan application shall consist of the following items.

1. Application Form.
2. Location Map. The location map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Planning Board to locate the subdivision within the Town. The location map shall show:
  - a. Any existing subdivisions in the proximity of the proposed subdivision.
  - b. Locations and names of existing and proposed roads.
  - c. Boundaries and designations of shoreland zoning districts.
  - d. An outline of the proposed subdivision and any remaining portion of the owner's property if the Preliminary Plan submitted covers only a portion of the owner's entire contiguous holding.
3. Seven (7) full size sets (no greater than 24" X 36") of the Preliminary Plan and application shall be submitted to the CEO. These maps or drawings may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The Preliminary Plan shall be drawn to a scale of not more than one hundred feet (100') to the inch. Plans for subdivisions containing more than one hundred (100) acres can be drawn at a scale of not more than two hundred feet (200') to the inch provided all necessary detail can easily be read. The CEO shall distribute to each Planning Board member a set of the Preliminary Plan(s) and application no less than seven (7) days prior to the meeting for their review and comment.
4. The application for Preliminary Plan approval shall include the following information. The Planning Board may require additional information to be submitted or may waive some requirements, where it finds it necessary in order to determine whether the review criteria of Title 30-A MRSA, §4404 are met.
  - a. Proposed name of the subdivision and lot number(s).
  - b. Verification of right, title, or interest in the property.
  - c. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and bearing the seal and signature of the Maine Licensed Professional Surveyor. The corners of the parcel shall be located on the ground and marked by artificial monuments.
  - d. A copy of the most recently recorded deed for the parcel, if applicable. A copy of any and all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
  - e. A copy of any future covenants or deed restrictions intended to cover all or part of the lots in the subdivision.
  - f. Indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses, prepared by a Maine Licensed Site Evaluator or Registered Soil Scientist shall be provided. A map showing the location of all test pits dug on the site, the location of subsurface wastewater disposal systems within 100 feet of the property lines on adjacent parcels, and the locations of the proposed subsurface wastewater disposal systems shall be submitted.
  - g. Indication of the type of water supply system(s) to be used in the subdivision.
  - h. The date the plan was prepared, North point, and graphic map scale.
  - i. The names and addresses of the record owner, applicant, adjoining property owners, and individual or company who prepared the plan.
  - j. A high intensity soil survey by a Maine Registered Soil Scientist.
  - k. Wetland areas shall be identified, regardless of size.
  - l. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features. The location of any trees larger than 24

inches in diameter at breast height (DBH) shall be shown on the plan. On wooded sites, the plan shall indicate the area where clearing for lawns and structures shall occur.

- m. The location of all rivers, streams, and brooks within or directly adjacent to the proposed subdivision.
- n. Contour lines at the interval specified by the Planning Board, showing elevations in relation to the Mean Sea Level.
- o. The shoreland zoning district, if applicable, in which the proposed subdivision is located and the location of any shoreland zoning boundaries affecting the subdivision.
- p. The location of existing and proposed culverts and drainage ways on or adjacent to the property to be subdivided.
- q. The location, names, and present widths of existing roads, highways, easements, building lines, parks, and other usable open spaces on or adjacent to the subdivision.
- r. The width and location of any roads, public improvements, or usable open space shown within the subdivision.
- s. The proposed lot lines with dimensions and lot areas.
- t. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- u. The location of any usable open space to be preserved and a description of proposed ownership, improvement, and management or usable open space.
- v. If any portion of the subdivision is in a floodprone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.
- w. A hydrogeologic assessment prepared by a Maine Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, when the subdivision is not served by public sewer and any part of the subdivision is located over a sand and gravel aquifer, as shown on "*Hydrogeologic Data for Significant Sand and Gravel Aquifers*" maps of the Maine Geological Survey. The Planning Board may require a hydrogeologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on ground water quality. These cases include extensive areas of shallow to bedrock soils and where the proposal intends to use a shared or common subsurface wastewater disposal system.
- x. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from the "*Trip Generation Manual*", latest edition, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.
- y. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife.
- z. A list of construction and maintenance items, with both capital and annual operating cost estimates that must be financed by the Town or any District. These lists shall include, but not be limited to:

Recreation facilities	Storm water drainage	Fire protection
Wastewater treatment	Solid waste disposal	Water supply
Road maintenance and snow removal		
- aa. The applicant shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.

## 6. Final Subdivision Plan Procedure and Requirements

### A. Final Subdivision Plan Procedure

1. Within twelve (12) months of the approval of the Preliminary Plan by the Planning Board, the applicant shall submit the application to the CEO at least fourteen (14) calendar days prior to a scheduled meeting of the Planning Board. If the application for the Final Plan is not submitted within twelve (12) months after Preliminary Plan approval, the Planning Board may require resubmission of the Preliminary Plan, except as stipulated below. Applications submitted to the CEO shall be reviewed for completeness and passed on to the Planning Board for final determination of completeness. All applications for Final Plan approval for a subdivision that did not pay a Preliminary Plan fee shall be accompanied by an application fee equal to the Preliminary Plan fee payable by check to the "*Town of Chapman*". The Final Plan shall approximate the layout shown on the Preliminary Plan, plus any changes required by the Planning Board.

2. If an applicant cannot submit the Final Plan within twelve (12) months, due to delays caused by other regulatory bodies, or for other reasons, the applicant may request an extension from the Planning Board. Such a request for an extension to the filing deadline shall be made, in writing, to the CEO who shall pass the request along to the Planning Board for discussion at their next regularly scheduled meeting prior to the expiration of the filing period. In considering the request for an extension, the Planning Board shall make findings of fact that the applicant has made due progress in preparation of the Final Plan and in pursuing approval of the plans before other agencies, and that local ordinances or regulations which may impact on the proposed development have not been amended.
3. Irrespective of any other provision of this Ordinance or any other ordinance, the Planning Board shall not accept the application as complete if the applicant fails to pay any fee(s) or appeals the fee(s) determination. If the applicant appeals the payment of the fee(s) to the Board of Appeals, the Board shall decide whether the fee(s) is/are reasonable for the purpose found necessary by the Planning Board. The fee(s) shall be placed in an interest bearing escrow account in the "*Town of Chapman's*" name. The money, including accrued interest, remaining in the account and which has not been spent or appropriated, shall be returned to the applicant within thirty (30) days after the Planning Board issues its final decision.
4. Prior to submittal of the Final Plan application, the following approvals shall be obtained in writing, where applicable:
  - a. Maine Department of Environmental Protection, under the Site Location of Development Act, Natural Resources Protection Act, or if a Wastewater Discharge License is needed;
  - b. Maine Department of Human Services, if the applicant proposes to provide a public water system;
  - c. Maine Department of Human Services, if an engineered subsurface wastewater disposal system(s) is to be utilized; and
  - d. US Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.
5. Within thirty (30) days of the receipt of the Final Plan application, the Planning Board shall determine whether the Final Plan application is complete and cause the applicant to be notified in writing of its determination. If the application is not complete, the Planning Board through the CEO shall notify the applicant of the specific material needed to complete the application.
6. Upon receiving an application for final review, whether the application is complete or not, the Planning Board shall issue a dated receipt to the applicant. The Planning Board shall determine whether to hold a public hearing on the Final Plan application.
7. The applicant, or their duly authorized representative, shall attend the meeting of the Planning Board or public hearing to discuss the Final Plan.
8. If the Planning Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days of determining it has received a complete application, shall prepare an agenda, and no less than ten (10) days prior to the hearing, the CEO shall notify by mail: all abutting property owners of the property involved and such other property owners as the Planning Board may deem necessary, it shall be the responsibility of the applicant to supply the names and mailing addresses of the abutting or other identified property owners; the person making application; and Planning Board members. The CEO shall also cause notice to be posted in a (1) prominent location in Town and a local media source. The notice shall include a description of the nature of the applicant's proposal, the Ordinance(s) by which the application is to be reviewed, and the time and place of any meeting or the public comment time period.
9. The Planning Board may, through its Chair/CEO, notify the Town Manager, Selectmen, utility providers, and Fire Chief of the proposed subdivision, the number of lots/units proposed the length of roadways, and the size and construction characteristics of any residential, commercial, or industrial buildings. The Planning Board shall request that the notified officials respond in writing upon the adequacy of existing capital facilities to service the proposed subdivision within ten (10) days.
10. Before the Planning Board grants approval of the Final Plan, the applicant shall meet the performance guarantee requirements herein, if applicable.
11. Within thirty (30) days from the public hearing or within sixty (60) days of having determined a complete application was submitted, if no public hearing is held, or within another time limit as may be otherwise mutually agreed to by the Planning Board and the applicant, the Planning Board shall make findings of fact, and conclusions relative to the review criteria for approval contained in Title 30-A MRSA, §4404 (Statute) and this Ordinance. If the Planning Board finds that all the criteria of the Statute and the criteria, standards, and requirements of this Ordinance have been met, they shall approve the Final Plan. If the Planning Board finds that any of the criteria of the Statute or criteria, standards, and requirements of this Ordinance have not been met, the Planning Board

shall either deny the application, or approve the application with conditions to ensure all criteria, standards, and requirements shall be met by the subdivision. The reasons for any conditions shall be stated in the records of the Planning Board.

## **B. Final Subdivision Plan Requirements**

1. The Final Plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet (100') to the inch. Plans for subdivisions containing more than one hundred (100) acres may be drawn at a scale of not more than two hundred feet (200') to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24" X 36" in size. Space shall be reserved on the plan for endorsement by the Planning Board. Two recording plans on Mylar transparencies and three paper copies of the Mylar transparencies of the recording plan shall be submitted. In addition, seven (7) copies of the plan(s) reduced to a size of 8 1/2 by 11 inches or 11 by 17 inches, and all accompanying information, shall be submitted to the CEO and mailed to each Planning Board member no less than seven (7) days prior to the meeting.
2. The Final Plan shall include all of the required information contained in the above Preliminary Plan Requirements, updated and noted as necessary, and be accompanied by the following information:
  - a. If different than those submitted with the Preliminary Plan, a copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
  - b. If different than those submitted with the Preliminary Plan, the location, names, widths, and geometrics of existing and proposed roads, assess points, highways, easements, buildings, parks, and other usable open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing, and length of every road line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The location, bearing, and length of road lines, lot lines, and parcel boundary lines shall bear the seal and signature of a Maine Licensed Professional Surveyor.
  - c. An erosion and sedimentation control plan prepared in accordance with the "*Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices*", published by the Soil and Water Conservation and the Maine Department of Environmental Protection, latest edition. The Planning Board may waive submission of the erosion and sedimentation control plan only if the subdivision is not in the watershed of a Great Pond, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as driveways, roofs, and parking areas is less than 5 percent of the area of the subdivision.
  - d. A storm water management plan, prepared by a registered professional engineer in accordance with "*Storm water Management for Maine: Best Management Practices*", latest edition, published by the Maine DEP. Another methodology may be used if the applicant can demonstrate it is equally applicable to the site. The Planning Board may waive submission of the storm water management plan only if the subdivision is not in the watershed of a Great Pond, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as driveways, roofs, and parking areas is less than 5 percent of the area of the subdivision.
  - e. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. , a Phase I Environmental Site Assessment Review statement, written offers to convey title to the Town of all public ways and usable open spaces shown on the plan, and copies of agreements or other documents showing the manner in which usable open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If proposed roads and/or usable open spaces or other land is to be offered to the Town, written evidence that the Board of Selectman is satisfied with the legal sufficiency of the written offer to convey title shall be included.
  - f. A list of construction items, with cost estimates, that shall be completed by the developer prior to the sale/lease of lots, and evidence that the developer has financial commitments or resources to cover these costs.
  - g. The Final Plan shall be accompanied by a Performance Guarantee, or at the approval of the Planning Board, a Condition Agreement. A Performance Guarantee may be tendered in the form of either a certified check payable to the Town of Chapman, a savings account passbook issued in the name of the Town of Chapman or a faithful performance bond running to the Town of Chapman and issued by a surety company acceptable to the Town Manager. It shall be in an amount of money to be determined by the Town Manager with the advice of various Town departments and agencies to be sufficient to cover the cost of at least furnishings,

installing, connecting and completing all of the street grading, paving, storm drainage, utilities, and other improvements for public benefit or use specified in the Final Plan. It shall be conditioned upon the completion of all such improvements within two years from the date of such check or bond. A Conditional Agreement, if acceptable in lieu of a Performance Guarantee, shall be endorsed by the Planning Board on the Final Plan, and shall provide that no lot or parcel of land may be conveyed, and that no permit may be issued by the CEO for any building on any portion of the development until the completion of all street grading, paving, storm drainage, utilities and other improvements for public benefit or use specified in the Final Plan. Completion shall be determined by the Municipal Officers to their satisfaction, who shall receive written certification signed by the Town Manager, Planning Board, Road Commissioner, Fire Chief, and Sewer District, if applicable, that all improvements assured by the Performance Guarantee or conditions agreement have been constructed in conformance with the Final Plan and all applicable codes and ordinances. In addition, the developer shall furnish at his own expense the signed certification by a registered surveyor or civil engineer that all permanent bounds or monuments have been installed and are accurately in place in the locations designated in the Final Plan. Performance guarantee for existing plans prior to the issuance of any building permit(s) in an approved or recorded subdivision, which approval or recording was prior to the adoption hereof, the developer shall comply with the requirements of Section 8 hereinabove set forth by either in the Planning Board's sole discretion providing the performance guarantee or conditional agreement as described in said Section.

- h. The Final Plan shall be accompanied by certification either by a duly authorized Maine Registered Engineer and/or by the CEO for the roads and utilities; or the Chapman Sewer District for the water and/or sewer facilities, as required by the Planning Board, that the design of water and sewer facilities and roads and utilities in the proposed subdivision conform to the requirements of all applicable, federal, state, and local rules, laws, and regulations. The cost of inspection shall be borne by the applicant or subdivider.
- i. Suitable space to record on the approved plan, the date, and conditions of approval, if any. This space shall be similar to the following example:

**Town of Chapman**

Approved by the Planning Board

Signed:		Chair of the Planning Board
		(space for all Planning Board members to sign)
Date:		
Conditions:		

**C. Final Subdivision Approval and Filing**

1. A plan may be reviewed by the Planning Board; however, no plan shall be approved by the Planning Board as long as the applicant is in violation of provisions of federal, state, or local laws, rules, ordinance, and regulations.
2. Upon findings of fact and determination that all standards in Title 30-A MRSA, §4404, and this Ordinance have been met, and upon voting to approve the subdivision, the Planning Board shall sign the Final Plan(s). The Planning Board shall specify in writing its findings of fact and reasons for any conditions or denial. One copy of the signed recording plan on Mylar transparency shall be taken by the applicant to the Aroostook County Registry of Deeds, one copy of the signed Final Plan on Mylar transparency shall be retained by the Town as part of the permanent record, and one paper copy of the Mylar transparency of the recording plan shall be retained by the Planning Board. Any subdivision not recorded in the Aroostook County Registry of Deeds within ninety (90) days of the date upon which the plan is approved and signed by the Planning Board shall become null and void.
3. At the time the Planning Board grants Final Plan approval, it may permit the plan to be divided into two or more sections subject to any conditions the Planning Board deems necessary in order to ensure the orderly development of the plan. If any official notified of the proposed subdivision informs the Planning Board that their department or district does not have adequate capital facilities to service the subdivision, the Planning Board shall require the plan to be divided into two or more sections subject to any conditions the Planning Board deems necessary in order to allow the orderly planning, financing, and provision of public services to the subdivision. If the

expansion, addition, or purchase of the needed facilities is included in the Town's capital improvements program, the time period of the phasing shall be no longer than the time period contained in the capital improvements program for the expansion, addition, or purchase.

4. Whenever the initial approval or any subsequent amendment of a subdivision is based in part on the granting of a waiver from any applicable subdivision standard, that fact must be expressly delineated on the face of the Final Recording Plan(s).
  - a. In the case of an amendment, if no amended plan is to be recorded, a certificate must be prepared in recordable form and recorded with the Town and the Aroostook County Registry of Deeds. This certificate must:
    1. Indicate the name of the property owner;
    2. Identify the property by reference to the last recorded deed in its chain of title; and
    3. Indicate the fact that a waiver, including any conditions on the waiver, has been granted and the date of granting.
  - b. The waiver is not valid until it is recorded as provided in this paragraph. Recording of the waiver must occur within ninety (90) days of the final subdivision approval or approval under Title 38, where applicable, whichever date is later, or the waiver is null and void.
5. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Planning Board and endorsed in writing on the plan, unless the revised Final Plan is first submitted and the Planning Board approves any modifications. The Planning Board shall make findings that the revised plan meets the criteria of Title 30-A MRSA, §4404, and the criteria, standards, and requirements of this Ordinance. In the event that a plan is recorded without complying with this requirement, the Town shall provide to the Aroostook County Registry of Deeds an affidavit to be recorded over or attached to the plan. The Planning Board may institute proceedings to have the plan stricken from the records of the Aroostook County Registry of Deeds.
6. The approval by the Planning Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the Town of any road, easement, or other usable open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the Town, approval of the plan shall not constitute an acceptance by the Town of such areas. The acceptance of dedicated lands shall be made only by the legislative body of the Town. The Planning Board shall require the plan to contain appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Town covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.
7. Except in the case of a phased development plan, failure to complete substantial construction of the subdivision within three (3) years of the date of approval and signing of the plan shall render the plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Planning Board shall have a notice placed in the Aroostook County Registry of Deeds to that effect.

## **7. Subdivision Review Criteria**

When reviewing a proposed subdivision, the Planning Board shall review the application for conformance with the specified subdivision review criteria in Sec. 5, "*Review Criteria*", herein, and shall make findings of fact that each designated criteria has been met prior to the approval of the Final Plan. The designated subdivision review criteria cannot be waived.

## **8. General Requirements for Subdivision Review**

The "*General Requirements*" contained in Sec. 6 and the "*Road Design and Construction Standards*" contained in Sec. 7, herein, as applicable, shall apply to all proposed subdivisions. These standards are intended to clarify the review criteria and provide guidance.

## Section 5 Review Criteria

The review criteria contained within this Section shall be utilized in reviewing applications for site design and subdivision approval. The standards are not intended to discourage creativity, invention, or innovation. The Planning Board may waive the criteria presented in this Section upon a determination that the criteria is not applicable to the proposed development or is not necessary to carry out the intent of this Ordinance. **The review criteria in bold cannot be waived when reviewing a subdivision---they are statutory---required by Title 30-A, MRSA, Section 4404.**

1. Advertising Features. The size, location, design, color, texture, material, and lighting of all signs and outdoor lighting fixtures shall not detract from the design of proposed buildings or neighboring properties and shall be in conformance with the requirements for "Signs" in Sec. 6, herein.
2. **Archaeological/Historic Sites. Any proposed development involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed by, the National Register of Historic Places, Maine Historic Preservation Commission, or the Haystack Historical Society shall be submitted by the applicant to the Maine Historic Preservation Commission and the Chapman Historical Society for review and comment, at least 20 days prior to action being taken by the Planning Board. The Planning Board should consider comments received from the Commission and Society prior to rendering a decision on the application.**
3. Buffering. The proposal shall provide for adequate on-site buffering in the vicinity of property boundaries, when required. On-site buffering is required:
  - A. Wherever commercial, industrial, or other non-residential development is proposed adjacent to or across a road from residential or agricultural uses; and
  - B. As required by Sec. 6, (2), herein.
4. Buildings. The bulk, location, and height of proposed buildings or structures shall not cause health or safety problems to existing uses, including, without limitation, those resulting from any substantial reduction in light and air or any significant wind impact.
5. **Conformance with Comprehensive Plan. The proposed development shall be located and designed in such a manner as to be in conformance with the municipality's comprehensive plan.**
6. Design Relationship to Site and Surrounding Properties. The proposed development should provide a reasonably unified response to the design constraints of the site and is sensitive to nearby developments by virtue of the location, size, design, and landscaping of buildings, driveways, parking areas, storm water management facilities, utility storage areas, and advertising features.
7. Emergency Vehicle Access. All site design applications shall be reviewed by the Fire Chief and shall be in conformance with Sec. 7, herein. The proposed development shall be located and designed in such a way as to provide and maintain convenient and safe access and response time for emergency vehicles or mitigates inadequate access or response time by providing adequate safety features as part of the proposed development.
8. **Erosion and Sedimentation Control. The proposed development shall include adequate measures to control erosion and sedimentation and will not contribute to the degradation of nearby streams, water courses, or lowlands by virtue of soil erosion or sedimentation. The erosion and sedimentation control measures are to be in conformance with the most current standards of the "Erosion and Sedimentation for Maine: Best Management Practices." The procedures outlined in the soil erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages. Topsoil shall be considered part of the development and shall not be removed from the site, except for surplus topsoil for roads, parking areas, and building excavations.**
9. Existing Landscaping. The landscape should be preserved in its natural state, insofar as practicable, by minimizing to the greatest extent feasible any disturbance or destruction of significant existing vegetation, including mature trees over four (4) inches in diameter measured at 4.5 feet from ground level, soils, and significant vegetation buffers. If a site includes a ridge or ridges above the surrounding areas and provides for scenic vistas for surrounding areas, special attempts may be



made to preserve the natural environment of the skyline of the ridge. Existing vegetation and buffering landscaping are potential methods of preserving scenic vistas.

10. **Exterior Lighting.** Exterior lighting shall be designed to encourage energy conservation and efficiency, to ensure the safe movement of people and vehicles, and to minimize adverse impacts on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public and shall be in conformance with Sec. 6, (5), herein.
11. **Financial and Technical Capacity.** The developer shall provide evidence of adequate financial and technical capacity to meet all applicable standards of this Ordinance and federal, state, and local regulations.
12. **Flood Areas.** Based on the Federal Emergency Management Agency's (FEMA) Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, the developer shall prove whether the development is/is not in a flood prone area. If the development, or any part of it, is in such an area the applicant shall determine the 100-year flood elevation and flood hazard boundaries within the development. The proposed Plan shall include a condition of plot approval requiring that principal structures on lots shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.
13. **General Requirements.** The proposed development shall meet the applicable requirements of Sec. 6, "General Requirements", herein, except as may be waived by the Planning Board.
14. **Infrastructure.** The proposed development shall be designed so as to be consistent with off premises infrastructure, such as, but not limited to, sanitary and storm sewers, wastewater treatment facilities, roadways, sidewalks, trail systems, and street lights, existing or planned by the municipality.
15. **Mineral Exploration.** Any mineral exploration to determine the nature and extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitations. (See: Sec. 6, herein)
16. **Natural Areas.** The proposal shall not cause significant adverse impacts to natural resources or areas such as wetlands, significant geographic features, significant wildlife habitats, and natural fisheries. A copy of the application shall be provided to the Maine Department of Inland Fisheries and Wildlife and to the local office of the Maine Department of Environmental Protection for timely review and comment. The proposal should be consistent with the recommendations of the Departments. (See: Sec. 6, herein)
17. **Noise.** The proposed development shall not raise noise levels to the extent that abutting or nearby residents are adversely affected. (See: Sec. 6 herein)
18. **Open Space**
  - A. Common open space shall be contiguous, wherever possible.
  - B. Common open space, as shown on any approved development plan, shall contain a notation that common open space areas shall not be further developed for any other use.
  - C. When reviewing the location and type of open space designated in an application, the Planning Board shall require:
    1. Individual lots, buildings, streets, and parking areas to be designed and situated:
      - a. To minimize alterations of the natural site;
      - b. To avoid the adverse effects of shadows, noise, and traffic on the residents of the site; and
      - c. To relate to the surrounding properties, to improve the view from and of buildings.
    2. Diversity and originality in lot layout and individual building, street, parking, and lot layout shall be encouraged.
    3. Open space 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).

4. Open space intended for recreation or public use shall be determined by the size, shape, topographic, and location requirements of the site.
19. **Parking and Vehicle Circulation.** The proposed development shall provide for adequate parking and vehicle circulation and be in conformance with Sec. 7, herein. A copy of the application shall be provided to the appropriate municipal authority (ies) for timely review and comment. The layout of the site shall provide for the safe movement of passenger, service, and emergency vehicles throughout the site.
20. **Pedestrian Circulation.** The proposed development should provide for a system of pedestrian circulation within the development. The system should connect with existing sidewalks if they exist in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system should be designed to link residential units with recreational and commercial facilities, other common facilities, school bus stops, existing sidewalks in the neighborhood, and shall be in conformance with Sec. 7, herein, when applicable. A copy of the application shall be provided to the appropriate municipal authority(ies) for timely review and comment.
21. **Phosphorus Export.** Proposed development within the watershed of a lake or pond shall be designed to limit phosphorous runoff. The Planning Board shall keep an accurate record of permits issued by watershed using an appropriate record keeping system, and shall review actual development rates and recommend adjustments at five (5) year intervals, subject to a reasonable appropriation by the municipality to conduct such an assessment, or the availability of adequate state or regional grant programs or technical assistance programs. Phosphorus export from a proposed development shall be calculated according to the procedures defined in "*Phosphorus Control in Lake Watersheds: a Technical Guide for Evaluating New Development*", (Maine DEP et. al., 1989, as amended). Phosphorus control measures shall meet the design criteria contained in "*Phosphorus Control in Lake Watersheds: a Technical Guide for Evaluating New Development*", (Maine DEP et. al., 1989, as amended). The Planning Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimizing road lengths, and shall encourage the use of non-structural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.
22. **Pollution**
- A. The proposed development shall not, for any period of time, discharge across the boundaries of the lot on which it is located toxic and noxious matter in concentrations in excess of one-fourth of the maximum allowable concentrations set forth in Table 1 of the Industrial Hygiene standards, Maximum Allowable Concentration, Chapter 5 of the "*Air Pollution Abatement Manual*," latest edition.
- B. **The proposed development shall not result in undue water or air pollution. In making this determination the Planning Board shall consider:**
1. **The elevation of land above sea level and its relation to the floodplains;**
  2. **The nature of the soil and subsoil and their ability to adequately support waste disposal;**
  3. **The slope of the land and its effect on effluents;**
  4. **The availability of streams for disposal of effluents; and**
  5. **The applicable of state and local health and water resource rules and regulations.**
- C. No emission of dust, ash, smoke, or other particulate matter or gas shall be allowed which can cause damage to human or animal health, vegetation or property by reason of concentration or toxicity, which can cause soiling beyond the property boundaries, or which fail to meet or cannot meet the standards established by the Maine Department of Environmental Protection.
- D. The proposed development shall not produce offensive or harmful odors perceptible beyond the property boundaries.
23. **River, Stream, or Brook.** Any river, stream, or brook within or abutting a proposed development shall be identified on any maps submitted as part of the application. For purposes of this Ordinance, "*River, Stream, or Brook*" has the same meaning as in Title 38, §480-B, subsection 9.

24. **Sanitary Sewage.** Connection to a sanitary sewer system shall be at the expense of the developer, or, if in the opinion of the Planning Board, service by a public sewer system is not feasible, the Board may allow individual subsurface wastewater disposal systems to be used. The proposed development will not cause an unreasonable adverse effect to the sewerage treatment facilities; will not aggravate an existing unhealthy situation. A copy of the application shall be provided to the public sewer provider for timely review and comment
25. **Scenic Vistas and Areas.** The proposed development shall not result in the loss of scenic vistas or visual connection to scenic areas as identified in the municipality's comprehensive plan.
26. **Site Conditions.**
- A. During construction, the site shall be maintained and left each day in a safe and sanitary manner. The site area shall be regularly sprayed to control dust from construction activity.
  - B. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris, and excess or scrap building materials shall be removed or destroyed immediately upon request and to the satisfaction of the CEO.
  - C. No changes in elevation shall be made of any lot or site by the removal of earth to another lot or site other than as shown on an approved site design plan. Minimal changes in elevations or contours necessitated by field conditions may be made only after approval has been obtained from the CEO.
27. **Spaghetti Lots.** The proposed development shall not create lots with a lot depth to frontage ratio of greater than 5:1.
28. **Storm Water Management.** The plan provides for adequate storm water management facilities so that the post development runoff rate will be no greater than the predevelopment rate, the removal of storm water will not adversely affect neighboring properties, and that there is no adverse downstream impact. Proposed storm water detention facilities and calculations shall provide for the control of twenty-five year storm frequency rates. On-site absorption shall be utilized to minimize discharges whenever possible. The design, construction, and maintenance of private facilities are not anticipated to cause the expenditure of additional municipal resources for maintenance of private storm water management facilities. Maintenance responsibilities shall be reviewed to determine their adequacy. Emphasis shall be placed on the protection of floodplains and wetlands; preservation of stream corridors; establishment of drainage rights-of-way; and the adequacy of the existing system; and the need for improvements, both on and off site, to adequately control the rate, volume, and velocity of storm drainage.
29. **Surface Waters.** Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland or Great Pond as defined in Title 38, chapter 3, subchapter I, article 2-B, §435-449, the development will not adversely affect the quality of that body of water, unreasonably affect the shoreline of that body of water.
30. **Traffic.** The proposed development will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways, public roads or pedestrian walkways existing or proposed. Vehicular access to the site shall be on roads which have adequate capacity to accommodate the additional traffic generated by the development. The Planning Board may require mitigation when the proposed development is anticipated to result in a decline in service, below Level of Service "C", of nearby roadways of intersections. Levels of service are defined by the "*Highway Capacity Manual, Special Report #209*", published by the Research Board, National Research Council, Washington DC, 1985. If an existing intersection is functioning at a Level of Service of "D" or lower prior to the development, the project shall not reduce the current level of service. A copy of the application shall be provided to the appropriate municipal authority(s), and to the Maine Department of Transportation if on a state maintained road, for timely review and comment. The Planning Board may approve a development not meeting this requirement if the applicant demonstrates that:

- A. **A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard; or**
  - B. **The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will guarantee the completion of the improvements within one (1) year of project approval.**
31. **Utilities.** Utilities such as, but not limited to, natural gas, propane, electric, telephone, and cable TV services located above ground shall be located so as not to be unsightly or hazardous to the public and shall be landscaped or otherwise buffered so as to screen the components from public view. The underground placement of utilities is encouraged.
32. **Waste Disposal.** The proposed development shall provide for adequate disposal of solid wastes and hazardous wastes. A copy of the application shall be provided to the solid waste coordinator for timely review and comment.
- A. **All solid waste shall be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.**
  - B. **All hazardous waste shall be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted.**
  - C. **All commercial and industrial developments shall devote floor space suitable to accommodate two (2) recycling containers designed to hold at least one cubic yard of recyclable materials.**
33. **Water Supply.** The development shall be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water. The proposed development will not cause the depletion of local water resources or be inconsistent with the service plan of the water district. A copy of the application shall be provided to the district for timely review and comment.
34. **Wetlands.** All wetlands within the proposed development shall be identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of wetlands may be done with the help of the local soil and water conservation district.
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## Section 6 General Requirements for Land Uses

The following general requirements are applicable to land use activities with the Town of Chapman, to include site design and subdivision development proposals. These standards are intended to clarify review criteria and provide guidance. In reviewing the proposed development, the Planning Board / CEO shall review criteria for conformance to the applicable standards and make findings of fact for each prior to the approval of the Final Plan. The burden of proof for conformance is with the applicant, who shall provide clear and convincing evidence that the proposed Final Plan meets the standards and review criteria.

### 1. Bed & Breakfast

- A. There shall be no less than one parking space for each rental room in addition to the spaces required for the dwelling unit.
- B. There shall be one bathroom provided for the rental rooms, in addition to the bathroom for the dwelling unit.
- C. Each rental room shall have not less than 120 Sq. Ft. with a minimum of 10 feet horizontal dimensions.
- D. Each rental room shall be equipped with an approved smoke detector.

### 2. Buffers and Screening

- A. A landscaped buffer strip of no less than fifteen (15) feet in width and six (6) feet in height shall be provided to minimize the visual impact of adverse characteristics such as, but not limited to: storage areas, parking spaces, driveways, loading and unloading areas, waste collection and disposal areas, exposed machinery, sand and gravel extraction operations, and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse, and to protect abutting residential properties from the intrusion of noise, light, and exhaust fumes from such non-residential buildings and uses. The buffer areas shall be maintained and vegetation replaced to ensure continuous year round screening.
- B. Where no natural vegetation or berms can be maintained on a year round basis, or due to varying site conditions, the landscaping may consist of fences, walls, tree plantings, hedges, or combinations thereof.
- C. Any abutting residential property to a non-residential use should be effectively screened by a continuous landscaped area no less than six (6) feet in height along lot lines adjacent to the residential properties, except that driveways shall be kept open to provide visibility for entering and leaving.
- D. Where a potential safety hazard to small children would exist, physical screening / barriers shall be used to deter entry to such premises.
- E. The Planning Board may allow a buffer area of less width when site conditions, such as natural features, vegetation, topography, or site improvements, such as additional landscaping, berming, fencing, or low walls, make a lesser area adequate.

### 3. Elder Cottage Housing Opportunity (ECHO) Units

- A. Purpose. The purpose of these standards is to provide for the temporary habitation of a dwelling unit, to be occupied by an older person(s), on lots where single-family dwellings exist, except in the Resource Protection Districts, so that adult children may care for aging parents or certain persons with a disability as defined by MRSA 5, Section 4553.
- B. The construction or placement of a temporary "ECHO" unit on a lot which a single-family dwelling is located may be allowed by a permit granted by the Code Enforcement Officer regardless of a non-conforming lot size and frontage if the following are met:
  1. The owner of the principal structure must reside in either the principal structure or the "ECHO" unit.
  2. The owner of the principal structure shall be related to occupants of the "ECHO" unit by blood, marriage, or adoption.
  3. The occupants of the "ECHO" unit must be at least 62 years of age or be unable to live independently due to a disability.
  4. The number of occupants of the "ECHO" unit shall be limited to two (2) persons.
  5. All setbacks and lot coverage requirements contained within this Ordinance shall be met. Wherever possible, the unit shall be placed to the side or rear of existing structures.
  6. There shall be a separation of a minimum of fifteen (15) feet between the principal dwelling and the "ECHO" unit.

7. The maximum size of the temporary "ECHO" unit shall be 800 square feet of living space. Mobile homes shall be allowed as "ECHO" units.
8. The subsurface sewage disposal system on the property shall be functioning properly and be of sufficient size to accommodate the additional flow. In addition, there shall be sufficient land area for an expansion or replacement system which is in compliance with the State of Maine Subsurface Wastewater Disposal Rules, if needed.
9. The parking requirements of the performance standards contained herein apply.
10. Proper ingress and egress shall be provided to an "ECHO" unit.
11. Prior to the issuance of a building permit for the placement or construction of an "ECHO" unit by the Code Enforcement Officer, the owner of the property shall sign a binding agreement limiting the approval of an "ECHO" unit for the purposes set forth in this subsection and that "ECHO" unit must be removed within ninety (90) days from the date of occupancy cessation or when no qualified person lives within.

#### 4. Electro-Magnetic Interference

No use, activity, or process shall be conducted which produces electro-magnetic interference in the transmission or reception of electrical impulses beyond the lot lines, including radio and television. In all cases federal, state, and local requirements shall be met. Violation of this standard shall be considered a nuisance.

#### 5. Exterior Lighting

- A. Maximum Height: The maximum height of free standing lights shall be 35 feet.
- B. Lighting of Parking Areas: The Planning Board shall determine the necessity for lighting of parking areas. All parking areas to be lighted shall provide a minimum of three (3) footcandles at intersections and a total average illumination of one and one-half (1.5) footcandles throughout the parking areas as required. Such lighting shall be shielded in such a manner as not to create a hazard or nuisance to the adjoining properties or the traveling public.
- C. Required Light Levels:
  1. Parking lots: An average of one and one-half (1.5) footcandles throughout.
  2. Intersections: Three (3) footcandles.
  3. Maximum at property lines: One (1.0) foot candle.
  4. In residential areas: Average of six-tenths (0.6) foot candle.

#### 6. Glare

Lighting may be used which serves security, safety, and operational needs, but which does not directly or indirectly produce deleterious effects on abutting properties or which would impair the vision of a vehicle operator on adjacent roadways. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings. Direct or indirect illumination shall not exceed 0.5 foot-candles upon abutting residential properties.

#### 7. Home Occupations

Home occupations shall be of two (2) types: Home Occupation 1 and Home Occupation 2. After reviewing the application, the CEO shall determine the type of home occupation. Home Occupation 1 is non-intrusive, with no external indications that a home occupation is being conducted on the property, and has no additional impacts on the neighborhood. Home Occupation 2 is intrusive, with external indications that a home occupation is being conducted on the property, and has additional impacts on the neighborhood.

##### Home Occupation 1

- A. The use of a dwelling unit or property for a home occupation shall be clearly incidental to and compatible with the residential use of the property and surrounding residential uses.
- B. There shall be no change in the outside appearance of the building or premise that shall cause the premise to differ from its residential character by use of colors, materials, construction, lighting, sounds, or noises.

- C. Exterior storage of materials, such as, but not limited to, trash and any other exterior evidence of home occupation shall be located and screened so as not to detract from the residential character of the principal building.
- D. There shall be no exterior signs or displays representative of products sold or manufactured on premises.
- E. The following requirements shall be satisfactorily demonstrated to the CEO before a permit is issued:
  - 1. The home occupation shall employ only resident(s) of the dwelling unit.
  - 2. The home occupation shall be carried on wholly within the principal or accessory structure.
  - 3. The home occupation shall not occupy more than 35 percent of the total floor area of the structure (excluding basement floor area).
  - 4. Objectionable noise, vibrations, smoke, dusts, electrical disturbance, odors, heat, glare, or other nuisance shall not be permitted.
  - 5. No additional parking shall be provided other than parking provided to meet the normal requirements of the dwelling unit.
  - 6. No traffic shall be generated by such home occupation in a volume greater than would normally be expected.
  - 7. The sale of products which are crafted, assembled, or substantially altered on the premises is prohibited.
  - 8. The home occupation shall not use utilities beyond that normal for residential properties.
  - 9. The home occupation shall not involve the use of heavy commercial vehicles for daily delivery from or to the premises.
- F. Should all of the above conditions not be maintained on a continual basis once the permit has been issued, the Planning Board shall review the permit and its conditions for approval, and if necessary schedule a public hearing to determine whether the permit should be rescinded.
- G. All other applicable standards of these Ordinances shall also be observed.

#### Home Occupation 2

- A. The use of a dwelling unit or property for a home occupation shall be clearly incidental to and compatible with the residential use of the property and surrounding residential uses.
- B. There shall be no change in the outside appearance of the building or premise that shall cause the premise to differ from its residential character by use of colors, materials, construction, lighting, sounds, or noises.
- C. Exterior storage of materials, such as, but not limited to, trash and any other exterior evidence of home occupation shall be located and screened so as not to detract from the residential character of the principal building. Storage of materials shall not exceed 25 percent of the lot or 25 percent of one (1) acre whichever is smaller.
- D. Exterior display, exclusive of a sign, shall be limited to no more than two (2) single items representative of products sold or manufactured on premises, regardless of the number of articles which are sold or manufactured.
- E. Only one non-illuminated, non-internally lit sign, not exceeding two (2) square feet, shall be permitted and must meet the other applicable standards for signs within this Ordinance.
- F. The following requirements shall be satisfactorily demonstrated to the CEO before a permit is issued:
  - 1. The home occupation shall employ no more than three (3) persons other than resident family members.
  - 2. The home occupation shall be carried on wholly within the principal or accessory structure.
  - 3. The home occupation shall not occupy more than 35 percent of the total floor area of the structure (excluding basement floor area).
  - 4. Objectionable noise, vibrations, smoke, dust, electrical disturbance, odors, heat, glare, or other nuisance shall not be permitted.
  - 5. In addition to the off-street parking provided to meet the normal requirements of the dwelling, off-street parking shall be provided for each employee and user of the home occupation as provided for within this Ordinance.
  - 6. No traffic shall be generated by such home occupation in a volume greater than would normally be expected.
  - 7. The operation of the home occupation shall be limited to 8:00 AM to 9:00 PM and to those items which are crafted, assembled, or substantially altered on the premises, to catalog items ordered off the premises by customers, and to items which are accessory and incidental to a service which is provided on the premises.
  - 8. The home occupation shall not use utilities beyond that normal for residential properties.
  - 9. The home occupation shall not involve the use of heavy commercial vehicles for daily delivery from or to the premises.
- G. Should all of the above conditions not be maintained on a continual basis once the permit has been issued, the Planning Board shall review the permit and its conditions for approval, and if necessary schedule a public hearing to determine whether the permit should be rescinded.

H. All other applicable standards of this Ordinance shall also be observed.

## 8. Kennels and Veterinary Hospitals

- A. Structures or pens for housing or containing the animals shall be located not less than one hundred (100) feet from the nearest residence, other than the owners', existing at the time of permit.
- B. All pens, runs, or kennels, and other facilities shall be designed, constructed, and located on the site in a manner that will minimize the adverse effects upon the surrounding properties.
- C. The owner or operator of a kennel shall maintain the premises in a clean, orderly, and sanitary condition at all times.
- D. Temporary storage containers for any kennel, or veterinary wastes containing or including animal excrement, shall be kept tightly covered at all times.
- E. If an incineration device is to be installed by the applicant, the applicant shall provide evidence that they have obtained approval from the Maine Department of Environmental Protection for the proposed incinerator.
- F. All other relevant standards of this Ordinance shall also be observed.

## 9. Landscaping

The landscape shall be preserved in its natural state insofar as practical, by minimizing tree removal and grade changes in keeping with the general appearance of neighboring developed areas. Landscaping shall be designed to soften, screen, or enhance the physical design of structures and parking areas to avoid the encroachment of the proposed use on abutting land uses. All parking lots should be landscaped along the property boundaries with shrubbery, trees, and other landscape materials.

## 10. Manufactured Housing/Mobile Homes

- A. All manufactured housing/mobile home units to be relocated within the Town from outside of the Town shall be placed on an adequate foundation (piers, floating slab, or full foundation), have residential siding, and a pitched roof covered with shingles or other material list approved by the Planning Board. Units constructed prior to June 15, 1976 that were legally sited in Town as of August 4, 1988 may be relocated provided that they meet all other design requirements.
- B. Mobile Home Parks: Except as required under Title 38, or an ordinance adopted by the Town pursuant to Title 38, the Town shall require each lot in a mobile home park be provided a minimum lot area, frontage, and setbacks as follows:
  - 1. Lots served by a public waste water disposal system.
    - a. Minimum lot area: 6500 SF
    - b. Minimum lot width: 50 feet
  - 2. Lots served by individual subsurface waste water disposal systems.
    - a. Minimum lot area: 20,000 SF
    - b. Minimum lot width: 100 feet
  - 3. Lots served by a central subsurface waste water disposal system approved by the Maine Department of Human Resources.
    - a. Minimum lot area: 12,000 SF
    - b. Minimum lot width: 75 feet
    - c. The overall density of the mobile home park served by a centralized system shall not exceed one dwelling unit per 20,000 square feet of total park area.
  - 4. Minimum Setbacks.
    - a. Structures shall not be located less than 15 feet from any mobile home park individual lot line.
    - b. Mobile homes in a mobile home park adjacent to a public road shall be set back from the road a distance equal to the set back requirements for other residential development.
    - c. No mobile home park lot may have direct vehicular access onto a state or Town-maintained road.
  - 5. A 50 foot wide buffer strip shall be provided along all property lines that:
    - a. abut residential land which has a gross density of less than half of that proposed in the mobile home park; or
    - b. abut residential land that is zoned at a density of less than half of that proposed in the mobile home park.
    - c. In addition, no structures, roads, or utilities may be placed in the buffer strip except that they may cross a buffer strip to provide services to the mobile home park.



6. No mobile home park lot may be sold or conveyed unless such lot sold meets the lot size and dimensional requirements indicated above and the Mobile Home Park requirements contained within the Chapman Subdivision Ordinance.

## 11. Mineral Extraction

- A. Mineral Extraction.
  1. Any extraction operation that requires a permit from the Maine Department of Environmental Protection (MDEP) under the Site Location of Development Act shall obtain written approval from the MDEP and the Planning Board.
- B. Review Criteria and Standards.
  1. Existing vegetation within a buffer strip shall not be removed. If vegetation within the buffer strip has been removed or disturbed by activities related to the operation of the extraction operation, that vegetation must be reestablished as soon as practicable. A buffer strip of not less than seventy-five (75) feet shall be maintained between the location of any extraction of materials and all property lines.
  2. Noise levels shall not exceed applicable noise limits as adopted by the MDEP.
  3. The hours of operation at the site shall be Monday through Saturday from 6:00 AM to 6:00 PM.
  4. In keeping with the purposes of this Ordinance, the Planning Board may give relief to these standards or impose other conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.
- C. Reclamation.

Within twelve (12) months of the completion of extraction operations the site shall be reclaimed. The affected land must be restored to a condition that is similar to or compatible with the conditions that existed before excavation. Such reclamation shall include:

1. A vegetative cover shall be established within one year of the completion of excavation.

## 12. Rear Lots

Rear lots may be developed for any permitted use if they are or can be provided with a right-of-way, which complies with the following provisions:

- A. If a rear lot is accessible only by a legally enforceable right-of-way, it may be used if the following conditions are met:
  1. The right-of-way must be conveyed by deed recorded in the Aroostook County Registry of Deeds, Southern Office to the owner of the rear lot and be a minimum of 66 feet in width. The Planning Board can reduce this requirement based on environmental or site conditions.
  2. A legal description of the right-of-way by metes and bounds shall be attached to any building permit application for construction on the rear lot.
  3. Except for lots recorded on the effective date of this Ordinance, the right-of-way deed must be recorded in the Aroostook County Registry of Deeds, Southern Office at the time the rear lot is first deeded out as a separate parcel.
  4. Creation of the right-of-way to serve the rear lot shall not create a non-conforming front lot by reducing such lot's required road frontage below the minimum, or, if the front lot is already non-conforming, with respect to road frontage, reduce its road frontage at all.
  5. The right-of-way may serve only one single-family dwelling unless the following provisions are met:
    - a. The right-of-way may serve two single-family dwellings if a driveway meeting the standards contained in the Town's road construction standards, less the paving requirements, is built.
    - b. The right-of-way may serve more than two dwellings provided the applicable provisions of the Town's road construction standards, less the paving requirements, and subdivision ordinance are met.
  6. If the right-of-way is brought up to standards as set forth in the Town's road construction standards, further dwellings may be constructed on a rear lot with Planning Board approval, provided all other space and bulk requirements are met for each such dwelling. For purposes of such approval, the sale or lease of additional lots or the construction of an additional dwelling or dwellings served by the right-of-way shall be considered in the same manner and under the same restrictions and requirements as if such division or construction were a subdivision.

7. Each single-family dwelling on a back lot shall be located within an area large enough to hold a circle with a minimum diameter equal to the required road frontage as required for a single family dwelling.
8. A lot of record which could otherwise be legally built upon, but which is served by a right-of-way which does not comply, herein, may nevertheless be used for a single-family dwelling with Planning Board approval. This provision shall not be interpreted to allow lots created after the effective date of this Ordinance, to not have to comply, herein. The Planning Board shall require the following before approval may be granted:
  - a. A copy of the deed or other legal instrument which grants use of the right-of-way and the description of the right-of-way;
  - b. An agreement between those who share use of the right-of-way which sets forth adequate maintenance provision for the right-of-way;
  - c. The names and addresses of all other granted use of the right-of-way;
  - d. Assurance in such form as the Planning Board may require that all other applicable state laws and regulations and local ordinances will be complied with; and
  - e. A statement in recordable form signed by the applicant that if conversion of summer camps or the erection of new dwellings accessed by the unaccepted right-of-way occurs, those persons owning property on the unaccepted right-of-way shall continue to assume responsibility for maintaining and plowing the access road and that, because the private access road is not constructed to Town road standards, the travel of personal, service, emergency, and maintenance vehicles over the access road may be hindered. Nothing contained within shall be construed as requiring the Town to provide additional services to properties on unaccepted rights-of-way not already receiving those services or to accept such rights-of-way as public roads.

### 13. Signs

#### General Requirements.

1. All proposed business, commercial, industrial, and home occupation signs shall be approved by the Code Enforcement Officer and meet the standards contained within this Ordinance.
  2. Existing non-conforming signs shall not be replaced by another non-conforming sign. Existing non-conforming temporary signs shall be removed within six (6) months of the adoption of this Ordinance, with future use directed by, Temporary Signs, below.
  3. The sale of real estate may be advertised by non-illuminated temporary signs, no larger than six (6) square feet in area. Each broker or person advertising the sale shall be permitted only one sign on any premises. All such signs shall be removed upon the transfer of ownership.
  4. Rental vacancies may be advertised with a non-illuminated sign on the rental property and be no larger than two (2) square feet in area. Such sign shall be erected only during such time as the rental property is vacant.
  5. Except for Maine Department of Transportation approved off-premise signs governed by MRSA 23, Section 1901 et seq., signs shall be placed on the same lot as the use of the activity they are advertising, relate to the premises on which they are located, and shall only identify the occupant of such premises or advertise the service available within said premises. There shall be no temporary promotion signs, banners, streamers, or placards erected, suspended, posted, or affixed in any manner outdoors or on the exterior of the premises except as provided in this Ordinance. Product advertising is prohibited except where the product is generic to the business.
  6. No sign shall be erected adjacent to any roadway in such a manner as to obstruct clear and free vision, or where, by reason of its position, shape, color, or wording the sign may interfere with or obstruct the view of, or be confused with any authorized traffic sign, signal, or device or otherwise constitute a hazard to pedestrian or vehicular traffic.
  7. Signs for home occupations may display one non-illuminated sign, not exceeding two (2) square feet in area. Said sign must not detract from the character of the residence or the neighborhood.
  8. Signs facing into residential settings within three hundred (300) feet shall be illuminated only by direct white light.
- E. Shoreland Areas: See: The Chapman Shoreland Zoning Ordinance.
- F. Sign Exceptions.

Nothing within this Ordinance shall prohibit the use of the following signs or signs exempted by MRSA 23, Section 1901 et seq.:

1. Flags and insignia of any government.
2. Legal notices, identification, information, or directional signs erected or required by governmental bodies.
3. Signs directed and guiding traffic and parking on private property, but bearing no advertising matter or commercial identification.
4. Barber poles.
5. Signs painted, stamped, perforated, or stitched or otherwise applied to the valence of an awning.

**G. Prohibited Signs.**

The following permanent signs are prohibited:

1. Billboards.
2. Off-premise signs.
3. Sign(s) erected on utility owned poles.
4. Sign(s) erected on trees.
5. Searchlights.
6. Hot air or gas filled balloons, or umbrellas used for advertising.
7. Sign(s) mounted or painted on a vehicle for advertising purposes, parked, and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in the normal day-to-day operations of that business.
8. Sign(s) designed to be transported by trailer on wheels.
9. Any sign extending or protruding over public property within two (2) feet of the curb line. Signs extending or protruding over public property shall be approved by the Code Enforcement Officer.
10. Signs hung from another sign.
11. Any noise-making sign.
12. Any colored sign so located as to attract attention from or obstruct traffic control lights so as to reduce its visibility and effect.
13. Any sign within twenty-five (25) feet of an intersection of two (2) roads so placed in any way as to obstruct clear vision in any direction.
14. Any device illuminating a sign which directs light toward a public way in such a manner as to cast its beam in the eyes of oncoming motorists or pedestrians.

**H. Temporary Signs.**

Temporary signs for special events may be posted upon written permit from the Code Enforcement Officer. The Code Enforcement Officer shall only grant such a permit after presentation of evidence that the authorities controlling the proposed location of the sign have approved its posting. A temporary sign shall be posted for a period not to exceed twenty (20) days. The applicant shall remove said signs upon termination of the permit. Street banners shall be not be larger than two (2) feet in height and fifty (50) square feet in area. Permits for hanging street banners across a public way shall be issued only upon the indication to the Code Enforcement Officer of complete liability in writing by the person, firm, or corporation hanging the banner for any damage resulting from the placement of said banner. Such liability shall be acknowledged upon the application for the permit. No temporary sign, other than a street banner, shall be larger than twenty (20) square feet per side.

**14. Soils**

No land use shall be permitted in any area where the soil is rated severe or very severe for the proposed activity, according to the Aroostook County Soil Survey of the USDA Natural Resource Conservation Service, unless satisfactory evidence is presented to the Code Enforcement Officer within the application for a permit, that construction methods shall overcome any pertinent soil inadequacies.

**15. Swimming Pools**

1. Swimming pools installed after the effective date of this Ordinance shall require a permit issued by the Code Enforcement Officer.
2. All swimming pools shall meet accessory structure setback requirements.
3. Enclosures of swimming pools shall comply with the provisions of Title 22, MRSA Section 1632.
4. Swimming pools of a temporary design and removed on an annual basis are not subject to permitting.

## **16. Temporary Dwellings**

- A. Purpose: To provide for the temporary habitation of one dwelling during the construction or renovation of a second dwelling on lots, except within the Shoreland and Resource Protection Districts.
- B. The Code Enforcement Officer may issue a Temporary Dwelling permit for the purpose of the owner residing in one dwelling while a new dwelling is constructed or an existing dwelling is renovated, only if all of the following are met:
  1. The temporary structure to be resided in during the construction or renovation of the second (primary) structure shall be connected to an approved subsurface sewage disposal system.
  2. All setbacks and lot coverage requirements of this Ordinance shall be met.
  3. The owner must reside in one of the structures during construction or renovations.
  4. The structure which is not to be the principle residence shall be resided in for not more than eighteen (18) months from the date of the issuance of the permit for the construction of the primary residence.
  5. Within eighteen (18) months from the date of the issuance of a permit in the case of a mobile home it shall be removed from the lot and other structures shall be converted to an accessory structure or removed.
  6. Prior to the issuance of a building permit for the construction and renovation on a lot where a temporary residential structure will be located, the owner shall sign a binding agreement with the Town of Chapman that the provisions of this section shall be complied with.

## **17. Septage Spreading and / or Storage. Land Application of Waste / Foreign Materials.**

- A. Groundwater table must be measured and documented at all land application sites prior to application.
- B. Water samples from all abutting landowners wells and any other well which has potential to be affected, must be collected and tested to established baseline water quality. Annual testing must be conducted to determine water quality levels.
- C. Surface water samples at points where surface drainage would enter bodies of water must be collected and tested to establish baseline water quality. Annual testing must be conducted to determine water quality levels.
- D. The site must be restricted and delineated through placement and maintenance of fencing, lockable gates and easily seen markers along the site perimeter that would adequately prevent public access and wildlife intrusion.
- E. Spreading of materials derived from commercial or institutional facilities shall be prohibited. Only septage similar to residential wastewater shall be permitted for spreading.

## Section 7 Cluster Development

The following cluster development standards should be used as a means to preserve open space, including farm and forestland. Cluster development is one of the most important ways of controlling sprawl and minimizing the conversion of open space to residential use, while allowing residential development to take place. Commercial and industrial uses can also be clustered, but under different standards.

A. Purposes. The purposes of this section are to:

1. Provide for efficient use of land not possible under traditional lot-by-lot size requirements, provided that the net density shall be no greater than is permitted, unless a density bonus is granted to the applicant;
2. Provide for the preservation of parks, recreation, and open space areas;
3. Provide for a more attractive, varied arrangement of dwelling units and open space on a particular parcel;
4. Provide for the location of housing units and other uses where they are least visible and hidden by topography or vegetation, therefore minimizing perceived densities;
5. Provide for orderly development in the rural areas and maintain the rural character of the community by preserving tree masses, stream valleys, woodlands, of views and scenic vistas, and other significant natural features;
6. Provide for reasonable standards for the perpetual maintenance of community or privately owned facilities necessary to service the development;
7. Preserve and protect environmentally sensitive areas; and
8. Allow for new and innovative approaches to housing development and discourage the location of housing units in strip fashion along rural roads.

Notwithstanding other provisions of this and other ordinances relating to dimensional requirements, the Planning Board, in reviewing and approving proposed residential developments, may modify said provisions related to dimensional requirements to permit innovative approaches to housing and environmental design in accordance with the following standards. This shall not be construed as granting variances to relieve hardship.

B. Application Procedures. An application for cluster development shall follow the same procedures as for a standard subdivision and address the following additional requirements:

1. The Planning Board may allow subdivided development on reduced lot sizes in return for open space where the Planning Board determines that the benefits of the cluster approach will prevent the loss of natural features without increasing the net density of the development. Where an applicant elects or is required to cluster, a written application shall be submitted to the Planning Board. Two sketch plans shall be submitted with one layout as a standard traditional subdivision and the other as a cluster development indicating open space and significant natural features. Each lot in the standard traditional subdivision shall meet the minimum lot size and lot width requirements, and if not serviced by public sewer have an area suitable for subsurface wastewater disposal according to the Maine Subsurface Wastewater Disposal Rules. The number of lots in the cluster may exceed the number of lots in the standard subdivision (density bonus), with approval from the Planning Board.
2. A written statement shall describe the natural features which will be preserved or enhanced by the cluster approach. Natural features include, but are not limited to, moderate to high value wildlife and waterfowl habitats, moderate to high yield aquifers, preserving prime agricultural and forestland areas and soils, large trees, woods, ponds, rock outcrops, and other important natural or historic sites. The statement shall also compare the impact upon the community by both proposals. Examples of impacts are municipal costs for roads, schools, school busing, solid waste management, utility efficiency, recreational opportunities, protection of flood water storage areas, and environmental impacts on sensitive lands.
3. For purposes of this Section, the tract or parcel to be developed shall be in single ownership, or the subject of an application filed jointly by the owners of all the property included.
4. Estimated costs of infrastructure development (roads, utilities, etc.) shall accompany the plan. The applicant shall file with the Town, at the time of submission of the Final Plan for subdivision approval, a performance guarantee (See: Sec. XX, herein).
5. Within thirty (30) days of determining that the application is complete, the Planning Board shall determine whether to allow the subdivision to be developed in accordance with the standards of this Ordinance based upon findings that:
  - a. The site contains natural features of the type worthy of preservation; and
  - b. Those natural features could not adequately be preserved in a standard subdivision layout; or

- c. A clustered development will permit more efficient creation and utilization of infrastructure and provision of municipal and quasi-municipal services than would a standard subdivision layout.

C. Basic Requirements for Cluster Development

1. Cluster development shall be a minimum of 10 acres and shall meet all requirements for a subdivision, the Town's road design and construction standards, all other applicable federal, state, and local rules, laws, ordinances or regulations.
2. Each building shall be an element of an overall plan for site development. Only developments having a total site plan for structures will be considered. The applicant shall illustrate the placement of buildings and the treatment of spaces, paths, roads, service, and parking and in so doing shall take into consideration all requirements of this Section and this ordinance.
3. The maximum allowed reduction in the size of individual lots is 25 percent. However, a larger reduction can be made if site conditions can be proven by the applicant to support smaller lot sizes.
4. The maximum net density allowed in cluster developments shall be calculated on the basis of the "*Qualifying Land Area*" standards contained below.
5. Unless a public sewer or community sewage collection and treatment system is provided, no lot shall be smaller than 20,000 square feet. No unit shall be constructed on any lot with soil considered as being "very poorly" drained.
6. The total area of open space within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required, except where density bonuses are permitted.
7. Every building lot that is reduced in area below the amount normally required should abut the open space area for a distance of 50 feet, or be within 1000 feet distance from the open space area.
8. Distance between buildings shall not be less than 20 feet.
9. In rural areas, no individual lots shall have frontage on an existing road at the time of development. There shall be a setback of 50 feet from the main public access road and from interior roads that are constructed as part of the cluster development. Access from public ways, internal circulation, and parking shall be designed to provide for vehicular and pedestrian safety and convenience, emergency and fire equipment maneuverability, snow removal, road maintenance, and delivery and collection services.
10. In no case shall shore frontage and setback be reduced below the minimums normally required by the Shoreland Zoning Ordinance.
11. Where a cluster development abuts a body of water, a usable portion of the shoreline, which shall be a minimum of 100 feet, as well as reasonable access to it, shall be a part of the open space land.
12. When individual wells are to be utilized, a drilled well with casing, shall be provided on each lot by the developer/builder. The location of all wells shall be shown on the plan. The applicant shall demonstrate the availability of water adequate in quantity and quality for domestic purposes, as well quantity for fire safety. The Planning Board may require the construction of fire ponds and/or dry hydrants.
13. The location of subsurface sewage disposal systems and an equivalent reserve area for a replacement system(s) shall be shown on the plan. The report of a licensed Site Evaluator shall accompany the plan. The reserve areas shall be restricted so as not to be built upon. The report of a licensed Site Evaluator shall accompany the plan. If the subsurface disposal system in an engineered system, approval from the Department of Human Services, Division of Health Engineering, shall be obtained prior to Planning Board approval.

D. Siting and Buffering Standards

1. Buildings should be oriented with respect to views and scenic vistas, natural landscape features, topography, south facing slopes (wherever possible), and natural drainage areas, in accordance with an overall plan for site development and landscaping. A site inspection shall be conducted by the Code Enforcement Officer prior to approval. Once approved, the plan shall not be altered in any manner, without prior approval of the Planning Board.
2. Buildings shall be designed and planned to protect bedroom windows from light invasions by vehicle headlights or glare from existing outdoor lighting or illuminated signs, where allowed, insofar as practical.
3. Where parking spaces or storage areas are located in areas abutting existing residential properties, a permanent wood or masonry screen, at least 4 feet high, shall be erected along the property line, in addition to the "green" perimeter strip described below.
4. Other than any land within shoreland zoning, a "green" vegetative perimeter strip, not less than 20 feet wide, shall be maintained with grass, bushes, flowers, scrubs, and/or trees alongside all lot or rear lot lines of the property as a whole, and (except for entrance and exit driveways) along the entire frontage of such lot. Such "green" strip shall not be built

upon, paved, or used for parking or storage. There shall be no removal of trees over 4" in diameter within this buffer. In the shoreland zoning area, vegetation shall be retained in its natural state.

5. Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. Adequate provision shall be made for storm waters, with particular concern for the effects of erosion from the site. Erosion resulting from any improvements to the site shall be prevented by landscaping or other means. The Planning Board may require that an erosion and sedimentation control plan be made and that the developer take appropriate measures to prevent and correct soil erosion in the proposed development.
6. All utilities shall be installed underground, whenever possible. Transformer boxes, pumping stations, and meters shall be located so as to not to be unsightly, hazardous to the public, or detract from the natural beauty of the development.

E. Preservation and Maintenance of Open Space and Facilities

1. Common open space shall be dedicated upon approval of the project. There shall be no further subdivision of open space. Open space shall be used for agriculture, non-commercial recreation, forestry, or conservation. However, easements for public utilities may be permitted in the open space area, with prior approval of the Planning Board.
2. There shall be no land development within the open space without the prior approval of the Planning Board.
3. The open space(s) shall be shown on the development plan and with appropriate notation on the face thereof to indicate that:
  - a. The open space shall not be used for future buildings lots or development; and
  - b. A part or all of the open space may, at the option of the Town, be dedicated for acceptance by the Town. Such dedication shall take place after final approval of the project. Final acceptance by the Town of dedicated open space rests with the Town.
4. If any or all of the open space is to be reserved as common open space for use by the residents, the by-laws of the proposed homeowners association shall specify maintenance responsibilities and shall be submitted to the Planning Board prior to approval. The developer shall maintain control of such open space(s) and be responsible for its maintenance until development sufficient to support the association has taken place. Such determination shall be made by the Planning Board upon the request of the homeowners association or the developer.
5. Covenants for mandatory membership in the association, setting forth the owner's rights and interest and privileges in the association and the common land, shall be reviewed by the Planning Board and included in the deed for each lot (i.e. annual fee to the association for lawn mowing, snow removal, solid waste management, municipal assessments, neighborhood recreational facilities, etc.). A clause should be added to every deed that any unpaid association fees, plus interest, shall be paid at the time of a deed transfer and the association will receive first "dibs".
6. Open space land may be leased for agriculture or forestry purposes provided that development rights for the open space land are held by the homeowners association. The legal instruments for the development rights shall be submitted to and reviewed by the Planning Board and approved by the homeowners association.

F. Qualifying Land Area

To determine the number of lots/dwelling units permitted in a subdivision, the applicant shall perform the following calculations and submit evidence in the form of plans and data to verify the calculations.

**Net Buildable Acreage Calculation**

A. From the gross acreage of the site ( \_\_\_\_\_ acres) subtract the following:

- |     |                                                           |       |       |
|-----|-----------------------------------------------------------|-------|-------|
| 1.  | Existing road rights-of-way <sup>1</sup> .                | _____ | Acres |
| 2.  | Proposed rights-of-way <sup>1</sup> .                     | _____ | Acres |
| 3.  | Noncontiguous land <sup>2</sup> .                         | _____ | Acres |
| 4.  | 100% of the RP and SP Districts <sup>3</sup> .            | _____ | Acres |
| 5.  | 100% of the 100 year floodplain land <sup>4</sup> .       | _____ | Acres |
| 6.  | 100% of the wetlands, NRPA Class me and II <sup>4</sup> . | _____ | Acres |
| 7.  | 50% of the wetlands, NRPA Class III <sup>4</sup> .        | _____ | Acres |
| 8.  | 100% of ponds or lakes.                                   | _____ | Acres |
| 9.  | 50% of slopes from 15-25%.                                | _____ | Acres |
| 10. | 85% of slopes over 25%.                                   | _____ | Acres |

**Net Buildable Acreage (NBA)** \_\_\_\_\_ Acres

- 1 Include shoulder and ditches in width calculation.
- 2 Land separated by roads or railroads, or land linked by a strip less than 50' wide.
- 3 Resource Protection and Stream Protection.
- 4 Where this overlaps, the overlapping acreage shall be counted only once.

**Net Density Calculation**

A. Multiply the (NBA) by the minimum lot size requirement (SF). \_\_\_\_\_ Lots

(This figure is determined by dividing 43,560 by the minimum lot size requirement... i.e. 40,000 square feet = .9183)

B. Multiply the result by 10% (density bonus). \_\_\_\_\_ Lots

C. Add the results of "A" and "B". **Total Allowable Lots** \_\_\_\_\_ lots

**Dimensional Standards**

A. Traditional Minimum Lot Size: \_\_\_\_\_ SF

B. Maximum reduction in size of individual lots is: (25%) \_\_\_\_\_

C. Clustered Minimum Lot Size: (25% of Traditional Minimum Size) \_\_\_\_\_ SF

D. Minimum Lot Width: \_\_\_\_\_ feet

E. Minimum Yards

Front (from ROW) \_\_\_\_\_ feet

Rear \_\_\_\_\_ feet

Side \_\_\_\_\_ feet



## Section 8 Road Design, Construction, and Acceptance Standards

### 1. Statement of Purpose

The purpose of these standards is to promote the health, safety, and public welfare of the residents of Chapman through the establishing of minimum design, construction, and acceptance standards for roads.

### 2. Applicability

- A. New Construction: These standards shall apply to the construction of all new roads within the town, whether public or private, except private farm, camp, or forestry roads. No road shall be accepted as a town way unless they meet the provisions of these standards.
- B. Alterations: Alterations, widening and improvements shall be consistent with the standards of this Ordinance. The Town shall be exempt from the provisions of these standards when the Town undertakes alterations, widening, and improvements but must meet the standards to the greatest practical extent.
- C. Higher Design and Construction Standard: Nothing in these standards shall be construed to prevent the design and construction of roads which meet higher standards, use improved methods, or higher quality materials. The Road Commissioner may require the developer to construct a road to higher standards due to unusual circumstances.

### 3. Application Procedures

Prior to the construction of any new road or the reconstruction or lengthening of an existing road, an application shall be submitted to the Planning Board with the following information in the application.

- A. Submission Requirements:
  1. The name(s) of the applicant(s);
  2. The name(s) of the owner(s) on record of the land upon which the proposed road is to be located;
  3. A copy of the deed for the property proposed for road construction;
  4. A statement of any legal encumbrances on the land upon which the proposed road is to be located; and
  5. The anticipated starting and completion dates of each major phase of road construction.
- B. Plans: The plans and illustrations submitted as part of the application shall be prepared by a Maine Registered Land Surveyor or Professional Engineer to include the following information:
  1. The scale of the plan. (All road and roadway plan and profile drawings shall be drawn to a minimum scale of 1" = 50' horizontal and 1" = 5' vertical);
  2. The direction of magnetic north;
  3. A plan profile and typical cross section views of all proposed roads;
  4. The starting and ending point with relation to established roads, roads, or ways and any planned or anticipated future extensions of the roads. (All terminal points and the center line alignment shall be identified by survey stationing.);
  5. The roadway and roadway limits with relation to existing buildings and established landmarks;
  6. Dimensions, both lineal and angular, necessary for locating boundaries, and necessary for locating subdivisions, lots, easements, and building lines;
  7. The lots, if any, as laid out and numbered on said road, showing the names of all owners of abutting property;
  8. All natural waterways and watercourses in or on land contiguous to the said roads or ways;
  9. The kind, size, location, profile and cross section of all existing and proposed drainage ways and structures and their relationship to existing natural waterways;
  10. A soil erosion and sedimentation control plan showing interim and final control provisions;
  11. Curve data for all horizontal and vertical curves shall be the center line radius, arc length, beginning of curve and end of curve points;
  12. All center line gradients shall be shown and expressed as a percent;
  13. All curve and property line radii of intersections;
  14. The limits and location of any proposed sidewalks and curbing;

15. The location of all existing and proposed overhead and underground utilities, to include, but not limited to, the following: (NOTE: When a location, in the case of any underground utility, is an approximate, it shall be noted on the plan as such.)
  - a. storm drains;
  - b. telephone line poles or underground vaults;
  - c. electrical power line poles or underground vaults; and
  - d. street lights.
16. The name(s) of each proposed new road.
- C. Upon receipt of plans for a proposed public road, the Planning Board/CEO shall forward one copy to the Road Commissioner for review and comment. The Planning Board shall presume the plans acceptable should the Town Selectmen and the Road Commissioner not submit written comments within thirty (30) days of the receipt of the proposed public way.
- D. Roads within Proposed Subdivision: Roads, proposed as part of a subdivision shall be submitted to the Planning Board as an integral part of the subdivision application. Plans shall conform to the provisions of this Ordinance as well as that required by the Town of Chapman's Subdivision Ordinance.
- E. Application Fee: An application fee as shown on the fee schedule shall be paid to the "Town of Chapman" upon submission of an application. The application fee shall be waived if the road is being reviewed as an element of a subdivision application.
- F. Application Review:
  1. Complete Application: Within thirty (30) days from the date of receipt, the Planning Board/CEO shall notify the applicant in writing that the application is complete, or if incomplete, the specific additional material needed to make them complete. Determination by the Planning Board that the application is complete in no way commits or binds the Planning Board as to the adequacy of the application to meet the requirements of this Ordinance.
  2. Application Approval: The Planning Board shall, within thirty (30) days of a public hearing, or within sixty (60) days of having received the completed application or within such other time limit as may be mutually agreed to, deny or grant approval on such terms and conditions as it may deem advisable to satisfy this Ordinance and to preserve the public health, safety, and general welfare. In all instances, the burden of proof shall be upon the applicant. In issuing its decision, the Planning Board shall make a written finding of fact establishing that the application does or does not meet the provisions of this Ordinance.
  3. Public Hearing: The Planning Board may hold such public hearing within thirty (30) days of having notified the applicant in writing that a complete application has been received and shall cause notice of the date, time and place of such hearing to be given to the applicant, all owners' property abutting the proposed road or any other impacted party as may be determined by the Planning Board, and posted a (1) prominent location throughout the Town at least seven (7) days prior to the hearing. Public hearings shall be conducted in accordance with the procedures within this Ordinance.

#### 4. Acceptance of a Town Way

A road or easement constructed on private property by the owner(s) shall be laid out and accepted as a Town right-of-way or public easement by the Town only upon the following conditions:

- A. Roads which the owner(s) proposes to be dedicated as Town rights-of-way shall be designed and constructed in accordance with the Road Design and Construction standards contained within this Ordinance.
- B. The owner(s) shall give the Town of Chapman a warranty deed to the property within the boundaries of the right-of-way or public easement at the time of its acceptance.
- C. A plan of the right-of-way or public easement shall be recorded in the Aroostook County Registry of Deeds, Southern Office at the time of its acceptance.
- D. A request or petition for acceptance of the Town right-of-way or public easement shall be submitted to the Town Selectmen upon a form to be presented to the Planning Board for their review and comment. Said request/petition shall comply with all applicable requirements contained within this Ordinance.
- E. Acceptance of a Town right-of-way or public easement shall take place at a Town Meeting.

## 5. General Road Design Standards

- A. These design standards shall be met by all roads, except private farm and forestry roads, and shall control the roadway, shoulders, curbs, ditches, sidewalks, drainage systems, culverts, and other appurtenances.
- B. Roads shall be designed to discourage through traffic within a residential subdivision.
- C. Where a development borders an existing narrow road (not meeting the width requirements of the standards for roads in this Ordinance), or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the development, the plan shall indicate reserved areas for widening or realigning the road marked "Reserved for Road Realignment (Widening) Purposes". Land reserved for such purposes may not be included in computing lot area or setback requirements.
- D. Driveways shall be located not less than forty (40) feet from the tangent point of the curb radius at an intersection. Driveways to corner lots shall gain access from the road of lower classification when a corner lot is bounded by roads of two different classifications. Driveways, whenever possible, should be located no closer than five (5) feet from adjacent property lines and fifty (50) feet to an adjacent driveway.
- E. The maximum number of driveways onto a single road is controlled by the available site frontage as noted in D above. In addition, no low volume traffic generator shall have more than one two-way access onto a single roadway and no medium volume traffic generator shall have more than two two-way accesses in total onto a single roadway.
- F. Existing roads shall be extended at the same or greater width and in no case shall they be extended at less than the existing width.
- G. Road names require the approval of the legislative body at the Annual, or specially-called, Town Meeting. Roads that are in alignment with roads already existing or named, shall be given the name of the existing road. Names of new roads shall not duplicate, nor bear phonetic resemblance to those of existing roads in Chapman. The developer shall reimburse Chapman for the costs of installing road name, traffic safety, and control signs.
- H. Intersections of roads shall be at angles as close to ninety (90) degrees as possible. In no instances shall road intersections be at an angle of less than sixty (60) degrees.
- I. The curb line radius at road intersections shall be no less than twenty-five (25) feet. Where the angle of the road intersects is less than ninety (90) degrees, a longer radius may be required.
- J. Any road intersection shall be so designed in profile and grading and so located as to provide the following minimum sight distances measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the intersecting road or road with the front of the vehicle a minimum of ten (10) feet behind the curb line or edge of the shoulder with the height of the eye three and one-half (3.5) feet to the top of an object four and one-quarter (4.25) feet above the road surface. Measurements are ten (10) feet for each posted mile per hour of speed. (25 MPH x 10 feet = a minimum site distance of 250 feet). Adjustments may be requested by the Planning Board to adjust for downgrades and upgrades.

Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

- K. Where, in the opinion of the Planning Board, it is desirable to provide for road access to adjoining property, proposed roads shall be extended by dedication, to the boundary of such property.
- L. Utilities shall be located in all roads as indicated within this Ordinance.
- M. Street lighting shall be installed as required by the Board of Selectman.
- N. The center line of the roadway shall be the center line of the right-of-way.
- O. Dead end roads shall either be constructed to provide a cul-de-sac turn around or a hammerhead or "T" turn around. Cul-de-sac turn-arounds designed with a center island shall meet the following dimensions:
  - 1. Property line: seventy (70) feet;
  - 2. Outer edge of pavement or travel surface: seventy-five (75) feet; and

The Planning Board may require the reservation of a twenty (20) foot easement in line with the road to provide continuation of pedestrian traffic or utilities to the next road. The Planning Board may also require the reservation of a sixty-six (66) foot easement in line with the road to provide continuation of the road where future subdivision is possible.

Hammerhead or "T" turn arounds are an equally viable option. These turn arounds shall allow a minimum extension of seventy (70) feet perpendicular from the road center line on each side of the proposed road.

- P. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.
- Q. Following road construction, the developer or contractor shall conduct a very thorough clean-up of stumps and other debris from the entire road right-of-way. If on-site disposal of stumps and debris is proposed, the site shall be indicated on the Plan, and be suitably covered with fill and top soil, limed, fertilized, and seeded.
- R. Adequate provision shall be made for disposal of all surface water and underwater through ditches, culverts, underdrains, and/or storm water drainage systems. Drainage design shall be based upon a ten-year storm event and may be reviewed by the local Natural Resource Conservation Service Office before construction.
- S. Catch basins (of standard design) shall be built where necessary and culverts of proper size and capacity will be installed at all watercourses, with necessary headers. A plan for the design and construction of catch basins and culverts must be submitted to the Road Commissioner.
- T. Slopes and ditches shall slope away from the shoulders of the road at a ratio of at least four (4) horizontal feet to one (1) foot vertical and never steeper than two (2) to one (1). In cases where this is not possible or practical, as where the roadway cuts through the side of a hill, all cuts shall be made to that adjacent slopes will not slide. The tops and sides of all cuts shall be cleared of all trees, stumps, and boulders for an adequate distance so as to prevent such material from sliding into the ditches. Banks will be loomed, seeded, and mulched.
- U. The Planning Board shall have the authority to designate whether sidewalks shall be required. Sidewalk specifications shall comply with MDOT General Specifications which include a minimum sidewalk width of 4' with 1 1/2" of bituminous hot mix over a 6" gravel subbase after compaction.
- V. Longitudinal runs of water and/or sewer mains shall be laid outside of the travel lanes and clear of any present or designated sidewalks. Utility poles shall be so placed that any present or designated sidewalks may be contained within the boundaries of the road or way without obstructions by poles or appurtenances.
- W. All roads proposed for acceptance as Town ways, and constructed without adherence to this Ordinance shall require the following:
  1. Completed application form for road and acceptance standards along with all required material accompanying application.
  2. Written statement by Chapman Utility Districts stating that all underground systems are properly constructed.
  3. Following the evaluation, obtain a written statement signed by a registered professional engineer attesting that the proposed road meets or exceeds the standards set forth by this Ordinance.
  4. Developer shall be required to comply with the standards as they are set forth in this Ordinance.
  5. The Town may require the developer to excavate the proposed road to determine soil quality and depth.
- X. A land use/building permit shall not be issued unless the roadway from which the lot receives access is has been constructed to standards outlined in this ordinance.

## 6. Road Classification

Road classifications are based on the road's ultimate purpose, use, and/or volume stated in terms of Average Daily Traffic (ADT) as determined by the Planning Board. The number of dwelling units to be served by a residential road shall be used as an indication of the number of trips. Whenever a subdivision road continues an existing road that formerly terminated outside the subdivision or it is expected that a subdivision road will be continued beyond the subdivision at some future date, the classification of the road will be based upon the road in its entirety, both within and outside of the subdivision.

- A. Collector Road: The primary purpose of a collector road is to serve as feeders to arterial roads and collectors of traffic from minor roads. A collector has a potential to sustain minor commercial businesses along its route.
- B. Residential Collector: The primary purpose of a residential collector road is to conduct traffic gathered from local or minor roads to collector roads. Residential collectors shall be designed to exclude all external through traffic which has neither origin nor destination on its tributary local access roads.
- C. Local or Minor Road: The primary purpose of a local or minor road is to conduct traffic to and from dwelling units to other roads. Usually, such a road is not designed for through traffic.

## 7. Chapman Road Design and Construction Standards Chart

	Collector Roads*	Residential Collector and Minor Local Roads*
a. Minimum Width of Right-of-Way	66'	66'
b. Minimum Paved Width	22'	20'
c. Minimum Shoulder Width (each)	4'	4'
d. Curbing (if desired)	Vertical or sloped	Vertical or sloped
e. Curb Reveal	6" min 8" max	6" min 8" max
f. Minimum Grade	0.5%	0.5%
g. Maximum Grade	8.0%	8.0%
h. Maximum Grade at Intersections	3% within 50' of intersection	3% within 50' of intersection
i. Minimum Angle of Intersections	90 degrees	90 degrees
j. Minimum Centerline Radii on Curves	230'	230'
k. Minimum Tangent Length Between Reverse Curves	100'	100'
l. Minimum Sidewalk: <ul style="list-style-type: none"> <li>• Sidewalks</li> <li>• Bituminous surface</li> <li>• Gravel sub-base course</li> <li>• (maximum size stone 2") crushed aggregate base (if necessary)</li> </ul>	4' 1.5" 6"	4' 1.5" 6"
m. Minimum Road Base: <ul style="list-style-type: none"> <li>• (after compaction) aggregate sub-base</li> <li>• (maximum size stone 2") crushed aggregate base (if necessary)</li> </ul>	12" 6"	12" 6"
n. Hot Bituminous Pavement: <ul style="list-style-type: none"> <li>• Surface course</li> <li>• Base course</li> </ul>	1.0" 2"	1.0" 1.5"
o. Minimum Road Crown: <ul style="list-style-type: none"> <li>• Gravel</li> <li>• Paved</li> </ul>	0.25":1' 0.125":1'	0.25":1' 0.125":1'
p. Maximum Road Crown <ul style="list-style-type: none"> <li>• Gravel</li> <li>• Paved</li> </ul>	0.75":1' 0.25":1'	0.75":1' 0.25":1'
q. Property Line Radii (intersections)	10'	10'

\* Specifications can be modified by the Road Commissioner, upon Planning Board approval, depending on environmental conditions.

## 8. Erosion Control

All slopes and ditches shall be protected to prevent erosion. Slopes and ditches shall be protected with hay or wood mulch or any of the various temporary erosion control products such as excelsior mat, jut mesh, etc. Construction operations should be scheduled to allow immediate seeding during optimum grass growing periods. All seeding should be completed within 24 hours after excavation of the ditching or work.

## Access Management, Off-Street Parking, and Loading Standards

The following standards are applicable to all land use activity within the Town, including site design and subdivision review.

### 1. Access Management

#### A. General.

1. These standards shall apply to vehicular access into a proposed development. In a residential subdivision these accesses may be roads within the subdivision or access to individual lots. In non-residential development the access may be a driveway into a parking lot or a road into the development. If the access to the residential subdivision and the non-residential development is a road, the Road Design and Construction Standards contained herein shall be met. Where there is a conflict between standards, the stricter or more stringent shall apply.
2. Where a lot has frontage on two or more roads, the access to the lot shall be provided to the lot across the frontage and to the road where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.
3. Access ways to non-residential developments or to multi-family developments shall be designed to avoid queuing of entering vehicles on any road. Left lane storage capacity shall be provided to meet anticipated demand. A warrant analysis to determine the need for a left-turn storage lane shall be done, if necessary.

- B. Sight Distances. Access should be designed in profile and grading and located to provide the required sight distance measured in each direction. Sight distances should be measured from the driver's seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle a minimum of 10 feet behind the curb line or edge of shoulder, with the height of the eye 3.5 feet, to the top of an object 4.5 feet above the pavement. The required sight distances are listed below for various designed speed limits. Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

#### Sight Distances\*

Design Speed (MPH)	Minimum** (feet)	Desired*** (feet)
25	175	250
30	210	300
35	245	350
40	280	400
45	315	450

\* Required exiting sight distance for a standard passenger vehicle to safely enter onto a 2-lane roadway from a complete stop, allowing approaching vehicles to adjust speed to avoid a collision.

\*\* Approximately equivalent to 1.5 times the average stopping distance on wet pavement, 3% downgrade, as documented by AASHTO, 1990.

\*\*\* Ten times the design speed.

- C. Vertical Alignment. Access shall be flat enough to prevent the dragging of any vehicle undercarriage. Accesses shall slope upward or downward from the gutter line on a straight slope of 3 percent or less for at least 75 feet. Following this landing area, the steepest grade on the access shall not exceed 8 percent.
- D. Design Standards. New access design shall be based on the estimated volume using the access classification defined below. Traffic volume estimates should be as defined in the "*Trip Generation Manual*", latest edition, published by the Institute of Transportation Engineers.

1. Low Volume Access: Less than 50 vehicle trips per day.
2. Medium Volume Access: 50 or more vehicle trips per day.

1. Low Volume Accesses (Driveway).

- a. Skew Angle. Low volume access shall be two-way operation and shall intersect the road at an angle as nearly 90 degrees as development conditions permit, but in no case less than 75 degrees.
- b. Curb Radius. The curb radius shall be between 10' and 25' (5-10'), with a preferred radius of 20' (10').
- c. Curb-Cut Width. On a two-way access the curb-cut width shall be between 40' and 54' (22-46'), with a preferred width of 40' (36').
- d. Access Width. The width of the access shall be between 20' and 24' (12-16'), with a preferred width of 20 (16') feet.

2. Medium Volume Accesses (Roadway and Driveway are same).

- a. Skew Angle. Medium volume access shall be either one-way or two-way operation and shall intersect the road at an angle as nearly 90 degrees as development conditions permit, but in no case less than 75 degrees.
- b. Curb Radius. Curb radii will vary depending if the access has one-way or two-way operation. On one-way accesses, the curb radii shall be 30' for right turns into and out of the development, with a 5' radius on the opposite curb. On a two-way access the curb radii shall be between 25 and 40', with a preferred radius of 30'.
- c. Curb-Cut Width. On a two-way access the curb-cut width shall be between 74 and 110' with a preferred width of 86'. On a one-way access the curb-cut width shall be between 46 and 70', with a preferred width of 51'.
- d. Access Width. On a two-way access the width shall be between 24 and 30', with a preferred width of 26', however where truck traffic is anticipated, the width may be no more than 30'. On a one-way access the width shall be between 16 and 20', with a preferred width of 20'.

**Design Standards**

Preferred Dimension in ( )

	<b>Skew Angle</b>	<b>Curb Radii</b>	<b>Curb-Cut Width</b>	<b>Access Width</b>
<b>Low Volume Access:</b>				
Roadway:	90 degrees	10-25' (20')	40-54' (40')	20-24' (20')
Driveway:	90 degrees	5-10' (10')	22-46' (36')	12-16' (16')
<b>Medium Volume Access:</b> (roadway and driveway are same)				
Two-Way Access:	90 degrees	25-40' (30')	74-110' (86')	24-26' (26') <sup>1</sup>
One-Way Access:	90 degrees	30' for right turns 5' on the opposite	46-70' (51')	16-20' (18')

<sup>1</sup> Where truck traffic is anticipated the width should be no more than 30 feet.

E. Access Location and Spacing

1. Minimum Corner Clearance. Corner clearance shall be measured from the point of tangency for the corner to the point of tangency for the access. In general the maximum corner clearance should be provided as practical based on site constraints. Minimum corner clearances are listed below based upon access volume and intersection type.

**Minimum Standards for Corner Clearance**

Driveway Type	Minimum Corner Clearance (feet)	
	Intersection Signalized	Intersection Unsignalized
Low Volume	150	50
Medium Volume	150	50

If based on the above criteria, full access to the site cannot be provided on either the major or minor roads; the site shall be restricted to partial access. Alternately, construction of a shared access drive with an adjacent parcel is recommended.

2. **Access Spacing.** Accesses and road intersections shall be separated from adjacent accesses and property lines as indicated below, in order to allow roads to effectively serve their primary function of conducting through traffic. This distance shall be measured from the access point of tangency to the access point of tangency for spacing between accesses and from the access point of tangency to a projection of the property line at the edge of the roadway for access spacing to the property line. Where two (2) or more two-way driveways connect a single development to any one (1) road, a minimum clear distance of one hundred (100) feet measured along the right-of-way line shall separate the closest edges of any two (2) such driveways. If one (1) driveway is two-way and one (1) is a one-way driveway, the minimum distance shall be seventy-five (75) feet.

#### Minimum Access Spacing

Access Type	(feet)	Minimum Spacing to Property Line (Dpl) <sup>1</sup>	Minimum Spacing to Adjacent Access by Access Type <sup>2</sup> (Dsp) <sup>3</sup>
		Low (feet)	Medium (feet)
Low Volume		5*	75
Medium Volume		10	100

- 1 Dpl measured from point of tangency of driveway to projection of property line on road-way edge.
- 2 For two or more driveways serving a single parcel, or from a proposed driveway from an existing driveway.
- 3 Dsp measured from point of tangency of driveway to point of tangency of adjacent driveway.
- \* Low volume driveways are not permitted in combination with other driveway types on a single lot.

3. **Shared Driveways.** No part of any driveway shall be located within a minimum of five (5) feet of a side property line. However the Planning Board may permit a driveway serving two (2) or more adjacent sites to be located on/or within five (5) feet of a side property line between the adjacent sites. Proof of easement shall be provided by the applicant to the Planning Board.
4. **Acceleration Lanes.** Where a driveway serves right-turning traffic from a parking area providing two hundred (200) or more parking spaces and the road has an ADT volume exceeding seven thousand five hundred (7,500) vehicles, an acceleration lane shall be provided which is at least two hundred (200) feet long and at least ten (10) feet wide measured from the road curb line. A minimum thirty-five (35) feet curb return radius shall be used from the driveway to the acceleration lane.
5. **Deceleration Lanes.** Where the same conditions exist as in the previous paragraph and a driveway serves as an entrance to a development, a deceleration lane shall be provided for traffic turning right into the driveway from the road. The deceleration lane shall be at least two hundred (200) feet long and at least ten (10) feet wide measured



from the road curb line. A minimum thirty-five (35) foot curb return radius shall be used from the deceleration lane into the driveway.

F. Number of Accesses

The maximum number of accesses onto a single road is controlled by the available site frontage and the table above. In addition, the following criteria shall limit the number of accesses independent of frontage length.

1. No low volume traffic generator shall have more than one two-way access onto a single roadway.
2. No medium volume traffic generator shall have more than two two-way accesses onto a single roadway.

G. Construction and Materials/Paving

1. All accesses entering a curbed road shall be curbed with materials matching the road curbing. Sloped curbing is required around all raised channelization islands or medians.
2. All commercial and industrial accesses regardless of access volume shall be paved with bituminous concrete pavement within 30 feet of the roadway right-of-way. The remainder of the driveway should be constructed to the following specifications:
  - a. graded to a crown of no less than .5":12"; and
  - b. constructed of 12" sub base gravel and 3" base gravel.
3. Dust control shall be approved by the CEO prior to being applied and shall be applied at time of construction with either calcium chloride, or an approved alternative, by being mixed with the gravel or sprayed on at completion of the access.
4. As a means of prolonging the life of a driveway and creating a pervious surface, 4 oz. woven or unwoven stabilization geo-textile may be used, as can properly constructed geo-web and blocks, grass paving rings, or other similar devices approved by the Road Commissioner, Planning Board, or CEO.

**2. Off-Street Parking and Loading**

A. General

1. A permitted use shall not be extended, and no structure shall be constructed or enlarged, unless off-street vehicle parking is provided in accordance with the standards of this Section.
2. All parking spaces shall be 9 feet x 19 feet.
3. Parking areas with more than two (2) parking spaces shall be arranged so that it is not necessary for vehicles to back into the street.
4. Required off-street parking for all land uses shall be located on the same lot as the principal building or facility, except required off-street parking in non-residential may be provided on a lot under the same ownership as the owner requiring the additional off-street parking. Such parking scheme shall be approved by the Planning Board. The additional parking must be within 300' measured along the roadway right-of-way. Evidence of ownership shall be required.
5. The joint use of a parking area by two or more principal buildings or uses may be approved as an administrative appeal by the Board of Appeals where it is clearly demonstrated that said parking area would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees on such establishments.
6. Parking spaces shall be provided as required and made available for use prior to the issuance of the Certificate of Occupancy.

B. Additional Requirements for Non-Residential Development

1. Access points from a public road to non-residential development shall be so located as to minimize traffic congestion and to avoid generating traffic on local access streets of a primarily residential character.

2. All parking areas, driveways, and other areas serving ten (10) or more vehicles shall be paved with bituminous concrete or an equivalent surfacing over a gravel sub-base at least 6" in thickness, and shall have appropriate bumper or wheel guards where needed.
3. All driveway entrances and exits shall be kept free from visual obstructions higher than three (3) feet above street level for a distance of 25 feet measured along the intersecting driveway and street lines in order to provide visibility for entering and leaving vehicles.
4. Loading facilities shall be located entirely on the same lot as the building or use to be served so that trucks, trailers, and containers for loading or storage shall not be located upon any municipal way.
5. The following minimum off-street loading bays or berths shall be provided and maintained in the case of new construction, alterations, and changes of use:

- a. Retail, office, consumer services, wholesale, warehouse, and industrial operations with a gross floor area of more than 5,000 square feet require the following:

5,001	to	20,000 SF	1 bay
20,001	to	50,000 SF	2 bays
50,001	to	100,000 SF	3 bays
100,001	to	150,000 SF	4 bays
150,001	to	300,000 SF	5 bays

- b. Each 150,000 square feet over 300,000 square feet requires (1) additional bay. No loading docks shall be located to face any street frontage. Provision for handling all freight shall be on those sides of any buildings which do not face on any street or proposed streets.
6. Off-street parking and loading spaces, where not enclosed within a building, shall be effectively screened from view by a continuous landscaped area not less than six (6) feet in height and fifteen (15) feet in width along exterior lot lines adjacent to residential properties, except that driveways shall be kept open to provide visibility for entering and leaving. No off-street parking and loading shall be permitted within the front setback or any setback adjoining a public street, except as specifically authorized in this Ordinance.

C. Parking Lot Design Criteria. (Except for single-family and two-family development)

1. Vehicular Entrance and Exit

- a. Entrances/exits should be clearly identified by use of signs, curb cuts, and landscaping.
- b. Entrance/exit design shall be in conformance with the standards contained within this Ordinance.

2. Interior Vehicular Circulation

- a. Major interior travel lanes should be designed to allow continuous and uninterrupted traffic movement.
- b. Access to parking stalls should not be from major interior travel lanes and shall not be immediately accessible from any public way.
- c. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.
- d. Parking aisles should be oriented perpendicular to stores or businesses for easy pedestrian access and visibility.
- e. Enclosures, such as guardrails, curbs, fences, walls, and landscaping, should be used to identify circulation patterns of parking areas and restrict driving movements diagonally across parking aisles, but not to reduce visibility of oncoming pedestrians and vehicles.
- f. Entrance/exits shall be designed to allow adequate stacking of vehicles without blocking interior vehicle circulation lanes.
- g. All parking spaces and access drives shall be at least five (5) feet from any side or rear lot line, except for the additional requirements in buffer yards.

- h. Aisle Width and Parking Angle. The width of all aisles and parking angles providing direct access to individual parking stalls shall be in accordance with the requirements below. Only one-way traffic shall be permitted in aisles serving single-row parking spaces placed at an angle other than ninety (90) degrees.

**Parking Angle and Aisle Width**

Parking Angle (degrees)	Aisle Width (feet)
0 (parallel parking)	12
30	12
45	13
60	18
90 (perpendicular parking)	25

- i. All interior travel lanes shall be designed to follow the topographic and natural features of the site.
- j. Projects shall provide a clear route for delivery vehicles with appropriate geometric design to allow turning and backing for vehicles expected to use the facility.
- k. Clear routes of access shall be provided and maintained for emergency vehicles to all portions of the site and shall be posted with appropriate signage.
- l. The road network shall provide for vehicular and pedestrian safety, all season emergency access, snow storage, delivery and collection services.
- m. In paved parking areas painted stripes shall be used to delineate parking stalls. Stripes should be a minimum of 4" in width. Where double lines are used, they should be separated a minimum of 12" on center.
- n. In aisles utilizing diagonal parking, arrows should be painted on the pavement to indicate traffic flow.
- o. Bumpers and/or wheel stops shall be provided where overhang of parked cars might restrict traffic flow on adjacent through roads, restrict pedestrian movement on adjacent walkways, or damage landscape materials.
- p. Handicap Parking and Loading
  - 1. Parking shall be provided as specified in ANSI 4.6. The total number of accessible parking spaces shall be distributed to serve the various accessible entrances as well as possible.
  - 2. If passenger loading zones are provided, then at least one passenger loading zone shall comply with ANSI 4.6.3 or 4.6.5.
  - 3. An accessible space for a van with a side-lift shall be level, adjacent to an eight (8') foot wide sidewalk, and have appropriate signs.

D. Required Parking Spaces

- 1. Parking spaces shall be provided to conform to the number required in the following schedule:

<u>Activity</u>	<u>Minimum Required Parking</u>
Residential	
with 2 or more bedrooms	2 spaces per dwelling unit.
with 1 bedroom	1.5 spaces per dwelling unit.
Elderly Housing	1 space per dwelling unit.
Tourist home, boarding, lodging house	
motel, hotel, inn	1 space per room/unit rental and for each employee on the largest shift.
Church	1 space per three seats based upon max. seating capacity.
Schools	
Primary	1.5 spaces per classroom.
Secondary	8 spaces per classroom.

Post-Secondary	1 space for each student and 1 space for each faculty and staff member.
Child Care Facility	1 space for every 4 children facility is licensed to care for.
Private Clubs or Lodges	1 space per every seventy-five (75) square feet of floor space.
Theatre, Auditorium, Public Assembly Areas	1 space per three seats based upon max. seating capacity.
Funeral Homes	1 space for every 100 square feet of floor space.
Medical Care Facilities	1 space for every three (3) beds and every two (2) employees on the maximum working shift.
Offices, Banks	1 space for every 150 square feet of floor space.
Medical Offices (MD's, OD's)	10 spaces for each doctor, dentist, or other medical practitioner.
Veterinarian Clinic, Kennel	5 spaces/veterinarian.
Retail and Service Businesses	1 space for every 150 sq. ft. of floor space.
Barber/Beauty Shop	4 spaces/chair.
Restaurant	1 space per three seats based upon max. seating capacity.
Industrial Businesses	1 space/employee on the maximum working shift.
Warehouse, Wholesale	1 space/500 sq. ft. floor area business.
Flea Market	3 spaces/table.
Mixed Use	Total of individual uses.
Automobile Repair Garage and Repair Gasoline Filling Stations	5 spaces for each bay or area used for work.
Library, Museum, Art Gallery	1 space for each 150 sq. ft. of floor space.
Commercial Recreation Facility, Fitness Area	1 space for each 100 sq. ft. of floor area.
Motor Vehicle Sales	1 space reserved for customers per thirty vehicles displayed on the lot.

Notes

1. Where the calculation of the aforementioned parking spaces results in a fractional part of a complete parking space, the parking spaces required shall be construed to be the next highest number.
2. The above are minimum standards, and additional parking spaces shall be required if these prove to be inadequate.
3. Where floor space is to be used in calculating the number of required parking stalls, gross floor area shall be used unless otherwise noted.

## **Section 9 Administration and Enforcement**

### **1. General**

- A. The Code Enforcement Officer or alternate CEO shall administer and enforce this Ordinance. No applications for land use permits shall be accepted unless accompanied by any necessary fees, a copy of the deed to the property in question, a scaled site plan, and a general narrative of intended work to be submitted by the owner, authorized agent, and/or contractor.
- B. No land use permit or certificate of occupancy shall be issued for the construction, alteration, enlargement, moving, use, or change of use of any land or building unless the Code Enforcement Officer determines that all of the above requirements have been met and that the land and/or building shall conform in all respects to the provisions of this Ordinance and all other applicable federal, state, and local laws, regulations, and ordinances.
- C. A notice of an application for Site Design Review or subdivision, requiring Planning Board and/or Board of Appeals approval, shall be forwarded by the Code Enforcement Office to the appropriate Boards and Chair of the Town Selectmen for the Selectmen's expeditious review and comment.
- D. All applications need to be accompanied with the appropriate fees. (See: Section 12 *Fee Schedule*)

### **2. Land Use Permit**

- A. No building or structure shall be erected, altered, enlarged, or moved until a land use permit has been issued by the Code Enforcement Officer. Permits shall expire one (1) year from the date of issue and may be renewed once. All intended construction and land use as stated in the original permit shall begin within the one (1) year permit period. All applications for permits shall be in accordance with the provisions of this Ordinance.
- B. Application for a land use permit shall be in writing and contain all information pertinent to the requirements of this Ordinance, including a statement setting forth the intended use of the proposed new, altered, or relocated building. The Code Enforcement Officer shall issue the permit if they find, after proper examination of the application, that the building or structure and its intended use will comply with the provisions of this Ordinance.
- C. There shall be submitted with all applications for a land use permit, two (2) copies of a site plan drawn to scale showing; the exact dimensions of the lot to be build upon, all buildings, yards, required off-street parking and loading spaces, existing, proposed, and such additional information as may be necessary to determine and provide for enforcement of this Ordinance.
- D. One copy of the site plan shall be returned to the applicant when approved by the Code Enforcement Officer together with the permit.

### **3. Code Enforcement Officer Shall Act**

The Code Enforcement Officer shall act promptly within fifteen (15) days after receipt of a complete application for a land use permit required by this Ordinance. Notice of refusal to issue the land use permit shall be given to the applicant or their authorized agent in writing within fifteen (15) days of such application stating the reason for refusal.

### **4. Inspection**

- A. At least ten (10) days prior to commencing construction of improvements, the developer shall notify the Code Enforcement Officer in writing of the time when the developer proposes to commence construction of such improvements, so that the Town Officials can cause inspection to be made to assure that all Town specifications, requirements, and conditions of approval, if applicable, shall be met during the construction of the improvements, and to assure the satisfactory completion of improvements and utilities.
- B. If the Code Enforcement Officer finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the developer, the Code Enforcement Officer shall so report in writing to the Town Officials, Planning Board, developer, and builder. The Town Officials shall take any steps necessary to preserve the Town's rights.
- C. If at any time before or during the construction of the improvements it appears to be necessary or desirable to modify the improvements, the Code Enforcement Officer is authorized to approve minor modifications due to unforeseen circumstances, such as encountering hidden outcrops of bedrock, natural springs, etc. The Code Enforcement Officer shall issue any approval under this section in writing and shall transmit a copy of the approval to the Planning Board or other authorities. Revised plans shall be filed with the Planning Board or other

authorities. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 2%, etc., the developer shall obtain permission to modify the plans from the Planning Board.

- D. Upon completion of road construction and prior to a vote by the Town Officials to submit a proposed public way to a Town meeting, a written certification signed by a Maine registered professional engineer shall be submitted to the Town Officials at the expense of the applicant, certifying that the proposed public way meets or exceeds the design and construction requirements of this Ordinance and the Town's roadway design and construction standards. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. "As built" plans shall be submitted to the Town Officials.

## **5. Code Enforcement Officer**

- A. It shall be the duty of the Code Enforcement Officer (CEO) to enforce the provisions of this Ordinance. If the CEO shall find that any provision of this Ordinance is being violated, the CEO shall notify the applicant in writing indicating the nature of the violations and ordering the action necessary to correct it. The CEO shall send a copy of such notice to the Town Officials and said notice shall be maintained as part of the permanent record. The failure of the CEO to follow the notice procedure set forth within this subsection shall not prevent the Town Officials from taking any legal action to enforce this Ordinance and to pursue all available legal remedies, including without limitation, injunctive relief, fines, and attorney fees. The CEO shall have the authority to issue a Stop Work Order upon a finding that work has been commenced or completed prior to receipt of all approvals required by this Ordinance or contrary to the terms of an approved site design. The CEO shall order the removal of illegal buildings, structures, additions, materials, or work being done, or shall take any other action authorized by this Ordinance to insure compliance with, or to prevent violation of, its provisions. Any construction or site work not in conformity with an approved plan and/or permit shall constitute a violation of this Ordinance. Work shall recommence only after such Order has been lifted.
- B. The CEO shall maintain the current addresses and phone numbers of federal and state agencies with which an applicant may want to check to determine what other laws apply to a proposed development. In addition, the CEO shall maintain a current file of all pertinent local statutes, ordinances, regulations, codes, and plans relating to land-use regulation including local subdivision plans. The CEO shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.
- C. The CEO shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to approval. The CEO may enter any property at reasonable hours and enter any structure with the consent of the property owner, occupant, or agent, to inspect the property or structure for compliance with the laws or ordinances set forth in this section. If consent is denied they should obtain an administrative warrant before entering the property. The CEO may revoke a permit after proper notification if it was issued in error or if based on erroneous information.

## **6. Violations**

When any violation of any provision of this Ordinance shall be found to exist, the Town Officials, upon notice from the CEO, are hereby authorized to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town. The Town Officials, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the 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.

## **7. Fines**

Any person, firm, or corporation being the owner, authorized agent, contractor, or having control or use of any structure or premises who violates any of the provisions of this Ordinance shall upon conviction be fined in accordance with provisions of Title 30-A MRSA §4452. Each day such a violation is permitted to exist after notification shall constitute a separate offense. Fines shall be payable to the "Town of Chapman".

## Section 10 Planning Board

### 1. Establishment and Administration

- A. The March 1982 “Establishment of Municipal Planning Board” ordinance is hereby superseded.
- B. Planning Board members shall be appointed by the Town Selectmen and sworn in by the Town Clerk or other person authorized to administer oaths.
- C. The Board shall consist of five (5) members and may have up to two (2) alternate members.
- D. The term of each member shall be three (3) years. The term of office of an alternate member shall be three (3) years.
- E. When there is a permanent vacancy declared the Town Selectmen may within 60 days of its occurrence be required to appoint a person to serve for the unexpired term. Board members shall be eligible to succeed their term of appointment. A vacancy may be declared by the voting members of the Board upon the resignation or death of any member, or when a member ceases to be a voting resident of the Town, or when a member fails to attend three (3) consecutive meetings, or fails to attend at least 75% of all meetings during the preceding twelve (12) month period. When a vacancy is declared, the Town Manager shall immediately so advise the Selectmen in writing. The Board may recommend to the Selectmen that the attendance provision be waived for cause, in which case no vacancy will then exist until the Selectmen disapproves the recommendation.
- F. Any member can be removed by the Board of Selectmen in accordance with applicable State Law.
- G. Planning Board members are expected to be knowledgeable of laws, ordinances, regulations, and Board policies and to abide by them.

### 2. Organization and Rules

- A. The voting members of the Board shall elect a Chairperson, a Vice-chair, or other officers as needed, from among its members by a majority vote and create and fill such other offices as it may determine at the annual organizational meeting which shall be held on the first regular Planning Board meeting in May, and the election shall follow immediately thereafter. The term of all offices shall be (1) year with eligibility for re-election.
  - 1. The Chairperson shall preside at all meetings and hearings of the Planning Board. The Chairperson has the authority to appoint all committees, to call all work sessions, designate which alternate member shall serve in place of a regular member, and to preside over executive sessions.
  - 2. The Vice-chair shall have the same duties as the Chair and serve in the absence of the Chair.
  - 3. The Town Clerk or designee shall be responsible for the minutes and records of the Board, shall keep a record of all resolutions, votes, transactions, correspondences, findings and conclusions of the Board and other duties as may be normally carried out. All records shall be deemed public and may be inspected during normal business hours. Any member of the public may obtain a copy of the record from the Board upon payment of the cost of reproduction and postage.
  - 4. The Town Clerk or designee shall be responsible for the agendas of regular meetings and special meetings with the Chairperson, distribution of the notice of the meetings and hearings, correspondence of the Board, and other duties as may be normally carried out.
- B. When a member is unable to act because of interest, physical incapacity, absence or any other reason satisfactory to the Chairperson, the Chairperson shall designate an alternate member to sit in their chair.
- C. An alternate member may attend all meetings of the Board and participate in its proceedings, but may vote only when they have been designated by the Chairperson to sit for a member.
- D. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members, except the member who is being challenged.
- E. The Board shall hold at least one regular meeting of the Board each month, if necessary.
- F. No meeting of the Board shall be held without a quorum consisting of three (3) members or alternate members authorized to vote.
- G. Planning Board business shall be conducted in accordance with the Maine Revised Statutes Annotated and/or local ordinances.
- H. The Board shall adopt rules for transaction of business.
- I. The Chairperson may call a special meeting of the Board.

### 3. Duties and Powers

#### A. The Board shall:

1. Perform such duties and exercise such powers as are provided by ordinance/regulations and charter and the laws of the State of Maine, to include:
  - a. directing and overseeing the activity of the comprehensive planning program;
  - b. reviewing subdivision proposals;
  - c. facilitating the interpretation of land use ordinances;
  - d. reviewing and authorizing the issuance of permits pursuant to land use ordinances;
  - e. projecting a course, through community planning, for the Town's future;
  - f. undertaking duties to conduct community planning activity;
  - g. conducting a municipal planning program;
  - h. members have an obligation to act reasonably and promptly; and
  - i. facilitating in obtaining public participation, public relations, and citizen involvement.

- B. The Board may be provided with goods and services necessary to its proper function within the limits of appropriations made for the purpose.

### 4. Meeting Organization

#### A. Regular Meetings

1. The Board shall hold at least one regular meeting of the Board each month, if necessary. The meeting shall be at the Chapman Municipal Building or other suitable meeting place. The Chairperson may schedule special meetings on 24 hours' notice to the members, Town Manager, Chair of the Selectmen, and the media.
2. All meetings shall be open to the public.
3. No official business may be conducted without a quorum present. A quorum shall consist of three (3) members. It shall not include anyone who cannot participate due to a conflict of interest. "Conflict of interest" means direct or indirect pecuniary interest, which shall include pecuniary benefit to any member of the person's immediate family, their employer, or the employer of any member of the person's immediate family. It shall also include a situation where the Board member, by reason of their interest, is placed in a situation of temptation to serve their own personal interest, instead of the public's interest. Members can voluntarily disqualify themselves from discussion and vote as Board members. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members present, except the member challenged.
4. In the event a quorum is not present, the Board members are authorized to request that the Chairperson reschedule the meeting to another date and adjourn the meeting. If the date is other than a regular meeting date, the Town Clerk or designee shall have the responsibility of providing adequate notice to the Board members, Town officials, and the general public.
5. All comments addressed to the Board shall be made through the Chairperson.
6. All matters shall be decided by a show of hands. A majority of the quorum is needed to pass a motion. When a motion results in a tie vote the motion fails.
7. All decisions must be based on whether the applicant has provided sufficient evidence to prove that all applicable law and ordinance requirements have been met.

#### B. Agendas

1. Regular meeting agendas shall follow the following format:
  - a. Call to order and determine the presence of a quorum.
  - b. Public Hearing (if any is scheduled)
  - c. Minutes of the previous meeting and correspondence.
  - d. Old business.
  - e. New business.
  - f. Other.
  - g. Adjournment.



2. Agendas shall be posted in the Town Office and mailed to the Board members at least seven (7) days before the meeting.
3. New applications shall be received at the Chapman Town Office no later than fourteen (14) days prior to the meeting and shall be placed on the next available slot for new applications on the Board's Agenda, and the applicant so notified of the date and time. At that initial meeting the Board shall make written findings whether the application is complete, and take all necessary steps to notify the applicant of the Board's decision.

C. Work Sessions

1. The Chairperson may call work sessions for the purpose of updating the Comprehensive Plan, Subdivision Ordinance, Land Use Ordinances, Planning Board by-laws, and other information work items relating to the Board's Activities, providing that the public is notified.
2. Work sessions are open to the public.

D. Executive Sessions

1. Upon the majority vote of those present, the Board may call for an Executive Session to meet with the Town Attorney about pending or potential litigation or other matters required under State law.
2. Within the Executive Session it shall be the Chairperson's responsibility to ensure that only that business for which the session was called will be discussed, and no official action will be taken.

**5. Hearings**

- A. The Board, by majority vote at a regular or special meeting, may schedule a Public Hearing on an application within the time limits established by state law or local ordinance.
- B. The Board shall cause notice of the date, time, and place of such hearing, the location of the proposed building or lot, and the general nature of the question involved, to be given to the person making application and to be posted in a (1) prominent location and in local media sources throughout the Town at least seven (7) days prior to the hearing. The Board shall also cause notice of the hearing to be given to the Town Selectmen. The owners of the property abutting that property for which the application is taken shall be notified by mail at least seven (7) days prior to the date of the hearing.
- C. The Board shall provide, as a matter of policy for exclusion, irrelevant, immaterial, or unduly repetitious evidence.
- D. Order of Business at a Public Hearing.

1. The Chairperson calls the hearing to order and determines whether there is a quorum.
2. The Chairperson then describes the purpose of the hearing, the nature of the case, and the general procedures to be followed.
3. The Board decides whether the applicant has sufficient right, title, or interest to appear before the Board.
4. The Board determines whether it has jurisdiction over the application.
5. The Board determines which individuals attending the hearing are "interested parties". "Interested Parties" are those persons who request to offer testimony and evidence and to participate in oral cross-examination. They would include abutting property owners and persons directly impacted by the application. Parties may be required by the Board to consolidate or join their appearances in part or in whole if their interests or contentions are substantially similar and such consolidation would expedite the hearing. Pertinent Public Officials shall automatically be made parties to the proceeding.

Interested parties will be required to state for the record their name, residence, business or professional affiliation, the nature of their interest in the hearing, and whether or not they represent another individual, firm, association, organization, partnership, trust, company, corporation, state agency, or other legal entity for the purpose of the hearing.

6. The Chairperson gives a statement of the case and incorporates into the record correspondences and reports filed with the Board prior to the hearing. This material shall be available for public inspection.
7. The applicant is given the opportunity to present their case without interruption.
8. The Board and the interested parties may ask questions of the applicant through the Chairperson.

9. The interested parties are given the opportunity to present their testimony, starting with proponents followed by opponents. The Board may call its own witnesses, such as the Code Enforcement Officer.
10. The applicant may ask questions of the interested parties and Board witnesses through the Chairperson.
11. All parties are given the opportunity to refute or rebut statements made throughout the hearing.
12. The Board shall receive comments and questions from all observers and interested citizens who wish to express their views.
13. The hearing is closed after all parties have been heard. If additional time is needed, the hearing may be continued to a later date. All interested parties shall be notified of the date, time, and place of the continued hearing, and the reasons for the continuance.
14. Upon such request made prior to or during the course of the hearing, the Chairperson may permit persons participating in any hearing pursuant to these by-laws to file written statements with the Board for inclusion in the record after the conclusion of the hearing, within such time and upon such notification to the other participants as the Chairperson may require.
15. Board members and its consultants have the right to prepare findings and conclusions at any public meeting prior to the decision being finalized. The Board may waive any of the above rules upon good cause shown. Any participant or other member of the public may obtain a copy of the record from the Board upon payment of the cost of transcription, reproduction, and postage.

## 6. Decisions

- A. Decisions by the Board shall be made within the time limits established by state law and local ordinances and regulations.
- B. The final decision on any matter before the Board shall be issued as a written order signed by the Chairperson. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, and signed minutes of the meetings/hearing shall constitute the record. All decisions shall become a part of the record and shall include a specific statement of findings and conclusions as well as the reasons or basis therefore, upon all the material issues of fact, law, or discretion presented and the appropriate order, relief or denial therefore. At a minimum, the record should specifically state that the applicant has/has not met all applicable state statutory requirements, all applicable Town ordinances, and all applicable Town regulations, and those legal documents shall be specifically referenced.
- C. The Board, in reaching said decision, shall be guided by standards specified in the applicable statute, ordinance, or regulation as well as by community goals and policies as specified in a comprehensive plan, if any, and by the findings of the Board in each case.
- D. Notice of any decision, including the findings and conclusions/minutes, shall be sent by mail or hand delivered to the applicant, their representative or agent within fourteen (14) days of being rendered.
- E. Decisions of the Board shall be immediately filed in the office of the Town Clerk and shall be made public record. The date of filing of each decision shall be entered in the official records and minutes of the Board.

## 7. Appeals

Appeal of the decision of the Planning Board shall be heard by the Board of Appeals.

## Section 11 Board of Appeals

### 1. Establishment and Administration

The Board of Appeals is hereby established. The word "Board," when used in this section shall be construed to mean the Board of Appeals. The Board use shall consist of three (3) members and up to two (2) alternate members who shall be residents of the Town of Chapman. Appointment to the Board shall be by the Town Selectmen. The term of office of the Board members shall be three (3) years, except that the first three (3) members appointed shall serve respectively for terms of one (1) year, two (2) years, and three (3) years; and thereafter members shall serve for three (3) years. The new members under appointment shall be appointed at the first meeting in April each year after initial establishment of the Board. The Town Selectmen shall appoint up to two (2) alternate members of the Board with the same qualifications as permanent standing members for a term of three (3) years to act thereon in the absence of a member. A vacancy shall be filled for the unexpired term only. Board members shall be eligible to succeed their term of appointment. Board members may be removed by the Board of Selectmen. The members of the Board shall receive no compensation for their services while under appointment. Absence of a member from three (3) consecutive meetings shall be construed to be a resignation from the Board and shall require filling of the vacancy by action by the Town Selectmen.

### 2. Alternate Members

The Chair of the Board shall name one of the alternate members to act in the place of any member due to personal interest, absence or physical incapacity.

### 3. Board of Appeals Organization

A. The members of the Board shall elect a Chair annually from the membership. The Board shall appoint a Secretary and prescribe such rules and regulations as it may deem necessary to perform the provisions of this article.

### 4. Appeal Procedure

#### A. Making an Appeal

1. An appeal may be taken to the Board of Appeals by an aggrieved person from any decision of the Code Enforcement Officer or Planning Board. Such appeal shall be taken within thirty (30) days of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
2. Such appeal shall be made by filing with the Board of Appeals a written notice of appeal, specifying the grounds for such appeal. For a variance appeal the applicant shall submit:
  - a. A sketch drawn to scale showing lot lines, location of existing building, and other physical features pertinent to the variance request.
  - b. A concise written statement stating what variance is requested and why it should be granted.
3. Upon being notified of an appeal, the Code Enforcement Officer shall transmit to the Board copies of all the papers specifying the record of the decision appealed from. Each appeal shall be accompanied by a fee to cover advertising and administrative costs (See Section 12: *Fee Schedule*). If the actual cost of advertising and notification exceeds the fee paid, the applicant shall pay the balance. The Board of Appeals shall hold a public hearing on the appeal within forty-five (45) days.

#### B. Procedure on Appeal

1. At least seven (7) days prior to the date of the hearing on such appeal, the Board shall cause to be posted in a (1) prominent location throughout the Town a notice which includes:
  - a. The name of the person appealing.
  - b. A brief description of the property involved.
  - c. A brief description of the decision appealed from, or the nature of a variance appeal.
  - d. The time and place of the Board's hearing.
2. At least seven (7) days prior to the date set for hearing, the Board shall also cause the Town Clerk to give similar written notice to:

- a. All property owners of record whose properties abut the affected property.
- b. The person making the appeal, and
- c. The Planning Board, the Code Enforcement Officer, and any other parties of record.

C. Hearings

- 1. The Board may receive any oral or documentary evidence, but shall provide as a matter of policy for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. Every party shall have the right to present their case or defense by oral or documentary evidence to submit rebuttal evidence and to conduct such cross-examinations as may be required for a full and true disclosure of the facts.
- 2. The appellant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chair.
- 3. At any hearing, a party may be represented by agent or attorney. Hearings shall not be continued to other times except for good cause. For example, if the Board of Appeals determines that the appeal before it was inappropriately classified the Board shall give the applicant the opportunity to amend the application and continue the hearing until the public has been properly notified of the appeal's reclassification and of the time and place when the hearing shall continue.
- 4. The Code Enforcement Officer or their designated assistant shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material deemed appropriate for an understanding of the appeal.
- 5. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record.
- 6. The record may be kept open after the hearing by order of the Chair until a date established by the order.

**5. Decisions of the Board of Appeals**

- A. The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Code Enforcement Officer, or to decide in favor of the applicant on any matter on which it is required to pass under this Ordinance, or to affect any variation in the application of this Ordinance.
- B. The Board shall decide all appeals in an open session of the Board within thirty (30) days after the hearing, and shall issue a written decision on all appeals.
- C. All decisions shall become a part of the record and shall include a statement of findings and conclusions, as well as the reasons or basis therefore, upon all the material issues of fact, law, or discretion presented, and the appropriate order, relief, or denial thereof. Notice of any decision shall be mailed or hand delivered to the petitioner, their representative or agent, the Planning Board, agency or office, the Code Enforcement Officer, and the Town Officials within seven (7) days of the decision date.
- D. Upon notification of the granting of an appeal by the Board of Appeals, the Code Enforcement Officer shall immediately issue a Permit in accordance with the conditions of the approval, unless the applicant's proposal requires Site Design Review.
- E. Appeals may be taken within forty-five days from any decision of the Board of Appeals to Superior Court.
- F. Any Board of Appeals reconsideration of an original decision by the Board of Appeals must be reconsidered and the proceedings completed within thirty (30) days of the vote on the original decision.

**6. Special Exception**

The Board of Appeals shall have the power to hear and decide upon applications only for such appeals it is authorized to grant by the terms of this Ordinance; to decide questions involved in determining whether special exceptions shall be granted; and, by majority vote, to grant special exceptions where conditions and safeguards are appropriate; or to deny special exceptions when not in harmony with the purpose and intent of this Ordinance.

**7. Variances**

The Board of Appeals shall have the power to hear and decide upon appeal a variation from the requirements of this Ordinance not in contradiction to the public interest in respect to a parcel of land or to an existing building thereon, where a literal enforcement of this Ordinance would result in unnecessary hardship. The Board of Appeals shall consider

conditions and safeguards in conformity with this Ordinance in granting any variance by majority vote. The Board of Appeals shall not grant variances for "Prohibited Forbidden". Variances may be permitted only under the following conditions:

- A. Variances are obtainable only for height, minimum lot size, frontage, structure size, setbacks and open space requirements.
- B. Variances cannot, under any circumstances, be obtainable for establishment of any uses otherwise prohibited.
- C. The Board shall not grant a variance unless it finds that all of the following criteria are met:
  - 1. That the land in question cannot yield a reasonable return unless a variance is granted. Such hardship may be found by the Board of Appeals where this Ordinance, as applied to the applicant's property, substantially destroys or decreases the value of the property in question for any permitted use to which the land or property can reasonably be put; and
  - 2. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and
  - 3. That the granting of a variance shall not alter the essential character of the locality; and
  - 4. That the hardship is not the result of action taken by the applicant or a prior owner. Mere inconvenience to the property owner shall not satisfy this requirement.
- D. Set Back Variance for Single Family Dwelling. The Board of Appeals may grant a variance from a setback requirement for a single family dwelling that is the primary year-round residence of the applicant. A variance under this subsection may not exceed 20% of a set-back requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage.
- E. Practical Difficulty. The Board of Appeals may grant a variance from the dimensional standards when the applicant shows that following the terms of the ordinance will cause "practical difficulty." In addition to the showing of practical difficulty the applicant must show that the variance is needed due to the unique circumstances of the property; granting the variance will not undesirably change the neighborhood or detrimentally affect the use or value of abutting properties; the difficulty is not the result of action taken by the applicant or prior owner; there is no feasible alternative to the variance; there will not be an unreasonable adverse impact on the natural environment; and the property is not located in a shoreland zone. Dimensional standards are limited to lot area, lot coverage, frontage, and setback requirements. "Practical difficulty" means that application of the ordinance precludes the ability to pursue a use permitted and results in significant economic injury to the petitioner
- F. Disability Variance. A disability variance may be granted by the Board to a property owner for the purpose of making that property accessible to a person with a disability who is living on the property. The Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the property with the disability. The Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives on the property. For the purposes of this subsection, a disability shall have the same meaning as a physical or mental handicap under Title 5 MRSA §4553 and the term "structures necessary for access to or egress from the property" is defined to include railing, wall, or roof systems necessary for the safety or effectiveness of the structure.
- G. Administrative Appeals. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the enforcement or administration of this Ordinance, provided the Board of Appeals shall have no jurisdiction to review the merits of an approval or denial by the Planning Board, nor to consider the imposition of conditions of approval or the failure to impose one or more conditions. When errors of administrative procedures or interpretation are found, the case shall be remanded back to the CEO or Planning Board for correction.
- H. The Board of Appeals shall limit any variances granted as strictly as possible in order to preserve the terms of the ordinance as much as possible, and it may impose such conditions to a variance as it deems necessary, to this end.
- I. If the Board of Appeals grants a variance under this section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of granting, shall be prepared in a recordable form by the Board of Appeals. This certificate must be recorded in the Aroostook County Registry of Deeds, Southern Office by the applicant within ninety (90) days of the date of the final written approval of the variance or the variance is void. The variance is not valid until recorded as provided in this subsection. For the purpose of this subsection, the date of the final written approval shall be the date stated on the written approval.

**8. Notification of Variances and Special Permits to Town Selectmen and Planning Board**

The Board of Appeals shall notify the Chair of the Board of Selectmen and the Planning Board of any special permit and variance granted under the provisions of this Ordinance.

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## Section 12 Schedule of Fees, Charges, and Expenses

The Town shall establish annually, on the advice of the Planning Board, CEO, and Town Manager, a schedule of fees, charges, and expenses for matters pertaining to this Ordinance. This schedule of fees shall be posted in the Town Office and may be altered or amended after a public hearing by the Board of Selectmen. Until the applicant has paid all applicable fees, charges, and expenses in full, no action shall be taken on any application or appeal.

Each application for a permit shall be accompanied by a non-refundable fee of:

- a. \$5 per thousand-dollar valuation (minimum \$300) for each new or relocated commercial structure such as potato storage, restaurants, enclosed equipment storage facilities, auto repair facility, etc, that requires inspections pursuant to MUBEC.<sup>1,2</sup>
- b. \$5 per thousand-dollar valuation (minimum \$300) for each new, remodeled, or relocated house, accessory structure, cottage, or mobile home, that requires inspections pursuant to MUBEC.<sup>1,2</sup> Maximum fee \$2,500.
- c. Subdivision: \$10 per lot or unit (\$40 minimum)
- d. Planning Board meeting \$40 plus cost of advertising (fee can be waived), this cost is in addition to the permit fee costs associated above.
- e. Board of Appeals \$40 plus cost of advertising (fee can be waived), this cost is in addition to the permit fee costs associated above.

### **Failure to obtain a permit before construction commences will result in a doubling of the permit fee.**

1. For structures exempt from MUBEC Inspections, the permit fee shall be \$5 per thousand-dollar valuation of the project or (Minimum \$50.00)
2. A fee of \$50.00 shall be paid for any repeat inspections or inspections not required by MUBEC. This fee shall be paid prior to the inspection in all cases.

## **Section 13 Amendments**

### **1. Initiation**

A proposal for an amendment to this Ordinance may be initiated by:

- A. The Planning Board, by majority vote of the Board;
- B. The Town Officials, through a request to the Planning Board;
- C. An individual, through a request to the Planning Board; or
- D. A written petition of a number of voters equal to at least ten percent (10%) of the voters in the last gubernatorial election.

### **2. Procedure**

- A. Any proposal for an amendment shall be made to the Planning Board in writing stating the specific changes requested. When a change in boundaries is proposed, the application shall state the nature, extent, and location of the boundary change proposal, and shall be accompanied by a scale drawing showing the areas to be changed, with dimensions. When an amendment is proposed by other than the Town Officials or the Planning Board, a fee shall accompany the proposal to cover the costs of hearings and advertisements.
- B. Within thirty (30) days of receiving an amendment, the Planning Board shall hold a public hearing on the proposed amendment, and unless the amendment has been submitted by the Town Officials or by a petition the Board, shall vote whether to forward the amendment to the Town Officers. The Board shall make a written recommendation regarding passage to the Town Officers prior to any action on the amendment by the Town Officers.
- C. The Town Officers shall hold a public hearing on the proposed amendment. Notice of the hearing shall be posted at three (3) prominent locations throughout the Town at least seven (7) days prior to the hearing. The notice shall contain the time, date, and place of hearing, and sufficient detail about the proposed changes as to give adequate notice of their content. If the proposed changes are extensive, a brief summary of the changes, together with an indication that a full text is available at the Town Clerk's office shall be adequate notice.

### **3. Adoption**

Any amendment to this Ordinance shall be amended by act of the Town Selectmen; shall be adopted by the Town's legislative body at a Town Meeting.



## Section 14 Definitions

### 1. Construction of Language

The following definitions shall apply to the Land Use Ordinance, Site Design Review and Subdivision Ordinance of Chapman. In the interpretation and enforcement of these Ordinances, all words other than those specifically defined in the Ordinance shall have the meaning implied by their context in the Ordinance, their ordinarily accepted meaning, or as defined herein. In the case of any difference of meaning or implication between the text of the Ordinance, illustration, or table, the text shall control.

- A. The word "person" includes firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural numbers includes the singular.
- C. The word "shall" is mandatory; the word "may" is permissive.
- D. The word "lot" includes the words "plot" and "parcel".
- E. The words "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- F. The word "Town" shall mean Chapman, Maine.
- G. The word "CEO" shall mean Code Enforcement Officer.
- H. The term "Land Use Ordinance" shall mean the Land Use Ordinance of Chapman.
- I. The term "Subdivision Ordinance" shall mean the Subdivision Ordinance of Chapman.

### 2. Definitions

**Abandoned:** The stopping of an activity, use, business, in addition to: actions taken by an owner or representative that removes the major portion of materials, goods, equipment, facilities, or parts thereof necessary for the operation of the activity, use, business. Also contains the element of abandoned and/or change to a less intensive use of the property/structure.

**Abutter:** Any person, to include property owner, leasee, or tenant, whose property adjoins or is directly across the road, street, right-of-way, stream, or waterway from the lot under consideration. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that their land will be directly affected by the proposal under consideration or a party whom the Planning Board determines would be impacted by the proposal.

**Accessory Use or Structure:** A use or structure which is customarily and in fact both incidental and subordinate to the principal use of the structure. The term "incidental" in reference to the principal use or structure shall mean subordinate and minor in significance to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. In shoreland areas, a deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

**Adult Arcade.** An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas. (*See the end of the list of adult-use establishments for the ordinance's definition of "specified sexual activities" or "specified anatomical areas."*)

**Adult Bookstore.** An establishment that has as a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following" 1.) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video characterized by an emphasis upon the depiction or description of description of specified sexual activities or specified anatomical areas; or 2.) instruments, devices, paraphernalia that are designed for use in connection with specified sexual activities.

**Adult Cabaret.** A nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures,

video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult Motion Picture Theater. An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

Adult Theater. A theater, concert hall, auditorium, or similar establishment characterized by (activities featuring) the exposure of specified anatomical areas of by specified sexual activities.

Agent: Any person having written authorization to act in behalf of a property owner, signed by the property owner.

Aggrieved Party: Any person whose property is directly or indirectly affected by the granting or denial of a permit or variance under an ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture: The production, keeping, or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does include animal husbandry, and the processing of goods carried out pursuant to a home food manufacturing license from the Maine Department of Agriculture, but does not include forest management and timber harvesting activities.

As an accessory use to the principal use of the lot for agriculture, the sale of: produce and products actually grown, raised or processed on the premises; or fresh produce purchased off-site to supplement sales during the growing season, and agriculturally related products, provided that such produce and products do not occupy more than 25 percent of the space devoted to retail sales.

For the purpose of this definition, "agriculturally related products" means items produced under a home food manufacturing license from the Maine Department of Agriculture, such as jams and jellies, honey, cheese and dairy products, homemade baked goods, herbs and spices, ice cream, and maple syrup. The allowed retail sales may be in farm stand or stands in which a total of no more than five hundred (500) square feet are occupied by the sales activity.

For the purpose of this definition, the keeping of horses and horticulture, are considered to be uses separate from agriculture.

Agricultural Products, Processing, and Storage: Establishments engaged in the manufacturing, processing, and/or packaging of foods, dairy products, commercial composting, and storage of such products.

Agricultural Sales and Service: The use of buildings or land for the sale of equipment or products or services to those engaged in agriculture.

Airport: Property that is maintained for the landing, refueling, and takeoff of aircraft and for the receiving and discharge of passengers and cargo traveling by air, to include aviation-related facilities, structures, and property.

Airport Apron: The pavement area used or intended to be used for the parking and movement of aircraft.

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

Amusement Facility: Any private, commercial premises which is maintained or operated primarily for the amusement, patronage, or recreation of the public, containing table sports, pinball machines, video games, or similar mechanical or electronic games, collectively, whether activated by coins, tokens, or discs, or whether activated through remote control by the management.

Amusement Park: A park operated by an entity, other than a unit of government, with a predominance of outdoor games and activities for entertainment, including motorized rides, water slides, miniature golf, batting cages, and the like.

Animal Husbandry: The breeding, raising, or keeping of livestock, other than customary household pets, for commercial purposes. Animal husbandry does not include a kennel.

Apartment: A room or group of rooms designed and equipped exclusively for rental use by one family as a habitation and which contains independent living, cooking, sleeping, bathing, and sanitary facilities. The term does not include recreational vehicles or hotel/motel units.

Applicant: A person applying for development approval. An applicant, owner, and a developer may be one in the same.

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

Aquifer: A geological unit in which porous and permeable conditions exist and thus are capable of yielding usable amounts of water.

Aquifer Recharge Area: An area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater.

Area of Special Flood Hazard: The land in the floodplain having a one percent or greater change of flooding in any given year.

Artificial Monument: A man-made object used to mark and identify the corner or line of property boundaries. Artificial monuments are to be in conformance with current standards of the Maine Board of Licensure for Professional Land Surveyors. The term "artificial monument" includes the following:

1. A granite monument;
2. A concrete monument;
3. A drill hole in ledge;
4. A metal pipe or pin; or
5. A steel bar no less than 1/2" in diameter and 3' in length.

Assisted Living Facility-Residences for the frail elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation

Automobile Graveyard: A yard, field, or other area used to store three (3) or more unserviceable, discarded, worn-out, or junked motor vehicles as defined in Title 29, Section 1, subsection 7, or parts of such vehicles. "Automobile graveyard" does not include any area used for temporary storage by an establishment or place of business which is primarily engaged in doing vehicle body repair work to make repairs or render a motor vehicle serviceable. "Automobile graveyard" does include an area used for vehicle dismantling, salvage, and recycling operations. For the purposes of this definition, "Unserviceable" shall mean, not ready for use or not presently useable.

Automobile Body Shop: A business engaged in body, frame, or fender straightening and repair, and painting and undercoating.

Automobile Recycling Business: The business premises of a person who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, provided that 80 percent of the business premises specified in the site plan (Title 30-A, MRSA, Section 3755-A, subsection 1, paragraph C) is used for automobile recycling business.

Automobile Recycling or Recycling Operations: The dismantling of motor vehicles for the purpose of reselling the component parts of the vehicle or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles

Automobile Repair Garage: A place where, with or without the attendant sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; over-all painting and undercoating of automobiles.

Automobile (Vehicle) Sales and Service: The use of any building or land area for the display and sale of new or used automobiles, trucks, vans, trailers, recreation vehicles, motorcycles, or similar motorized vehicles, including repair facilities for such vehicles.

Automobile Service Station: A place where gasoline, or any other automobile engine fuel (stored in approved containers or tanks), kerosene, or motor oil and lubricants or grease are retailed directly to the public on the premises; including storage of unlicensed vehicles and not including body, frame, or fender straightening and repair.

Average Daily Traffic (ADT): The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

Average Annual Daily Traffic (AADT): The average annual number of vehicles per day that enter and exit the premises or travel over a specific section of road.

Aviation-Related: Any activity, use, facility, structure, service, property, or property right used or intended to be used for any operational purpose related to, in support of, or complementary to, the flight of aircraft to or from an airport, to include convenience concessions serving the public.

Babysitting: Taking care of a child or children for a short period of time while the parents are away, usually for compensation.

Base Flood: Means the flood having a one percent change of being equaled or exceeded in any given year, alternately referred to as the 100 year flood.

Basement: The enclosed area underneath a structure, typically having a masonry floor and walls, which comprise the structure's foundation. The clear height up to the joists supporting the floor directly above shall be three (3) feet or greater.

Bathroom: A room with a bathtub and/or shower, toilet, and washstand.

Bed and Breakfast: Any dwelling in which transient lodging or boarding and lodging are provided and offered to the public for compensation for less than one week. The dwelling shall also be occupied by a permanent resident. There shall be no provision for cooking in any of the individual guest rooms.

Boarding Home for Sheltered Care-A non-profit or for-profit boarding home for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation.

Boarding House: Any residential structure where lodging, with or without meals, is provided for compensation for a period of at least one week, and where a family residing in the building acts as proprietor or owner. There shall be no provision for cooking in any individual guest room.

Boathouse: A non-residential structure designed for the purpose of protecting or storing boats for non-commercial purposes.

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

Bottle Club: An establishment in which patrons primarily bring their own liquor for consumption on the premises.

Buffer: A part of a property or an entire property, which is not built upon and is specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources.

**Building:** Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or personal property.

**Building Height:** The vertical distance measured between the average finished grade of the ground at the front of a building and the highest point of the roof, not including chimneys, spires towers, or similar accessory structures.

**Bulk Grain Storage:** Establishments primarily engaged in the warehousing and storage of grain for resale or own use, other than normal storage associated with on-site consumption.

**Campground:** Any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles, or other shelters for which a fee is charged.

**Capital Improvements Program (CIP):** A municipality's proposed schedule of future projects listed in order of construction priority, together with cost estimates and the anticipated means of financing each project.

**Cemetery:** Property used for the interring of the dead.

**Certificate of Compliance:** A document signed by the CEO stating that a structure is in compliance with all of the provisions of a Floodplain Management Ordinance.

**Certificate of Occupancy:** A document signed by the CEO stating that a structure is in compliance with all of the provisions of the Land Use Ordinance, Shoreland Zoning Ordinance, Building Code, and the Subdivision Ordinance of the municipality.

**Change of Use:** A change from one category in the Land Use Permit Table to another or the addition of a new category of use to an existing use.

**Child Day Care Facility:** Any dwelling, building, or portion thereof which child day care services are provided including any on-site outdoor play area. Child day care facilities shall be further differentiated by the following three classifications:

**Family Day Care Home:** Any premises or dwelling unit other than the child's own home where the child care areas are being used as a family residence, operated for profit or not for profit, in which child day care is provided at any one time on a regular basis to three, four, five, or six children, who are not relatives of the caregiver. Day care service for children in this type of facility is different from "babysitting."

**Group Day Care Home:** A facility in which care is provided for more than six (6), but less than twelve (12) children, at any one time, where the child care areas are being used as a family residence.

**Day Care Center:** A facility which is licensed to provide care for seven (7) or more children at any one time where the child care areas are not being used as a family residence.

**Church:** A building or structure, or group of buildings or structures, designed, primarily intended, and used for the conduct of religious services.

**Clinic:** An establishment where patients are accepted for treatment by a group of physicians practicing medicine together, but shall not offer domiciliary arrangements; medical or dental.

**Club:** Any association of persons organized for social, religious, benevolent, or academic purposes; whose facilities are open to members and guests including fraternities, sororities, and social organizations.

**Club, Private:** Any building or rooms, which serves as a meeting place for an incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational, or like activities, operated for the benefit of its members and not for the general public.

Club, Recreational: Any building or land which serves as a meeting place or recreation area for an incorporated or unincorporated association or group operated for the benefit of its members and guests and not open to the general public, and not engaged in activities customarily carried on by a business for pecuniary gain.

Cluster Development: A development designed to promote the creation of open space by a reduction in dimensional and area requirements.

Code Enforcement Officer (CEO): A person appointed by the municipal officers to administer and enforce an ordinance. Reference to the CEO may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector, and the like, where applicable.

Commercial Composting: The processing and sale of more than 1000 cubic yards of compost per year.

Commercial Recreation: Any commercial enterprise which receives a fee in return for the provision of some recreational activity, including but not limited to: racquet clubs, health facility, and amusement parks, but not including amusement centers.

Commercial Use: Commercial shall include the use of lands, buildings, or structures, other than home occupations, the intent and result of which activity is the production of income from the buying and selling of goods and services, exclusive of rental of residential buildings and dwelling units.

Commercial Waste Hauler. Any person engaged in the collection and transportation of solid waste for a fee or other compensation.

Common Driveway: A vehicle access way serving two dwelling units.

Common Open Space: Land within or related to a development, not individually owned, which is designed and intended for the common use or enjoyment of the residents or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the usable open space, such as for outdoor recreation.

Community Center: A building which provides a meeting place for local, non-profit community organizations on a regular basis. The center shall not be engaged in activities customarily carried on by a business.

Community Shelters for Victims of Domestic Violence-A residence providing food, shelter, medical care, legal assistance, personal guidance, and other services to persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical or psychological welfare.

Community Residences for the Developmentally Disabled (CRDD)-A residential facility, licensed by the state, providing food, shelter, and personal guidance, with supervision, to developmentally disabled or mentally ill persons whose require assistance, temporarily or permanently, in order to live in the community and shall include group homes, halfway houses, intermediate care facilities, supervised apartment living arrangements, and hostels.

Community Residential Home-A dwelling unit licensed to serve clients of the appropriate governmental department that provides a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of an aged person, a physically disabled or handicapped person, a developmentally disabled person, a non dangerous mentally ill person, and a child as defined in the appropriate statute.

Complete Application: An application shall be considered complete upon submission of any required fee or guarantee, a signed application, and all information required by the appropriate application, except as validly waived by the CEO or Planning Board, whomever is responsible for conducting the review, to waive the submission of required information.

Comprehensive Plan: A document or interrelated documents adopted by the municipality's legislative body, containing an inventory and analysis of existing conditions, a compilation of goals for the development of the community, an expression of policies for achieving these goals, and a strategy for implementation of the policies.

Conditional Zoning: The process by which the municipal legislative body may rezone property to permit the use of the property subject to conditions not generally applicable to other properties similarly zoned.

Confined Feeding Operations: Specialized livestock production enterprises with confined beef cattle and hog feeding and poultry and egg farms and accessory structures. These operations have large animal populations restricted to small areas.

Conforming: A building, structure, use of land, or portion thereof, which complies to all the provisions of an appropriate ordinance.

Congregate Housing: A multi-family development with central dining facilities serving functionally impaired persons.

Congregate Housing, Elderly: A type of dwelling which is occupied by elderly persons and that provides shared community space and shared dining facilities and normally also provides its residents with housekeeping services, personal care and assistance, transportation assistance, recreational activities, and/or specialized shared services such as medical support services. By "elderly" persons is meant a person 60 years old or older, or a couple that constitutes a household and at least one of whom is 60 years old or older at the time of entry into the facility. By "shared community space" is meant space designed to be used in common for the enjoyment and leisure of residents of the facility, such as, by way of example only, reading rooms, sitting rooms, recreational rooms, rooms for entertaining guests and exercise rooms. By "shared dining facilities" is meant a room or rooms designed for the serving of meals to residents sitting together, plus the kitchen and ancillary facilities required to prepare the meals. An elderly congregate housing development shall include either or both of the following types of residential units:

1. Dwelling units, as defined by this Section; and
2. Residential care units, which do not meet the definition of dwelling unit because they have no cooking facilities within the units, but which normally consist of rooms with sleeping and sanitary facilities.

Additionally, the term "elderly congregate housing" includes specialized facilities that provide long-term residential care, such as those designed specifically for persons with Alzheimer's disease or other afflictions of the elderly for which specialized care outside of a nursing home may be appropriate. Elderly congregate housing is distinct from "convalescent home or rest home or nursing home," which is defined separately.

Congregate Residences-Apartments and dwellings with communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services, and other support services appropriate for the residents.

Conservation Easement: A non-possessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open space values of real property; assuring its availability for agricultural, forest, recreational, or open space use; protecting natural resources; or maintaining air and water quality.

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

Construction Trailer: A temporary structure or structures, to include a mobile home, tractor trailer, or similar structure, which is used in conjunction with construction activities and which is used or constructed in such a manner as to permit daily occupancy and/or the storage of equipment and materials.

Continuing Care Retirement Community (CCRC)-An age-restricted development that provides a continuum of accommodations and care, from independent living to long-term bed care, and enters into contracts to provide lifelong care in exchange for the payment of monthly fees and an entrance fee in excess of one year of monthly fees.

Contract Zoning: The process by which the property owner, in consideration of the zoning of that person's property, agrees to the imposition of certain conditions or restrictions not imposed on other similarly zoned properties.

Convalescent Home, Rest Home, or Nursing Home: A facility in which nursing care and medical services are performed under the general direction of persons licensed to provide medical care in the State of Maine for the accommodation of convalescent or other persons who are not in need of hospital care, but who do require, on a 24-hour basis, nursing care

and related medical services. A convalescent home, rest home, or nursing home is distinct from elderly congregate housing.

Crawl Space: A space, usually about two (2) feet high, provided in a building in order to enable access to plumbing, wiring, and/or equipment.

Curb Cut: The opening along the curb line or right-of-way line at which point vehicles may enter or leave the road.

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

Decorative Changes: Repainting or re-siding; removing or replacing trim, railings, or other non-structural architectural details; or the addition, removal, or change of location of windows and doors.

Deer Wintering Areas: Areas used by deer during the winter for protection from deep snows, cold winds, and low temperatures, as identified by the Maine Department of Inland Fisheries and Wildlife.

Demolition/Waste Disposal: A facility, including a landfill, operated by a public, quasi-public, or private entity which purpose is to dispose of useless, unwanted, or discarded solid material with insufficient liquid content to be free flowing, including by way of an example, and not by limitation to, rubbish, garbage, scrap metals, junk, refuse, inert material, landscape refuse, and demolition debris. The definition does not, however, include commercial hazardous waste disposal facilities or recycling of products.

Density: The number of units per acre of land.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

Developer: A person who is developing the land. The developer, owner, and the applicant may be one in the same.

Development: Any man-made changes to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

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

Direct Watershed: That portion of the watershed which does not first drain through an upstream lake.

Disability, Physical or Mental: Any disability infirmity, malformation, disfigurement, congenial defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness, and includes the physical or mental condition of a person that constitutes a substantial disability as determined by a physician or, in the case of mental disability, by a psychiatrist or psychologist, as well as any other health or sensory impairment that requires special education, vocational rehabilitation, or related services.

Drive-Up Facility: An establishment that, by design of physical facilities or by service, encourages customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises while remaining in the vehicle, such as, but not limited to, Automated Teller Machines (ATMs).

Driveway: A vehicular access-way less than five hundred (500) feet in length serving two (2) lots or less.

Duplex: (See: Dwelling, Two-Family)

Dwelling: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters. The term shall include mobile homes and manufactured housing, but not recreational vehicles.



Single-Family: A building containing only one (1) dwelling unit for occupation by not more than one (1) family.

Two-Family: A building containing only two (2) dwelling units, for occupation by not more than two (2) families.

Multi-Family: A building containing three (3) or more dwelling units, such buildings being designed for residential use and occupancy by three (3) or more families living independently of one another; with the number of families not exceeding the number of dwelling units.

Dwelling Unit: A room or suite of rooms designed and equipped exclusively for use by one family as a habitation and which contains independent living, cooking, sleeping, bathing and sanitary facilities. The term includes mobile homes, but not recreational vehicles or hotel/motel units.

Easement: A right, such as a right-of-way, afforded a person to make limited use of another's real property.

Elderly Housing Complex: A dwelling complex that is occupied by a minimum of ten (10) persons, 60 years of age or older, and/or handicapped persons, as a residential living environment with other persons 60 years of age or older and/or handicapped persons.

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

Engineered Subsurface Wastewater Disposal System: A subsurface wastewater disposal system designed, installed, and operated as a single unit to treat 2000 gallons per day or more; or any system designed to treat wastewater with characteristics significantly different from domestic wastewater.

Essential Services: The construction, alteration, or maintenance of gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Excursion Service: A water-borne transport service established to ferry tourists and other persons non-resident to the place of destination. This term shall also include sight-seeing and other recreational river cruises where there may not be a specific point of destination.

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

Expansion of Use: The addition of weeks or months to a business operating season; the addition of hours to a business day; the use of more floor area or ground area; or the provision of additional seats or seating capacity.

Exterior Walls: Siding materials such as clapboards, shingles, and shakes, including synthetic or metal siding manufactured to closely resemble clapboards, shingles, and shakes. This term shall also include masonry, wood board-and-batten, and "Texture 1-11" exterior plywood, but shall not include artificial masonry, or fake board-and-batten made from metal or plastic.

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

Farm Parcel: A tract or parcel of land devoted primarily to agricultural uses, together with a dwelling and/or other accessory uses.

Farm-Related Business: A business operated on a farm parcel related to or supportive of agricultural activities, such as blacksmithing, farm implement repair, and/or roadside sale of agricultural products

Farm Stand: A structure designed, arranged, or used for the display and sale of agricultural products primarily grown or produced on the premises upon which the stand is located. A farm stand may be located on premises that the products are not grown upon, provided such premise is owned by the operator.

Fence: Any artificially constructed barrier of any material, or combination thereof, erected to enclose or screen areas of land. To further distinguish types of fences: (a) a boundary fence encloses a parcel of property; and (b) a privacy fence blocks part or all of the property from the view of the neighbors. Privacy fences may be solid and taller than other types of fences. For the purposes of these ordinances, a fence is not an accessory structure.

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

Final Plan: The final drawings on which the applicant's plan of development is presented for approval. In the case of a final subdivision plan a copy shall be recorded in the Aroostook County Registry of Deeds.

Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Flea Market: The sale of used merchandise customarily involving tables or space leased or rented to vendors.

Floating Slab: A reinforced concrete slab which is designed to withstand pressures both from below and above.

Flood Insurance Rate Map: The official map on which the Dept. of Housing and Urban Development or the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones.

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

Floodplain Soils: The following soil series as described and identified in the Soil Survey for Aroostook County, Maine:

Alluvial	Hadley	Medomak	Winooski
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Flood proofing: A combination of structural provisions, changes, or adjustments to properties, water and sanitary facilities, structures, and contents of buildings.

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

Floor Area, Gross: The sum, in square feet of the floor areas of all roofed portions of a building, as measured from the exterior faces of the exterior walls.

Floor Area, Net: The total of all floor areas of a building, excluding the following: stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and floors below the first or ground floor, except when used for human habitation or service to the public.

Floor Area Ratio: A ratio derived by dividing the gross floor area of a building by the area of the lot.

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

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

Forested Wetland: A freshwater wetland dominated by woody vegetation that is six (6) meters or taller. (6 meters = 19.865 feet).

Forestry: The operation of timber tracks, tree farms, forest nurseries, the gathering of forest products, or the performance of forest services.

Foundation: The supporting substructure of a building or other structure, including, but not limited to, basements, slabs, sills, posts, or frost walls (See: Permanent Foundation).

Freshwater Wetland: Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and
2. Not considered part of a great pond, river, stream, or brook.

Frontage: The horizontal distance, measured in a straight line, between the intersections of the side lot lines with the front lot line.

Frontage, Road: The horizontal distance, measured in a straight line, extending between the side lot lines and the road right-of-way.

Frontage, Shore: The horizontal distance, measured in a straight line, between the intersections of the lot lines with the shoreline at the normal high water line.

Frost Wall: A masonry foundation wall extending below the ground surface, supported by footings located below the frost line to protect structures from frost heaves.

Functionally Water-Dependent Uses: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and which cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, retail and wholesale fish marketing facilities, waterfront dock and facilities, marinas, navigation aids, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site.

Garage: An accessory building, or part of a principal building, including a car port, used primarily for the storage of motor vehicles as an accessory use.

Gasoline Service Station: (See: Automobile Service Station)

Governmental Facility: A building(s) structure(s), and other facility (ies) intended to provide functions or services, other than housing, normally provided by governmental entities.

Gravel Pit: (See: Mineral Extraction)

Great Pond: Any inland body of water which in a natural state has a surface area in excess of ten (10) acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres.

Group Home: A housing facility for eight (8) or fewer persons with disabilities that is approved, certified, or licensed by the State, including a group home, foster home, or intermediate care facility. Disability is defined the same as "handicap" in the federal Fair Housing Act. Community living arrangements are deemed a single-family use for the purposes of zoning. Wherever a single family dwelling is permitted, community living arrangements must also be permitted.

Guest House: (See: Inn)

Hazardous Waste: A waste substance or material, in any physical state, designated as hazardous by the MDEP Board under MRSA 38, §1303-A. It does not include waste resulting from normal household or agricultural activities. The fact that a hazardous waste or part or a constituent may have value or other use or may be sold or exchanged does not exclude it from this definition.

Height of a Structure: (See: Building Height)

High Intensity Soil Survey: A soil survey conducted by a Certified Soil Scientist, meeting the standards of the national Cooperative Soil Survey, which identifies soil types down to 1/10 acre or less at a scale equivalent to the subdivision plan submitted. The mapping units shall be the soil series. Single soil test pits and their evaluation shall not be considered to constitute high intensity soil surveys.

Historic Site/Structure: Means any land, site, or structure that is: (1.) Listed individually in the National Register of Historic Places or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (2.) Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary determined by the Secretary of the Interior to qualify as a registered historic district; (3.) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (4.) Individually listed on a local inventory of historic places.

Home Occupation: An occupation or profession which is customarily conducted on or in a residential structure or property for financial gain and which is clearly incidental to and compatible with the residential use of the property and surrounding residential uses.

Homeowners Association: A community association which is organized in a residential development in which individual owners share common interests in open space and/or facilities.

Horticulture: The cultivation of fruits, vegetables, flowers, and plants, including orchards, commercial greenhouses and nurseries, and landscaping services.

Hospital: An institution providing, but not limited to, overnight health services, primarily for in-patients, and medical or surgical care for the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient departments, training facilities, central services facilities, and staff offices.

Hotel: A building in which lodging or meals and lodging are offered to the general public for compensation and in which ingress and egress to and from the rooms are made primarily through an inside lobby or office.

Household Pet: Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include, but not be limited to, domestic dogs, domestic cats, domestic tropical birds, domestic rabbits, domestic tropical fish, and rodents.

Impervious Surface Ratio: A measure of the intensity of the land use that is determined by dividing the total area of all impervious surfaces on the site by the area of the lot. For the purpose of these Ordinances, impervious surfaces include buildings, structures, paved, and gravel surfaces.

Individual Private Campsite: An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fire places, or tent platforms.

Industrial Park or Development: A subdivision developed exclusively for industrial uses, or a subdivision planned for industrial uses and developed and managed as a unit, usually with provision for common services for the users.

Industrial Use Dependent Upon an Airport: Industrial uses that involve aircraft, aircraft parts, or aircraft services; or utilize air transportation to obtain goods or services, transport finished products or packaging, or provide services; and which requires access to a runway.

Industrial Use, Heavy: The use of real estate, building, or structure, or any portion thereof, for assembling, fabricating, manufacturing, remanufacturing, packaging, distribution, or processing operations.

Industrial Use, Light: A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabricating, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, and excluding industrial processes which utilize extracted or raw materials, flammable or explosive materials, or which will not create a nuisance by noise, smoke, vibration, odor, or appearance.

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

Intensive Agricultural Use: Agricultural activities which typically are associated with one or more of the following impacts: strong offensive odors; substantial run-off; large concentrations of animal waste; noise; and/or extensive use of chemical, compost, and manure piles. Intensive Agricultural Uses include, but are not necessarily limited to: a) slaughter areas; b) areas for the storage or processing of manure or garbage; and c) structures housing more than 50 animal units

Intermediate Care Facility (ICF)-A facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services, to individuals who require such assistance but who do not require the degree of care and treatment that a hospital or skilled nursing facility provides.

Interstate System: Those portions of the Maine Turnpike and the state highway system incorporated into the National System of Interstate and Defense Highways, as officially designated by the Department of Transportation.

Junkyard: A yard, field, or other area used as place of storage for:

1. Discarded, worn-out, junked plumbing, heating supplies, household appliances, and furniture;
2. Discarded, scrap, and junked lumber;
3. Old or scrap cooper, brass, rope, rags, batteries, paper trash, rubber debris, plastic debris, waste, and all scrap iron, steel, and other scrap ferrous or non-ferrous material, and
4. Garbage dumps, waste dumps, and sanitary landfills.

Kennel: Any place, building, tract of land, abode, enclosure, or vehicle where three (3) or more dogs or three (3) or more cats, owned singly or jointly are kept for any purpose, including but not limited to breeding, hunting, show, field trials or exhibition, or where one or more dog or other pet is boarded for their owners in return for a fee. This definition shall not apply to dogs or cats under the age of six (6) months.

Laundry, Self-Serve: A business that provides home type washing, drying, and/or ironing machines for hire to be used by customers on the premises.

Level of Service: A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the "*Highway Capacity Manual*", latest edition, published by the National Academy of Sciences, Transportation Research Board. There are six (6) levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

Litter: Any garbage, solid waste, junk, rubbish, refuse, construction debris, demolition debris, and any other waste or materials.

Livestock: Domestic animals kept or raised for use or profit, such as, but not limited to, cattle, horses, sheep, or pigs, that are typically kept outside of the home.

Long Term Care Facility-A distinct part of an institution that is licensed or approved is provide health care under medical supervision for twenty-four or more consecutive hours to two or more patients who are not related to the governing authority or its members by marriage, blood, or adoption.

Lot: A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by an ordinance, and having frontage upon a public street, right-of-way, or private way.

Lot Area: The land area enclosed within the boundary lines of the lot, not including the area of any land which is: part of a right-of-way for a thoroughfare or easement, such as, but not limited to, surface drainage easements or traveled rights-of-way (but not including any utility easement servicing that lot); or the land below the normal high-water line of a water body; or upland edge of a wetland; or which is a forested or freshwater wetland.

Lot, Corner: A lot with at least two (2) contiguous sides abutting upon a street or right of way.

Lot, Coverage: The percentage of the lot covered by all buildings.

Lot, Interior: Any lot other than a corner lot.

Lot Lines: The lines bounding a lot as defined below:

Front Lot Line: On an interior lot, the lot line abutting the street or right-of-way; or, on a corner lot each lot line abutting the street or right-of-way; or, on a through lot, the lot line abutting the street providing primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

Rear Lot Line: The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.

Side Lot Line: Any lot line other than the front lot line or rear lot line.

Lot, Minimum Area: The required area for a single lot or use.

Lot of Record: A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file in the Aroostook County Registry of Deeds.

Lot, Shorefront: Any lot abutting a body of water.

Lot, Through: Any interior lot having frontages on two (2) or more parallel streets or rights of way, or lying between a street and a body of water, or a right of way and a body of water, or between two (2) bodies of water, as distinguished from a corner lot. All sides of through lots adjacent to streets, rights of way, and bodies of water shall be considered frontage, and front yards shall be provided as required.

Lot Width, Minimum: The closest distance between the side lot lines of a lot.

Manufacturing: The mechanical or chemical transformation of material or substance into new products, either finished or semi-finished for use as raw material in another process, and including the assembling of component parts, the manufacturing of products, and the blending of materials. The term also includes repair services, exclusive of motor vehicles, where such services are performed in a facility larger than a Tradesman's Shop, as defined within this Section.

Marina: A shorefront commercial facility with provisions for boat storage, boat launching, and the sale of supplies and services for water-craft and their equipment and accessories.

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

Masonry-Type Skirting: Concrete, concrete blocks, brick, stone or similar materials which are arranged to resemble a foundation.

Massage Parlor. An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar

professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Mechanized Recreation: Recreation activities which require the use of motors or engines for the operation of equipment or participation in the activity.

Mineral Exploration: The 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 exploration shall not include testing for a quarry.

Mineral Extraction: Any operation which removes soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site. Mineral extraction shall not include the term quarry.

Mitigation Area: Property, to include wetlands and uplands, used or reserved for the purpose of avoiding, minimizing, rectifying, reducing over time, or compensating for unavoidable environmental impacts or offsetting environmental losses arising from development of the same or another parcel of property.

Mobile Home, Newer: A structural unit designed for occupancy and constructed after June 15, 1976, which the manufacturer certifies is constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in the traveling mode is 14 body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in the unit. This term also includes any structure which meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, US Code, Title 42, §5401, et seq.

Mobile Home, Older: A structural unit designed for occupancy and constructed before June 15, 1976, which has not been constructed in compliance with the United States Department of Housing and Urban Development standards, transportable in one or more sections, which in the traveling mode is 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in the unit.

Mobile Home Park: A plot of land designed and/or used to accommodate three (3) or more mobile homes.

Mobile Home Park Lot: The area of land on which an individual mobile home is situated within a mobile home park and which is reserved for use by the occupants of that unit. All lots shall be indicated on the mobile home park plan.

Mobile Home Subdivision or Development: A parcel of land approved under the Subdivision Ordinance for the placement of a mobile home on individually owned lots.

Modular Homes: Those units which the manufacturer certifies are constructed in compliance with Title 10, chapter 957, §9001 et seq., and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on permanent foundations when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in the unit.

Motel: A building or group of buildings in which lodging is offered to the general public for compensation, and where entrance to rooms is made directly from the outside of the building. Motel includes such terms as tourist cabins and tourist court. Any transient accommodations which do not meet the definitions of Bed and Breakfast, Hotel, or Inn shall be deemed to be a motel for the purposes of an ordinance.

Natural Resource Based Use: The use of land and/or structures for the initial manufacturing, processing, fabricating, assembly, and/or packing of goods or products of raw natural resource materials (land, water, plant, and animal life) indigenous to the municipality or immediate area. With respect to this definition, "Initial" refers to the first phase of

manufacturing, processing, fabricating, assembly, and/or packing, beginning with raw materials, rather than secondary manufacture or handling. Such uses include, but are not limited to: raw material storage, agricultural product packing, sawmills, blacksmithing, farm implement repair, or roadside sale of agricultural products.

Neighborhood "Convenience" Store: A store of less than 1,500 square feet of floor space intended to service the convenience of a residential neighborhood.

Net Residential Acreage: The total acreage available for a subdivision, and shown on the proposed subdivision plan, minus the area for streets or access and the areas which are unsuitable for development.

Net Residential Density: The number of dwelling units per net residential acreage.

New Construction: Structures for which the "start of construction" commenced on or after the effective date of an ordinance.

Nightclub: An establishment primarily for the sale or dispensing of liquor by the drink that also offers entertainment.

Non-Conforming Lot of Record: A lot shown on a plan or deed recorded prior to the effective date of an ordinance or amendment which does not meet the area, frontage, width or depth requirements.

Non-Conforming Structure: A structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time an ordinance or subsequent amendments took effect.

Non-Conforming Use: Use of buildings, structures, premises, land or parts thereof which is not permitted or which does not meet the performance standards prescribed for it by an ordinance, but which is allowed to remain solely because it was in lawful existence at the time an ordinance or subsequent amendments took effect.

Non-Farm Lot: The following constitute non-farm lots: a.) a lot or parcel containing less than 25 acres and containing one or more dwelling units (agricultural activities may be carried on as part of the use of a non-farm residential lot); and b) a lot devoted to uses other than agricultural or residential uses

Normal High-Water Line of Waters: That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land (by way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups: Upland grasses, aster, lady slipper, wintergreen, partridge berry, sarsaparilla, pines, cedars, oaks, ashes, alders, elms and maples). In the case of wetlands adjacent to rivers and Great Ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water. In places where the shore or bank is of such character that the high water line cannot be easily determined (rock slides, ledges, rapidly eroding, or slumping banks) the normal high water line shall be estimated from places where it can be determined by the above method.

Nursing Home: (See: Convalescent Home, Rest Home, or Nursing Home)

Off-Road Vehicles: A motor-driven, off-road, recreational vehicle capable of cross-country travel on land, snow, ice, marsh, swampland, or other natural terrain. For purposes of aquifer protection off-road vehicle does not include; a logging vehicle used in performance of its common functions, a farm vehicle used for farming purposes, or a vehicle used exclusively for emergency, law enforcement, or fire control purposes.

100 Year Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

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

Ordinance: Any legislative action of the municipality's legislative body which has the force of law, including but not limited to, any amendment or repeal of any ordinance.



Parking Space: An area on a lot intended for the use of temporary parking of a personal vehicle. The size of each parking space shall be exclusive of drives or aisles for the parking of vehicles and have a means of access to a public street.

Parks and Recreation: Non-commercially operated recreation facilities open to the general public including, but not limited to playgrounds, parks, monuments, green strips, open space, mini-parks, athletic fields, boat launching ramps, piers and docks, picnic grounds, swimming pools, and wildlife and nature preserves, along with any necessary accessory facilities, rest rooms, bath houses, and the maintenance of such land and facilities, but not including campgrounds, commercial recreation, and amusement centers.

Passive Recreation: Outdoor recreational activities which involve no structural or mechanical components or facilities, or earth moving, such as hiking, fishing, hunting, etc.

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

Permanent Foundation: A permanent foundation means all of the following:

1. A full, poured concrete or masonry foundation;
2. A poured concrete frost wall or a mortared masonry frost wall, with or without a concrete floor;
3. A reinforced, floating concrete pad for which the municipality may require an engineer's certification if it is to be placed on soil with high frost susceptibility;
4. At least 12 inches of compacted gravel;
5. At least 12 inches of crushed stones no larger than one inch in diameter;
6. Any foundation which, pursuant to the building code of the municipality, is permitted for other types of single-family dwellings; and
7. Any foundation reviewed and approved in writing by the CEO, using advanced technologies.

Permitted (Allowed) Use: Use which is listed as permitted use set forth in an ordinance. The term shall not include prohibited uses.

Personal Property: Property which is owned, utilized, and maintained by an individual or members of their residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

Personal Service Business: Establishments primarily engaged in providing services other than those provided by professional offices, but not goods, as exemplified by beauty shops, barber shops, shoe repair, photographic studios, coin-operated laundries, fitness studios, advertising, and similar establishments.

Person: An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two (2) or more individuals having a joint or common interest, or other legal entity.

Petroleum: Oil, gasoline, petroleum product, and their byproducts, and all other liquid hydrocarbons, excluding propane.

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

Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

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

Pitched, Shingled Roof: A roof with a pitch of two (2) or more vertical units for every twelve (12) horizontal units of measurement and which is covered with asphalt or fiberglass composition shingles or other approved materials, but specifically excludes corrugated metal roofing material.

Planning Board: The Planning Board for the Municipality.

Pond: (See: Water Body)

Preliminary Subdivision Plan: The preliminary drawings indicating the proposed layout of the subdivision to be submitted for consideration.

Prime Farmland: Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oil-seed crops, and meets all of the criteria established by the US Department of Agriculture.

Principal Structure: The building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal Use: The primary use other than one which is wholly incidental or accessory to another use on the same premises.

Private Road: A private way meeting the municipality's road design and construction standards for a "Private" road.

Professional (Business) Offices: The place of business for doctors, lawyers, accountants, financial advisors, architects, surveyors, psychiatrists, psychologists, counselors, real estate, insurance, and the like or in which a business conducts its administrative, financial, or clerical operations, including financial institutions and other financial services, but not retail sales, personal services, or the use of trucks as part of the business operation.

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

Public Improvements: The furnishing, installing, connecting, and completing all of the street grading, paving, storm drainage, and utilities or other improvements approved by the municipality.

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

Public Utility Facility: A communications, electric, gas, cable, water, sewer, or other utility pipe, conduit, transmission line, transformer, reducer, distribution apparatus, or other unoccupied structure necessary for the furnishing of utility service.

Public Water System: A water supply system that provides water to at least fifteen (15) service connections or services water to at least 25 individuals daily for at least thirty (30) days a year.

Quarry: A place where stone is excavated from rock.

Recent Floodplain Soils: (See: Floodplain Soils)

Reconstructed: The rebuilding of a road or section of a road to improve its serviceability.

Recording Plan: A copy of the Final Plan to be recorded at the Aroostook County Registry of Deeds.

Recreation: An activity pursued for leisure in order to refresh the mind or body, or a facility designed or equipped for such pursuit. Includes such usages as RV parks, drive-in theaters, campgrounds, boys/girls clubs and camps, rifle ranges, swim clubs, and senior recreation centers.

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

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

RV, self-contained RV, 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 currently registered with the State Division of Motor Vehicles.

Recycling Center: A building that is not a junkyard in which used materials, such as, but not limited to, newspaper, cardboard, magazines, glass, and metal cans, are separated and processed prior to shipment to others who will use these materials to manufacture new products.

Recycling Collection Point: An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed at the collection point.

Repair: To take necessary action to fix normal damage or storm damage.

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

Research and Development Facility: A laboratory or other facility for carrying on investigation on the natural, physical, or social sciences, or engineering and development of end products as an extension of such investigation. Such a facility does not engage in the manufacture or sale of products, except as incidental to the main purpose of research and investigation.

Residential Health Care Facility (RHCF)-Residence usually occupied by the frail elderly that provide rooms, meals, personal care, and health monitoring services under the supervision of a professional nurse and that may provide other services, such recreational, social, and cultural activities, financial services, and transportation.

Residential Use: Any land use which includes a dwelling unit used as a principal use.

Restaurant: An establishment where meals are prepared and served to the public for consumption for compensation.

Standard Restaurant: A business involving the preparation and serving of meals for consumption on the premises, requiring moderate amounts of time between the period of ordering and serving of the meal.

Fast Food Restaurant: A business involving the preparation and serving of meals for consumption on the premises or off the premises, normally requiring short amounts of time between the period of ordering and serving of the meal which is served in edible or disposable containers.

Drive-In Restaurant: A business involving the preparation and serving of meals for consumption on the premises in a motor vehicle or off the premises, normally requiring sure amounts of time between the periods or ordering and serving of the meal which is served in edible or disposable containers.

Rest Home: (See: Convalescent Home, Rest Home, or Nursing Home)

Resubdivision: The division of an existing subdivision or any change in the Plan for an approved subdivision which affects the lot lines, including land transactions by the subdivider not indicated on the approved Plan.

Retail Business: A business establishment engaged in the sale, rental, or lease of goods, commodities, or services to the ultimate consumer for direct use or consumption and not for resale.

Right-of-Way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electrical transmission line, oil or gas pipeline, water main, sanitary sewer main, storm water main, shade trees, or other auxiliary uses, either public or private, on which an irrevocable right-of-passage has been recorded for the use.

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

River: A free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.

Riverine: Means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Road: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles, consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

Runway Protection Zone: A trapezoidal-shaped area centered about the extended runway center line at either end of the runway and beginning beyond the end of the area usable for the takeoff and landing of aircraft where, due to the higher potential for the occurrence of aircraft accidents, land use is necessarily restricted.

Satellite Receiving Dishes: A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrial and/or orbital based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

Schools:

Public and Private - including Parochial School: An institution for education or instruction where any branch or branches of knowledge is imparted and which satisfied either of the following requirements:

- a. The school is not operated for a profit or a gainful business; or
- b. The school teaches courses of study which are sufficient to qualify attendance there as in compliance with State compulsory education requirements.

Commercial School: An institution which is commercial or profit-oriented. Examples thereof are dancing, music, riding, correspondence, aquatic schools, driving or business.

Seasonal Dwelling: A dwelling unit lived in for periods aggregating less than seven (7) months of the year and is not the principal residence of the owner.

Self-Service Storage Facility: A building or group of buildings in a controlled access and fenced compound that consists of individual, small, self-contained units that are leased or owned for the storage of customer's goods or wares.

Service Business: (See: Personal Service Business)

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

1. In the case of electric service:
  - a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
  - b. the total length of the extension is less than one thousand (1,000) feet.
2. In the case of telephone service:
  - a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles; or
  - b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback: The horizontal distance from a lot line to the nearest part of a structure, road, parking space, or other regulated object or area.

Setback from Water: The horizontal distance from the normal high water line to the nearest part of a structure.

**Sexual Encounter Establishment.** An establishment other than a hotel, motel, or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate, or consort in connection with specified sexual activities or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in sexual therapy.

**Shopping Center:** Any concentration of two or more retail stores or service establishments under single ownership or management.

**Shoreland Zone:** The land area located no less than within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; 250 feet of the upland edge of a freshwater wetland; seventy-five (75) feet of the normal high-water line of a stream; or as may be indicated on the official municipal shoreland zoning map.

**Sight Distance:** The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in an ordinance as a reference for unobstructed road visibility.

**Sign:** A display surface, fabric or device containing organized and related elements (letter, pictures, products, or sculptures) composed to form a single unit, designed to convey any name, identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land in view of the general public, and which directs attention to a product, place, activity, person, institution, or business. In cases where matter is displayed in a random or unconnected manner without an organized relationship, each such component shall constitute a sign. A sign shall include writing, representation, or other figure of similar character within a building only when illuminated and located in a window. Signs shall include:

**Animated:** Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

**Banner:** Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

**Billboard:** A sign, structure, or surface which is available for advertising purposes for goods or services rendered off the premises.

**Canopy:** Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

**Changeable Copy:** A sign or portion thereof on which the message changes more than eight (8) times per day with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. For the purposes of this Ordinance, a sign on which the copy that changes is an electronic or mechanical indication of time or temperature shall be considered a changeable copy sign.

**Flashing:** A sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying degrees of light intensity, shows motion, or creates the illusion of motion or revolves in a manner to create the illusion of being on or off. Signs which indicate the time temperature shall not be considered flashing signs.

**Freestanding:** Any sign supported by structures or supports that are placed on, or anchored in, the ground and are independent from any building or other structure.

**Incidental:** A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, to include signs such as: "no parking", "entrance", "exit", "loading only", and similar directives.

**Internally Illuminated:** A sign which has characters, letters, figures, designs, or outlines illuminated by electric lighting or luminous tubes as part of the sign.

Marquee: Any sign attached to a permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Non-Conforming Sign: Any sign that does not conform to the requirements of an ordinance.

Official Business Directional Sign (OBDS): A sign erected and maintained in accordance with the Maine Traveler Information Services Act, 23 MRSA §1901, et. seq. which points the way to public accommodations and facilities or other commercial facilities.

Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string usually in series, designed to move in the wind.

Portable/Temporary Movable: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to "A" or "T" frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from a public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

Projecting: Any sign affixed or attached to a building or a wall in such a manner that its leading edge extends more than eighteen (18) inches beyond the surface of the building or wall.

Residential: Any sign for residential uses that contains no commercial message except advertising goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms to all requirements.

Roof: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest point of the roof.

Suspended: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Wall: Any sign attached parallel to, but within six (6) inches of, a wall, or erected and confined within limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Window: Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the window panes, or glass and is visible from the exterior of the window.

Sketch Plan: Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for approval.

Solid Waste. Useless, unwanted solid materials with insufficient liquid content to be free flowing. Other common words used for solid waste include trash, rubbish, garbage, junk, and refuse. Solid Waste includes refuse-derived fuel, but does not include source separated recyclables / compostables, septic tank sludge, or wastewater treatment sludge.

Specified Anatomical Areas. As used herein, specified anatomical areas means and includes any of the following: (1.) less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the aureole; or (2.) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities. As herein, specified sexual activities means and includes any of the following: (1.) the fondling or other erotic touching of human genitals, public region, buttocks, anus, or female breasts; (2.) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3.) masturbation, actual or simulated; or (4.) excretory functions as part of or in connection with any of the activities set forth in subdivisions 1 through 3 of this subsection.

Stable, Private: An accessory building in which sheltered animals are kept for the use of the occupants of the premises and not for remuneration, hire, or sale.

Stable, Public: An accessory building in which sheltered animals is kept for the use of the occupants for remuneration, hire, sale, boarding, riding, or show.

Stream: A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent 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, or flows to another water body or wetland within a shoreland zone, or as depicted on the official municipal shoreland zoning map, or as further described in the applicable overlay District standards, whichever is applicable.

Street: An existing state, county, or municipal way dedicated for public use. The term "street" shall not include those ways which have been discontinued or abandoned.

Structure: Anything built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite receiving dishes, but in land areas outside of shoreland areas, signs, sidewalks, patios, driveways, and parking lots are not defined as structures.

Subdivision: The definition of a "Subdivision" is as follows. The division of a tract or parcel of land into 3 or more lots within any 5 year period that begins on or after September 23, 1971, whether accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" shall include the division of any structure or structures on a tract or parcel of land into 3 or more dwelling units or combination thereof within a 5 year period; the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5 year period.

1. In determining whether a tract or parcel of land is divided into 3 or more lots within a 5 year period, the first dividing of the tract or parcel shall be considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished is considered to create a 3rd lot, unless:
  - a. Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single family residence that has been the subdivider's principal residence for a period of at least 5 years immediately preceding the 2<sup>nd</sup> division or for usable open space land as defined in Title 36, §1102, for a period of at least 5 years before the second dividing occurs; or
  - b. The division of the tract or parcel is otherwise exempt under this definition.
2. The dividing of a tract or parcel of land and the lot or lots so made, which dividing of lots when made are not subject to this ordinance, do not become subject to this ordinance by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The Planning Board shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.
3. A lot of 40 or more acres must be counted as a lot.
4. A division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage, or adoption or a gift to the municipality or by the transfer of any interest in land to the owner of land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of that transferor in any transfer or gift within this paragraph is to avoid the objectives of this definition. If the real estate exempt under this paragraph by gift to a person related to the donor by blood, marriage, or adoption is transferred within 5 years to another person not related to the donor of the exempt real estate by blood, marriage, or adoption, then that exempt division creates a lot or lots for the purpose of this definition. "Person related to the Donor" means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption. A gift under this paragraph cannot be given for consideration that is more than ½ assessed value of the real estate.
5. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.
6. In determining the number of dwelling units in a structure, the provisions regarding the determination of the number of lots shall apply, including exemptions from the definition of a subdivision of land.
7. Nothing in this ordinance may be construed to prevent the municipality from enacting an ordinance under its home rule authority which expands the definition of subdivision or which otherwise regulates land use activities.

8. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraph 4, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this ordinance.
9. For the purposes of this definition, a new structure or structures includes any structure for which construction began on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this ordinance.
10. For the purposes of this definition, a tract or parcel of land is defined as all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

**Substantial Damage:** Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Expansion:** Floor space increase of 25 percent or new materials or processes not normally associated with the existing use. In shoreland areas, if any portion of a structure is less than the required setback from the normal 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 percent or more, during the lifetime of the structure.

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

**Substantial Review:** A substantial review of an application, as required by law at the time of the application, shall consist of a review of that application to determine whether the application complies with the review criteria and other applicable requirements of law.

**Substantial Start/Construction:** Following the issuance of a permit, if completion of 30 percent of a permitted structure or use measured as a percentage of estimated total cost is not made within one (1) year of the date of the permit, the permit shall lapse and become void.

**Subsurface Wastewater Disposal System:** A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch (es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under Title 38 MRSA §414, any surface wastewater disposal system licensed under Title 38 MRSA §413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in Title 38 MRSA Chapter 13, subchapter 1.

**Summer/Winter Camp:** A campground for the accommodation of children or other organized groups for educational or recreational purposes. The term is distinct from campground generally and does not include parks for recreational vehicles.

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

**Swimming Pool:** An outdoor man-made receptacle or excavation designed to hold water to a depth of at least 24 inches, primarily for swimming or bathing, whether in the ground or above the ground.

**Theater:** A facility operated by an entity for the showing of motion pictures or dramatic or musical performances.



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.

Tract (Parcel) of Land: All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract (parcel) of land unless such road was established by the owner of land on both sides thereof.

Tradesman Shop: An establishment occupied by a craftsperson or a person in a skilled trade, including, by way of example only, plumbing, carpentry, or electrical work. The term also shall include establishments engaged in his repair of electrical goods and appliances, watches, jewelry, equipment, furniture, or other goods, exclusive of motor vehicles, where such services are the primary use and not accessory to another use, such as retail sales. The shop may include work space, storage space, and office space.

Trail: A route or path, other than a roadway, and related facilities, developed and used primarily for recreational or transportation activities, including but not limited to, hiking, walking, cross-country skiing, snowmobiling, horseback riding, bicycling, and dog sledding.

Transportation Terminal: A facility or station serving as one end or junction of one or more means of public conveyance, to include rail, bus, limousine, taxi, or other commercial motor carrier, and all ancillary structures, yards, and other appurtenances incidental thereto.

Travel Trailer: (See: Recreational Vehicle)

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 bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term "stream" as defined elsewhere in this Section, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Trucking/Distribution Terminal: An establishment primarily engaged in furnishing trucking or transfer services with or without storage.

Underground Storage Facility: An underground system of tanks, pipes, pumps, vaults, fixed containers, and appurtenant structures, singly or in any combination which are used or designed to be used for the storage, transmission, or dispensing of oil or any hazardous substance. Underground storage facilities shall not include storage facilities housed entirely in a basement or other below grade area of a building or structure.

Undue Hardship: The words "undue hardship" shall take its statutory definition.

Upland Edge: The boundary between upland and wetland.

Use: The manner in which land or a structure is arranged, designed, or intended, or is occupied.

Usable Open Space: That portion of the common open space which due to its slope, drainage characteristics, and soil conditions can be used for active recreation, horticulture, or agriculture. In order to be considered usable open space, the land must not be; poorly drained or very poorly drained, have ledge outcroppings or areas with slopes exceeding 10 percent.

Used Merchandise Sale: The outdoor sale of used articles, conducted for more than five (5) consecutive days or for more than two (2) weekends per year, and shall require a permit from the CEO. Used Merchandise Sales includes flea markets.

Variance: A relaxation of the terms of the Land Use Ordinance. Variances permissible under the Land Use Ordinance are limited to dimensional and area requirements. No variance shall be granted for the establishment of any use otherwise prohibited, nor shall a variance be granted because of the presence of non-conformities in the immediate or adjacent areas.

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

Veterinary Hospital or Clinic: A building used for the diagnosis, care and treatment of ailing or injured animals which may include overnight accommodations, The overnight boarding of healthy animals shall be considered a kennel.

Volume of a Structure: The volume of all portions of a structure located in Shoreland Areas enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Waiver: (Not to be confused with "variance" this applies only to the Land Use Ordinance.) A relaxation of the terms of the Subdivision Ordinance or Site Design Review Ordinance; to waive submission of information otherwise required by the Ordinance when that information is not necessary in order to make a determination that the standards of the Ordinance and the criteria of the Statute are met. The applicant retains the burden of proof that the standards and criteria are met. The CEO and Planning Board have no power to waive any statutory criteria.

Warehousing/Storage: The storage of goods, wares, and merchandise in a warehouse.

Water Body: Shall include the following:

Pond or Lake: Any inland impoundment, natural or man-made, which collects and stores surface water.

Stream or River: A free flowing drainage outlet, with a defined channel lacking terrestrial vegetation, and flowing water for more than three (3) months during the year.

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

Weeds: All grasses, annual plants, and vegetation. Weeds shall not include cultivated flowers, gardens, trees, or shrubs.

Wetlands Associated with Great Ponds and Rivers: Wetlands contiguous with or adjacent to a great pond or river, and which during normal high water are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

Wetland: (See: Freshwater Wetland and Forested Wetland)

Wholesale Business/Sales: The use of land and/or buildings engaged in the selling of merchandise to retailers to industry, commercial, institutional, farm, or professional business users or other wholesalers as distinguished from the sale to the general public.

Yard: The area between a structure and the property boundary.

Yard Sale: All general sales open to the public, conducted from or on a premise for the purpose of disposing of personal property. Yard sale includes garage sales, porch sales, tag sales, and the like. They shall occur for not more than five (5) consecutive days or for not more than two (2) weekends a year or they shall be considered a "Used Merchandise Sale" as defined in this Section.