TOWN OF JONESPORT

WASHINGTON COUNTY, MAINE

SHORELAND ZONING ORDINANCE



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SHORELAND ZONING ORDINANCE

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TOWN OF JONESPORT
Washington County, Maine
SHORELAND ZONING ORDINANCE

Section 1. PURPOSES

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

Section 2. AUTHORITY

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

Section 3. APPLICABILITY

This Ordinance applies to all land areas within 250' (two hundred fifty feet) horizontal distance, of the normal high-water line of any great pond, river or saltwater body; within 250 feet, horizontal distance, of the upland edge of a coastal or freshwater wetland; and within 75' (seventy-five feet), horizontal distance, of the normal high-water line of a stream. This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier or other structure extending beyond the normal high-water line of a water body or within a wetland.

Section 4. EFFECTIVE DATE AND REPEAL OF FORMERLY ADOPTED ORDINANCE

This Ordinance, which was adopted by the municipal legislative body on June 22, 1991, shall not be effective unless approved by the Board of Environmental Protection. A certified copy of the Ordinance, attested and signed by the Municipal Clerk, shall be forwarded to the Board of Environmental Protection for approval. If the Board of Environmental Protection fails to act on this Ordinance within forty-five (45) days of its receipt of the Ordinance, it shall be deemed approved. Upon approval of this Ordinance, the Shoreland Zoning Ordinance previously adopted on June 12, 1989 is hereby repealed. Any application for a permit submitted to the municipality within the forty-five day period shall be governed by the terms of this Ordinance if the Ordinance is approved by the Board of Environmental Protection.

Secton 5. AVAILABILITY

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

Section 6. SEVERABILITY

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

Section 7. CONFLICTS WITH OTHER ORDINANCES

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

Section 8. AMENDMENTS

This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Board of Environmental Protection

following adoption by the municipal legislative body and shall not be effective unless approved by the Board of Environmental Protection. If the Board of Environmental Protection fails to act on any amendment within forty-five (45) days of the Board's receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Board.

Section 9. DISTRICTS AND ZONING MAP

A. Official Shoreland Zoning Map

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

1. Resource Protection
2. Limited Residential
3. Limited Commercial
4. General Development
5. Commercial Fisheries/Maritime Activities*
6. Stream Protection

B. Scale of Map

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

C. Certification of Official Shoreland Zoning Map

The Official Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.

D. Changes to the Official Shoreland Zoning Map

If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Board of Environmental Protection.

Section 10. INTERPRETATION OF DISTRICT BOUNDARIES

Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and right of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

A. Maritime Activities District Boundaries

1. From the Northeasterly boundary of the Degenhardt lot, Map 1, Section 12, Lot 45, on the Northern shore of Moosabec Reach at Kelley Point, along the shoreline 250' back* and to the Northeasterly boundary of the fifty feet (50') public right of way to the shore, at the Southwestern boundary of A&A Properties Subdivision on Hopkins Point
2. Flake Point Sand Bar as shown of Tax Map 1, Section 5, Lot 69.

Section 11. LAND USE REQUIREMENT

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, expanded, moved or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted by the Board of Appeals.

Section 12. NON-CONFORMANCE

A. Purpose

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

B. General

1. Transfer of ownership: Non-conforming structures, lots, and uses may be transferred and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject of the provisions of the Ordinance.
2. Repair and Maintenance: The Ordinance allows, without a permit the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use of structure as federal, state, or local building and safety codes may require.

   NOTE: See Section 17 for the definitions of non-conforming structures, non-conforming uses and non-conforming lots.

C. Non-conforming Structures

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.
   a. Further Limitations:
      i. After January 1, 1989, 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% (thirty percent) or more, during the lifetime of a structure.
      ii. Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided; that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Subsection 2. Relocation, below; that the completed foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the structure to be elevated by more than three (3) additional feet.
      iii. 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.
2. Relocation: A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the STATE OF MAINE SUBSURFACE WASTEWATER DISPOSAL RULES (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.
   a. In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.
3. Reconstruction or Replacement: 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 removed, or damaged or destroyed by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirements to the greatest practical extent as determined by the Planning Board in accordance with the purposes of the Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

(a) Any non-conforming structure which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit, from the Code Enforcement Officer.

(b) In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent, the Planning Board shall consider in addition to the criteria in Paragraph 2 above, the physical condition and type of foundation present, if any.

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

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

D. Non-Conforming Uses

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

2. Resumption Prohibited: A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

3. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, including water dependent uses in the CFMA District, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12 (C)(4) above.

E. Non-Conforming Lots

1. Non-conforming Lots: A non-conforming **vacant*** lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.

2. Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the

State Minimum Lot Size Law and SUBSURFACE WASTEWATER DISPOSAL RULES are complied with.

a) If two or more principal uses or structures existed on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

3. Contiguous Lots – Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure, the lots shall be combined to the extent necessary to meet the dimensional requirements.

Section 13. ESTABLISHMENT OF DISTRICTS

A. Resource Protection District

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial, General Development, or Commercial Fisheries/Maritime Activities Districts need not b included within the Resource Protection District.

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetland, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of January , 1973.
    a. The Natural Resources Protection Act, Title 38, Sections 480-A thru 480-S, requires the Department of Environmental Protection to designate areas of "significant wildlife habitat". Significant wildlife habitat includes:
    b. Habitat for species appearing on the official state or federal lists of endangered or threatened species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas as defined by the Department of Inland Fisheries and Wildlife; critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission; and shorebird nesting, feeding and staging areas and seabird nesting islands as defined by the Department of Inland Fisheries and Wildlife.
    c. As these areas are mapped and development standards are established, municipalities should incorporate such areas and standards into their locally adopted ordinances.
2. Flood plains along rivers and flood plains along artificially formed great ponds along rivers, defined by the 100 year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils. This district shall also include 100 year flood plains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.
3. Areas of two or more contiguous acres with sustained slopes of 20% or greater.
4. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during normal spring high water.
5. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

Municipalities may also include the following other areas which have been recommended for protection in the comprehensive plan of the municipality; such as:

a. Other important wildlife habitat;

b. Natural sites of significant scenic or esthetic value;

c. Areas designated by federal, state or municipal governments as natural areas of significance to be protected from development; and

d. Other significant areas which should be included in this district to fulfill the purposes of this Ordinance, such as, but not limited to, existing public access areas and certain significant archaeological and historic sites deserving of long-term protection as determined by the municipality after consultation with the Maine Historic Preservation Commission.

B. Limited Residential District

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

C. Limited Commercial District

The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed as intensively as the General Development District. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

D. General Development District

The General Development District includes the following types of areas:

1. Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:
    a. Areas devoted to manufacturing, fabricating or other industrial activities;
    b. Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and
    c. Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, racetracks and fairgrounds.
2. Areas otherwise discernable as having patterns of intensive commercial, industrial or recreational uses.
3. Portions of the General Development District may also include residential development; however, no area shall be designated as a General Development District based solely on residential use.
4. In areas adjacent to great ponds classified GPA and adjacent to rivers flowing to great ponds classified GPA, the designation of an area as a General Development District shall be based upon uses existing at the time of adoption of this Ordinance. There shall be no newly established General Development Districts or expansions in area of existing General Development Districts adjacent to great ponds classified GPA, and adjacent to rivers which flow to great ponds classified GPA.

    NOTE: See definition of "great pond classified GPA" in Section 17.

E. Commercial Fisheries/Maritime Activities District

The Commercial Fisheries/Maritime Activities District includes areas where the existing predominant pattern of development is consistent with the allowed uses for this district as indicated in the Table of Land Uses, Section 14, and other areas which are suitable for functionally water-dependent uses, taking into consideration such factors as:

1. Shelter from prevailing winds and waves;
2. Slope of the land within 250 feet, horizontal distance, of the normal high-water line;
3. Depth of the water within 150 feet, horizontal distance, of the shoreline;
4. Available support facilities including utilities and transportation facilities; and
5. Compatibility with adjacent upland uses.

F. Stream Protection District

The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high water line of a stream, exclusive of those areas within two hundred and fifty (250) feet,

horizontal distance, of the normal high-water line of a great pond, river or saltwater body, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater or coastal wetland. Where a stream and its associated shoreland area is located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetland, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

G. CG/MA Zone – Setback Requirement:

New residential structures within the MDA/CF/MA will be permitted, with the setback regulation being the same as for new residential structures within the Limited Residential area of the Shoreland Zone.

Section 14. TABLE OF LAND USES

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

Key to Table 1:

YES = Allowed (no permit required but the use must comply with all applicable land use standards)
NO = Prohibited
PB = Requires permit issued by the Planning Board
CEO = Requires permit issued by the Code Enforcement Officer
LPI = Requires permit issued by the Local Plumbing Inspector

Abbreviations:

RP = Resource Protection
LR = Limited Residential
LC = Limited Commercial
GD = General Development
CFMA = Commercial Fisheries/Maritime Activities

Numbers:

1 = In RP not permitted within 75 feet of the normal high-water line of great ponds, except to remove safety hazards.
2 = Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
3 = In RP not permitted in areas so designated because of wildlife value.
4 = Provided that a variance from the setback requirement is obtained from the Board of Appeals.
5 = Functionally water-dependent uses and uses accessory to such water dependent uses only (see note on previous page.
6 = See further restrictions in Section 15 (L)(2).
7 = Except when area is zoned for resource protection due to flood plain criteria in which case a permit is required from Planning Board.
8 = Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the Planning Board.

The following notes are applicable to the Land Uses Table on page 11:

NOTE: The term "functionally water-dependent use" as defined, includes a very diverse group of uses ranging from large, industrial facilities that receive shipments by water or use water for cooling, to traditional commercial fishing enterprises, and which are prohibited in each CFMA district, based on considerations of prevailing existing uses, desired future, available support facilities, site suitability and compatibility with adjacent uses. A municipality can narrow the range of permitted uses by precluding certain functionally water-dependent uses, or by adopting conditional uses for certain functionally water-

dependent uses, or by adopting conditional uses for certain functionally water-dependent uses that it determines would only be compatible with its plan for the waterfront under certain conditions.

NOTE: Recreational water-dependent uses such as marinas and excursion vessels may in some communities displace or threaten to displace traditional commercial fisheries and maritime activities. Therefore, communities may wish to preclude or further limit these types of uses in this district in order to protect berthing and onshore staging areas for commercial fishing enterprises.

LAND USES	SP	RESOURCE PROTECTION	LIMITED RESIDENTIAL	LIMITED COMMERCIAL	GENERAL DEVELOPMENT	COMMERCIAL FISHERIES/ MARITIME ACTIVITIES
Non-intensive recreational uses not requiring structures, such as: hunting, fishing and hiking	Yes	Yes	Yes	Yes	Yes	Yes
Motorized vehicular traffic on existing roads and trails	Yes	Yes	Yes	Yes	Yes	Yes
Forest management activities except for timber harvesting	Yes	Yes	Yes	Yes	Yes	Yes
Timber harvesting	Yes	CEO1	Yes	Yes	Yes	Yes
Clearing of vegetation for approved construction & other allowed uses	CEO	CEO1	Yes	Yes	Yes	Yes
Fire prevention activities	Yes	Yes	Yes	Yes	Yes	Yes
Wildlife management practices	Yes	Yes	Yes	Yes	Yes	Yes
Soil & water conservation practices	Yes	Yes	Yes	Yes	Yes	Yes
Mineral exploration	No	Yes2	Yes2	Yes2	Yes2	Yes2
Mineral extraction including sand and gravel extraction	No	PB3	PB	PB	PB	PB
Surveying & resource analysis	Yes	Yes	Yes	Yes	Yes	Yes
Emergency operations	Yes	Yes	Yes	Yes	Yes	Yes
Agriculture	Yes	PB	Yes	Yes	Yes	Yes
Aquaculture	PB	PB	PB	Yes	Yes	Yes
Principal structures and uses						
One and two family residential	PB4	No	CEO	CEO	CEO	PB
Multi-unit residential	No	No	PB	PB	PB	No
Commercial	No	No	No	PB	PB	PB5
Industrial	No	No	No	No	PB	PB5
Governmental and Institutional	No	No	No	PB	PB	PB5
Small non-residential facilities for educational, scientific or nature interpretation purposes	PB4	PB	CEO	CEO	CEO	PB5
Structures accessory to allowed uses	PB4	PB	CEO	CEO	Yes	Yes
Piers, docks, wharves, bridges and other structures and uses extending over or below the						

normal high-water line or within a wetland a. temporary b. permanent*	CEO CEO/DEP	CEO CEO/DEP	CEO CEO/DEP	CEO CEO/DEP	CEO CEO/DEP	CEO CEO/DEP
*Note: A copy of the DEP permit must be submitted to the Planning Board prior to start of construction.						
Conversions of seasonal residences to year-round residences	LPI	No	LPI	LPI	LPI	PB
Home occupations	PB	No	PB	CEO	Yes	Yes
Private sewage disposal systems for allowed uses	LPI	No	LPI	LPI	LPI	LPI
Essential services	PB6	PB6	PB	PB	PB	PB
Service drops, as defined, to allowed uses	Yes	Yes	Yes	Yes	Yes	Yes
Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO	CEO5
Individual, private campsites	CEO	CEO	CEO	CEO	CEO	CEO
Campgrounds	No	No	PB	PB	PB	No
Road and driveway construction	PB	No8	PB	PB	PB	PB5
Parking facilities	No	No7	PB	PB	PB	PB
Marinas	PB	No	PB	PB	PB	PB
Filling & earthmoving of <10 cubic yards	CEO	CEO	Yes	Yes	Yes	Yes
Filling & earthmoving >10 cubic yards	PB	PB	CEO	CEO	CEO	CEO
Signs	Yes	Yes	Yes	Yes	Yes	Yes
Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO	CEO
Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO
Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB	PB

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

A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
B. Draining or otherwise de-watering;
C. Filling, including adding sand or other material to a sand dune; or
D. Any structure or alteration of a permanent structure.

Section 15. LAND USE STANDARDS

All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

A. Minimum Lot Standards

1.	MINIMUM LOT AREA (SQUARE FEET)	MINIMUM SHORE FRONTAGE (FEET)
Residential per dwelling unit a. Within the Shoreland Zone Adjacent to Tidal Areas b. Within the Shoreland Zone Adjacent to Non-Tidal Areas	30,000 40,000	150 200
Governmental, Institutional, Commercial or Industrial per principal structure a. Within the Shoreland Zone Adjacent to Tidal Areas Exclusive of Those Areas Zoned for Commercial Fisheries & Maritime Activities. b. Within the Shoreland Zone Adjacent to Tidal Areas Zoned for Commercial Fisheries and Maritime Activities. c. Within the Shoreland one Adjacent to Non-tidal Areas	40,000 None 60,000	200 None 300
Public and Private Recreational Facilities a. Within the Shoreland Zone Adjacent to Non-tidal Areas	40,000	200

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

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

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

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

Municipalities may include provisions for clustered housing within the shoreland zone provided that the overall dimensional requirements, including frontage and lot area per dwelling unit are met. When determining whether dimensional requirements are met, only land area within the shoreland zone shall be considered.

B. Principal and Accessory Structure

1. All new principal and accessory structures shall be set back at least one hundred (100) feet from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development District the setback from the normal high-water line shall be at least twenty-five (25) feet, and in the Commercial Fisheries/Maritime Activities District there shall be no minimum setback provided the land use is commercial in nature and directly water dependent.
   ii. In addition:
      a. The water body or wetland setback provision shall neither apply to structures which require direct access to the water as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
      b. All principal structures along Significant River Segments as listed in Title 38, M.R.S.A., Section 437, shall be set back a minimum of one hundred and twenty-five (125) feet from the normal high-water line and shall be screened from the river by existing vegetation. This provision does not apply to structures related to hydropower facilities.
   iii. A municipality may, within its ordinance, authorize the Planning Board to increase the required setback of a proposed structure, as a condition to permit approval, if necessary, to accomplish the purposes of this ordinance. Instances where a greater setback may be appropriate include, but not be limited to, areas of steep slope, shallow or erodible soils; or where an adequate vegetative buffer does not exist.
2. Principal or accessory structures and expansions of existing structures that are permitted in Resource Protection, Limited Residential, Limited Commercial and Stream Protection Districts, and all residential structures in the CFMA, shall not exceed thirty-five (35) feet in height.
   (a) This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.
   (b) The height of a structure shall exclude a non-habitable feature mounted on a structure roof for observation purposes, such as a cupola, a dome or a widow's walk, provided the following conditions are met:
      (i) the feature is being added to, or is part of, a conforming structure,
      (ii) the structure is not located in a Resource Protection or Stream Protection District,
      (iii) the feature does not extend beyond the exterior walls of the structure,
      (iv) the feature has a floor area of fifty-three (53) square feet or less, and
      (v) the feature does not increase the height the structure, as defined, more than seven (7) feet.
3. The first-floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils.
4. The total area of all new or expanded structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a

portion thereof, located within the shoreland zone, including area previously developed, except strictly maritime and water dependent uses in the General Development District adjacent to tidal waters and river which do not flow to great ponds classified GPA, and in the Commercial Fisheries/Maritime Activities District, where lot coverage shall not exceed seventy (70) percent.

5. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width ; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

C. Piers, Docks, Wharves, Bridges and Other Structures and uses Extending Over or Beyond the Normal High-Water Line of a Water Body or Within a Wetland.

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
2. The location shall not interfere with existing developed or natural beach areas.
3. The facility shall be located so as to minimize adverse effects on fisheries.
4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use, and character of the area.
5. No new structures shall be built on, over or abutting a pier, wharf, deck or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.
6. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
7. Except in the General Development District and Commercial Fisheries/Maritime Activities District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

   Permanent structures projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, M.R.S.A., Section 480-C and any other relevant state and federal agencies

D. Campgrounds

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

1. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet from the normal

high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

E. Individual Private Campsites

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

1. One campsite per lot existing on the effective date of the Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
3. Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except canopies shall be attached to the recreation vehicle.
4. The clearing of vegetation for the sitting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1,000) square feet.
5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. Commercial and Industrial Uses

The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

a) Auto washing facilities;
b) Auto or other vehicle service and/or repair operations, including body shops;
c) Chemical and bacteriological laboratories;
d) Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normal associated with individual households or farms;
e) Commercial painting, wood preserving, and furniture stripping;
f) Dry cleaning establishments;
g) Electronic circuit assembly;
h) Laundromats, unless connected to a sanitary sewer;
i) Metal plating, finishing, or polishing;
j) Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas;
k) Photographic processing;
l) Printing.

G. Parking Areas

1. Parking areas shall meet the shoreline setback requirements for structures for the district in which such areas are located, except that in the Commercial Fisheries/Maritime Activities District parking areas shall be set back at least twenty-five (25) feet from the normal high-water line or the upland edge of a wetland. The setback requirement for parking areas serving public boat launching facilities, in Districts other than the General Development and Commercial Fisheries/Maritime Activities Districts may be reduced to no less than fifty (50) feet from the normal high-water line or upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists.
2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, and where feasible, to retain all runoff on-site.
3. In determining the appropriate size of proposed parking facilities, the following shall apply:
   (a) Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
   (b) Internal travel aisles: Approximately twenty (20) feet wide.

H. Roads and Driveways

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

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

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

   This paragraph shall neither apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline due to an operational necessity.
2. Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body.
3. New permanent roads are not permitted within the Shoreland zone along Significant River Segments except:
   a. To provide access to structures or facilities within the zone; or
   b. The applicant demonstrates that no reasonable alternative route exists outside the shoreland zone. When roads must be located within the shoreland zone they shall be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.

4. New roads and driveways are prohibited in a Resource Protection District except to provide access to permitted uses within the district, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the district, in which case the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
5. Road banks shall be no steeper than slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in subsection Q.
6. Road grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.
7. In order to prevent road surface drainage from directly entering water bodies, roads shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least fifty (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Road surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
8. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow in the road or ditches gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply:
    a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

Road Grade (percent)	Spacing (feet)
0-2	250
3-5	200-125
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

    b. Drainage dips may be used in place of ditch relief culverts only where the road grade is ten (10) percent or less.
    c. On road sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed across the road at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road.
    d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

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

I. Signs

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

1. Signs and billboards relating to goods and services sold on the premises shall be permitted, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. Billboards and signs relating to goods or services not sold or rendered on the premises shall be prohibited.
2. Name signs shall be permitted, provided such signs shall not exceed two (2) signs per premises.
3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
4. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
5. Signs relating to public safety shall be permitted without restriction.
6. No sign shall extend higher than twenty (20) feet above the ground.
7. Signs may be illuminated only by shielded, non-flashing lights.

J. Storm Water Runoff

1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters.
2. Storm water runoff controls systems shall be maintained as necessary to ensure proper functioning.

K. Septic Waste Disposal

(1) All subsurface sewage disposal systems shall be installed in conformance with the STATE OF MAINE SUBSURFACE WASTEWATER DISPOSAL RULES (Rules).

(a) The Rules, among other requirements, include:

(i) The minimum setback for new subsurface sewage disposal systems, shall be no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distances from water bodies for new subsurface sewage disposal systems shall not be reduced by variance.

(ii) Replacement systems shall meet the standards for replacement systems as contained in the Rules.

L. Essential Services

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
2. The installation of essential services is not permitted in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

M. Mineral Exploration and Extraction

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

Mineral extraction may be permitted under the following conditions:

1) A reclamation plan shall be filed with and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of paragraph 4 below.
2) Unless authorized pursuant to the Natural Resources Protection Act, title 38, MRSA, Section 480-C no part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet of the normal high-water line of any water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within seventy-five (75) feet of any property line, without written permission of the owner of such adjacent property.
3) Developers of new gravel pits along Significant River Segments shall demonstrate that no reasonable mining site outside the shoreland zone exists. When gravel pits must be located within the zone, they shall be set back as far as practicable from the normal high-water line and no less than seventy-five (75) feet and screened from the river by existing vegetation.
4) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
    a) All debris, stumps, and similar material shall be removed for disposal in an approved location or shall be buried on-site. Only materials generated on-site may be buried or covered on-site. (The State of Maine Solid Waste Laws, Title 38, MRSA, Section 1310 and Chapter 404 of the Department of Environmental Protection's regulations may contain other applicable provisions regarding disposal of such materials.)
    b) The final graded slope shall be two to one (2:1) slope or flatter.
    c) Top soil or loam shall be retained to cover all disturbed land areas, which shall be re-seeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary, to complete the stabilization project.
5) In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

N. Agriculture

1) All spreading, or disposal of manure shall be accomplished in conformance with the MAINE GUIDELINES FOR MANURE AND MANURE SLUDGE DISPOSAL ON LAND, published by the University of Maine Soil & Water conservation Commission on July, 1972.

2) Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond, classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. Within five (5) years of the effective date of this Ordinance all manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water. Existing facilities which do not meet the setback requirement may remain but must meet the no discharge provision within the above five (5) year period.
3) Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, or the spreading, disposal or storage of manure within the shoreland zone shall require a Soil and Water Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

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

O. Clearing of Vegetation for Development
   1. Within the shoreland area zoned for Resource Protection abutting great pond, there shall be no cutting of vegetation within the strip of land extending seventy-five (75) feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

      Elsewhere, in any Resource Protection District the clearing of vegetation shall be limited to that which is necessary for uses expressly authorized in the district.
   2. Except in areas as described in Paragraph 1, above, and except to allow for the development of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
      (a) There shall be no cleared opening great than two hundred fifty (250) square feet in the forest canopy as measured from the outer limits of the tree crown. However, a foot path not to exceed ten (10) feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created. Adjacent to a great pond classified GPA, or stream or river flowing to a great pond classified GPA, the width of the foot path shall be limited to six (6) feet.

(b) Selective cutting of trees within the buffer strip is permitted provided that a well distributed stand of trees and other vegetation is maintained. For the purposes of this section, a "well-distributed stand of trees and other vegetation" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 12 or more in any 25-foot by 25-foot square (625 square feet) area as determined by the following rating system:

Diameter of Tree at 4-1/2 Feet Above Ground Level	Points
2 – 4 inches	1
>4 – 12 inches	2
>12 inches	4

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees and other vegetation" is defined as maintaining a minimum rating score of 8 per 25-foot square area.

Note: As an example, adjacent to a great pond, if a 25-foot X 25-foot plot contains three (3) trees between 2 and 4 inches in diameter, three trees between 4 and 12 inches in diameter, and three trees over 12 inches in diameter, the rating score is:

(3X1) + (3X2) + (3X4) = 21 points

Thus, the 25-foot plot contains trees worth 21 points. Trees totaling 9 points (21-12=9) may be removed from the plot provided that no cleared openings are created.

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

c) In order to protect water quality and wildlife habitat, adjacent to great ponds classified GPA, and streams and rivers which flow to great ponds classified GPA, existing vegetation under three (3) feet in height and other ground cover shall not be removed, except to provide for a foot path or other permitted uses as described in paragraphs 2 and 2a above.

d) Pruning of tree branches, on the bottom 1/3 of the tree is permitted.

e) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

The provisions contained in paragraph 2 above shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas; however, shall be limited to the minimum area necessary.

3. At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, except to allow for the development of permitted uses, there shall be permitted on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4-1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards, volume may be considered to be equivalent to basal area.

4. Cleared openings legally in existence on the effective date of this Ordinance may be maintained, but shall not be enlarged, except as permitted by this Ordinance.
5. Fields which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

P. Erosion and Sedimentation Control

1. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
    (a) Mulching and re-vegetation of disturbed soil,
    (b) Temporary runoff control features such as hay bales, silt fencing or diversion ditches,
    (c) Permanent stabilization structures such as retaining walls or riprap.
2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
    (a) Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
    (b) Anchoring the mulch with netting, pet and twine or other suitable method may be required to maintain the mulch cover.
    (c) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
5. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater and shall be stabilized with vegetation or lined with riprap.

Q. Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may

include Maine Certified Soil Scientists, Maine Registered Profession Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

R. Water Quality

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances will impair designated uses of the water classification of the water body.

S. Archeological Sites

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

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

Section 16. ADMINISTRATION

A. Administering Bodies and Agents

1. Code Enforcement Officer

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

2. Board of Appeals

A Board of Appeals shall be created in accordance with the provisions of State law.

B. Permits Required

After effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structures requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use.

C. Permit Application

(1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.

(2) All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property, then that person shall submit a letter of authorization from the owner or lessee.

(3) All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

(4) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the

Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.

D. Procedure for Administering Permits

Within thirty-five (35) days of the date of receiving a written application, the Planning Board of Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete.

The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within thirty-five (35) days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within thirty-five (35) days after the first available date on the Planning Board's agenda following receipt of the completed application, or within thirty-five (35) days of the public hearing, if one is held. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

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

After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

(1) Will maintain safe and healthful conditions;
(2) Will not result in water pollution, erosion, or sedimentation to surface waters;
(3) Will adequately provide for the disposal of all wastewater;
(4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
(5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
(6) Will protect archeological and historic resources as designated in the comprehensive plan;
(7) Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities District;
(8) Will avoid problems associated with flood plain development and use; and
(9) Is in conformance with the provisions of Section 15, Land Use Standards.

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

E. Expiration of Permit

1. Following the issuance of a permit, if no substantial start is made in construction or in the use of the property within one (1) year of the date of the permit, the permit shall lapse and become void, except as otherwise provided herein.
2. Substantial start where there are appeals.
   a. In the event that an appeal is taken from the issuance of a Town permit (whether issued by the Planning Board or Code Enforcement Officer), or

b. In the event that an appeal is taken regarding a state or federal permit relating to a Town permit,
c. in either the case of (a) or (b), the the substantial start deadline shall be as follows:
    i. for residential developments, the Town permit shall lapse and become void if no substantial start is made in construction within one (1) year of the later of (a) the date of final resolution of the appeal of the Town permit or (b) the date of the final resolution of an appeal of the related state or federal permit, including expiration of any appeal periods.
    ii. for non-residential developments, the Town permit shall lapse and become void if no substatdial start is made in construction within two (2) years of the later of (a) the date of the final resolution of the appeal of the Town permit or (b) the date of the final resolution of an appeal of the related state or federal permit, including expiration of any appeal periods.
    iii. This amendment is effective retroatively to August 25, 2022.

F. Installation of Public Utility Service

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

G. Appeals

1) Power and Duties of the Board of Appeals

The Board of Appeals shall have the following powers:

a. 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 of Planning Board in the enforcement or administration of this Ordinance.
b. Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.

2) Variance Appeals

Variances may be permitted only under the following conditions:

a) Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
b) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
c) The Board shall not grant a variance unless it finds that:
    i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and
    ii) The strict application of the terms of this Ordinance would result in undue hardship.

The term "undue hardship" shall mean:

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

d) The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

e) A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

f) A copy of all variances granted by the Board of Appeals shall be submitted to the Department of Environmental Protection within fourteen (14) days of the decision.

3) Appeal Procedure

a. Making an Appeal

1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such appeal shall be taken within thirty (30) days of the date 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 which includes:
    i. A concise written statement indicating what relief is requested and why it should be granted.
    ii. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical feature of the lot pertinent to the relief sought.
3. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
4. The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

b. Decision by Board of Appeals

1. A majority of the Board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
2. The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.
3. The person filing the appeal shall have the burden of proof.
4. The Board shall decide all appeals within thirty-five (35) days after the close of the hearing and shall issue a written decision on all appeals.

5. All decisions shall become part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, and the appropriate order, relief or denial thereof.

4) Appeal to Superior Court
Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within thirty (30) days from the date of any decision of the Board of Appeals.

5) Reconsideration
The Board of Appeals may reconsider any decision within thirty (30) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

H. Enforcement

1) Nuisances

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

2) Code Enforcement Officer

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

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

c) The Code Enforcement Officer 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. On an annual basis, a summary of this record shall be submitted to the Director of Bureau of Land Quality Control within the Department of Environmental Protection.

3) Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines with Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

4) Fines

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection 4506.

Current penalties include fine of not less than $100.00 nor more than $2,500.00 per violation for each day that the violation continues. The Board of Selectmen will be responsible for the assessment of any fines.

Section 17. DEFINITIONS

1. Accessory structure or use – a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.
2. Agriculture – the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages, and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.
3. Aggrieved party – an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit 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.
4. Aquaculture – the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.
5. 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.
6. 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.
7. Coastal wetlands – all lands, tidal and sub-tidal lands; below any identifiable debris line left by ***MEAN HIGH WATER**; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, march, bog, beach, flat or other contiguous low land which is subject to tidal action during the ***MAXIMUM SPRING TIDE LEVEL** as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.
8. Commercial use – the use of lands, buildings, or structures, other than a "home occupation", defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.
9. Dimensional requirements – numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.
10. Driveway – a vehicular access-way less than five hundred (500) feet in length serving two lots or less.
11. 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.
12. 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.

13. Expansion of a structure – an increase in the floor area or volume of a structure, including all extensions such as, but limited to attached: decks, garages, porches and greenhouses.
14. Expansion of use – the addition of weeks or months to a user's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.
15. Family – one or more persons occupying a premises and living as a single housekeeping unit.
16. Floor area – the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.
17. 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.
18. Foundation – the supporting substructure of a building or other structure including but not limited to basements, slabs, sills, posts or frostwalls.
19. Freshwater wetland – freshwater swamps, marshes, bogs and similar areas which are:
    a. Of ten or more contiguous acres; or of less than ten (10) contiguous acres and adjacent to a surface water body, excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of ten (10) acres; and
    b. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

    Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.
20. Functionally water-dependent uses – those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and which cannot be located away from these water. The uses, include, but are not limited to commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish storage, and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aides, 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, and uses which primarily provide general public access to marine or tidal waters.
21. 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 surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.
22. Great pond classified GPA – any great pond classified GPA, pursuant to Title 38, Article 4-A, Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.
23. Height of a structure – the vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenance which have no floor area.

24. Home occupation – an occupation or profession which is customarily conducted on or in a residential structure or property and which is:
    a. clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and
    b. which employs no more than two (2) persons other than family members residing in the home.
25. 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, fireplaces, or ten platforms.
26. Industrial – the assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.
27. Lot area – the area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two (2) lots.
28. Marina – a business establishment laving frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, boat and tackle shops and marine fuel service facilities.
29. 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.
30. Minimum lot width – the closest distance between the side lot lines of a lot.
31. Mineral exploration – hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.
32. Mineral extraction – any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.
33. Multi-unit residential – a residential structure containing three (3) or more residential dwelling units.
34. Non-conforming lot – a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.
35. 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 this Ordinance or subsequent amendments took effect.
36. Non-conforming use – use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.
37. Normal high-water line – that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. 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.

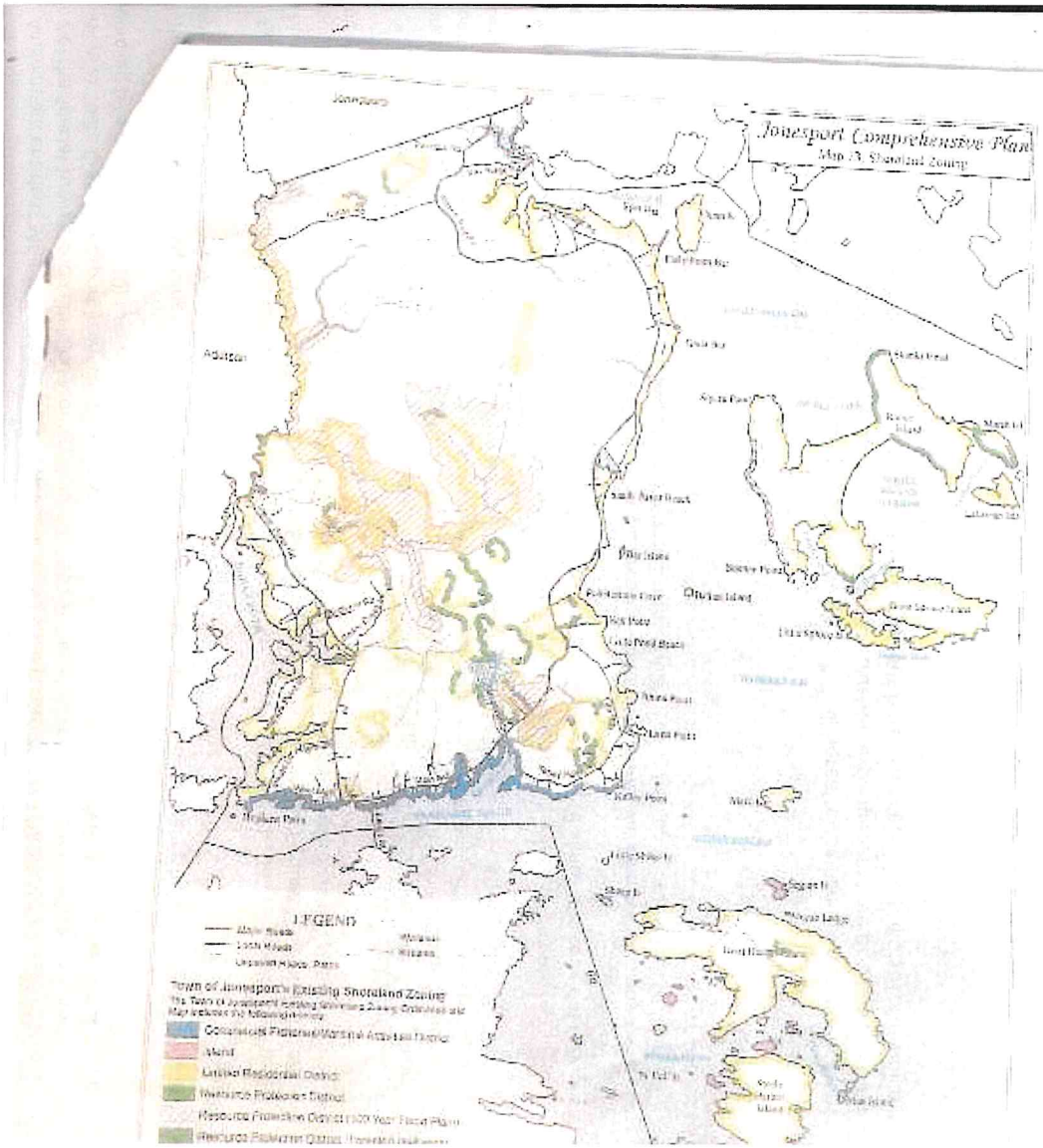
38. Person – an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.
39. Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland –
    i. Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.
    ii. Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.
40. Principal structure – a 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.
41. Principal use – a use other than one which is wholly incidental or accessory to another use on the same premises.
42. 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.
43. Recent flood plain soils – the following soil series as described and identified by the national Cooperative Soil Survey:

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

44. Recreational facility – a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.
45. Recreational vehicle – a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Bureau of Motor Vehicles
46. Replacement system – a system intended to replace:
    i. an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or
    ii. any existing overboard wastewater discharge.
47. Residential dwelling unit – a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.
48. 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.
49. River – a free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.
50. Road – a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.
51. Salt marsh – areas along coastal waters (most often along coastal bays) which support salt tolerant species, and where at average high tide during the growing season, the soil is regularly inundated by tidal waters. The predominant species is salt marsh cord grass (Spartina alterniflora). More open areas often support widgeon grass, eelgrass, and Sago pond weed.

52. Salt meadow – areas which support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cord grass (Spartina patens) and black rush; common three square occurs in fresher areas.
53) Service drop – any utility line extension which does not cross or run beneath any portion of a water body provided that:
    a) in the case of electric service
        i) 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
        ii) the total length of the extension is less than one thousand (1,000) feet.
    b) in the case of telephone service
        i) the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
        ii) the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.
54. Setback – the nearest horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area.
55. Shore frontage – the length of a lot bordering on a water body measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water elevation.
56. Shoreland zone – the land area located within two hundred fifty (250) feet, horizontal distance, of the normal high-water line of any great pond, river, or saltwater body; within 250 feet of the upland edge of a coastal or freshwater wetland; or within seventy-five (75) feet of the normal high-water line of a stream.
57. Significant River Segments – See Title 38 MRSA Section 437.
58. 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 Servey 7.5 minute series topographic map, or if not available, a 15 minutes series topographic map, to the point where the body of water becomes a river.
59. 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 dishes.
60. Substantial start – completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.
61. Subsurface sewage 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 38MRSA< Section 414, any surface wastewater disposal system licensed under 38 MRSA< Section 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 38 MRSA, Chapter 13, subchapter 1.
62. Sustained slope – a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.
63. 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.

64. 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 Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.
65. Upland edge – the boundary between upland and wetland.
66. Vegetation – all live trees, shrubs, ground cover, and other plans including without limitation, trees both over and under four (4) inches in diameter, measured a 4-1/2 above ground level.
67. Volume of a structure – the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.
68. Water body – any great pond, river, stream or tidal area.
69. 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 buy may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings.
70. Wetland – a freshwater or coastal wetland.
71. 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 one hundred (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. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.


Jonesport Comprehensive Plan
Map 13: Shoreland Zoning
LEGEND
Town of Jonesport's Existing Shoreland Zoning
Commercial Fisheries/Maritime Activities District
Marine
Limited Residential District
Resource Protection District
Resource Protection District (100 Year Flood Plain)
Resource Protection District (Forested Wetlands)

APPENDIX // LISTING OF TOWN VOTES REGARDING UPDATES

1989: Amendment entitled "MARITIME DISTRICTING AMENDMENT TO SHORELAND ZONING ORDINANCE" was included in Article 2 of the Special Town Meeting held on Monday, June 12, 1989 at 7:00 p.m. at the Jonesport-Beals High School Gymnasium at Snare Creek, Jonesport in which approx. sixty-six (66) registered voters attended. Article 2 was voted on and was approved by a vote of thirty (30) to zero (0).

2002: The Official Maritime Districting Ordinance Map was amended at the Special Town Meeting held on June 17, 2002 at Jonesport-Beals High School Gymnasium at Snare Creek.

2015: Existing Section 15 Land Use Standards B. Principal and Accessory Structure 2 was included in Article 29 of the Special Town Meeting held on Monday, May 18, 2015 at 6:00 p.m.at the Jonesport Elementary School Gymnasium at Snare Creek, Jonesport, in which approx. 26 registered voters attended. Article 29 was voted on and was approved by a vote of twenty-two (22) to zero (0).

2015: "Repeal all of Section O-Timber Harvesting of the Town of Jonesport, Washington County, Maine Shoreland zoning ordinance" was included in Article 30 of the Special Town Meeting held on Monday, May 18, 2015 at 6:00 p.m. at the Jonesport-Beals High School Gymnasium at Snare Creek, Jonesport in which approximately twenty–six (26) registered voters attended. Article 30 was voted on and approved by a vote of twenty-two(22) to one(1).

2022: Town Meetings March 14, 2022 at Jonesport-Beals High School Gymnasium at Snare Creek Lane 3:30 PM
Article 36: To see if the town will approve revisions to the Shoreland Zoning and Land Use Ordinance. (FYI copies of revisions are available).

> Motion was made and seconded to amend the article to read: "To see if the Town will approve revisions to the Shoreland Zoning and Land Use Ordinances as presented at the public hearing held on February 23, 2022 and subsequently revised.
> Motion carried; 1 opposed.

2022: (per above)
Section 11. LAND USE REQUIREMENT

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, expanded, moved or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance *is granted by the Board of Appeals*.

Section 12. NON-CONFORMANCE
A. Purpose

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

Section 15 LAND USE STANDARDS
B. Principal and Accessory Structure

1. All new principal and accessory structures shall be set back at least one hundred (100) feet from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development District the setback from the normal high-water line shall be at least twenty-five (25) feet, and in the Commercial Fisheries/Maritime Activities District there *shall be no minimum setback provided the land use is commercial in nature and directly water dependent.*

C. Piers, Docks, Wharves, Bridges and Other Structures and uses Extending Over or Beyond the Normal High-Water Line of a Water Body or Within a Wetland.

7. Except in the General Development District and Commercial Fisheries/Maritime Activities District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal

high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.
Permanent structures projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, M.R.S.A., Section 480-C *and any other relevant state and federal agencies*.

Section 16. ADMINISTRATION

4. Fines

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection 4506.
Current penalties include fine of not less than $100.00 nor more than $2,500.00 per violation for each day that the violation continues. *The Board of Selectmen will be responsible for the assessment of any fines.*

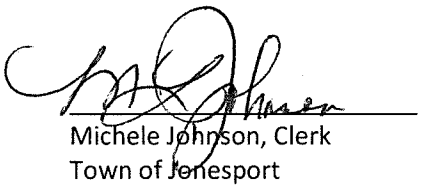
13. Principal Structures*					
a. Single family dwelling units	No	PB	PB	No	No
b. Two family dwelling units	No	PB	PB	No	No
c. Multi-family dwelling units (conversion)	No	PB	PB	PB	PB
d. Lodging units (not including Bed & Breakfast)	No	PB	PB	PB	PB
e. Commercial structures	No	No	PB	PB	PB
f. Industrial structures	No	No	PB	No	No
g. Governmental structures	No	PB	PB	PB	PB
h. Institutional structures	No	No	PB	PB	PB
14.a. Accessory Structures over ~~200~~ 100 sq.ft.	PB	PB	PB	PB	PB
14. b. Accessory Structures under ~~200~~ 100 sq.ft.	CEO	CEO	CEO	CEO	PB

2025: Town Meetings July 30, 2025 at Jonesport-Beals High School Gymnasium at Snare Creek Lane 6:00 PM
To vote on the following warrants:

ARTICLE 6: Shall the Town of Jonesport approve an amendment to the Shoreland Zoning Ordinance to extend the period for substantial start of construction where there are appeals taken from necessary project permits in Section 16 (administration)?
(A certified copy of the Shoreland Zoning Ordinances showing the proposed changes is attached to this warrant)
Explanation: This amendment is designed to provide additional time to begin construction where an appeal is taken from a permit necessary for a project to proceed by one (1) year for residential developments and two (2) years for non-residential developments.

ARTICLE 7: Shall the Town of Jonesport approve an amendment to the Shoreland Zoning Ordinance to allow Code Enforcement Officer approval of piers, docks, wharves, breakwaters, causesways, marinas, and bridges over 20 feet in length that project into, on or over water bodies in the Table of Land Uses in Section 14 with the requirement that a copy of the DEP permit must be submitted prior to start of construction?
(A certified copy of the Shoreland Zoning Ordinances showing the proposed changes is attached to this warrant)
Explanation: This allows the Code Enforcement Officer to approve piers, docks, and similar structures that extend onto or over water bodies provided the DEP has approved the necessary permit to do so.

A True Copy Attested:



Michele Johnson, Clerk
Town of Jonesport