

2017

Town of Owls Head Maine Ordinances

Owls Head, Me.

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CEMETERY ORDINANCE

TOWN OF OWLS HEAD

Adopted - August 28, 2017

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care price. Upon full payment of the purchase price of a lot, the right to be buried shall be conferred by the Town by issuing a Municipal Quitclaim Deed, in the form of the example in Appendix F, signed by the Selectmen on behalf of the town. All Quitclaim Deeds shall be designated by lot number and shall give reference to the official plot plan. The deed will then be recorded in the records of the Town and Knox County Registry of Deeds as evidence of ownership of the lot. Funds received from the applicant shall be held in escrow by the Town Treasurer pending receipt of a completed Deed from the County of Knox. After the deed has been issued, the funds held in escrow shall be nonrefundable.

For the Owls Head (a/k/a Airport) Cemetery, the right to be buried shall be conferred by the granting by deed of a Burial Right Easement (hereafter Easement) from the County of Knox, which shall be in the form of Appendix C to this ordinance. All Easements shall be designated by lot number and shall give reference to the official plot plan. A person wishing to purchase an Easement shall apply to do so by completing a written application in the form of Appendix D to this ordinance, and paying to Town Treasurer the full amount of the lot easement and perpetual care price. Funds received from the applicant shall be held in escrow by the Town Treasurer pending receipt of a completed Easement Deed from the County of Knox. The funds held in escrow shall be nonrefundable except as provided below.

Upon receipt of the completed application and payment the Town shall prepare an Easement Deed which may be signed by any one of the Selectmen on behalf of the Town. The applicant shall be notified that the Easement Deed has been prepared, and the applicant must sign the Easement Deed within fifteen (15) days of the mailing of this notification. Upon being signed by the applicant the Easement Deed shall be sent to the Administrator of the County of Knox to be signed. Upon being completed by the County Administrator, the funds paid by the applicant shall be disbursed from escrow and the Easement Deed shall be recorded in the Knox County Registry of Deeds. If the Easement Deed is not completed by the Town and County of Knox within thirty (30) days of receipt of funds, the funds shall be returned to the applicant and the application shall be treated as denied.

SECTION 4. LOT REQUIREMENTS

No lot will be sold or leased without perpetual care. The Fee schedule is available at the Town Office.

Additional fees may be charged for the opening of graves and other services not related to perpetual care. All fees shall be established by the Board. Fees will be reviewed annually.

(G) Cremation:

- a. Lots in cremation section and burial section to contain no more than two urns.
- b. The scattering of ashes within the boundaries of the Cemetery is prohibited.

(H) In all interments caskets shall be enclosed in a permanent outside container. A permanent outside container is described as a non-degradable container such as a concrete, copper, steel or composite burial vault.

SECTION 7. MONUMENTS

(A) No memorial stones or crosses of the upright nature will be allowed in Owls Head (a/k/a Airport) Cemetery.

(B) Headstones will be used to mark the burial site. For the Owls Head (a/k/a Airport) Cemetery, headstones are to be flush with the ground and of a uniform measuring of twenty-four (24) inches long, twelve (12) inches wide, and not to exceed twelve (12) inches in depth.

(C) A full foundation is required for the placement of headstones.

(D) Flush headstones must be set even (flush) with the ground.

SECTION 8. TREES, SHRUBS AND FLOWERS

(A) The planting of trees and shrubs on Cemetery premises by lot owners and easement holders is prohibited.

(B) The planting of flowers is prohibited. Flowers in containers are permitted, but must be removed by September 30th.

(C) Town Employees shall have the right to remove all flowers, when in their judgment the flowers become unsightly, faded or wilted.

(D) Ornamentation is not encouraged. Ornamentation that prevents convenient maintenance is prohibited and may be removed by Town Employees. American flags honoring veterans placed on or after Memorial Day and special flag holders for these flags are acceptable and encouraged.

SECTION 11. CERTIFICATION OF ADOPTION

We hereby attest that this is a true copy of the "CEMETERY ORDINANCE" for the Town of Owls Head, Maine, duly adopted at an Annual Town Meeting held on August 28, 2017. At the same time, the "ORDINANCE FOR THE CREATION & REGULATION OF OWLS HEAD CEMETERY" adopted on August 24, 2009 was repealed and replaced with the "CEMETERY ORDINANCE" dated August 28, 2017.

Selectmen: Linda Pass

D. J. M...

Thomas Von Maleb

Attest to: Susan A. Curran
Town Clerk

Date: 8/28/17

APPENDIX A

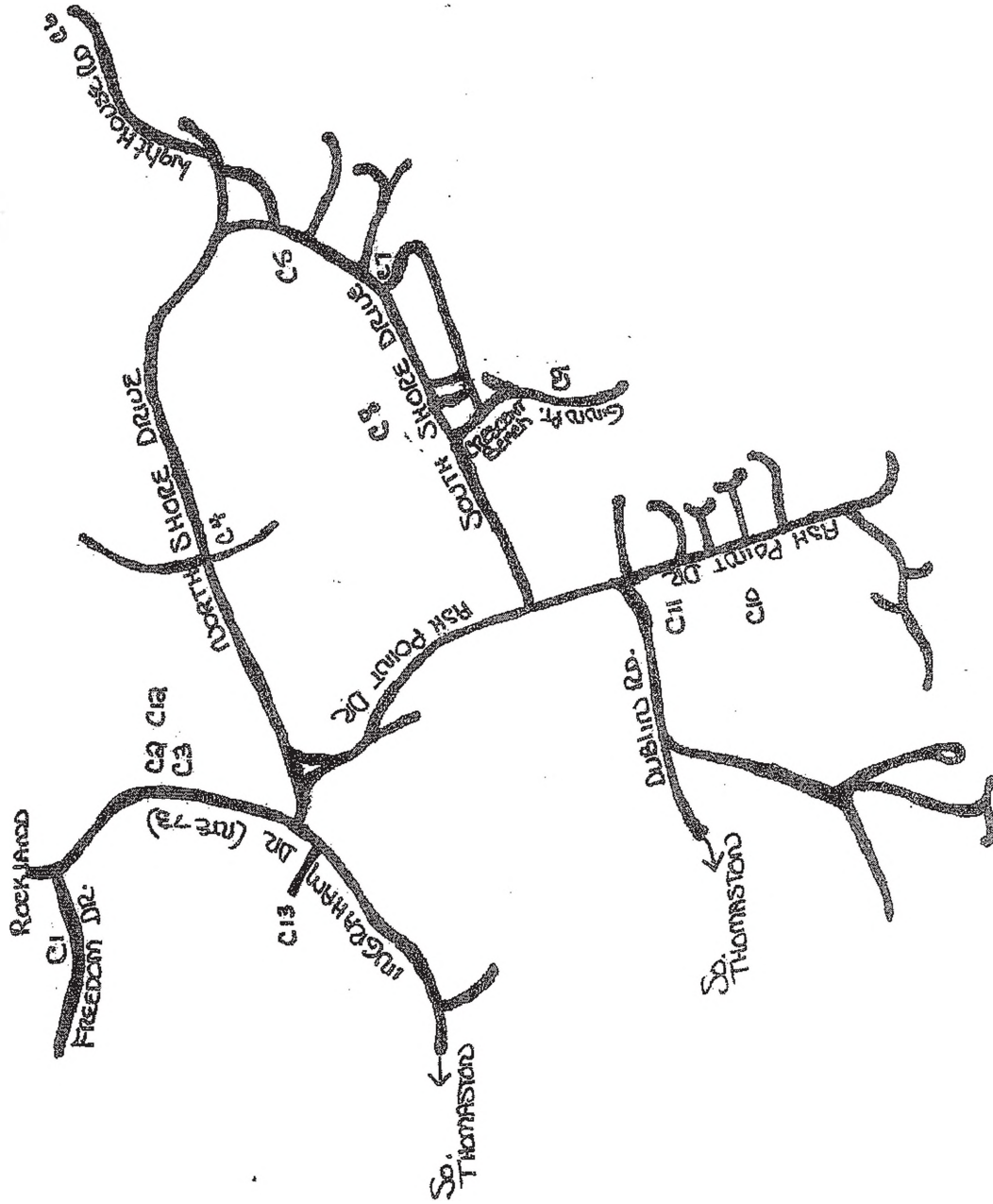
TOWN CEMETERIES AND ACCESS POINTS (SEE APPENDIX B MAP)

1. Ingraham (f/k/a Don Wiley's): C1*, on Freedom Drive
2. Hall (f/k/a Ingraham, Head of the Bay): C2, on Ingraham Drive (Rt. 73)
3. Jewish (maintained by Adas Yeshurun Cemetery Association): C3, on Ingraham Drive (Rt. 73) adjacent to Hall Cemetery
4. Cooper's Beach (f/k/a Oak Run): C4, private; behind residences (#6 and #14) on Oak Run and accessed along the right side of hedge between these two houses
5. Evergreen: C5, at end of Evergreen Lane
6. Merriam (f/k/a Owls Head Lighthouse): C6, on Lighthouse Road
7. Holiday Beach: C 7, on South Shore Drive
8. Rose Hill: (f/k/a Addition): C8, private; at end of Knoll Road on private property
9. Ginn's Point: C9, private; off Ginn Point Road just south (left) of the residence at #21 on private property
10. Ash Point (maintained by Ash Point Cemetery Association): C10, on Ash Point Drive
11. Owls Head (a/k/a Airport): C11, on Ash Point Drive
12. MacPhail (f/k/a Hix): C12, on Dogwood Drive behind Hall Cemetery
13. Philbrook: C13, at end of Great Marsh Lane on private property, restricted access

*Letter/number corresponds to location on map in Appendix B

APPENDIX B

CEMETERY MAP



APPENDIX C

BURIAL RIGHTS EASEMENT

The County of Knox (which may hereafter be referred to as “County”), a political subdivision of the State of Maine, for consideration paid grants to _____ (who may hereafter be referred to as Grantee”), of Owls Head, Knox County, Maine, a burial rights easement in and to Lot ____ situated in the Owls Head Cemetery in the Town of Owls Head Knox County, Maine. Reference is made to the plot plan of the Owls Head Cemetery dated _____ and recorded in _____.

Under this easement grantee, his heirs and assigns, shall have the right to inter the remains of one human body in said Lot in perpetuity and the County shall permit use and care of such Lot in accordance with agreements reached between Grantee and the proprietors of the Owls Head Cemetery, subject however, to the following conditions:

Agreements with United States; Change in use of Airport. This Easement shall be subordinate to the provisions of any existing or future agreement (a “Federal Agreement”) between the County and the United States relative to the use operation or maintenance of the Knox County Regional Airport (Airport), the execution of which has been or may now or hereafter be required as a condition precedent to the expenditure of Federal funds for the development of the Airport. Grantee hereby agrees that to the extent that any such Federal Agreement shall affect Grantee and its use of the Premises and the Airport, Grantee and Grantee’s heirs and assigns, shall act in compliance therewith if the County is compensated an amount certain for land occupied by Grantee’s Lot, then that a proportional amount shall be paid to the Grantee. If Grantee fails to be in compliance with any such Federal Agreement then Grantee shall be in default and the County may enter the premises and disinter any remains from the Lot, and, if such remains are not claimed by Grantee, or Grantee’s heirs or assigns, may dispose of such remains in any lawful manner.

Rules and Regulations. By acceptance of this instrument the Grantee, and the Grantee’s heirs and assigns, agrees to comply with all rules and regulations of Knox County Regional Airport, local, state and Federal laws, rules and regulations, the County’s Storm Water Pollution Prevention Plan and Spill Prevention Plan and Control Countermeasures Plan. A listing including updated of said Plans will be made available to Grantee by County including: Title, Effective Dates, location or originals and/or copies for study in order to effect compliance. Said listing shall be made available to Grantee and kept current by County and will be maintained in the Airport Manger’s office. By acceptance of this instrument the Grantee, and the Grantee’s heirs and assigns, also agrees to comply with the ordinances and regulations of the Town of Owls Head regulating the use of the cemetery; provided, however, that compliance with the ordinances and regulations of the Town of Owls Head will be subordinated to compliance with the aforesaid state, Federal and County of Knox laws, rules, regulations and plans.

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The grantee understands this parcel is subject to aircraft over-flight. The landlord further imposes a maximum height restriction above the ground of any obstacle to that of 15 feet within leased premises which includes structures as well as trees, plants, poles or monuments.

The Town of Owls Head hereby joins in this instrument to release its leasehold interest to the easement being granted herein.

Witness our hands and seal this _____ day of the month of _____, 20____.

Witness

Grantee

County of Knox

By: _____

Andrew L. Hart, County Administrator

Town of Owls Head

By: _____

STATE OF MAINE

County of Knox, ss

_____, 20____

Personally appeared the above-named _____, Grantee, and acknowledged the foregoing instrument to be his/her free act and deed.

Before me,

Notary Public

Printed Name:

My Commission Expires:

STATE OF MAINE

County of Knox, ss

_____, 20____

Personally appeared the above-named _____, duly authorized County Administrator of the County of Knox, and acknowledged the foregoing instrument to be his/her free act and deed.

Town of Owls Head – Cemetery Ordinances

Before me,

Notary Public
Printed Name:
My Commission Expires:

STATE OF MAINE
County of Knox, ss

_____, 20____

Personally appeared the above-named _____,
Duly authorized Selectman of the Town of Owls Head, and acknowledged the foregoing
instrument to be his/her free act and deed.

Before me,

Notary Public
Printed Name:
My Commission Expires:

APPENDIX D

APPLICATION FOR BURIAL RIGHTS EASEMENT

Name: _____

Address: _____

Telephone number: _____

Lot No. requested: _____

Price:

Lot applied for: _____

Persons to be buried in lot: _____

Veteran: No _____ Yes _____

The Town of Owls Head leases the land that composes the Owls Head Cemetery from the County of Knox. Under the Burial Rights Easement the applicant, and the applicant’s heirs and assigns, shall have the right to inter the remains of one human body in said Lot in perpetuity and the County shall permit use and care of such Lot in accordance with agreements reached between Applicant and the proprietors of the Owls Head Cemetery, subject however, to the following conditions:

Agreements with United States: Change in use of Airport. This Easement shall be subordinate to the provisions of any existing or future agreement (a “Federal Agreement”) between the County and the United States relative to the use operation or maintenance of the Knox County Regional Airport (Airport), the execution of which has been or may now or hereafter be required as a condition precedent to the expenditure of Federal funds for the development of the Airport. Applicant hereby agrees that to the extent that any such Federal Agreement shall affect Applicant and its use of the Premises and the Airport, Applicant and Applicant’s heirs and assigns, shall act in compliance therewith if the County is compensated an amount certain for land occupied by Applicant’s Lot, then that a proportional amount shall be paid to the Applicant. If Applicant fails to be in compliance with any such Federal Agreement then Applicant shall be in default and the County may enter the premises and disinter any remains from the Lot, and, if such remains are not claimed by Applicant, or Applicant’s heirs or assigns, may dispose of such remains in any lawful manner.

Rules and Regulations. By signing this application the Applicant, and the Applicant’s heirs and assigns, agrees to comply with all rules and regulations of Knox County Regional Airport, local, state and Federal laws, rules and regulations, the County’s Storm Water Pollution Prevention Plan and Spill Prevention Plan and Control

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Countermeasures Plan. A listing including updated versions of said Plans will be made available to Applicant by County including: Title, Effective Dates, location or originals and/or copies for study in order to effect compliance. Said listing shall be made available to Applicant and kept current by County and will be maintained in the Airport Manager's office. By acceptance of this instrument the Applicant, and the Applicant's heirs and assigns, also agrees to comply with the ordinances and regulations of the Town of Owls Head regulating the use of the cemetery; provided, however, that compliance with the ordinances and regulations of the Town of Owls Head will be subordinated to compliance with the aforesaid state, Federal and County of Knox laws, rules, regulations and plans.

The applicant understands this parcel is subject to aircraft over-flight. The County further imposes a maximum height restriction above the ground of any obstacle to that of 15 feet within leased premises which includes structures as well as trees, plants, poles or monuments.

The funds paid by the applicant shall be held in escrow, and they shall be nonrefundable except as provided below. Upon receipt of the completed application and payment the Town shall prepare an Easement Deed which may be signed by any one of the Selectmen on behalf of the Town. The applicant shall be notified that the Easement Deed has been prepared, and the applicant must sign the Easement Deed within fifteen (15) days of the mailing of this notification. Upon being signed by the applicant the Easement Deed shall be sent to the Administrator of the County of Knox to be signed. Upon being completed by the County Administrator, the funds paid by the applicant shall be disbursed from escrow and the Easement Deed shall be recorded in the Knox County Registry of Deeds. If the Easement Deed is not completed by the Town and County of Knox within thirty (30) days of receipt of funds, the funds shall be returned to the applicant and the application shall be treated as denied.

Witness Applicant's hand and seal this _____ day of the month of _____, 20_____.

Witness

Applicant

APPENDIX E

LOT SALE APPLICATION

Applicant Name: _____

Address: _____

Telephone number: _____

Cemetery requested: _____

Lot requested: _____

Person to be buried in lot: _____

Veteran: No _____ Yes _____

Price:

Rules and Regulations:

By signing this application the Applicant and the Applicant's heirs and assigns agrees to comply with the ordinances and regulations of the Town of Owls Head regulating the use of the cemetery.

The funds paid by the Applicant shall be held in escrow and they shall be nonrefundable. Upon receipt of the completed application and payment the Town shall prepare a Municipal Quitclaim Deed which will be signed by the Town's Selectmen on behalf of the Town. Upon being signed, the Municipal Quitclaim Deed will be sent to the Knox County Registry of Deeds to be recorded.

Witness Applicant's hand and seal this _____ day of the month of _____, 20 ____.

Witness

Applicant

APPENDIX F

MUNICIPAL QUITCLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS, the INHABITANTS OF THE TOWN OF OWLS HEAD, a Maine municipal corporation situated in Knox County, Maine, for consideration received, release and grant to _____, with a mailing address of _____, all right, title and interest to a certain lot or parcel of land situated in the Town of Owls Head, Knox County, State of Maine, bounded and described as follows:

Lot # ___ in the _____ Cemetery in Owls Head, Knox County, Maine as per the plan of _____, Registered Land Surveyor, entitled “ _____, Owls Head, Maine” dated _____ and recorded in the Knox county Registry of Deeds in Cabinet __, Sheet _____.

For Reference see deed from _____ dated _____ and recorded in the Knox County Registry of Deeds at Book _____, Page _____.

This Lot is to be used for burial purposes only.

The said Inhabitants of the Town of Owls Head have caused this instrument to be signed and sealed in its corporate name its duly authorized Selectmen, this _____ day of _____, _____.

Witness Selectman

Witness Selectman

Witness Selectman

State of Maine
County of Knox, ss.

Date: _____

Then personally appeared the above named Selectmen of the Town of Owls Head and severally acknowledged the foregoing instrument to be their free act and deed in their said capacity, and the free act and deed of the Inhabitants of the Town of Owls Head.

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Notary Public/ Attorney at Law

Printed Name:

My Commission Expires:

MUNICIPALITY OF OWLS HEAD , MAINE

ORDINANCE
EXEMPTING ELIGIBLE ACTIVE DUTY MILITARY PERSONNEL
FROM VEHICLE EXCISE TAX

Section 1. Authority.

This ordinance is enacted pursuant to 36 M.R.S.A. § 1483-A, which expressly authorizes such ordinances.

Section 2. Excise tax exemption; qualifications.

Vehicles owned by a resident of this municipality who is on active duty serving in the United States Armed Forces and who is either permanently stationed at a military or naval post, station or base outside this State or deployed for military service for a period of more than 180 days and who desires to register that resident's vehicle(s) in this State are hereby exempted from the annual excise tax imposed pursuant to 36 M.R.S.A. § 1482.

To apply for this exemption, the resident must present to the municipal excise tax collector certification from the commander of the resident's post, station or base, or from the commander's designated agent, that the resident is permanently stationed at that post, station or base or is deployed for military service for a period of more than 180 days.

For purposes of this section, "United States Armed Forces" includes the National Guard and the Reserves of the United States Armed Forces.

For purposes of this section, "deployed for military service" has the same meaning as in 26 M.R.S.A. § 814(1)(A).

For purposes of this section, "vehicle" has the same meaning as in 36 M.R.S.A. § 1481(5) and does not include any snowmobiles as defined in 12 M.R.S.A. § 13001.

Section 3. Effective date; duration.

This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect unless and until it or 36 M.R.S.A. § 1483-A is repealed.

Attest to: *Yvonne T. [Signature]* Selectmen: *[Signature]*
Town Clerk

Date: 8/20/12

Adopted August 20, 2012



[Signature]
Nancy Colson
Jurda Post

Town of Owls Head
Fire Department Ordinance

ARTICLE 1: TITLE, PURPOSE, AUTHORITY AND DEFINITIONS

SECTION 101. TITLE

This ordinance shall be known as **the Town of Owls Head Fire Department Ordinance.**

SECTION 102. PURPOSE

The purposes of this ordinance are to establish in the manner provided by law a municipal fire department, to define the powers and duties of the chief of the department, to provide the maximum legal protection available to the department officers and municipal firefighters, and to protect the health, safety, and welfare of the residents of the Town of Owls Head.

SECTION 103. AUTHORITY

This ordinance is enacted pursuant to authority given under 30-A M.R.S.A. §§ 2001 et seq., and §3151 et seq.

SECTION 104. DEFINITIONS

104.1 MUNICIPAL FIRE DEPARTMENT

"Municipal fire department" means the organized firefighting unit established pursuant to this ordinance.

104.2 MUNICIPAL FIREFIGHTER

"Municipal firefighter" means an active member, whether full-time, part-time or on-call, of a municipal fire department who aids in the extinguishment of fires or an individual who receives compensation from the municipality for aiding in the extinguishment of fires and is at least 18 years of age.

104.3 JUNIOR FIREFIGHTERS

"Junior firefighter" means an active member, the age of sixteen or seventeen who operate within the department, according to the limits for junior firefighters pursuant to 26 M.R.S.A. Section 772. Junior firefighters are under the direct supervision of the Incident Commander, the Fire Chief, or his/her designee.

ARTICLE II. MUNICIPAL FIRE
DEPARTMENT

SECTION 201. ESTABLISHMENT

There shall be a Municipal Fire Department, which is hereby established by this ordinance.

SECTION 202. DUTIES

The Municipal Fire Department shall provide firefighting protection within the Town of Owls Head and elsewhere as provided by mutual aid or other contractual agreement duly adopted.

SECTION 203. FIRE CHIEF

203.1 APPOINTMENT

The head of the Municipal Fire Department shall be the Fire Chief, who shall be appointed by the Selectmen.

203.2 QUALIFICATION OF OFFICE, TERM, AND COMPENSATION

- (a) The Fire Chief shall be a resident of the Town of Owls Head.
- (b) Selection for appointment of the Fire Chief shall be made based on fire service and administrative qualifications and experience. Preference shall be given to persons who are currently serving in the Fire Department.
- (c) The Fire Chief shall be appointed for a term of not more than five years at a time, but otherwise of a length not less than one year.
- (d) The compensation of the fire chief shall be established by the municipal officers within the limit of appropriations available.

203.3 POWERS AND DUTIES OF FIRE CHIEF

- (a) The Fire Chief shall have the power and duties established by 30-A M.R.S.A., & 3153, and as it may be amended from time to time.
- (b) The Fire Chief shall perform such duties required by his office by ordinance or other laws and shall perform such duties not in conflict therewith as may be assigned by the Board of Selectmen.
- (c) The Fire Chief shall be immediately responsible to the Board of Selectmen for the effective administration of the department.

- (d) The Fire Chief shall keep informed as to the latest practices in the field and shall inaugurate, with the approval of the Board of Selectmen, such new practices as appear to be of benefit to the service and to the public.
- (e) The Fire Chief shall submit annual reports of the activities of the department and additional reports when requested by the Board of Selectmen.
- (f) The Fire Chief shall establish and maintain a system of records and reports in sufficient detail to furnish all information necessary for proper control of the departmental activities and to form a basis for the reports required by the Board of Selectmen.
- (g) The Fire Chief shall have the power to delegate to members of the department such duties and responsibilities as deems advisable, together with the proportionate authority for their fulfillment, but in no case may the Fire Chief's over-all responsibility or accountability be delegated.
- (h) The Fire Chief shall have power to appoint, hire and remove, subject to overall and final authority of the Board of Selectmen, all subordinate deputies, officers, municipal firefighters, and junior fire fighters in the fire department.
- (i) The Fire Chief shall be responsible for the proper custody and maintenance of all town property and equipment used in or by the fire department.
- (j) The Fire Chief shall serve for the appointed term at the pleasure of the Board of Selectmen.

203.4 POWERS AND DUTIES OF MUNICIPAL FIREFIGHTERS

Municipal firefighters shall have the powers and duties set forth in 30-A M.R.S.A. & 3151 et seq. and set forth in fire department rules and regulations.

203.5 PRIVILEGES AND IMMUNITIES

Members of the Municipal Fire Department shall enjoy the privileges and immunities provided by law to municipal employees, including The Maine Tort Claims Act, when acting in their capacity as firefighters.

SECTION 204. EFFECTIVE DATE AND REPEAL OF FORMER ORDINANCE

This ordinance shall be effective immediately upon passage.

Linda Post

Linda Post

David Matthews

David Matthews

Thomas Von Malder

Thomas Von Malder

Selectmen, Town of Owls Head

A true copy of the warrant

Attest:

Susan Wilson

Susan Wilson, Town Clerk

Chapter Thirty-Eight

Firearms

Sec. 38-101. Discharge of Firearms Within the Town of Owl's Head.

Sec. 38-102. Specific Limitation Regarding Sheep Island.

Legislative history: The Town of Owl's Head voted at the August 10, 1992 Special Town Meeting to pass an ordinance regulating the discharge of firearms within the Town. That ordinance specifically repealed two previous Town Meeting votes that had imposed various limitations on the type of firearms permitted to be used within the Town. An earlier vote at the March 10, 1969 Annual Town Meeting was not repealed. That vote limited Sheep Island to the use of shotguns and buckshot only in the hunting of game and target practice, due to the open expanse of water.

Sec. 38-101. Discharge of Firearms Within the Town of Owl's Head.

It shall be unlawful to discharge any firearm, other than a shotgun or other firearm that has a barrel with a length of twelve (12) inches or less, within the Town. This ordinance shall not apply to law enforcement officers and members of the military services who discharge a firearm while in the performance of their duties. This ordinance shall not apply to instances in which a firearm is used justifiably against a person, within the meaning of the Maine Criminal Code, in defense of person or property.

For the purposes of this Chapter of this Code, the word "*firearm*" shall mean any weapon which will expel a projectile by the action of an explosive and includes any such weapon commonly referred to as a pistol, revolver, rifle, gun, machine gun, or shotgun. For the purposes of this Chapter of this Code, the word "*shotgun*" shall mean a smooth bore firearm.

Violation of this Chapter shall be a civil infraction and shall subject violators to a fine of not less than one hundred dollars (\$100.00) and not more than five hundred (\$500.00) for each such discharge.

Sec. 38-102. Specific Limitation Regarding Sheep Island.

It shall be unlawful to discharge any firearm other than a shotgun or to use other than buckshot in the hunting of game and target practice on Sheep Island.

FIREWORKS ORDINANCE

TOWN OF OWLS HEAD

Adopted - December 19, 2011

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Section 1. Title and Authority

This ordinance shall be known as the "Town of Owls Head Fireworks Ordinance." It is adopted pursuant to the enabling provisions of the Maine Constitution, the provisions of 30-A M.R.S.A. § 3001, and the provisions of 8 M.R.S.A. § 223-A.

Section 2. Definitions in Accordance with 8 MRSA 221-A, sub 1-A., (as of November, 2011).

Consumer Fireworks. "Consumer fireworks" has the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3rd-party testing laboratory as confirming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. "Consumer fireworks" does not include the following products:

- A. Missile-type rockets, as defined by the State Fire Marshal by rule;
- B. Helicopters and aerial spinners, as defined by the state Fire Marshal by rule; and
- C. Sky rockets and bottle rockets. For purposes of this paragraph, "sky rockets and bottle rockets" means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

Fireworks. "Fireworks" means any:

- A. Combustible or explosive composition or substance;
- B. Combination of explosive compositions or substances;
- C. Other article that was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including blank cartridges or toy cannons in which explosives are used, the type of balloon that requires fire underneath to propel it, firecrackers, torpedoes, skyrockets, roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents and other fireworks of like construction;
- D. Fireworks containing any explosive or flammable compound; or
- E. Tablets or other device containing any explosive substance or flammable compounds.

The term "fireworks" does not include consumer fireworks or toy pistols, toy canes, toy guns or other devices in which paper caps or plastic caps containing 25/100 grains or less of explosive compound are used if they are constructed so that the hand cannot come in contact with the cap when in place for the explosion, toy pistol paper caps or plastic caps that contain less than 20/100 grains of explosive mixture, sparklers that do not contain magnesium chlorates or perchlorates or signal, antique or replica cannons if no projectile is fired.

Section 3. Sales Prohibited

No person or group of persons may sell consumer fireworks or fireworks.

Section 4. Use Prohibited

No person or group of persons shall use, display, fire or cause to be exploded fireworks or any of said items enumerated in Section 38-101 "Consumer Fireworks."

Section 5. Fireworks Display

A "fireworks display" is an entertainment feature where the public or a private group is admitted or permitted to view a showing or discharge of fireworks or special effects. A fireworks display requires a permit from the Maine Commissioner of Public Safety or his or her designee under the provisions of 8 M.R.S.A. §§ 221 - 237, and particularly section 227-A. The Owls Head Fire Chief, or his or her designee, shall inspect the proposed display site at the time of the inspection conducted by a representative of the Maine Public Safety Department under 8 M.R.S.A. § 227-A (2).

Section 6. Use Prohibited Within Fifty Feet of Public Way

No person shall use, display, throw, drop or cause to be discharged or exploded, any consumer fireworks or fireworks at any time, within fifty feet of any public way.

Section 7. Civil Penalties

Whoever violates any of the provisions of the foregoing Sections shall be subject to a civil penalty of not less than one hundred dollars (\$100) per day and not more than twenty-five hundred dollars (\$2,500) per day, plus attorney's fees and costs. In all other respects, assessment of penalties under this Ordinance shall be in accordance with 30-A M.R.S.A. § 4452.

Section 8. Prohibition of All Fireworks

State law prohibits the sale and possession of all fireworks, with the exception of consumer fireworks, see 8 M.R.S.A. §223. By prohibiting the sale and use of consumer fireworks, the Town, is effectively prohibiting the use and sale of all fireworks except permitted fireworks displays in the Town of Owls Head.

Section 9. Certification of Adoption

We hereby attest that this is a true copy of the FIREWORKS ORDINANCE of the Town of Owls Head, Maine, duly adopted at a Special Town Meeting held on December 19, 2011.

Selectmen: R J A C

 Nancy Colson

 Linda Post

Attest to: Susan Sullivan
Town Clerk

Date: 12/19/11

FLOODPLAIN MANAGEMENT ORDINANCE
FOR THE
TOWN OF OWLS HEAD, MAINE

ENACTED: April 04, 2016

EFFECTIVE: April 04, 2016

CERTIFIED BY: *Susan Wilson*
Signature

CERTIFIED BY: Susan Wilson, Town Clerk

Affix Seal

60.3(e)
Prepared 1/20/16 by DACF/JP

FLOODPLAIN MANAGEMENT ORDINANCE

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ARTICLE I—PURPOSE AND ESTABLISHMENT

Certain areas of the Town of Owls Head, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.

Therefore, the Town of Owls Head, Maine has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this Floodplain Management Ordinance.

It is the intent of the Town of Owls Head, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

The Town of Owls Head has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352, 4401-4407, and Title 38 MRSA, Section 440.

The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of Owls Head having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the Town of Owls Head, Maine.

The areas of special flood hazard, Zones A, AE, and VE for the Town of Owls Head, Knox County, Maine, identified by the Federal Emergency Management Agency in a report entitled “Flood Insurance Study – Knox County, Maine,” dated July 6, 2016 with accompanying “Flood Insurance Rate Map” dated July 6, 2016 with panels: 335D, 351D, 352D, 353D, 354D, 356D, 358D, 361D, 362D, 363D, 364D, 366D, and 380D, derived from the county wide digital Flood Insurance Rate Map entitled “Digital Flood Insurance Rate Map, Knox County, Maine,” are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

Before any construction or other development (as defined in Article XIV), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer except as provided in Article VII. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Owls Head, Maine.

ARTICLE III - APPLICATION FOR PERMIT

The application for a Flood Hazard Development Permit shall be submitted to the Code Enforcement Officer and shall include:

- A. The name, address and phone number of the applicant, owner, and contractor;
- B. An address and a map indicating the location of the construction site;

- C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;

[Items H-K.3. apply only to new construction and substantial improvements.]

- H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or to a locally established datum in Zone A only, of the:
 - 1. base flood at the proposed site of all new or substantially improved structures, which is determined:
 - a. in Zones AE and VE from data contained in the "Flood Insurance Study - Knox County, Maine," as described in Article I; or,
 - b. in Zone A:
 - (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265), including information obtained pursuant to Article VI.K. and IX.D.;
 - (2) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,
 - (3) to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.
 - 2. highest and lowest grades at the site adjacent to the walls of the proposed building;
 - 3. lowest floor, including basement; and whether or not such structures contain a basement; and,
 - 4. level, in the case of non-residential structures only, to which the structure will be floodproofed;

- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;
- J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate
- K. The following certifications as required in Article VI by a registered professional engineer or architect:
 - 1. a Floodproofing Certificate (FEMA Form 81-65, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;
 - 2. a V-Zone Certificate to verify that the construction in coastal high hazard areas, Zone VE, will meet the criteria of Article VI.P.; and other applicable standards in Article VI;
 - 3. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a.;
 - 4. a certified statement that bridges will meet the standards of Article VI.M.;
 - 5. a certified statement that containment walls will meet the standards of Article VI.N.;
- L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee shall be paid to the Town for all minor development and a fee for all new construction or substantial improvements shall be paid to the Town Clerk or Code Enforcement Officer and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Code Enforcement Officer and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Planning Board shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
 - 1. the base flood and floodway data contained in the "Flood Insurance Study - Knox County, Maine," as described in Article I.;
 - 2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Planning Board shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.; Article VI.K.; and Article IX.D., in order to administer Article VI of this Ordinance; and,
 - 3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b., the community shall submit that data to the Maine Floodplain Management Program.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
- F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits, based on the type of development:
 - 1. A two-part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with a Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, "as built", for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, H, or P. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,

2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.G.1.a., b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,
3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

For development that requires review and approval as a Conditional Use, as provided for in this Ordinance, the Flood Hazard Development Permit Application shall be acted upon by the Planning Board as required in Article VII.

G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article X of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Articles III, VI, and VIII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

All developments in areas of special flood hazard shall meet the following applicable standards:

A. **All Development** - All development shall:

1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. use construction materials that are resistant to flood damage;
3. use construction methods and practices that will minimize flood damage; and
4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during flooding conditions.

B. **Water Supply** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

- C. **Sanitary Sewage Systems** - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- D. **On Site Waste Disposal Systems** – On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
- E. **Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.
- F. **Residential** - New construction or substantial improvement of any residential structure located within:
1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
 2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B.; or Article IX.D.
 3. Zone VE shall meet the requirements of Article VI.P.
- G. **Non Residential** - New construction or substantial improvement of any non-residential structure located within:
1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
 - a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.
 2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B.; or Article IX.D., or

- a. together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.G.1.

3. Zone VE shall meet the requirements of Article VI.P.

H. **Manufactured Homes** - New or substantially improved manufactured homes located within:

1. Zone AE shall:

- a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;
- b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,
- c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
 - (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,
 - (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
 - (3) all components of the anchoring system described in Article VI.H.1.c.(1) & (2) shall be capable of carrying a force of 4800 pounds.

2. Zone A shall:

- a. be elevated on a permanent foundation, as described in Article VI.H.1.b., such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article IX.D.; and
- b. meet the anchoring requirements of Article VI.H.1.c.

3. Zone VE shall meet the requirements of Article VI.P.

I. **Recreational Vehicles** - Recreational Vehicles located within:

1. Zones A and AE shall either:

- a. be on the site for fewer than 180 consecutive days,

- b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,
- c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article VI.H.1.

2. Zone VE shall meet the requirements of either Article VI.I.1.a. and b., or Article VI.P.

J. **Accessory Structures** - Accessory Structures, as defined in Article XIV, located within Zones A and AE, shall be exempt from the elevation criteria required in Article VI.F. & G. above, if all other requirements of Article VI and all the following requirements are met. Accessory Structures shall:

- 1. have unfinished interiors and not be used for human habitation;
- 2. have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;
- 3. be located outside the floodway;
- 4. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
- 5. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

K. **Floodways** -

- 1. In Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Insurance Rate Map unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- 2. In Zones AE and A riverine areas, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
 - a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,

- b. is consistent with the technical criteria contained in FEMA's guidelines and standards for flood risk analysis and mapping.
 - 3. In Zones AE and A riverine areas, for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.
- L. **Enclosed Areas Below the Lowest Floor** - New construction or substantial improvement of any structure in Zones A and AE that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawl spaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:
- 1. Enclosed areas are not "basements" as defined in Article XIV;
 - 2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
 - a. be engineered and certified by a registered professional engineer or architect; or,
 - b. meet or exceed the following minimum criteria:
 - (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
 - (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,
 - (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;
 - 3. The enclosed area shall not be used for human habitation; and,
 - 4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.
- M. **Bridges** - New construction or substantial improvement of any bridge in Zones A, AE, and VE shall be designed such that:
- 1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and

2. a registered professional engineer shall certify that:
 - a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K.; and
 - b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

N. Containment Walls - New construction or substantial improvement of any containment wall located within:

1. Zones A, AE, and VE shall:
 - a. have the containment wall elevated to at least one foot above the base flood elevation;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.

O. Wharves, Piers and Docks - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A, AE, and VE, in and over water and seaward of the mean high tide if the following requirements are met:

1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and
2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

P. Coastal Floodplains -

1. All new construction located within Zones AE and VE shall be located landward of the reach of mean high tide except as provided in Article VI.P.6.
2. New construction or substantial improvement of any structure located within Zone VE shall:
 - a. be elevated on posts or columns such that:
 - (1) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to one foot above the base flood elevation;

- (2) the pile or column foundation and the elevated portion of the structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components; and,
 - (3) water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state and local building standards.
- b. have the space below the lowest floor:
- (1) free of obstructions; or,
 - (2) constructed with open wood lattice-work, or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns; or,
 - (3) constructed to enclose less than 300 square feet of area with non-supporting breakaway walls that have a design safe loading resistance of not less than 10 or more than 20 pounds per square foot.
- c. require a registered professional engineer or architect to:
- (1) develop or review the structural design, specifications, and plans for the construction, which must meet or exceed the technical criteria contained in the *Coastal Construction Manual*, (FEMA-55); and,
 - (2) certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the criteria of Article VI.P.2.
3. The use of fill for structural support in Zone VE is prohibited.
4. Human alteration of sand dunes within Zone VE is prohibited unless it can be demonstrated that such alterations will not increase potential flood damage.
5. The area below the lowest floor shall be used solely for parking vehicles, building access, and storage.
6. Conditional Use - Lobster sheds and fishing sheds may be located seaward of mean high tide and shall be exempt from the elevation requirement in Article VI.G. only if permitted as a Conditional Use following review and approval by the Planning Board, as provided in Article VII, and if all the following requirements and those of Article VI.A., VI.K., and VI.L. are met:
- a. The conditional use shall be limited to low value structures such as metal or wood sheds 200 square feet or less and shall not exceed more than one story.

- b. The structure shall be securely anchored to the wharf or pier to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.
- c. The structure will not adversely increase wave or debris impact forces affecting nearby buildings.
- d. The structure shall have unfinished interiors and shall not be used for human habitation.
- e. Any mechanical, utility equipment and fuel storage tanks must be anchored and either elevated or floodproofed to one foot above the base flood elevation.
- f. All electrical outlets shall be ground fault interrupt type. The electrical service disconnect shall be located on shore above the base flood elevation and when possible outside the Special Flood Hazard Area.

ARTICLE VII - CONDITIONAL USE REVIEW

The Planning Board shall hear and decide upon applications for conditional uses provided for in this Ordinance. The Planning Board shall hear and approve, approve with conditions, or disapprove all applications for conditional uses. An applicant informed by the Planning Board that a Conditional Use Permit is required shall file an application for the permit with the Planning Board.

A. Review Procedure for a Conditional Use Flood Hazard Development Permit

- 1. The Flood Hazard Development Permit Application with additional information attached addressing how each of the conditional use criteria specified in the Ordinance will be satisfied, may serve as the permit application for the Conditional Use Permit.
- 2. Before deciding any application, the Planning Board shall hold a public hearing on the application within thirty days of their receipt of the application.
- 3. If the Planning Board finds that the application satisfies all relevant requirements of the ordinance, the Planning Board must approve the application or approve with conditions within 45 days of the date of the public hearing.
- 4. A Conditional Use Permit issued under the provisions of this Ordinance shall expire if the work or change involved is not commenced within 180 days of the issuance of the permit by the Planning Board.
- 5. The applicant shall be notified by the Planning Board in writing over the signature of the Chairman of the Planning Board that flood insurance is not available for structures located entirely over water or seaward of mean high tide.

B. Expansion of Conditional Uses

1. No existing building or use of premises may be expanded or enlarged without a permit issued under this section if that building or use was established or constructed under a previously issued Conditional Use Permit or if it is a building or use which would require a Conditional Use Permit if being newly-established or constructed under this Ordinance.

ARTICLE VIII - CERTIFICATE OF COMPLIANCE

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Code Enforcement Officer subject to the following provisions:

- A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer:
 1. an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Article VI, paragraphs F, G, H, or P and,
 2. for structures in Zone VE, certification by a registered professional engineer or architect that the design and methods of construction used are in compliance with Article VI.P.2.
- B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.
- C. Within 10 working days, the Code Enforcement Officer shall:
 1. review the required certificate(s) and the applicant's written notification; and,
 2. upon determination that the development conforms to the provisions of this ordinance, shall issue a Certificate of Compliance.

ARTICLE IX - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law, local ordinances or regulations, and all projects on 5 or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
- C. Adequate drainage is provided in order to reduce exposure to flood hazards.
- D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.

- E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area, are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE X - APPEALS AND VARIANCES

The Board of Appeals of the Town of Owls Head may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this Ordinance.

The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
 - 1. a showing of good and sufficient cause; and,
 - 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,
 - 3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,
 - 4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
 - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
 - b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
 - c. that the granting of a variance will not alter the essential character of the locality; and,

- d. that the hardship is not the result of action taken by the applicant or a prior owner.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as is deemed necessary.
- D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
 - 1. other criteria of Article X and Article VI.K. are met; and,
 - 2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
 - 1. the development meets the criteria of Article X, paragraphs A. through D. above; and,
 - 2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Any applicant who meets the criteria of Article X, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
 - 1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;
 - 2. such construction below the base flood level increases risks to life and property; and,
 - 3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.
- G. Appeal Procedure for Administrative and Variance Appeals
 - 1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.

2. 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.
3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.
4. The person filing the appeal shall have the burden of proof.
5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.
6. The Board of Appeals shall submit to the Code Enforcement Officer and Planning Board a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.
7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

ARTICLE XI - ENFORCEMENT AND PENALTIES

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.
- B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.
- C. In addition to other actions, the Code Enforcement Officer may, upon identifying a violation, submit a declaration to the Administrator of the Federal Insurance Administration requesting a flood insurance denial. The valid declaration shall consist of;
 1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
 2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;
 3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;
 4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
 5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XII - VALIDITY AND SEVERABILITY

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

ARTICLE XIII - CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.

ARTICLE XIV - DEFINITIONS

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law, and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

Accessory Structure - a small detached structure that is incidental and subordinate to the principal structure.

Adjacent Grade - the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Area of Special Flood Hazard - land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article I of this Ordinance.

Base Flood - a flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

Basement - area of a building that includes a floor that is subgrade (below ground level) on all sides.

Breakaway Wall - a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Building - see **Structure**.

Certificate of Compliance - a document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

Code Enforcement Officer - a person certified under Title 30-A MRSA, Section 4451 (including exceptions in Section 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws.

Conditional Use - a use that, because of its potential impact on surrounding areas and structures, is permitted only upon review and approval by the Planning Board pursuant to Article VII.

Containment Wall – wall used to convey or direct storm water or sanitary water from the initial source to the final destination.

Development – a manmade change to improved or unimproved real estate. This includes, but is not limited to, buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials.

Digital Flood Insurance Rate Map (FIRM) – see **Flood Insurance Rate Map**

Elevated Building - a non-basement building that is:

- a. built, in the case of a building in Zones A or AE, so that the top of the elevated floor, or in the case of a building in Zone VE, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and
- b. adequately anchored to not impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones A or AE, **Elevated Building** also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.L. In the case of Zone VE, **Elevated Building** also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls, if the breakaway walls meet the standards of Article VI.P.2.b.(3).

Elevation Certificate - an official form (FEMA Form 81-31, as amended) that:

- a. is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,
- b. is required for purchasing flood insurance.

Flood or Flooding

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 1. The overflow of inland or tidal waters.
 2. The unusual and rapid accumulation or runoff of surface waters from any source.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or

by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

Flood Elevation Study - an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study - see **Flood Elevation Study**.

Floodplain or Floodprone Area - land area susceptible to being inundated by water from any source (see flooding).

Floodplain Management - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain Management Regulations - zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.

Floodway - see **Regulatory Floodway**.

Floodway Encroachment Lines - the lines marking the limits of floodways on federal, state, and local floodplain maps.

Freeboard - a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

Functionally Dependent Use - a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Historic Structure - means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior, or
 - 2. Directly by the Secretary of the Interior in states without approved programs.

Locally Established Datum - for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

Lowest Floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article VI.L. of this Ordinance.

Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured Home Park or Subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level – when related to the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Minor Development - means all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

National Geodetic Vertical Datum (NGVD) - the national vertical datum, a standard established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD is based upon mean sea level in 1929 and also has been called “1929 Mean Sea Level (MSL)”.

modification of any construction element, whether or not that alteration affects the external dimensions of the building.

Structure - means, for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

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

Substantial Improvement - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the Board of Appeals.

Variance - means a grant of relief by a community from the terms of a floodplain management regulation.

Violation - means the failure of a structure or development to comply with a community's floodplain management regulations.

ARTICLE XV - ABROGATION

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

ARTICLE XVI - CERTIFICATION OF ADOPTION

We hereby attest that this is a true copy of the FLOODPLAIN MANAGEMENT ORDINANCE of the Town of Owls Head, Maine, Duly adopted at a Special Town Meeting held on April 4, 2016.

Selectmen:

Sirada Post

Dee Mc

Thomas Von Mader

Attest To:

Wenon O'Connell
Town Clerk

Date:

4/04/16

and may contain confidential information. If you are not the intended recipient, please do not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake. Contact your supervisor if you have any questions. Thank you for your attention to this matter.
ceoscott@owlshead.maine.gov

From: Baker, Sue [Sue.Baker@maine.gov]
Sent: Friday, April 01, 2016 2:51 PM
To: ceoscott@owlshead.maine.gov
Cc: Curtis, Jennifer
Subject: Owls Head Mapping
Attachments: Owls-Head Panel 0362 Prelim Vs Final Discrepancy.pdf

Importance: High

Scott Bickford
CEO/LPI

I have spoken to FEMA and I'm relatively certain of what happened and almost as certain how the FEMA regional office will handle it. Brett Holthaus, the project manager, put together the attached explanation starting with the first "draft" map through to the final map. I had a conference call with Brett and Kerry Bogdan, the sr. engineer at the FEMA office in Boston to go over it. The bottom line is that the final map is correct, however, since the preliminary map didn't show it the same way, the community did not have the opportunity to appeal it. Unless the FEMA office has another way that they want to approach it, they will likely handle it through the LOMR process. This means they will initiate a LOMR case to legally make the final map the way it appears now, only the community will have a chance to appeal it and if successful in that appeal, the map will change to reflect the results of the appeal. I know this sounds kind of crazy and I'm not sure it all makes sense, so call me or Jenn if it doesn't. Kerry will need to weigh in whether this is the approach to be used before it's official. As soon as I find that out, I'll let you know. In the meantime, you might want to talk to the property owners in this area to see if they want to provide the engineering data for an appeal, which would be submitted by the community on their behalf. Unless of course the community wants to consider appealing using their money. Brett suggested that you might want to talk to Rockland about their appeal as they were successful at lowering the BFE in Rockland Harbor.

If you would like to do a conference call with Kerry, Brett, and me, we can do that. If you think any of the selectmen or planning board would like to be in on a call like that, we can arrange that.

Sue

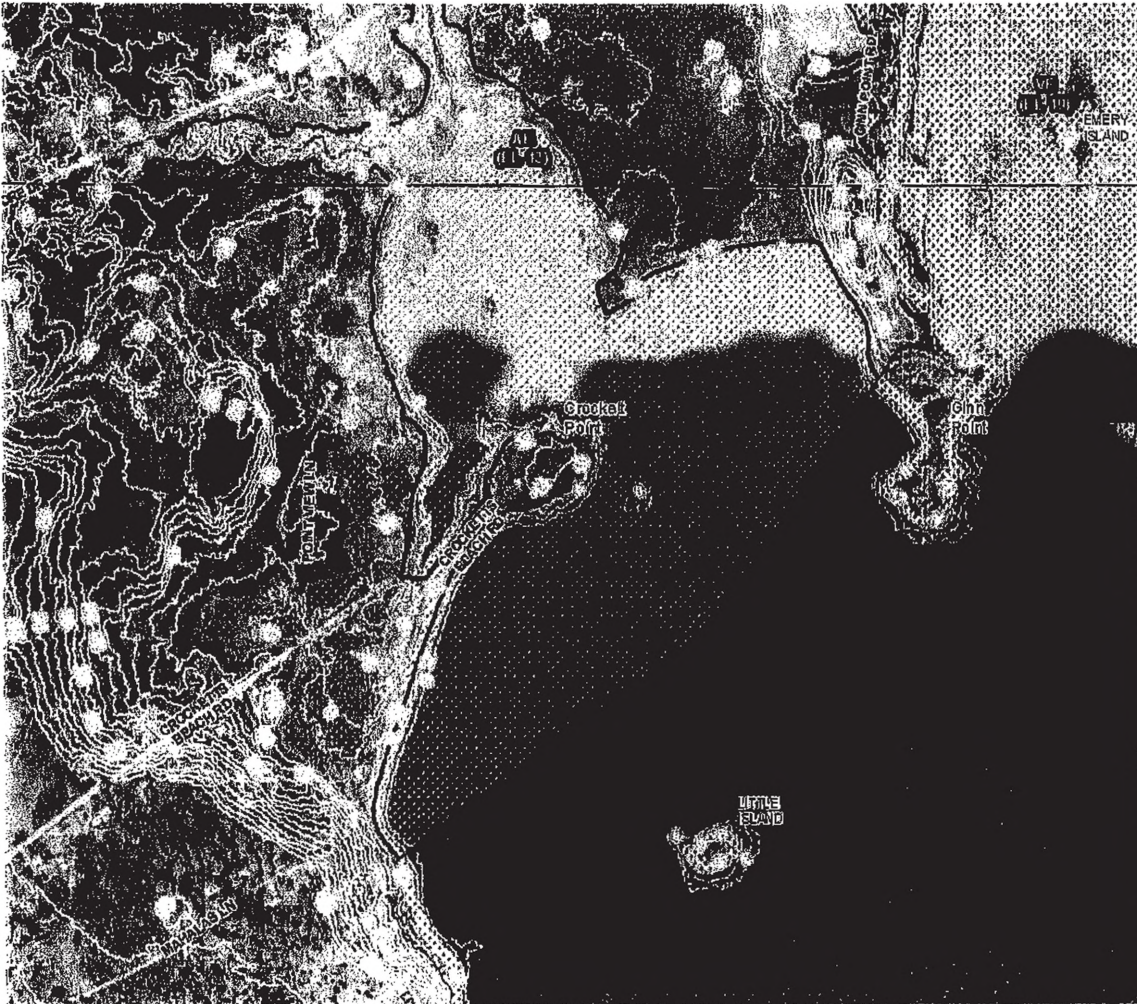
Sue Baker, CFM
NFIP State Coordinator
Maine Floodplain Management Program
Dept. of Agriculture, Conservation & Forestry
93 SHS, 17 Elkins Lane
Augusta, ME 04333-0093
Direct Phone: 207-287-8063
Fax: 207-287-2353
www.maine.gov/dacf/flood/

From: ceoscott@owlshead.maine.gov [mailto:ceoscott@owlshead.maine.gov]
Sent: Monday, March 21, 2016 5:00 PM
To: Baker, Sue
Subject: FW:

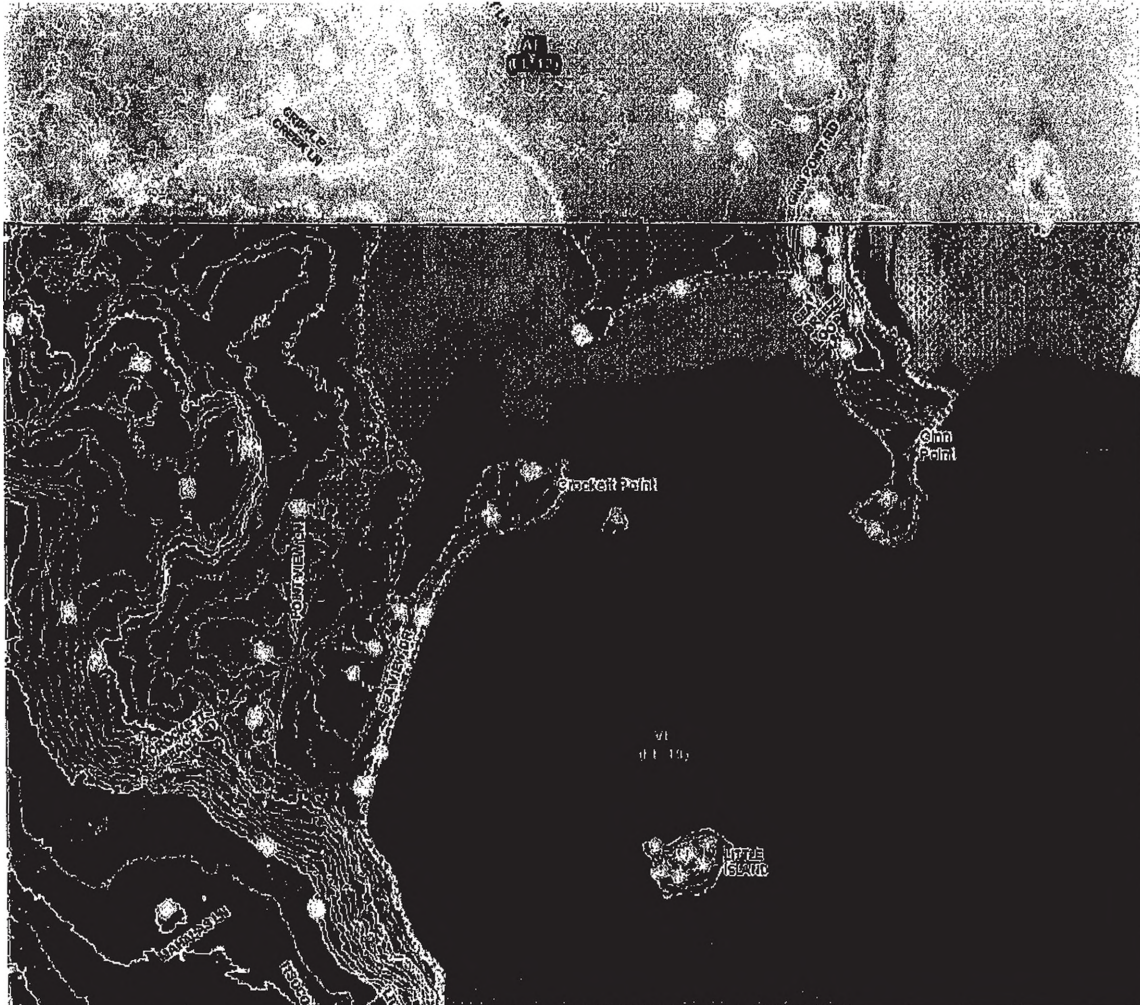
Owls Head Panel 0362 Prelim Vs. Final Discrepancy

On March 22, 2016, it was brought to STARR's attention by the Town of Owls Head that a discrepancy exists on Panel 23013C0362D between what was reflected on the preliminary mailing, dated January 31, 2014, and what is reflected on the final deliverable, scheduled to become effective July 6, 2016. The concern is over a coastal area that is depicted as a Zone AE12 on the preliminary mapping and a Zone VE19 on the final mapping. The timeline of events leading to this circumstance are documented as follows:

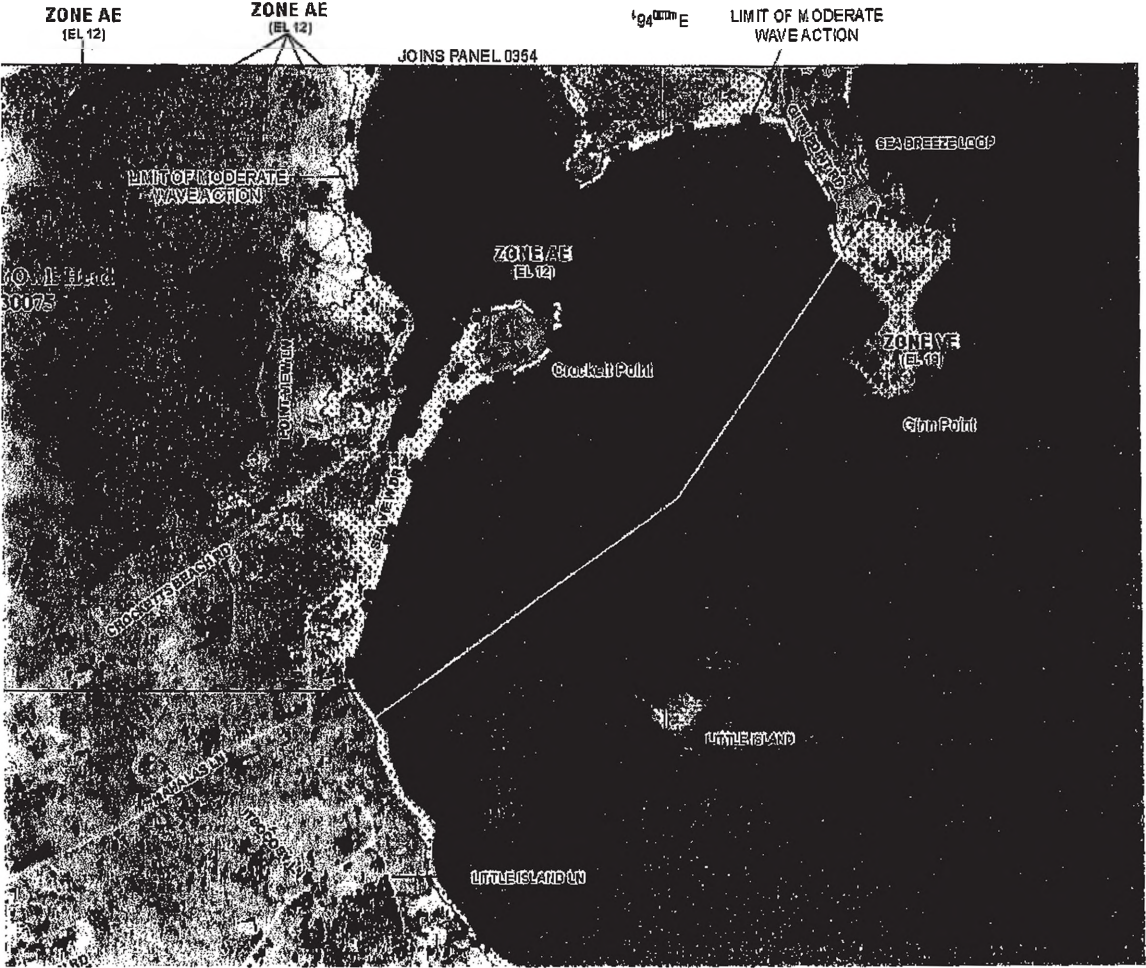
June 2013 – An initial set of engineering workmaps is produced which shows the Zone AE12. This is an internal set that will be utilized only for a workmap review meeting with FEMA Region 1 that occurs in late June. The questioned area looks like:



July 2013 – In combination between the meeting with FEMA Region 1 and additional evaluation being performed by STARR coastal engineering staff a second set of workmaps are produced. This second set is what is distributed to the communities and is discussed during the community workmap meeting held on July 30, 2013. Note that now the Zone VE19 has moved further inland than what was seen on the first round of workmaps. The area looks like:

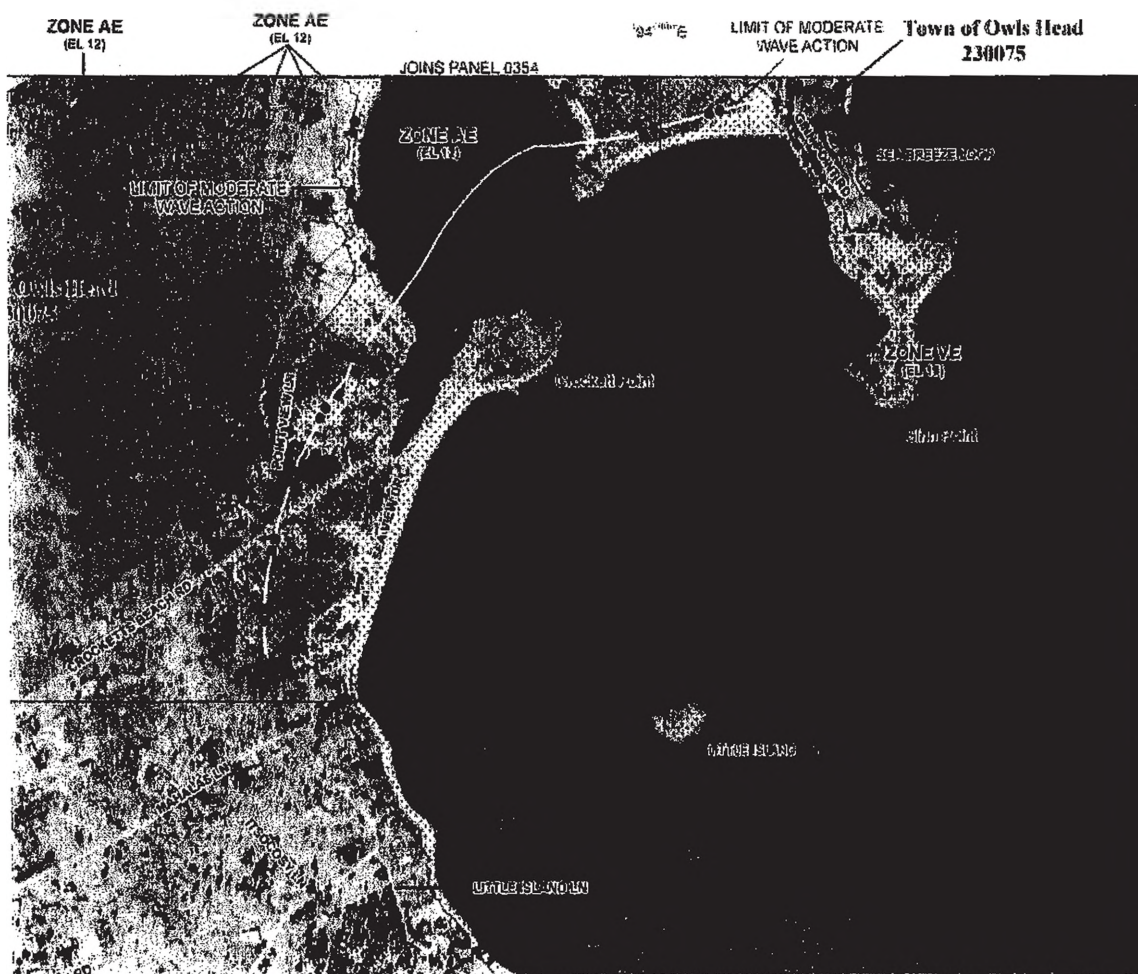


January 2014 – Preliminary Flood Insurance Rate Maps (FIRMs) are issued to communities on January 31, 2014. The update that was made for this specific location between the 2 rounds of workmaps did not also get incorporated into the preliminary FIRM database. The preliminary therefore appears to reflect the same data as what was shown on the first round of workmaps. The preliminary looks like:



June 2014 – Revised preliminary FIRMs are issued on June 6, 2014, to account for adding CIDs to all islands associated with the Maine Land Use Planning Commission (LUPC). The Town of Owls Head is not a part of this revision. However, between the preliminary mailing in January 2014 and the revision in June 2014 it is internally noted that this area is no longer matching with the second round of workmaps and is revised within the FIRM database. The panel was not revised yet so going into the appeal period the data posted to FEMA’s Map Service Center was conflicting. The database reflected the further inland Zone VE19 and the panel pdf reflected the larger Zone AE12.

January 2016 – Letters of Final Determination are issued. In the process of creating final deliverables the map panel is updated to reflect the further inland Zone VE19 to match what is already in the database. At this point the final products match what was shown in the second round of workmaps. The final FIRM looks like:



March 2016 – The Town of Owl's Head poses the question of how this area has changed between the preliminary and final FIRMs without an appeal having been submitted. The conclusion is that the preliminary was shown in error. During the appeal period if one were to have looked at the panel pdf different data would be seen in comparison to what would be seen within the database, as the database had been updated at that time but the panel had not. To enable the community an additional appeal period due to this data discrepancy it is recommended that a LOMR be issued reflecting the data as shown on the final deliverables permitting the Town of Owls Head to submit technical data to support a revision.

HEALTH & SANITATION ORDINANCE

TOWN OF OWLS HEAD

Adopted - March 6, 1950 (Rubbish Disposal Ordinance)
Adopted - March 9, 1970 (Outlaw Use of Defoliants)
Amended - June 1, 2009

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Section I. Legislative History

At the March 9, 1970 Annual Town Meeting, the Town of Owls Head voted to outlaw the use of defoliant and to stop all roadside spraying with poisons in the Town.

At the March 6, 1950 Annual Town Meeting, the Town voted to adopt a rubbish disposal ordinance prohibiting disposal on any street or public place or property not owned by the disposer.

Section II. Purpose

Herbicides present a clear danger to the groundwater in Owls Head and to plants and trees such as pine trees and rose bushes in areas where they are used. Some individuals and particularly children can be severely affected by some of these chemicals to a point that their lives can be endangered often without knowing what is causing the problem until it is too late. Every effort should be made to keep humans, animals, birds and insects from contacting these compounds while they are active and some for a long time after that period. The use of these compounds should be limited to small areas of use where no other good way of controlling the plant materials is possible. Weed and feed, so called, fertilizers with herbicides in them have been linked to groundwater contamination as well as widespread bird kills. Bees have been devastated by the use of pesticides and herbicides, as well as, other natural enemies. Even the so-called safest of these chemical compounds are not safe enough to entrust our future too.

Section 42-101 Defoliant and Spraying

Article 1. There shall be no use of defoliant within the Town of Owls Head.

- a. The use of herbicides, weed and feed products, granular and spray brush, grass and weed killers, in the Town of Owls Had shall be limited to spot applications by the home or landowner defined as application to individual plants or weeds. No other chemicals or pesticides shall be mixed with herbicides.
- b. The area to be treated shall be posted by means of signs visible to anyone entering the treated area. The sign(s) shall state the date of application and the name of the agent used and shall be left in place for a period of not less than seven (7) days.
- c. No drift, runoff or application shall be permitted onto the land of another without their expressed written permission.
- d. The use of defoliant, chemicals or compounds that kill brush or trees by means of removing their foliage, shall not be permitted in the Town of Owls Head.
- e. This ordinance shall not apply to the use of pesticides by a home or landowner or a licensed applicator to control an outbreak of insects.
- f. The remedy to violation of this ordinance shall be the removal of the affected plant materials and/or soil to a licensed disposal facility.

Article 2. There shall be no roadside spraying with poisons within the Town of Owls Head.

Section 42-102 Rubbish Disposal

No person shall dispose of material which is commonly classified as rubbish, on any street or public place or on any property not his or her own; provided however, this shall not prevent disposal as otherwise permitted, nor delivery to a duly licensed collector.

Section III. Certification of Adoption

We hereby attest that this is a true copy of the HEALTH AND SANITATION ORDINANCE of the Town of Owls Head, Maine, duly adopted at a Town Meeting held on March 6, 1950 (Rubbish Disposal Ordinance), on March 9, 1970 (Outlaw Use of Defoliants) and amended at a Special Town Meeting on:

Amended – June 1, 2009

Selectmen: Nancy Golson

R. L. U.

Linda Post

Attest to: Beverly Peterson
Town Clerk

Date: 6/1/09

MARIJUANA ORDINANCE

TOWN OF OWLS HEAD

Adopted - August 28, 2017

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SECTION 1. TITLE

This Ordinance shall be known as the “Marijuana Ordinance for the Town of Owls Head”.

SECTION 2. AUTHORITY

This Ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S.A., c. 417.

SECTION 3. PURPOSE

The purpose of this Ordinance is to minimize any adverse public safety and health impacts that may result from the home cultivation of marijuana and from allowing retail marijuana establishments to operate in the Town’s jurisdictional limits.

SECTION 4. CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall prevail.

SECTION 5. VALIDITY

In the event that any part or provision of this Ordinance is invalidated, such decision shall not invalidate any other section or provision of this Ordinance. In all circumstances, this Ordinance is presumed valid, unless ruled otherwise by an Appeals Board or court of competent jurisdiction.

SECTION 6. AMENDMENTS

This Ordinance may be amended by a majority vote of any legal Town Meeting when such amendment is published in the warrant calling for the meeting, and is not in conflict with State Laws.

Each Ordinance or amendment shall be on file with the Town's clerk and shall be accessible to any member of the public. Copies shall be made available to any member of the public, at a reasonable cost, at the expense of the person making the request.

SECTION 7. AVAILABILITY

A copy of this Ordinance shall be filed with the Town's clerk, posted on the Town's website, 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.

SECTION 8. DEFINITIONS

For the purposes of this Ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S.A. § 2422.

SECTION 9. PROHIBITION OF RETAIL MARIJUANA ESTABLISHMENTS AND RETAIL MARIJUANA SOCIAL CLUBS

Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, retail marijuana products testing facilities, and retail marijuana social clubs, are expressly prohibited in this municipality.

No person or organization shall develop or operate a business that engages in retail or wholesale sales of a retail marijuana product, as defined by 7 M.R.S.A. § 2442.

Nothing in this Ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S.A., c. 558-C.

SECTION 10. HOME CULTIVATION

In addition to the restrictions put upon outdoor home cultivation of marijuana as set forth in 7 M.R.S.A. § 2452, the following restrictions shall apply:

1. A maximum of fifty (50) square feet of outdoor cultivation space shall be used.
2. Setback for outdoor cultivation area shall be no closer to the property lines than land use setbacks specify for the lot size and cultivation area must be closer to grower's residence than to neighbor's residence.

SECTION 11. EFFECTIVE DATE; DURATION

This Ordinance shall take effect immediately upon adoption at a Town Meeting and shall remain in effect until it is amended or repealed.

SECTION 12. PENALTIES

Whoever violates any of the provisions of the foregoing Sections shall be subject to a civil penalty of not less than one hundred dollars (\$100) per day and not more than twenty-five hundred dollars (\$2,500) per day, plus attorney's fees and costs. In all other respects, assessment of penalties under this Ordinance shall be in accordance with the enforcement and penalty provisions of 30-A M.R.S.A. § 4452.

SECTION 13. APPEALS

Any person or entity may request a variance from the requirements of this Ordinance by filing an appeal to the Board of Appeals in accordance with the process outlined in Section 1.6 of the Town's Zoning Ordinance.

SECTION 14. CERTIFICATION OF ADOPTION

We hereby attest that this is a true copy of the Marijuana Ordinance for the Town of Owls Head, Maine, duly approved at a Town Meeting held on: 08/28/2017

Selectmen: Linda Post

Dick Mans

Thomas Von Molde

Attest to: Susan A. Turner
Town Clerk

Date: 8/28/17

ROAD NAMING & HOUSE NUMBERING ORDINANCE

TOWN OF OWLS HEAD

Adopted - August, 1996

Amended – June 1, 2009

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ARTICLE I. TITLE

This ordinance is entitled and may be referred to as the Road Naming and House Numbering Ordinance of the Town of Owls Head, Maine or it may be referred to by its short title of "Road Naming Ordinance" and will be referred to herein as "this ordinance".

ARTICLE II. PURPOSE & AUTHORITY

- A. The purpose of this ordinance is to enhance the easy and rapid location of properties for the delivery of public safety and emergency services, postal delivery and business delivery.
- B. This ordinance is adopted pursuant to and consistent with the Municipal Home Rule Powers as provided for in Article VIII, Part 2. Section I of the Constitution of the State of Maine and Title 30-A M.R-SA-Section 3001.

ARTICLE III. DEFINITIONS

- A. For the purpose of this ordinance, the following definitions shall apply:
 - 1. Road is any highway, road, street, avenue, lane, private way, fire road, or similar paved, gravel, or dirt way within the Town of Owls Head, Maine.
 - 2. Improved property is any property on which a more or less permanent structure has been erected or placed.

ARTICLE IV. OFFICIAL MAP

- A. The Owls Head Board of Selectmen in cooperation and consultation with the following Municipal Officials or Departments: the Fire Department, the United States Postmaster, the Historical Society and the Road Commissioner, shall have a map prepared to be entitled "Property Number Map of the Town of Owls Head, Maine" which shall be adopted as the official map by which roads are named and property numbers assigned upon the signing and dating of said map by the said Board of Selectmen and the Town Clerk, following a Public Hearing. Said map shall be made up and adopted within one hundred twenty (120) days of the effective date as provided for in Article IX. of this ordinance.
- B. Following its adoption as provided for above, the "Property Number Map of the Town of Owls Head, Maine" shall be available to the public for reference at the Town Office. These copies of the map shall be updated and/or replaced by the Board of Selectmen with new maps from time to time as necessary.
- C. Assignment of numbers to properties both on existing and proposed streets, shall be the responsibility of the Owls Head Fire Department or designee.

- D. The Board of Selectmen shall be responsible for maintaining the following official records of the numbering system:
 - 1. Property Number Map of the Town of Owls Head, Maine, and
 - 2. An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned numbers; and
 - 3. An alphabetical list of all streets with property owners listed in order of their assigned numbers.
- E. Copies of the official records as listed in Article IV., Section D. shall be deposited with the Fire Department for their use and shall be updated and/or replaced by the Board of Selectmen with new records from time to time as necessary.

ARTICLE V. NAMING AND NUMBERING SYSTEM

A. Road Names

- 1. Every public way and all roads with more than one property, improved or unimproved, shall have a name.
- 2. The Town Meeting of Owls Head is the final authority in accepting names for such roads. A road name accepted by the Town Meeting shall not constitute or imply acceptance of the road as a public way.
- 3. Road names shall conform to U.S. Postal Service guidelines as published in their publication 28, Postal Addressing Standards, or as the same may be amended, superseded or replaced from time to time.

B. Property Numbers

- 1. Each residence and business property shall have a number indicating its position on the road on which it is located.
- 2. In general, numbering shall begin at the end of the road closest to the most direct route from the Fire Dept. facility, as determined by that department, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road.
- 3. In general, one whole number on each side of the road shall be assigned for every interval of road frontage, as defined by the committee named in Article IV., § A. of this ordinance, whether the property is improved or unimproved.
- 4. Every improved property with more than one principal use or occupancy shall have a separate designator for each use or occupancy (i.e. 123 Any Road, Apt. 2).

ARTICLE VI. NUMBERS AND NAMES TO BE POSTED

- A. Every owner of an improved property shall, within thirty (30) days of notification or within thirty (30) days of new habitation, display and maintain in a conspicuous place on said property the number assigned.
 - 1. The number assigned shall be displayed in numeral form and be no less than four (4) inches high. Numerals shall be a contrasting color from the background.
 - 2. Assigned numbers of each improved property shall be posted near the principal entrance to the property and in a manner as to be legible from the road on which the property is located.
 - 3. Owners of buildings which are not visible from the road shall place the assigned number on a post, tree, visible from both directions, or on a mailbox at the entrance to the property. If a mailbox is used for addressing it shall be the only mailbox present so as to prevent confusion. The mailbox shall be on the same side of the road as the property being addressed, it shall be directly beside the driveway leading to the property which is being addressed and the mailbox shall have the assigned number, four (4) inches in height, applied to both sides so that it can be identified from both directions by responders.
- B. Road name signs may be erected by the Town's Road Commissioner on all roads assigned names, whether they be State, Town or privately maintained or owned. In conformance with this ordinance at the direction and appropriation of the Town Meeting.
- C. Every person whose duty it is to display the assigned number or road name sign shall remove any different number or name which might be mistaken for, or confused with, the number or name assigned in conformance with this ordinance.

ARTICLE VII. PROPOSED ROADS AND STRUCTURES

- A. Proposed roads shall be named and numbered in accordance with the provisions of Article V. of this ordinance. All proposals for road names shall be subject to confirmation and possible alteration by the Town Meeting.
- B. On any final plan submitted to the Planning Board showing proposed roads, applicants shall mark on the plan lines or dots, in the center of the proposed roads every one hundred (100) feet so as to aid the town in assigning numbers to properties.
- C. No building or occupancy permits for new structures will be issued in the Town unless the applicant demonstrates that they have applied for or received the assignment of a property number from the Fire Department.

ARTICLE VIII. VIOLATIONS

- A. Unlawful to deface assigned numbers or road signs.
 - 1. No person may alter, deface, or remove any number placed on any property in accordance with this ordinance, except for repair or replacement within twenty-four (24) hours of such number.
 - 2. No person may alter, deface, or remove any road sign erected in accordance with this ordinance, except for repair or replacement within twenty-four (24) hours of such sign.
- B. Any violation of any provision of this article of this ordinance shall be subject to a civil penalty of \$100.00, payable to the Town of Owls Head, Maine, for each violation, together with attorney's and other legal fees incurred by the Town in the enforcement of this ordinance.

ARTICLE IX. AMENDMENT AND OTHER LEGAL PROVISIONS

- A. Interpretation. Interpretation of what may not be clear in this Ordinance shall be according to the intent of the Ordinance and the Comprehensive Plan.
- B. Conflict with Other Ordinances. Whenever the regulations of this Ordinance conflict with those of another Ordinance, the stricter shall apply.

ARTICLE X. NOTICE OF TRANSFER

- A. Within thirty days of receiving notice of a transfer of property that has an addressed structure on it, the assessor(s) or their agent shall notify the Addressing Officer of the change of ownership with the new owners name, address, and the tax map and lot number for identification.

ARTICLE XI. CERTIFICATION OF ADOPTION

We hereby attest that this is a true copy of the ROAD NAMING AND HOUSE NUMBERING ORDINANCE of the town of Owls Head, Maine, duly adopted at a Town Meeting held on August, 1996 and amended at a Special Town Meeting held on:

Amended – June 1, 2009

Selectmen: Nancy Johnson

R. A. [unclear]

Linda Post

Attest to: [Signature]
Town Clerk

Date: 6/1/09

1 " 3-15-77
TOWN OF OWLS HEAD
CERTIFICATION OF ORDINANCE

We, the undersigned Selectmen of the Town of Owls Head, hereby certify to the Clerk of the said Town of Owls Head that the following is a true copy of a proposed ordinance that shall be posted and acted upon by the Voters of the said Town in accordance with 30-A M.R.S.A. section 3002:

Chapter 43. Use of Public and Private Sewers and Drains

Sec. 1 PURPOSE

The purpose of this chapter is to promote the health and general welfare of the citizens of Owl's Head by regulating and restricting construction and use of the sewerage systems and the accumulation, transportation, treatment and disposal of sewage in such a manner that the creation of any sewerage system, whether public, private, shall not result in pollution, health hazard or nuisance. Hereafter any person owning any buildings within the Town of Owl's Head which is the source of sewage or who proposes to erect such building or structure, shall conform to the requirements of this chapter.

Sec. 2 DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Article shall be as follows:

1. "**BOD**" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter.
2. "**Building**" shall mean a structure built, erected and framed of component structural parts designed for the housing, shelter, enclosure, or support of persons, animals, or property of any kind.
3. "**Building Drain**" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning eight (8) feet (2.4 meters) outside the inner face of the building wall.
4. "**Building Sewer**" shall mean the extension from the building drain to the public sewer or other place of disposal.
5. "**Combined Sewer**" shall mean a sewer intended to receive both wastewater and storm or surface water.

6. "**Industrial Wastes**" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
7. "**Natural Outlet**" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
8. "**Person**" shall mean any individual, firm, company, association, society, corporation, or group.
9. "**pH**" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
10. "**Properly Shredded Garbage**" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.
11. "**Public Sewer**" shall mean the sewage works installed in the Service Area and maintained and operated for public use by the Town of Owls Head in accordance with this Chapter.
12. "**Sanitary Sewer**" shall mean a sewer which carries sewage and to which storm, surface, and groundwater are not intentionally admitted.
13. "**Service Area**" shall mean that portion of the Town of Owls Head delineated in the map located at the Town office and certified by the Selectmen for this purpose. An official copy is attached and incorporated herein.
14. "**Sewage**" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
15. "**Sewage Treatment Plant**" shall mean any arrangement of devices and structures used for treating sewage, including, but not limited to the City of Rockland wastewater treatment facility receiving sewage from the Service Area.
16. "**Sewage Works**" shall mean all facilities for collecting, pumping, treating and disposing of sewage.
17. "**Sewer**" shall mean a pipe or conduit for carrying sewage.
18. "**Shall**" is mandatory; "may" is permissive.

19. "**Slug**" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow that causes harm or potential harm to the treatment works or appurtenances. Eff: 4/8/87

20. "**Storm Drain**" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

21. "**Superintendent**" shall mean the person appointed by the Board of Selectmen to be the Superintendent of the Town of Owls Head Public Wastewater Treatment System or his authorized deputy, agent, or representative.

22. "**Suspended Solids**" shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering.

23. "**Watercourse**" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

24. "**Hearing Board**" shall mean that Board appointed according to provision of Section 13.

Sec. 3 USE OF PUBLIC SEWERS REQUIRED

1. **Depositing Waste in Unsanitary Manner.** It shall be unlawful for any person to place, deposit, or permit to be deposited sewage in any unsanitary manner on public or private property within the Service Area.

2. **Discharge to Natural Outlet.** It shall be unlawful to discharge to any natural outlet within the Service Area, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

3. **Connection to Public Sewer.** The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Service Area and abutting on any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer of the Town of Owls Head, is hereby required, at his expense, to install suitable toilet facilities therein. Such owner shall also connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter, within ninety (90) days after the date of official notice to do so. However, if the property is served by a Private Sewage Disposal System which is operating in a sanitary manner at all time, the property owner shall not be required to connect to the public sewer as soon as the public sewer becomes available, but shall be permitted to defer connection to the sewer until ordered to

do so by the Local Plumbing Inspector, who will not issue such order until he determines that the private sewage disposal system is malfunctioning. "Available" means that the building is within two hundred (200) feet of a public sewer.

Sec. 4 PRIVATE SEWAGE DISPOSAL

1. Connection to Private System. Where a public sanitary or combined sewer is not available, or immediate connection to such sewer is not required, under the provisions of Section 2(3), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Section and the State of Maine Plumbing Code, Part II Subsurface Wastewater Disposal Regulations¹. No property owner whose property is once connected to the public sanitary or combined sewer shall disconnect said property and construct a private sewage disposal system.

2. Permit Required. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the local Plumbing Inspector. The application for such permit shall be made on a form furnished by a Licensed Site Evaluator, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the local Plumbing Inspector. A permit and inspection fee shall be paid to the Town of Owl's Head at the time the application is filed.

3. Inspections. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Plumbing Inspector. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Plumbing Inspector when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Plumbing Inspector.

4. Operation and Maintenance. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town of Owl's Head.

¹The type, capacities, location, and layout of private wastewater disposal system shall comply with the State of Maine's Plumbing Code, Part II - Subsurface Wastewater Disposal Regulations, as amended from time to time, and the Minimum Lot Size Law (Maine Revised Statutes Annotated, Titles 12 Chapter 423-A. No private wastewater disposal system shall be permitted to discharge to any natural outlet.

5. **Plumbing Inspector's Authority.** No statement contained in this Chapter shall be construed to interfere with any additional requirements that may be imposed by the local Plumbing Inspector.

6. **Procedure After Connection to Public Sewer.** When a connection is made to a public sewer from a property formerly served by a private sewage disposal system, the private sewage disposal system shall be cleaned of sludge and filled with clean bankrun gravel or dirt by the property owner within sixty (60) days of the connection to the public sewer and verified by the L.P.I.. Once disconnected, such private disposal system shall not be reconnected.

Sec. 5 BUILDING SEWERS AND CONNECTIONS

1. **Permit Required .** No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system, shall notify the Superintendent at least forty five (45) days prior to the proposed change or connection, and shall comply with Maine Revised Statutes Annotated, Title 38, Chapter 3, Subchapter I, subsection 361.

2. **Classes of Permits.** There shall be two (2) classes of building sewer permits: (a) for residential and (b) for commercial service. In either case, the owner or his agent shall make application on a special form furnished by the Town of Owls Head. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of thirty-five dollars (\$35) for a residential or commercial building sewer permit and the cost of installation permit shall be paid to the Town of Owls Head at the time the application is filed.

3. **Costs Borne by Owner.** All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town of Owls Head from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

4. **Separate System for Every Building.** A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

5. **Old Sewers.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.

6. **Construction Requirements.** The size, slope, alignment, materials or construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the Town of Owls Head. In the absence of code provisions or amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and TR-16 shall apply.

7. **Elevation.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by means approved by the Superintendent and discharged to the building sewer.

8. **Surface Runoff; Groundwater.** No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, sump pumps, or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.

9. **Connections; Requirements.** The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the Town of Owls Head, or the procedures set forth in appropriate specifications of the A.S.T.M. and the TR-16. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

10. **Supervision of Connection by Superintendent.** The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

11. **Excavations.** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town of Owls Head.

Sec. 6 USE OF PUBLIC SEWERS

1. Discharge of Certain Waters to Sanitary Sewer Prohibited. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or sump pumps to any sanitary sewer.

2. Stormwater Sewers. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

3. Discharge of Flammable, Toxic, Corrosive, or Solid Substances. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

A. Flammable. Explosive. - Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

B. Toxic. - Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

C. Corrosive. - Any waters or wastes having a pH lower than six (6.0), or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

D. Solid; Viscous. - Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works such as , but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

4. Other Types of Substances Prohibited. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or

constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

A. Temperature.- Any liquid or vapor having a temperature higher than 130°F unless otherwise authorized by permit.

B. Grease. - Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150°F (0° and 65°C).

C. Garbage.- Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

D. Acid.- Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established for such materials.

E. Taste; Odor.- Any waters or wastes containing phenols, or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

F. Radioactive. - Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulation.

G. pH.- Any waters or wastes (outside the acceptable range from six (6.0) to eight and one half (8.5))

H. Additional Limitations: Unless specifically authorized by a wastewater permit, no discharge shall exceed the following maximum daily limits:

- | | |
|------------------------------------|------------|
| a. Biological Oxygen Demands (BOD) | 1,030 mg/l |
| b. Chemical Oxygen Demands (COD) | 2,060 mg/l |

- c. Total Suspended Solids (TSS) 1,000 mg/1
- d. Dissolved Chlorides 7,000 mg/1
- e. Dissolved Sulfates 200 mg/1
- f. Chlorine in such quantities as to constitute a slugload
- g. Unusual volume of flow or concentration of wastes as to constitute a slugload.
- h. Excessive discoloration such as , but not limited to, dye waste, vegetable solutions and tanning solutions.
- i. pH 6.0 to 8.5

I. Untreatable. - Waters of wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant efficient cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

5. Prohibited Substances; Superintendent's Options. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection 4 of this Section, and which, in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- A. Reject. - Reject the wastes.
- B. Pretreatment. - Require pretreatment to an acceptable condition for discharge to the public sewers.
- C. Control. - Require control over the quantities and rates of discharge.
- D. Payment. - Require payment to cover the added cost of handling and treating the waste.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances, and laws.

6. Interceptions. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of

a type and capacity approved in advance by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

7. Preliminary Treatment; Maintenance. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in Satisfactory and effective operation by the owner at his expense.

8. Waste Analysis Standards. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater, " published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

Sec. 7 CHARGES FOR COMMERCIAL AND RESIDENTIAL USERS

1. Operation and Maintenance. Rates to be established by the Board of Selectmen on an annual basis. A public hearing will be held at least seven days in advance, posted at the Town Hall and advertised in a newspaper of local circulation.

2. Minimum Charges. Residential and commercial users shall be charged according to a formula established by the Board of Selectmen. The charges will include user fees, readiness to serve fees, debt repayment, and interest charges on delinquent accounts.

Sec. 8 PROTECTION FROM DAMAGE

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the wastewater facilities. Any person(s) violating this provision may be subject to arrest under the charge of criminal mischief as set forth in Maine Revised Statutes Annotated, Title 17-A, Chapter 33, subsection 806.

Sec. 9 POWERS AND AUTHORITY OF INSPECTORS

1. Inspection; Right of Entry. The Superintendent, and other duly authorized employee of the Town of Owls Head bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Chapter. The Superintendent, or his representative, shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

2. Safety Rules; Indemnification by Town of Owls Head. While performing the necessary work on private properties referred to in subsection 1, above, the Superintendent or duly authorized employees of the Town of Owls Head shall observe all safety rules applicable to the premises established by the occupant and the occupant and owner shall be held harmless for injury or death to the Town of Owls Head employees and the Town of Owls Head shall indemnify the occupant and owner against loss or damage to its property by the Town of Owls Head employees and against liability claims and demands for personal injury or property damage asserted against the owner and occupant growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions as required in Section 5.

3. Property Subject to Town of Owls Head Easement. The Superintendent, and other duly authorized employees of the Town of Owls Head bearing proper credentials and identification, shall be permitted to enter all private properties through which the Town of Owls Head holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Sec. 10 ENFORCEMENT AND PENALTIES

1. Notice of Violation. Any person or permit holder violating any provision of this Chapter, except Section 6, shall be provided a written notice stating the nature of the violations, a reasonable time limit for corrective action, and compliance schedule for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice and order for corrective action, cease all violations.

2. **Accountability.** The property owner of record and permit holder will be responsible, jointly and severably, for complying with all orders of corrective action, compliance schedules, and time limits as well as all penalties and all bills charged to occupants of properties. In accordance with Maine Revised Statutes, liens will be attached to properties with delinquent sewer payment and fines.

3. **Damages.** Any person(s) and permit holder(s) violating any of the provisions of this Chapter shall become liable, jointly and severably, to the Town of Owls Head for any expense, loss, or damage occurring to the Town of Owls Head by reason of such violation.

4. **Penalties for Violations.** Any person who shall continue any violation beyond the time provided for in an order pursuant to Subsection I shall be fined in the amount not to exceed \$500 for each offense plus such injunction relief as necessary plus the Town's attorney's fees and related costs. All fines shall become the property of the Town of Owls Head.

5. **Charges for Violation Costs Reimbursement.** Whenever the Superintendent finds that there is or has been a violation of the Ordinance and/or an Industrial Wastewater Permit, the user and/or permit holder shall be liable for all costs reasonably incurred by the Town of Owls Head to investigate, abate and stop all violation.

This cost shall include a personnel charge for each hour, or portion of an hour, plus all other expenses reasonably incurred by the Town of Owls Head's employees or agents spent on the investigation and/or abatement of the violation, including the cost of data analysis. Sample taking and laboratory testing at the following rates:

Superintendent's Time	\$ 30.00 per hour
Other Town Employees Time	\$ 10.00 per hour
Private Contractors	Actual Cost
Mileage	\$.30 per mile
Laboratory	Actual Cost
Town of Owls Head Equipment	Actual Cost plus \$20.00 per hour

6. **Payment of Penalties and Charges.**

A. All penalties, and charges unless otherwise provided for by a permit, shall be paid within 30 days of the invoice date. There shall be interest added at a rate the same as imposed by the Town of Owl's Head for municipal taxes for all penalties or portions of penalties not paid within 30 days of the date due.

B. All penalties are in addition to all user fees and all other charges.

C. All fines and penalties shall benefit and become the property of the Town of Owls Head.

7. Court Enforcement Actions.

A. Notwithstanding any of the foregoing provisions, the Superintendent may institute any appropriate action including injunction or other proceedings to prevent, or abate, violations of the provisions of this Ordinance and permit issued pursuant to this Ordinance.

B. Any person fined because of a violation, owing any bill for sewer use or penalties under this Chapter, or found liable for any expenses, loss, or damage to the Town of Owls Head pursuant to this Chapter or is ordered by a Court to abate or cease violations shall also be liable for and shall pay the Town of Owls Head, the Town of Owls Head's attorney's fees, witness expenses and costs, and court costs reasonably incurred in such enforcement of this Ordinance and in the collection of such bills, fines, penalties, expenses, losses or damage

Sec. 11 VALIDITY

1. **Repeal of Conflicting Ordinances.** All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

2. **Severability.** The invalidity of any section, clause, sentence, or provision of this Chapter shall not affect the validity of any other part of this Chapter which can be given effect without such invalid part or parts.

Sec. 12 ORDINANCE IN FORCE

This Chapter shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Sec. 13 BOARD OF SEWER APPEALS

1. **Creation and Appointment.** A Board of Sewer Appeals is hereby established. The members of the Board shall be appointed by the Town of Owls Head Selectmen and be the same board as hears zoning appeals.

2. **Jurisdiction.** The Board of Sewer Appeals shall have the following powers and duties to be exercised only upon written appeal by a person aggrieved by a decision of the Superintendent or the Plumbing Inspector insofar as each decision arises from requirements of this Chapter:

A. Review Decisions; Ordinance Interpretation. To determine whether the decisions of the officers are in conformity with the provisions of this Chapter, and to interpret the meaning of this Chapter in cases of uncertainty.

B. Variances. To grant variances from the terms of this Chapter only where necessary to avoid undue hardship, provided there is no substantial departure from the intent of Chapter.

C. Exceptions. To permit an exception to Chapter only when the terms of the exception have been specifically set forth in Chapter.

3. Hearings. The Board of Sewer Appeals shall meet not more often than monthly as needed. All appeals or other matters to come before the Board requiring a notice as prescribed herein shall be filed with the Town of Owls Head Clerk. The Clerk shall cause to be advertised in a newspaper of general circulation in the Town of Owls Head a notice of such appeal identifying the property involved, the nature of the appeal and stating the time and place of a public hearing of such appeal which shall not be earlier than ten (10) days after the date of such publication. Owners of properties within three hundred (300) feet of the property for which the appeal is made shall be notified by registered mail. Failure of any such owner to receive this notice shall not invalidate the proceedings herein prescribed. The Superintendent shall attend all hearings pertaining to the public sewerage system. The Plumbing Inspector shall attend such hearings as he may be involved in. The officer concerned shall present to the Board of Sewer Appeals all plans, photographs or other factual material which is appropriate to an understanding of the appeal. The Board of Sewer Appeals shall not continue hearings on an appeal to a future date except for good cause. Written notice of the decision of the Board shall be sent to the appellant and to the officer concerned, forthwith. Failure of the Board to issue such notice within thirty (30) days of the date of the hearing shall constitute a denial of the appeal.

4. Appeal Procedure.

A. Appealable Decisions. Any person and any municipal department aggrieved by the decision of the Superintendent, or the Plumbing Inspector, which decisions arise from provisions of this Chapter may appeal such decision to the Board of Sewer Appeals.

B. Appeal Deadline. Within thirty (30) days of the date of the decision of the Superintendent or Plumbing Inspector, the appeal shall be entered at the office of the Town of Owls Head Clerk upon forms to be approved by the Board of Appeals. The appellant shall set forth in the form the grounds of his appeal and shall refer to the specific provisions of this Chapter involved. Following the receipt of any appeal, the Town of Owls

Head Clerk shall notify forthwith the officer concerned and the Chairperson of the Board of Sewer Appeals. The appellant shall pay to the Town of Owls Head Clerk a fee of twenty-five dollars (\$25).

C. Appeal to Superior Court. An aggrieved person may appeal from the decision of the Board of Sewer Appeals to the Superior Court as provided by the laws of the State of Maine.

5. **Successive Appeals.** After a decision has been made by the Board of Sewer Appeals, a new appeal of similar import shall not be entertained by the Board until one (1) year shall have elapsed from the date of the decision, except that the Board may entertain a new appeal if it finds that, owing to a mistake of law or misunderstanding of fact, an injustice was done, or if it believes that a change has taken place in some essential aspect of the appeal.

Sec. 14 WASTEWATER ADVISORY COMMITTEE

A Wastewater Advisory Committee is hereby created. It shall consist of three (3) members appointed by the Selectmen for a term of three (3) years, except that of the first three (3) members first appointed, of which one (1) shall be appointed for a term of one (1) year, one (1) for two (2) years, and one (1) for three (3) years. The committee shall elect a chairman and secretary from its membership annually and adopt its own rules of procedure. The Superintendent and Plumbing Inspector shall be non-voting members of the Committee. The Committee shall advise the Town of Owls Head Selectmen in matters of policy and planning of wastewater and sewer issues.

Given under our hands this _____ day of _____, 1999.

James Hawkins, Selectman

James Dow, Selectman

Francis Mullin, Selectman

RESIDENTIAL OR COMMERCIAL BUILDING SEWER APPLICATION

To the (city or town) of _____:

The undersigned, being the _____ of
(Owner, Owner's Agent)

the property located at _____, does hereby
(Number) (Street)

request a permit to install and connect a building sewer to serve the
_____ at said location.

(Residence, Commercial Building, etc.)

1. The following indicated fixtures will be connected to the proposed building sewer:

<u>Number</u>	<u>Fixture</u>	<u>Number</u>	<u>Fixture</u>
_____	Kitchen sinks	_____	Water Closets
_____	Lavatories	_____	Bath tubs
_____	Laundry tubs	_____	Showers
_____	Urinals	_____	Garbage Grinders

Specify other fixture _____

2. The maximum number of persons who will use the above fixtures is

3. The name and address of person or firm who will perform the proposed work is _____

4. Plans and specifications for the proposed building sewer are attached hereunto as Exhibit "A".

In consideration of the granting of this permit, the undersigned agrees:

1. To accept and abide by all provisions of Ordinance No. _____ of the (city or town) of _____, and of all other pertinent ordinances or regulations that may be adopted in the future.
2. To maintain the building sewer at no expense to the (city or town).

3. To notify the (Superintendent) when the building sewer is ready for inspection and connection to the public sewer, but before any portion of the work is covered.

Date: _____

Signed _____
(Applicant)

(Address of Applicant)

\$ _____ inspection fee paid.

(Certification by (city or town) treasurer)

Application approved and permit issued:

Date: _____

Signed _____
(Superintendent)

SHORELAND ZONING ORDINANCE

TOWN OF OWLS HEAD

Adopted - December 5, 1991
Amended - October 27, 1993
Amended - August 28, 1995
Amended - November 20, 1995
Amended - September 8, 1997
Amended - August 30, 1999
Amended - August 26, 2002
Amended – April 7, 2008
Amended – June 1, 2009
Amended – March 4, 2013

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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 coastal and freshwater wetlands; to control building sites, placement of structures and land uses; 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 feet, horizontal distance, of the normal high-water line of any saltwater body; within 250 feet, horizontal distance, of the upland edge of coastal and freshwater wetlands; and within 75 feet, horizontal distance, of the normal high-water line of a stream.

Section 4. Effective Date and Repeal of Formerly Adopted Ordinance

This Ordinance, which was adopted by the municipal legislative body on December 5, 1991, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, attested and signed by the Town Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner 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 December 17, 1979 is hereby repealed.

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

Section 5. Availability

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

Section 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 the requirements of any other lawfully adopted rules, regulations, ordinances, are in conflict with this Ordinance, the most restrictive or that imposing the higher standard shall govern.

Section 8. Amendments

This Ordinance may be amended in part or in whole by majority vote of the citizens of the Town at a regular or special Town meeting. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner following adoption by the Town and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of the receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

Section 9. Districts and Zoning Map

A. Official Shoreland Zoning Map

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

1. Resource Protection
2. Rural Residential
3. Commercial
4. Commercial Fisheries/Maritime Activities

Note: The Shoreland Zoning Map may be amended by the Town of Owls Head from time to time.

B. Scale of Map

The Official Shoreland Zoning Map shall be drawn at a scale of: 1 inch = 1000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

C. Certification of Official Shoreland Zoning Map

The Official Shoreland Zoning Map shall be certified by the attested signature of the Town Clerk and shall be located in the Town Office, and a copy deposited with the Code Enforcement Officer.

D. Changes to the Official Shoreland Zoning Map

If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department 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 rights of way, and the boundaries of the shoreland area as defined herein. The depiction of the Shoreland Districts on the Shoreland Zoning Map for the Town of Owls Head are merely illustrative of their general location. The boundaries of these districts shall be determined by measurement of the distance indicated on the maps from the normal high-water line of the water body or from the upland edge of wetland vegetation, regardless of the location of the boundary shown on the map. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

Section 11. Land Use Requirements

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, 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.

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

B. General

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

C. Non-conforming Structures

1. **Expansions:** 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 nonconformity of the structure, and is in accordance with subparagraphs a. and b. below.
 - a. Legally existing non-conforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as all other applicable standards contained in this Ordinance are met.

- i. Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.
 - ii. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.
 - iii. For structures located less than 75 feet from the normal high-water line of a water body, tributary stream or upland edge of a wetland, the maximum combined floor area for all structures is 1,000 square feet, and the maximum height of any structure is 20 feet or the height of the existing structure, whichever is greater.
 - iv. For the purposes of subparagraph a., a basement is not counted toward floor area.
 - b. Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12(C)(2) Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 12 (C)(1)(a) above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.
 - c. 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 or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules, or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee, shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

- a. Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed. Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be re-established within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.
3. Reconstruction or Replacement: Any non-conforming structure which is located less than the required setback from 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 requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12 (C) (1) above as determined by the non conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the reconstructed or relocated shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12 (C) (2) above.

Any non-conforming structure which is 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.

In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Planning Board or its designee, 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, tributary stream or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, 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 Zone, 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 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 area, width, and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width, or shore frontage shall be obtained by action of the Board of Appeals.

2. **Contiguous Built Lots:** 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.

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, except those areas which are currently developed and areas which meet the criteria for the Commercial or Commercial Fisheries/Maritime Activities Zones need not be included within the Resource Protection District:

- 1(a). Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows which are rated “moderate” or “high” value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of May1, 2006. For the purposes of this paragraph “wetlands associated with great pond and rivers” shall mean areas characterized by non forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. “Wetlands associated with great ponds or rivers” are considered to be part of that great pond or river.

NOTE: The Natural Resources Protection Act, Title 38 Sections 480-A thru 480-Z, requires the Department of Environmental Protection to designate areas of "significant wildlife habitat.". Significant wildlife habitat includes:

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.

- 1(b). The Resource Protection District also includes the area contained within all freshwater wetlands as delineated on the Shoreland Zoning Map.
2. This district shall include the 100-year flood plains adjacent to tidal waters as shown on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, excluding those areas which are densely developed as defined in Section 17.
3. Areas of two (2) 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 adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.
6. The following areas are included in the Resource Protection District within the Shoreland Zone:
 - a. Where Broad Brook enters Broad Cove for the first seventy five (75) feet upstream from the high water mark. The remainder will be measured from the top of the embankments;
 - b. Deep Cove, commencing at the Bankcroft School line, in an Easterly direction to the outcroppings of ledges, with a distance of seventy-five (75) feet from the normal high water line;
 - c. Monroe Island, east side from light south only one-quarter mile, approximately one-hundred (100) feet from the normal high water line or as determined by the Board of Appeals;
 - d. All lands two-hundred and fifty (250) feet from the normal high water line on Ash and Spaulding Islands. All lands one-hundred (100) feet from the normal high water line on Sheep Island; and,
 - e. All lands on Little and Emery Islands.
7. The following areas are designated as Resource Protection Districts in the Shoreland Zone as defined, and also extend beyond the Shoreland Zone as delineated on the Owls Head Zoning Map:
 - a. All properties contained in the boundaries of Map 11, Lots 56 and 57 (Lighthouse Park);

- b. All lands in Birch Point State Park, Map 1, Lots 39, 40 and 41;
- c. All lands in the State Wildlife and Game Preserve (Waldo Tyler Preserve), Map 15, Lots 1, 2 and 3.

Notwithstanding any wording to the contrary within this ordinance, the designation *Resource Protection District* is removed from all of Owls Head with the exception of:

All areas within the Shoreland Zone that are designated *Resource Protection District* on "Map 7 Shoreland Zoning" or in the text of the Shoreland Zoning Ordinance.

All areas within the Knox County Regional Airport and the Owls Head Transportation Museum that are designated *Resource Protection District* on "Map 7 Shoreland Zoning" or in the text of the Shoreland Ordinance.

B. Rural Residential District

The Rural Residential District, which makes up most of Owls Head that is within the 250 foot Shoreland Zone, is devoted, but not limited to, single- and two-family dwellings, agriculture, mobile home parks, schools, churches and convalescent homes. This district also includes the area within 75 feet, horizontal distance of a stream.

C. Commercial District

The Commercial District includes areas of mixed, light commercial and residential uses. Industrial uses are prohibited.

The Commercial District includes the following areas as delineated on the Shoreland Zoning Map; the portion of Map 4, Lot 56 (land on which bait house is located); Map 4, Lot 95; and Map 7, Lot 6; the portion of the Shoreland Zone located West of the corner of South Shore Drive and Ash Point Drive at Knox County Regional Airport as depicted on the Official Shoreland Zoning Map.

D. Commercial Fisheries/Maritime Activities District

The Commercial Fisheries/Maritime Activities District includes areas where the predominant existing 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. This district consists of Lots 21, 22, 23, 43 and a 100-ft. x 300-ft portion of Lot 42 adjacent to the lobster pound as shown on Map 11, Property Tax Map, Town of Owls Head.

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:

RP - Resource Protection

RR - Rural Residential

C - Commercial

CFMA - Commercial Fisheries/Maritime Activities

Y - Allowed (no permit required but the use must comply with all applicable land use standards)

N - 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

NOTE: Certain development activities proposed for the Shoreland Zone may also require a permit(s) from the Maine Department of Environmental Protection, the U.S. Army Corps of Engineers, or other state or federal agencies. Applicants should contact Maine DEP or the US Army Corps to determine if additional permits are necessary.

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 dewatering;
- C. Filling, including adding sand or other material to a sand dune; or,
- D. Any construction or alteration of any permanent structure.

Table 1. Land Uses in the Shoreland Zone	Districts			
	RP	RR	C	CFM A
1. Non-intensive recreational uses not requiring structure, such as hunting, fishing & hiking	Y	Y	Y	Y
2. Motorized vehicular traffic on existing roads & trails, snowmobiling	Y	Y	Y	Y
3. Forest management activities except timber harvesting	Y	Y	Y	Y
4. Timber harvesting*	CEO	Y	Y	Y
5. Clearing of vegetation for approved construction & other allowed uses	CEO	Y	Y	Y
6. Fire prevention activities	Y	Y	Y	Y
7. Wildlife management practices	Y	Y	Y	
8. Soil & water conservation practices	Y	Y	Y	Y
9. Mineral exploration	N	N	PB	PB
10. Mineral extraction including sand/gravel extraction	N	N	PB	PB
11. Surveying & resource analysis	Y	Y	Y	Y
12. Emergency operations as defined in Section 17	Y	Y	Y	Y
13. Agriculture*	PB	Y	Y	Y
14. Aquaculture*	PB	PB	Y	Y
15. Principle structures, uses & activities				
a. One & two-family residential	PB ⁶	CEO	CEO	N
b. Multi-unit residential	N	N	N	N
c. Commercial	N	N	PB	PB ¹
d. Industrial	N	N	N	PB ¹
e. Governmental & institutional	N	N	PB	PB ¹
f. Small nonresidential facilities for educational scientific or nature interpretation purposes	PB	PB	PB	PB ¹
g. Projects that provide for the safety of airport operations	Y	Y	Y	N
16. Structures accessory to allowed uses	PB	CEO	CEO	CEO
17. Piers, docks, wharves, bridges & other structures & uses extending over or below the normal high water line or within a wetland				
a. Temporary	CEO	CEO	CEO	CEO
b. Permanent	PB	PB	PB	PB ¹
18. Conversions of seasonal residences to rear-round residences	LPI & CEO ⁵	LPI/CEO	LPI/CEO	N
19. Home occupations	N	CEO	CEO	CEO
20. Private sewage disposal systems for allowed uses	PB/LPI ⁶	LPI	LPI	LPI
21. Essential services	PB ²	CEO	PB	PB
22. Public & private recreational facilities involving minimal structural development	PB ⁷	PB	PB	CEO ¹
23. Individual private campsites	CEO	CEO	CEO	CEO
24. Campgrounds	N ³	N	PB	N
25. Road & driveway construction	N ⁴	CEO	PB	PB ¹
26. Parking facilities	N ³	PB	PB	PB ¹
27. Marinas	N	N	N	PB
28. Service drops as defined to allowed uses	Y	Y	Y	Y
29. Lodging facilities including Bed & Breakfast	N	PB	PB	N
30. Hotels, motels	N	N	PB	N
31. Filling & earthmoving of less than 10 cubic yds.	CEO	Y	Y	Y
32. Filling & earthmoving of more than 10 cubic yds.	PB	CEO	CEO	CEO
33. Cemeteries **	N	PB	N	N
34. Septage Waste Disposal	N	N	N	N

Table 1. (Cont.)

NOTES:

1. Functionally water-dependent uses and uses accessory to such water – dependent uses only.
 2. See further restrictions in Section 15., K., Land Use Standards – Essential Services.
 3. Except when area is districted for RP due to flood plain criteria, in which case a Planning Board permit is required.
 4. Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the Resource Protection, in which case a Planning Board permit is required.
 5. Along tidal waters only, and upon proof of adequate sewage disposal capacity to accommodate year-round residential use. Expansion of structure is prohibited.
 6. See Section 16, E. Special Exceptions
 7. Including museum, offices, and its' supporting operational spaces as defined under the definition of Public Facility.
- * Subject to specific land use standards, Section 15.

The footnote indicated by the double asterisk (**) to read: "No cemetery can be located, wholly or in part, within 75-feet, horizontal distance, of the upland edge of coastal and freshwater wetlands as identified by the U.S. Fish & Wildlife National Wetland Inventory and Maine Geologic Survey, nor within 75-feet, horizontal distance, of the normal high-water line of a stream."

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

	Minimum Lot Area (sq.ft)	Min. Shore Frontage-ft
1. <u>Residential per dwelling unit</u>		
a. Within the Shoreland Zone adjacent to Tidal	40,000	150
b. Within the Shoreland Zone adjacent to Non-tidal areas	40,000	200
2. <u>Governmental, Institutional or Commercial principal structure</u>		
a. Within the Shoreland Zone adjacent to Tidal areas exclusive of those districted for CFMA	40,000	200
b. Within the Shoreland Zone adjacent to Tidal areas districted for CFMA	NONE	NONE
c. Within the Shoreland Zone adjacent to Non-tidal areas	60,000	300
3. <u>Public and Private Recreational Facilities</u>		
a. Within the Shoreland Zone adjacent to Tidal and Non-tidal areas	40,000	200
4. 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.		
5. 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.		
6. 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.		
7. If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.		

B. Principal and Accessory Structures

1. All new principal and accessory structures shall be set back at least seventy-five (75) feet from the normal high-water line of water bodies, tributary streams, or the upland edge of a wetland, except that in the Commercial Fisheries/Maritime Activities Zone there shall be no minimum setback. The water body, tributary stream, 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. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified shall apply.

In Addition:

- a. For principal structures, water and wetland setback measurements shall be taken from the top of a coastal bluff that has been identified on Coastal Bluff Maps as being “highly unstable” or “unstable” by the Maine Geological Survey pursuant to its “Classification of Coastal Bluffs” and published on the most recent Coastal Bluff map. If the applicant and the permitting official(s) are in disagreement as to the specific location of a “highly unstable” or “unstable” bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal to the Board of Appeals.
 - b. On a non conforming lot of record on which a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structures shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetative clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.
2. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Rural Residential, and Commercial Zones shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.
 3. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100-year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils.

4. The total footprint area of all 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 land area previously developed, except in the Commercial Fisheries/Maritime Activities Zone 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.
 6. Conversion of seasonal residences to year-round residences in a Resource Protection Zone along tidal waters may be permitted by the Plumbing Inspector upon proof that the sewage disposal system can accommodate year-round residential use. Expansion or enlargement of existing principal or accessory structures is prohibited.
- C. Piers, Docks, Wharfs, 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 structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.
 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 zone.
 7. Except in the Commercial Fisheries/Maritime Activities Zone, 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.

NOTE: 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 MRSA, Sec.480-C.

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 seventy-five (75) feet from the normal high-water line of 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 this 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 seventy-five (75) feet from the normal high-water line of 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 recreational vehicle.
4. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection Zone shall be limited to one-thousand (1000) 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. 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 Zone parking areas shall be setback 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 zones other than the Commercial Fisheries/Maritime Activities 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.

G. 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. All portions of roads and driveways shall be set back at least seventy-five (75) feet from the normal high-water line of 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, tributary stream, or wetland.
3. New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon finding that no reasonable alternative route or location is available outside the district. When road or driveway is permitted in a Resource Protection District 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.

4. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15 Q.
5. Road and driveway grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.
6. In order to prevent road and driveway surface drainage from directly entering water bodies, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
7. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

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

<u>Road Grade</u> <u>(Percent)</u>	<u>Spacing</u> <u>(Feet)</u>
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

- b. Drainage dips may be used in place of ditch relief culverts only where the road grade is ten (10) percent or less.
 - c. On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle down slope from a line perpendicular to the centerline of the road or driveway.
 - d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.
8. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control Installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

H. Signs

The following provisions shall govern the use of signs in the Resource Protection, Rural Residential, Commercial Fisheries/Marine Activity, and 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. In the Commercial Fisheries/Marine Activity District, however, such signs shall not exceed sixteen (16) square feet in area. 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 and shall not exceed twelve (12) square feet in the aggregate. 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.

I. 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 control systems shall be maintained as necessary to ensure proper functioning.

J. Septic Waste Disposal

1. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (Rules).

NOTE: The Rules, among other requirements, include:

- a. 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. This setback includes clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions. The minimum setback distances from water bodies for new subsurface sewage disposal systems shall not be reduced by variance.
- b. Replacement systems shall meet the standards for replacement systems as contained in the Rules.

- c. A holding tank is not allowed for a first time residential use in the Shoreland Zone.

K. 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 Zone except to provide services to a permitted use within said zone, 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.
3. Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

L. 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 3 below.
2. Unless authorized pursuant to the Natural Resources Protection Act, Title 38, M.R.S.A, Section 480-C no part of any extraction operation, including drainage and runoff control features shall be permitted 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. 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.

NOTE: The State of Maine Solid Waste Laws, Title 38, Maine Revised Statutes Annotated, 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 reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
4. 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.

M. Agriculture

- 1. All spreading or disposal of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209) and subsequent revisions thereof.
- 2. Manure shall not be stored or stockpiled within seventy-five (75) feet horizontal distance, of water bodies, tributary streams or wetlands. 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.
- 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 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.

NOTE: Assistance in preparing a soil and water conservation plan may be available through the Knox-Lincoln Soil and Water Conservation District office.

- 4. There shall be no new tilling of soil within seventy-five (75) feet, horizontal distance, from water bodies; nor within twenty-five 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. Newly established livestock grazing areas shall not be permitted within seventy-five (75) feet, horizontal distance of 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 Conservation Plan.

N. Timber Harvesting

1. Timber harvesting shall conform with the following provisions:
 - a. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. Timber harvesting operations exceeding the 40% limitation as described in this paragraph may be allowed by the Planning Board upon clear showing, including a forest management plan signed by a licensed professional forester, that such an exception is necessary for good forest management, and is carried out in accordance with the purposes of Shoreland Zoning.

The Planning Board shall notify the Commissioner of DEP of each exception allowed. In addition:

- i. Within seventy-five (75) feet, horizontal distance, of the normal high-water line of water bodies, tributary streams or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.
 - ii. At distances greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5000) square feet, they shall be at least one-hundred (100) feet apart. Such clearcut openings shall be included in the calculation of total volume removal. For the purposes of these standards volume may be considered to be equivalent to basal area.
- b. No accumulation of slash shall be left within fifty (50) feet of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.
 - c. Timber harvesting equipment shall not use stream channels as travel routes except when:
 - i. Surface waters are frozen; and
 - ii. The activity will not result in any ground disturbance.
 - d. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
 - e. Skid trail approaches to 3 water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

- f. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified filter strip of vegetation shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such mineral soil on a back face shall be closer than twenty-five (25) feet from the normal high-water line of a water body or upland edge of a wetland.

O. Clearing or Removal of Vegetation for Activities Other than Timber Harvesting

- 1. In any Resource Protection Zone, the clearing of vegetation shall be limited to that which is necessary for uses expressly authorized in that zone.
- 2. Except to allow for the development of permitted uses, within a strip of land extending seventy-five (75) feet, horizontal distance, from a water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
 - a. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created.
 - 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" shall be determined by the following rating system.

<u>Diameter of Tree at 4-1/2 feet Above Ground Level (inches)</u>	<u>Points</u>
2 - <4 in.	1
4 - <8 in.	2
8 - <12 in	4
12 or greater	8

Adjacent to water bodies, tributary streams, and wetlands, a “well-distributed stand of trees” is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

NOTE: As an example, if a 25-foot x 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, and three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter the rating score is:

$$(4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36 \text{ points}$$

Thus, the 25-foot by 50 foot plot contains trees worth 36 points. Trees totaling 20 points (36-20=16) may be removed from the plot provided that no cleared openings are created.

The following shall govern in applying this point system:

- (i) The 25-foot x 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
- (ii) Each successive plot must be adjacent to, but not overlap a previous plot;
- (iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
- (iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;
- (v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.
- (vi) For the purpose of 15 (O) (2) (b) “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 1/2) feet above ground level for each 25-foot by 50-foot rectangular area. If five (5) saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until five (5) saplings have been recruited into the plot.

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. Pruning of tree branches, on the bottom 1/3 of the tree is permitted.
- d. 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 seventy-five (75) feet, horizontal distance, from the normal high-water line of any 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.

In no event shall cleared openings for development, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceed in the aggregate, 25% of the lot area or ten-thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision shall not apply to the Commercial Fisheries/Maritime Activities District.

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 Section 15 (O).

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

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 Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, 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 or the water classification of the water body.

S. Archaeological Sites

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

Section 16. Administration

A. Creation of Administering Bodies and Agents

1. Code Enforcement Officer and Deputy Code Enforcement Officer

A Code Enforcement Officer shall be appointed or reappointed annually.

A Deputy Code Enforcement Officer may be appointed or reappointed annually.

2. Board of Appeals

A Board of Appeals for the Town of Owls Head has been created pursuant to the provisions of State Law, Title 30-A Section 2691.

3. Planning Board

A Planning Board has been created in accordance with the provisions of State law.

B. Permits Required

After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

1. A permit is not required for the replacement of an existing road culvert as long as:
 - a. The replacement culvert is not more than 25% longer than the culvert being replaced;
 - b. The replacement culvert is no longer than 75 feet; and
 - c. Adequate control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the water course.
2. A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.
3. Any permit required by this Ordinance shall be in addition to any other permit(s) require by other law or ordinance.

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 Town, 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 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. Procedures for Administering Permits

Within thirty (30) days of the date of receiving a written application, the Planning Board, Code Enforcement Officer, or Local Plumbing Inspector 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 (30) 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 (30) days after the first available date on the Planning Board's agenda following receipt of the completed application, or within thirty (30) day of the public hearing, if one is held. Permits shall be approved if the proposed use is found to be in conformance with the 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 Code Enforcement Officer or the Planning Board, as appropriate, the CEO or the Planning Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
6. Will protect archaeological and historic resources;
7. Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities zone;
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.

Permits may be made subject to reasonable conditions to insure conformity with the purposes and provisions of this Ordinance. If a permit is denied, or approved with conditions, the reasons for denial as well as the 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 Town is responsible for enforcing.

E. Special Exceptions

In addition to the criteria specified in Section 16 (D) above, excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in the Resource Protection District provided that the applicant demonstrates that all the following conditions are met.

1. There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.

2. The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county of which the lot is located before the adoption of the Resource Protection District.
3. All proposed buildings, sewerage disposal systems and other improvements are:
 - a. located on natural ground slopes of less than 20%; and
 - b. located outside the floodway of the 100- year flood-plain along rivers and artificially formed great ponds and outside of the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundry and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements are elevated at least one foot above the 100-year flood plain elevation; and the development is otherwise in compliance with any applicable municipal ordinance.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be ½ the width of the 100-year flood plain.

4. The ground floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.
5. All structures, except functionally water dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and the amount of vegetation to be removed, the proposed building site's elevation in regard to the flood plain, and its proximity to moderate-value and high value wetlands.

F. Expiration of Permits

Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within a year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

G. 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 to 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.

H. Appeals

1. Powers and Duties of the Board of Appeals

The Board of Appeals shall have the following powers:

- a. Administrative Appeals: To hear and decide appeals on an appellate basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or 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.
- c. In administering the review of an Administrative Appeal, (an appeal other than the review of a request for a variance), the Board of Appeals shall be governed by the provisions of Article 1., General, Section 1.6 Board of Appeals, of the Zoning Ordinance of the Town of Owls Head. However, whenever there is found to be a conflict between the requirements of the Zoning Ordinance and the Shoreland Zoning Ordinance, the more severe requirement as judged to be against the interest of the appellant shall apply.
- d. The Board of Appeals shall hear matters on an appellate basis. The Board of Appeals may reverse the decision of the Code Enforcement Officer or Planning Board only upon a finding that the decision was clearly contrary to specific provisions of 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. In the Shoreland Zone, 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 (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.
- d. 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:
 1. That the land in question cannot yield a reasonable return unless a variance is granted;
 2. That the need for a variance is due to the unique circumstances

of the property and not to the general conditions in the neighborhood;

3. That the granting of a variance will not alter the essential character of the locality; and
 4. That the hardship is not the result of action taken by the applicant or a prior owner.
- e. 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.
- f. A copy of all variances granted by the Board of Appeals shall be submitted to the Department of Environmental Protection within seven (7) days of the decision.

3. Appeal Procedure

a. Making an Appeal

- i. 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 showing of good cause, may waive the thirty (30) day requirement.
- ii. Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:
 1. A concise written statement indicating what relief is requested and why it should be granted.
 2. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
- iii. 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.
- iv. 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

- i. 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.
- ii. 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.

- iii. The person filing the appeal shall have the burden of proof.
- iv. 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.
- v. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, 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 forty five (45) days from the date of any decision of the Board of Appeals.

5. Reconsideration

In accordance with 30-A M.R.S.A. section 2691 (3) (F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) day of the decision that is being reconsidered. A vote to reconsider and the action taken on the reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a

positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

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

I. Enforcement

1. Nuisances

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

2. Code Enforcement-Officer

- a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such 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 or discontinuance of the illegal use of land, 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 a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality 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 Town 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 Town of Owls Head. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

4. Fines

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of the Ordinance shall be penalized in accordance with 30-A, M.R.S.A. Section 4452.

Note: Current penalties include fines of not less than \$100 nor more than \$2,500 per violation for each day that the violation continues. However, in a resource protection district the maximum penalty is increased to \$5,000 (38 M.R.S.A. Section 4452).

Section 17. Definitions

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

Agriculture: the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grain and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

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

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

Basal Area: the area of cross-section of a tree stem at 4 ½ feet above ground level and inclusive of bark.

Basement: any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

Bed & Breakfast: a single-family, owner-occupied dwelling in which lodging or lodging and meals are provided to overnight guests for a fee, and which consists of no more than three (3) bedrooms for lodging purposes.

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

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

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

Coastal Wetland: all tidal and sub-tidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, 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.

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.

Commercial Fishing Activities: activities directly related to commercial fishing and those commercial activities commonly associated with or supportive of commercial fishing, such as

the manufacture or sale of ice, bait and nets, and the sale, manufacture, installation or repair of boats, engines and other equipment commonly used on boats.

Densely Developed: any commercial, industrial or compact residential area of 10 or more acres with a density of at least one principal structure per two (2) acres.

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

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

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.

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.

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

Expansion of Use: the addition of weeks or months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.

Family: one or more persons occupying a premises and living as a single housekeeping unit.

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.

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

Forested Wetland: a freshwater wetland dominated by live woody vegetation that is six (6) meters tall (approximately 20 feet) or more.

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

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

- A. of ten (10) or more contiguous acres; or of less than ten (10) contiguous acres adjacent to a surface water body, excluding any stream or brook such that in a natural state, the combined surface area is in excess of 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.

Functionally Water-Dependent Uses: those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and which cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, 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, retaining walls, 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.

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

Height of a Structure: the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

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

Increase in Nonconformity of a Structure: any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies. Wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body or wetland than the closest portion of the existing structure from that water body or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

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

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

Lot Area: the area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

Marina: a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, boat and tackle shops and marine fuel service facilities.

Maritime Activities: the construction, repair, storage, loading and unloading of boats, chandlery and other commercial activities designed and intended to facilitate maritime trade.

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

Minimum Lot Width: the closest distance between the side lot lines of a lot. When only two lot lines extend into the Shoreland Zone, both lot lines shall be considered to be side lot lines.

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

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

Multi-Unit Residential: a residential structure containing three (3) or more residential dwelling units.

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

Non-Conforming Structure: a structure which does not meet anyone 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.

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

Normal High-Water Line (Non-Tidal Waters): that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands, the normal high-water line is the upland edge of the wetland and not the edge of the open water.

Normal High-Water Line (Tidal Waters): all tidal and sub-tidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, 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.

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.

Piers, docks, wharfs, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland:

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

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

Principal Structure: a building in which is conducted the primary or principal use of the lot on which it is located.

Principal Use: the primary or predominant use of any lot.

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.

Recreational Facility: a place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities, excluding boat launching facilities.

Recreational Vehicle: a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

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

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

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

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

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.

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

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

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

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

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

Shore Frontage: the length of a lot bordering on a water body measured in a straight line between the intersections of the lot lines with the shoreline.

Shoreland Zone: the land area located within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any water 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.

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

Stream: a free-flowing body of water from the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river.

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, patios and satellite dishes.

Substantial Start: completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface Sewage Disposal System: 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 38 MRSA Section 414, any surface wastewater disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

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

Tidal Waters: all waters affected by tidal action during the maximum spring tide.

Timber Harvesting: the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the Shoreland Zone on a lot that has less than two (2) acres within the Shoreland Zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (O), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

Tourist Home: an establishment in a private dwelling that provides temporary accommodations to overnight guests for a fee.

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.

Upland Edge of a Wetland: the boundary between upland and wetland. For purposes of a coastal wetland, this boundary is a line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

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

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

Water Body: any great pond, river, stream or tidal area.

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

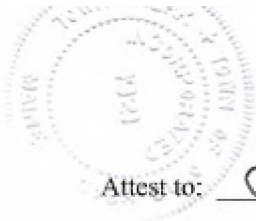
Wetland: a fresh water or coastal wetland.

Section 18. Certification of Adoption

We hereby attest that this is a true copy of the SHORELAND ZONING ORDINANCE of the Town of Owls Head, Maine, duly adopted at a Special Town Meeting held on December 5, 1991 and amended at Town Meetings held on:

- Amended - October 27, 1993
- Amended - August 28, 1995
- Amended - November 20, 1995
- Amended - September 8, 1997
- Amended - November 22, 1999
- Amended - August 26, 2002
- Amended – April 7, 2008
- Amended – June 1, 2009
- Amended – March 4, 2013

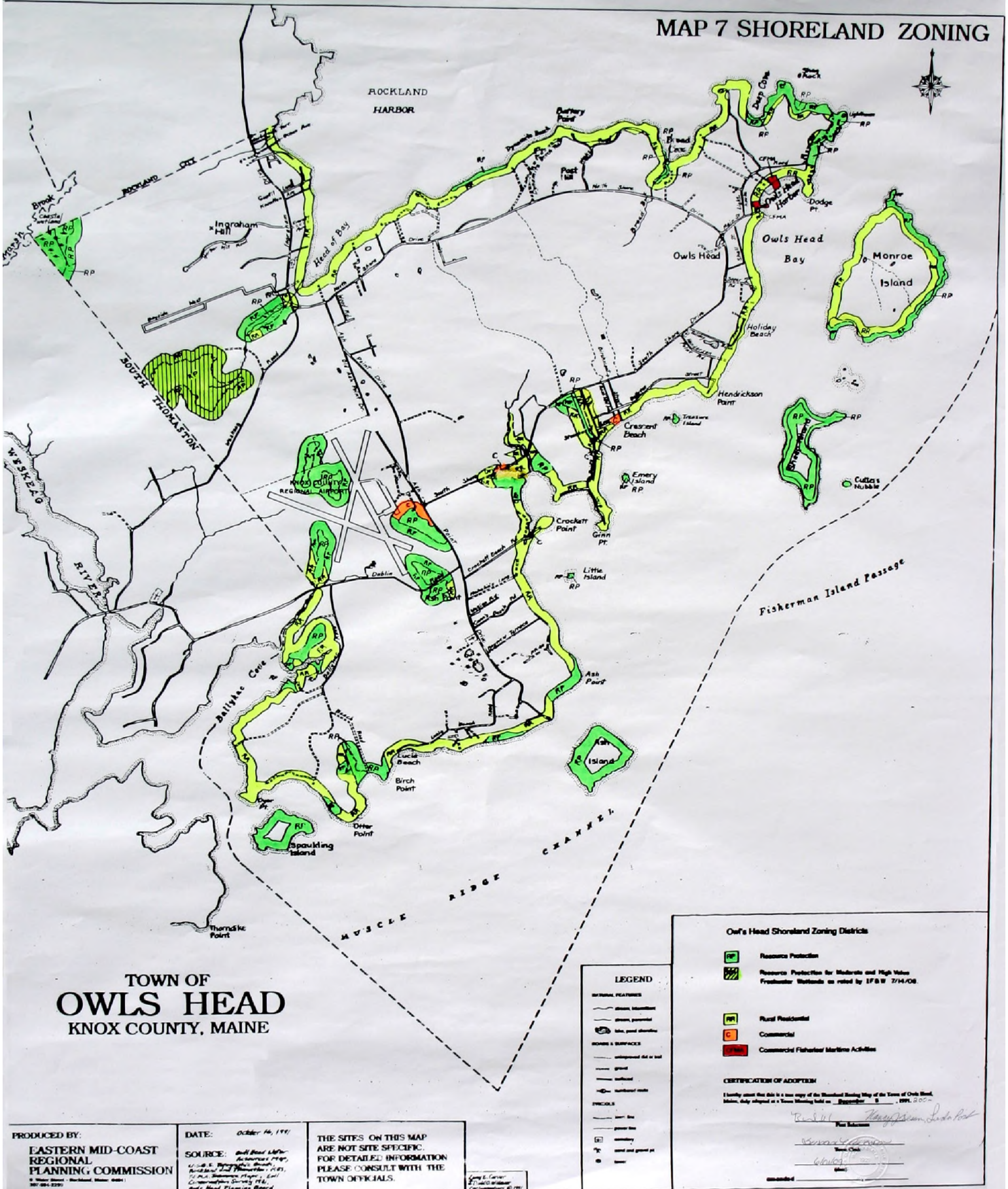
Selectmen: Linda Post
Nancy Holson
Bill U



Attest to: [Signature]
Town Clerk

Date: 3/04/13

MAP 7 SHORELAND ZONING



SITE PLAN REVIEW ORDINANCE

TOWN OF OWLS HEAD

Adopted – August 20, 2012

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SECTION 1. PURPOSE

Substantial development or major changes in the uses of land may cause a material impact on the cost and efficiency of municipal services, public utilities, road systems and traffic congestion, and may affect the visual characteristics of neighborhoods and the Town, and the general health, safety and welfare of the community. The purpose of this Section is to minimize the potential negative impacts of development, while maximizing development's positive effects by assessing the impact of new development on surrounding properties, municipal facilities and services, and the natural environment.

Only uses that have been recognized as being permitted uses in their zoning district, or as the result of successful Zoning Board of Appeals or Planning Board approval may receive site plan approval. Therefore, the purpose of site plan review is not to establish the right of a use to be located in the area proposed, but rather to ensure that the way the use is designed and placed on a lot is appropriate to its surroundings.

The Planning Board may consider the historic importance, scenic beauty or irreplaceability of natural areas during the site plan review. This may require a proposed development or structure to relate harmoniously to the terrain and surrounding environment, including existing buildings in the vicinity that have a visual relationship, with the proposal being considered.

All Site Plans shall be in compliance with any other Town of Owls Head Ordinances.

SECTION 2. ADMINISTRATION

- 2.1 No building permit, plumbing permit or certificate of occupancy shall be issued by the Code Enforcement Officer or Local Plumbing Inspector for any use or development within the scope of this Section until a site plan for the proposed development has been approved by the Planning Board under the provisions of this Ordinance.
- 2.2 An applicant shall request a pre-application meeting with the Planning Board prior to formal submission of a site plan. The materials submitted must include, but are not limited to, a written statement defining the proposed project and a Sketch Plan. The Sketch Plan may be a freehand drawing and shall show:
 - A. The outline of the tract or parcel with estimated dimensions, road rights-of-way and existing easements;
 - B. The layout of existing and proposed building(s), driveways and parking areas;
 - C. Identification of general areas of steep slopes, wetlands, streams and floodplains; and
 - D. Estimated calculation of the percent of lot coverage (see definition).
- 2.3 Every applicant applying for site plan review should submit eight copies (8) of the application and supporting documentation to the Planning Office. All copies shall be prepared in accordance with the Site Plan Review requirements of Section 4 and accompanied by a fee as determined by the Select Board.
- 2.4 An application for site plan review shall be submitted at least fifteen (15) calendar

days prior to the Planning Board meeting at which the applicant wishes to be heard. Recommendations from the Fire Chief, Police Chief, and Road Commissioner shall be solicited from the Planning Office prior to the site plan review meeting.

- 2.5 The Planning Board may schedule an on-site inspection meeting. The on-site inspection shall be jointly attended by the applicant or his or her duly authorized representative and at least two Planning Board members.
- 2.6 Within sixty (60) days after the date on which the site plan application first appears on the Planning Board agenda, the Board shall act to approve, approve with conditions, continue, or disapprove the site plan application submitted or amended. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.
- 2.7 An applicant for site plan review shall obtain any variances that may be required from the Zoning Board of Appeals prior to review by the Planning Board. An applicant may request a pre-application meeting prior to receiving ZBA.

SECTION 3. APPLICABILITY

The following shall require site plan review and approval:

- 3.1 The construction or expansion of buildings, including accessory buildings and structures, for commercial use by a total floor area of 1,000 sq. ft. or more, or a lot's alteration of more than ten thousand (10,000) square feet at commercial or multi-family residential properties.
- 3.2 The establishment of a use in a commercial building that has been vacant for more than two (2) years;
- 3.3 The conversion of a residential building to a commercial use.
- 3.4 Any revision seeking an amendment to a previously approved site plan.
- 3.5 Any change of use in which the intensity of use – as reflected in traffic generated, impacts on municipal services, the environment and surrounding neighborhood – will differ in a substantial way from that of the preceding use.
- 3.6 Any use designated in the Zoning Ordinance as requiring site plan review.

SECTION 4. SITE PLAN CONTENT

The content of the site plan application shall include as a minimum:

4.1 Site Plan

A site plan or plans prepared at a scale of not less than 1 inch equals 40 feet, containing the following information:

- A. Name and address of the applicant or his authorized agent and name of proposed development and any land within 500 feet of the proposed development in which the applicant has title or interest.
- B. Existing soil conditions as described by either a soil scientist, geologist, engineer or Soil Conservation Service medium intensity soil survey.
- C. Municipal tax map and lot numbers and names of abutters.

- D. Scale, true north arrow, legend and a space for dates of any revisions that may be required.
- E. Exact dimensions and acreage of parcel to be built upon. The corners of the parcel shall be located and marked on the ground and shall be referenced on the plan. For any site for which construction or grading is proposed, other than an enlargement of an existing building or construction of an accessory building, the Planning Board may require that the site plan include an actual field survey of the boundary lines of the lot, giving complete descriptive data by bearings and distances made and certified by a registered land surveyor.
- F. Existing and proposed locations and dimensions of any utility lines, sewer lines, waterlines, easements, drainage ways and public or private rights-of-way.
- G. The size, shape, dimensions and location of existing and proposed buildings on the parcel.
- H. If the site is to be served by a subsurface waste water disposal system, a report by a licensed site evaluator shall be provided.
- I. Location and dimensions of on-site pedestrian and vehicular access ways, parking areas, loading and unloading facilities, design of ingress and egress of vehicles to and from the site onto public streets and curb and sidewalk lines.
- J. Landscaping plan showing location, type and approximate size of plantings and location and dimensions of all fencing and screening, as well as existing landscaping on the site. Maintenance and replanting provisions shall be noted.
- K. Natural contours at intervals of two (2) feet and final contours at intervals of two (2) feet, the natural contours to be shown by dashed lines and the final contours to be shown by solid lines. Where sufficient detail cannot be shown with two (2) foot contours, spot evaluations shall be required, with existing spot evaluations shown in parentheses to be distinguishable from final spot elevations. Where construction will not disturb the entire lot proposed for development, the requirement to map contours or spot elevations shall apply only to those portions of the lot that will be altered in any way and portions of the lot downslope from the proposed alterations to an extent sufficient to clearly delineate the existing and proposed course of drainage and the point or points of discharge from the lot.
- L. Specification of quantities and grades of materials to be used if land-filling is proposed.
- M. Photos of the project area prior to any site preparation shall be submitted with the map.
- N. A digital copy of lot lines and buildings shall be submitted, if available.

4.2 Written Statement

A written statement by the applicant shall consist of:

- A. Evidence by the applicant of his right, title or interest in the land that the application covers.
- B. A description of the proposed uses to be located on the site.

- C. Total floor area and footprint of each proposed building and structure and the lot coverage as defined in the Zoning Ordinance.
- D. Summary of existing and proposed easements, restrictions, and covenants on the property.
- E. Method of solid, liquid, chemical, hazardous/medical or other waste disposal.
- F. Erosion and sedimentation control plan, stormwater drainage control plan, and soils information.
- G. Approximate volume of soil to be added or removed, the amount of blasting required, and a disposition plan for removed materials.
- H. If public water and sewer are to be used, written statements from the water utility and sewer district shall be provided commenting on the capacity of the system and the availability of the utility to provide service to the new development
- I. An estimate of the date when construction will start and be completed.
- J. List of approvals and permits required by the Office of the State Fire Marshal and other State and Federal Agencies.

4.3 Minor Revisions to Approved Site Plans

- A. Applicants proposing minor revisions to an existing site plan should submit eight copies (8) of the revision application to the Planning Office fifteen (15) calendar days prior to the Planning Board meeting at which the applicant wishes to be heard.
- B. Application materials shall consist of the amended site plan as proposed and supporting documentation for all Written Statement and Standards applicable to the revision.
- C. The Planning Board may schedule an on-site inspection meeting. The on-site inspection shall be jointly attended by the applicant, or his or her duly authorized representative, and at least two Planning Board members.
- D. Minor revision applications are exempt from the pre-application process.

4.4 Decision on Site Plan Applications or Site Plan Revision Applications

Within sixty (60) days after the date on which the site plan or site plan revision application first appears on the Planning Board agenda, the Board shall act to approve, approve with conditions, continue, or disapprove the site plan or site plan revision application. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.

SECTION 5. LAND USE GUIDELINES

5.1 Performance Standards

The following standards are to be used by the Planning Board in judging applications for site plan reviews and shall serve as minimum requirements for approval of the site plan. The site plan shall be approved unless, in the judgment of the Planning Board, the applicant is not able to reasonably meet one or more of these standards. In all instances, the burden of proof shall be on the applicant.

A. Preservation of Landscape

The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

Landscaping should be designed and planted to define, soften or screen the appearance of off-street parking areas from the public right-of-way and abutting properties and structures.

B. Erosion Control

Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following "best management" practices.

1. Stripping of vegetation, soil removal, and regrading or other development shall be accomplished in such a way as to minimize erosion.
2. The duration of exposure of the disturbed area shall be kept to a practical minimum.
3. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
4. Permanent (final) vegetation and erosion control measures shall be installed as soon as practicable after construction ends.
5. Until a disturbed area is stabilized, sediment in run-off water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods as determined by the Planning Board.
6. The top of a cut or the bottom of a fill section shall not be closer than ten feet to an adjoining property, unless otherwise specified by the Planning Board. Extraction operations (sandpits, etc.) shall not be permitted within 100' of any property line, except as may be provided for in the Zoning Ordinance.
7. During grading operations, methods of dust control shall be employed, wherever practicable.
8. The soils on the site shall have adequate capacity and stability to support all proposed development.

C. Vehicular Access

Vehicular access should comply with the access management standards of the Town of Owls Head Subdivision Regulations.

D. Traffic Flow

The proposed land use, shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number and location of access points, with respect to sight distances, intersections, schools, and other traffic-generators. "Curb cuts" shall be limited to the minimum width necessary for safe entering and exiting. The proposed development shall not have

an unreasonable negative impact on the town road system, and shall assure safe interior circulation within its site, by separating pedestrian and vehicular traffic and providing adequate parking and loading areas.

This section shall not be used as the sole criterion for rejecting an application, unless all possible entrances/exits are deemed to be unsafe due to poor-sight distances.

E. Noise

Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness, or volume (refer to table, below). The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any commercial activity regulated by this ordinance shall be as established by the time period and type of land use listed below. Sound pressure levels shall be measured on a sound level meter at all major lot lines of the proposed site, at a height of at least four feet above the ground surface.

	Sound Pressure Level Limit	
	7 am. – 8 pm.	8 pm. – 7 am.
Activities Outside Commercial Zones	50 dB (A)	45 dB (A)
Activities Within Commercial Zones	60 dB (A)	55 dB (A)

The following uses and activities shall be exempt from the sound pressure level regulations:

1. Noises created by construction and temporary maintenance activities between 6:30 a.m. and 8:00 p.m.
2. The noises of safety signals, warning devices, and emergency pressure relief valves and any other emergency activity.
3. Traffic noise on public roads or railroads.

F. Dust, Fumes, Vapors and Gases

Emission of dust, dirt, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation, or property, or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission shall be prohibited. All such activities shall also comply with applicable Federal and State regulations.

G. Odor

No land use or establishment shall be permitted to produce offensive or harmful odors perceptible beyond their lot lines, either at ground or habitable elevation.

H. **RESERVED**

I. Storm Water Run-Off & Surface Water Drainage

Surface water run-off shall be minimized and detained on-site if possible or practicable. If it is not possible to detain water on-site, downstream improvements to the channel may be required of the developer to prevent flooding caused by his project. The natural state of watercourses, swales, floodways, or rights-of-way shall be maintained as nearly as possible. Design period is 50-year storm.

Adequate provision shall be made for surface drainage so that removal of storm waters will not adversely affect neighborhood properties, downstream water quality, soil erosion or the public storm drain system. Whenever possible, on-site absorption of run-off waters shall be used to minimize discharges from the site.

J. Water Quality

All outdoor storage facilities for fuel, chemicals, chemical or industrial wastes, and potentially harmful raw materials, shall not be stored unless they meet all relevant federal and state regulations.

K. Water Supply

The development has sufficient water available for the reasonably foreseeable needs of the development and will not cause an unreasonable burden on an existing water supply, if one is to be used.

L. Setbacks and Screening

Exposed storage areas, exposed machinery installation, sand and gravel extraction operations, and areas used for the storage or collection of discarded automobiles, auto parts, metal or any other articles of salvage or refuse, shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties (such as a stockade fence or a dense evergreen hedge 6 feet or more in height). Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and be maintained in good condition.

M. Explosive Materials

No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, unless they meet all relevant federal and state regulations.

N. Relation of Proposed Building to Environment

Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings

O. Refuse Disposal

The applicant shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. The Planning Board may

require the applicant to specify the amount and exact nature of all industrial, chemical or bio-medical wastes to be generated by the proposed operation.

P. Existing Utilities

The development shall not impose an unreasonable burden on sewers and storm drains, water lines or other public utilities.

Q. Special Features of Development

Exposed storage areas, exposed machinery, installations, service areas, truck loading areas, utility buildings and similar structures shall have sufficient setbacks and screening to provide an audio and visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.

R. Exterior Lighting

1. No lights shall be placed in view of any public roadway or street so that its beams or rays are directed at any portion of the roadway when the light is of such brilliance and so positioned as to impair the vision of the driver of any motor vehicle upon said roadway.

Lighting with a lumen output equal to or greater than a 200 watt light shall not be directed toward the sky or adjacent to properties.

2. No rotating or flashing lights or signals, except safety signaling devices as required by law, are permitted.
3. Adequate buffers using either the natural landscape or artificial screening are required to prevent unnecessary or undesirable light from being directed beyond lot lines onto adjacent properties.

S. Emergency Vehicle Access

Provisions shall be made for practical and safe emergency vehicle access to all buildings and structures at all times of the year.

T. Municipal Services

The development will not have an unreasonable adverse impact on municipal services.

U. Air Quality

Must comply with Federal and State regulations.

5.2 Data Requirements

5.2.1 General: Any Development Plan presented for approval shall be drawn at a scale of not smaller than one inch to equal forty feet and shall show the following information, unless waived by the Planning Board:

- A. The name and address of the applicant (or his authorized agent) plus the name of the proposed development.
- B. Total floor area, ground coverage, and locations of each proposed building, structure, or addition.

- C. Perimeter survey of the parcel made and certified by a registered land surveyor licensed in Maine, relating to reference points, showing true north point, graphic scale, corners of parcel, date of survey and total acreage.
- D. All existing and proposed setback dimensions.
- E. The size, location, and direction and intensity of illumination of all major outdoor lighting apparatus and signs.
- F. The type, size and location of all incineration devices.
- G. The type, size and location of all machinery likely to generate appreciable noise at the lot lines.
- H. The location, type, and size of all existing and proposed catch basins, storm drainage facilities, streams and water courses, and all utilities, both above and below ground.
- I. An on-site soils investigation report by a Maine Department of Health and Human Services licensed Site Evaluator (unless the site is to be served by public sewer). The report shall identify the types of soil, location of test pits, and proposed location and design for the subsurface disposal system.
- J. The amount and type of any raw, finished or waste materials to be stored outside of roofed buildings, including their physical and chemical properties, if appropriate.
- K. All existing contours and proposed finished grade elevations of the entire site, and the system of drainage proposed to be constructed. Contour intervals shall be specified by the Planning Board.
- L. The location, type, and size of all curbs, sidewalks, driveways, fences, retaining walls, parking space areas, and the layouts thereof, together with the dimensions.
- M. All landscaped areas, fencing, and size and type of plant materials proposed to be retained or planted.
- N. All existing or proposed rights-of-way, easements, and other legal restrictions which may affect the premises in question.
- O. The location, names, and widths of all existing and proposed streets abutting the premises in question.
- P. The property lines of all properties abutting the proposed development, including those properties across the street, together with the names and addresses of the owners as disclosed on the tax maps on file in the Town Offices as of the date of the development plan review application.
- Q. Any other information or data necessary for proper review and in conformance with all requirements set forth in the municipal Subdivision Review Standards.
- R. An appropriate place for the signatures of the Planning Board.
- S. A location Map drawn at a scale of 1,000 feet or 1,500 feet to the inch, to show the relation of the proposed development to the surrounding area.

T. Provide copies to the Planning Board of all applicable Federal, State and local permits and licenses.

5.2.2 Traffic Data: A Development Plan may be required to have an accompanying traffic engineering study, should the project be considered one of substantial magnitude along any of the town's state highways. Should a traffic study be requested by the Planning Board, the following data shall be included.

- A. The estimated peak-hour traffic to be generated by the proposal.
- B. Existing traffic counts and volumes on surrounding roads.
- C. Traffic accident data covering a recent three-year period.
- D. The capacity of surrounding roads and any improvements which may be necessary on such roads to accommodate anticipated traffic generation.
- E. The need for traffic signals and signs or other directional markers to regulate anticipated traffic.

5.3 Administration

Applicability:

- A. An Approved Development Plan, where deemed necessary under the terms of this Ordinance, shall be necessary prior to commencement of the proposed activity, and shall consist of a site plan, including all attachments, signed by the Planning Board, and may include any conditions attached by the Board. An Approved Development Plan shall not exempt an applicant from meeting any other local, state or federal requirements.
- B. The Planning Board shall approve all complete applications which satisfy the requirements of this Land Use Guide, and meet the criteria and standards of Section 1 above.

SECTION 6. GENERAL PROVISIONS

6.1 The Planning Board may modify or waive any of the above application requirements, except performance standards, when the Planning Board determines that because of the special circumstances of the site or the size of the project such application requirements would not be applicable or would be an unnecessary burden upon the applicant and not adversely affect the abutting landowners and the general health, safety and welfare of the Town.

6.2 All construction performed under the authorization of a building permit issued for development within the scope of this Ordinance shall be in conformance with the approved site plan.

6.3 Site plan approval shall expire two (2) years after Planning Board approval if a building permit has not been issued. Applicants may seek a two-year extension prior to an approved site plan's expiration, unless the ordinance, at the time of renewal, has changed to such an extent that the previously-approved use would no longer be permitted.

6.4 The Planning Board may require a peer review by an independent civil engineer, soil scientist, geologist or other expert to review the plan submitted by the applicant where the

Planning Board determines that such a peer review will be necessary for it to determine compliance with the standards of this Ordinance. The applicant shall pay for this expense.

6.5 Conditions: The Planning Board may, in order to carry out the purposes of this Section, require reasonable conditions necessary to protect the public interest and to fit such uses harmoniously into their neighborhoods. Such conditions imposed shall be included in the building permits issued by the Planning Office.

6.6 The Planning Board's decisions shall be made independently of State and Federal agencies' reviews.

SECTION 7. APPEALS

An appeal of the Planning Board's final decision may be filed by any person aggrieved by that decision. An appeal from a final decision of the Planning Board shall be by appellate review to the Zoning Board of Appeals based on the Planning Board record to determine whether the Planning Board's decision was within the scope of its authority and supported by substantial evidence in the record.

SECTION 8. CONFLICT WITH OTHER REGULATIONS


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

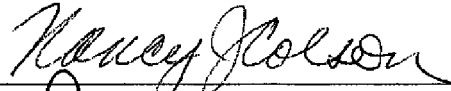
SECTION 9. VIOLATIONS

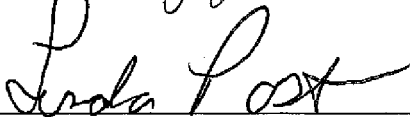
Failure to comply with the requirements of this Ordinance shall be considered a violation and shall be enforced under the provisions of 30-A M.R.S.A. §4452.

SECTION 10. CERTIFICATION OR ADOPTION


We hereby attest that this is a true copy of the SITE PLAN REVIEW ORDINANCE of the Town of Owls Head, Maine, duly adopted at a Town Meeting held on August 20, 2012.

Selectmen: 







Attest to: 
Town Clerk

Date: 8/20/12

SUBDIVISION REGULATIONS

TOWN OF OWLS HEAD

Adopted - October 13, 1983

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Section I.

Definitions

1. Subdivision:
For the purposes of this Regulation, a subdivision has the same definition as the MRSA Title 30, Section 4956.
2. Subdivision, Major:
A subdivision containing twenty (20) or more lots.
3. Subdivision, Minor:
A subdivision containing from three (3) up to, but not including, twenty (20) lots.
4. Local Street:
A street designed to primarily serve the residences of a residential area.
5. Collector Street:
A street connecting local streets with an arterial street or major roadway.
6. Arterial Street:
A major traffic route connecting major sections of the community or connecting with other communities.
7. Height of Building:
The vertical distance between the highest point of the roof and the average grade of the ground adjoining the building. Approval of structures on a roof, such as cupolas, ventilators, or solar collectors, which project above 34 feet may be given by the Planning Board if such structures do not obstruct the view of adjacent property owners.
8. Grade:
In relation to buildings, the average of the finished ground level of each wall of the building.
9. Lot:
A parcel of land in single ownership occupied or capable of being occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by this regulation, and having frontage upon a street.

Section II.

General

1. Any proposed subdivision shall be in conformity with the provisions of all pertinent state and local codes and ordinances.

2. If the proposed subdivision in any way falls within the jurisdiction of and is subject to review of the State of Maine Department of Environmental Protection, approval of DEP shall be submitted in writing to the Planning Board prior to submission of the Final Plot Plan.
3. Building height may not exceed 2 ½ stories or 34 feet.
4. Underground utilities, while not required, are encouraged as they present an improved visual perspective when compared to aerial utilities.
5. Plans for road construction, grading and ditching shall be reviewed by the Road Commissioner prior to Planning Board approval of the Final Plot Plan.
6. The Road Commissioner shall evaluate the potential impact of the subdivision's traffic on the town's existing road system and report his findings to the Planning Board.
7. Subdivision plans must be reviewed by the Selectmen to determine if the town's solid waste disposal system is adequate to handle the increased volume which might be caused by the subdivision.

8. Sewage Waste Disposal:

State and local regulations must be met.

- a) Subsurface. If subsurface sewage disposal is to be used, each lot must be evaluated for subsurface disposal by a state-certified site evaluator.

The Preliminary and Final Plot Plans must show the location of all soils test pits and be accompanied by a written report of the site evaluator for each test pit.

The subsurface sewage disposal plans must be approved by the Local Plumbing Inspector.

- b) If a public sewage system is to be used, the Sewer Authority must state in writing that it has sufficient capacity for the foreseeable needs of the subdivision.

Detailed design of the sewer system must be reviewed by the Sewer Authority.

9. Water Supply:

- a) A report must be submitted to the Planning Board from a certified well driller or hydro-geologist giving his expert opinion as to the adequacy of a water supply for the needs of the subdivision.

Test wells may be required by the Planning Board if needed to properly evaluate the availability of a water supply for the subdivision.

- b) If a public water supply is to be used, the Water Authority must state in writing that it has sufficient capacity for the foreseeable needs of the subdivision.

The detailed design of the water system must be reviewed by the Water Authority.

- 10. Open Space and Protection of Natural Resources:
The Planning Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees (10" or more in diameter), the replacement of trees and vegetation, graded contours, streams, and the topography. Extensive grading and filling shall be avoided as much as possible.
- 11. Final Approval and Inspection Procedure:
All improvements within the subdivision shall be periodically reviewed by the Zoning Administrator utilizing inspection reports of the Road Commissioner, Local Plumbing Inspector, or other utility inspectors. Where improvements are not constructed in accordance with the Planning Board approved plans, the Zoning Administrator shall issue a "stop work" order until either the construction conforms to approved plans or an amended plan is approved by the Planning Board.
- 12. Monuments:
Permanent monuments shall be set at all corners and angle points of the subdivision's boundaries.
- 13. The Fire Chief shall review the Final Plot Plan to determine the adequacy of the streets for fire truck use and to determine the adequacy of the fire department to protect the residences of the subdivision.
- 14. No work within a subdivision may be started until the Final Plot Plan has been approved by the Planning Board.
- 15. The Planning Board may require a sub-divider to submit sufficient financial data to assure the Planning Board that the sub-divider has available sufficient finances to complete the subdivision as detailed in the Final Plot Plan.
- 16. The Planning Board may hire a consultant, such as an engineering or architectural firm, to review and reconfirm the adequacy of the design specifications of the various subdivision systems submitted by the sub-divider. The costs of such a consultant shall be borne by the sub-divider.

Section III.

Storm Drainage Systems

- 1. General:
The Planning Board may require the installation of ditches, catch basins,

pipings systems, and other appurtenances for the conveyance, control, or disposal of surface waters. Adequate drainage shall be provided so as to reduce the danger of flooding and erosion. If a storm drainage system is required, it shall be designed to meet the criteria of a ten year storm based on rainfall data of Knox County.

2. Design Standards:

- a) Existing downstream drainage facilities shall be studied to determine the effect of the proposed subdivision's drainage. The developer shall demonstrate to the satisfaction of the Planning Board that the storm drainage from the proposed subdivision will not, in any way, overload existing storm drainage systems downstream from the proposed subdivision.
- b) 300 feet shall be considered as the maximum length for carrying open storm water in a street gutter prior to intake at a catch basin. No storm water will be permitted to drain across a street or across an intersection. No additional water is to be drained onto abutting property.
- c) Design standards for drainage systems shall be approved by the Planning Board. Minimum pipe size for any storm drainage pipe shall be 12 inches.
- d) Where open ditches, channels, streams or natural drainage courses are used, either to collect or discharge storm water, adequately sized perpetual easements shall be provided. Minimum width shall be 30 feet.
- e) Where subsurface soils are of the nature requiring an under drainage system, under drains shall be installed and discharged in a positive manner.
- f) Culverts :
 - 1) When a subdivision local street connects with a collector or arterial street and a culvert is required, the culvert must be sized according to State or Maine specifications.
 - 2) Where a driveway connects with a street, if a culvert is required, its minimum size must be 15 inches by 24 feet.

3. Storm Drain Construction Standards:

Any variation to the following must be approved by the Planning Board.

- a) Materials: The following material shall be utilized for storm drain construction. See Maine Department of Transportation, Manual of Standard Specifications, Highways and Bridges, Revision of June 1981.

- 1) Reinforced Concrete Pipe - Reinforced Concrete Pipe shall meet the requirements of ASTM Designation C-76. Pipe classes shall be as required to meet soil and traffic loads with a factor of safety of 2.1 on the .01 inch crack strength with a class B bedding. Joints shall be of rubber gasket type meeting ASTM Designation C-443-70, or of an approved preformed plastic jointing material such as "Ramnek."
- 2) Asbestos Cement Pipe - Asbestos Cement Pipe shall meet the requirements of ASTM C-428. Pipe classes shall be as required to meet soil and traffic loads with a factor of safety of 1.5 on the crushing strength. Joints may be of the rubber gasket type meeting the requirements of ASTM Designation 0-1869-63, or may be of the preformed plastic sleeve type.
- 3) Corrugated Metal Pipe - Corrugated Metal Pipe shall be bituminous coated meeting the basic requirements of AASHTO Designation M-36. Pipe gauge shall be as required to meet soil and traffic loads with a deflection of not more than .5". Joints shall be by bolted bands with a minimum of 5 corrugations.
- 4) PVC Pipe - Plastic PVC Pipe shall meet the requirement of the Maine Department of Transportation as to size and thickness. Joints shall be cemented with standard PVC cement.
- 5) Under-drain Pipe – Under-drain Pipe may be of perforated bituminous coated corrugated metal or PVC meeting similar requirements to that of standard drain pipe.
- 6) Manholes - Manholes may be of precast concrete section construction, or precast concrete block construction. Precast sections shall meet the requirements of ASTM Designation C-478. Cones shall be truncated. Precast concrete manhole blocks shall meet the requirements of ASTM Designation C-139, radial type. Bases may be cast in place concrete, 3000 psi, 28 day strength, or may be precast concrete. Castings shall be of cast iron meeting Town standards for sewer construction. Brick inverts, shall be shaped to the crown of the pipe for sizes up to 18 inches, and to spring line for larger pipes.
- 7) Catch Basins - Catch Basins may be of precast concrete construction or of precast concrete block construction, ASTM Designation C-139. Castings shall be square cast iron as required for the particular inlet condition with the gratings perpendicular to the curb line. All catch basins shall be provided with a Type 1 curb face inlet.

Section IV.

Minimum Design Standards for Street and Pedestrian Ways

1. Streets:
General

- a) Streets must be designed to integrate with the topography and natural features, and provide adequate sight distances. The subdivided area shall have frontage on a public street of sufficient width to meet the road classification standards. If such an existing street has not been improved to the standards in these regulations, the Board may require the developer to make improvements on his frontage where necessary for drainage or traffic safety.

Design Characteristics

- a) The proposed street system shall be integrated within the existing street network.
- b) The pattern of circulation should be obvious to the motorist, with local streets subordinate to collector streets. Pavement width, street alignment, frequency and degree of curves, setback of homes, landscaping, or other means should heighten the distinction between local and collector streets. Local streets should discourage through traffic by the use of curves, cul-de-sacs, or other means to slow traffic speeds.
- c) Street layout shall reflect the natural terrain and special features. Rights of way shall not be stripped of trees or vegetation except where grading is absolutely necessary for drainage or safety requirements. Areas of cut and fill shall be minimized to inhibit erosion. Drainage shall utilize natural systems, where possible, with adequate protection against erosion and folding. Cul-de-sacs, P-loops, loop streets and T-heads may be utilized provided adequate radius and access is planned for emergency vehicles and snow plowing.
- d) Reserved streets for future street connections to adjoining undeveloped property may be required by the Board to be dedicated to the Town in order to insure proper access by fire equipment, snow plows, or for convenience of school buses. The developer of the adjoining property can be required by the Board to connect to and build over the reserved strips. Reserved strips not to be used shall be dispensed with according to MRSA Title 23, Section 3027.
- e) Street design shall conform to the following standards:
Intersections should be at angles of 90 degrees, a 15 degree deviation may be considered. Intersections of streets should be a minimum of 250 feet apart. Where intersection's approach is off a hill, leveling area of at least 60 feet and not more than 2% slope shall be required. Street names shall not duplicate or approximate existing streets.

A street shall be graded to its full width between exterior lines, and cleared to its full width except for trees intended for preservation. That portion of a street to be paved shall be excavated to a depth of 18 inches (local Streets) or 27 inches (collector and arterial streets) below final approved finished grade. Pockets of unstable soil shall be excavated deeper than these minimum requirements as directed by the Road Commissioner.

The base course shall be constructed of gravel to finished grade. Sub-grade, grade course and surface course material must be approved by the Road Commissioner.

For major subdivisions, the street surface shall consist of bituminous concrete mix Type B placed in conformance to the latest Maine Department of Transportation Specifications for Highways and Bridges. The pavement shall be laid to a minimum thickness of 1 ½ inches. The Road Commissioner may recommend to the Board alternative pavement of equal or higher standards.

DESIGN STANDARDS FOR STREETS

	<u>Local St.</u>	<u>Collector St.</u>	<u>Arterial St.</u>
Minimum Right of Way	50 ft.	50 ft.	60 ft.
Pavement Width	20 ft.	22-36 ft.	24-44 ft.
Maximum Grade	10%	8%	6%
Minimum Grade	1%	1%	1%
Minimum Radius of Curve	100 ft.	100 ft.	300 ft.
Minimum Sight Distance	200 ft.	200-240 ft.	275 ft.
			(75 ft. at Intersections)
Design Speed	25 mph	30 mph	40-55 mph
Minimum Turnaround Row Diameter	120 ft.		
Minimum Turnaround Pavement	24 ft.		
Center Island Diameter	40 ft.		

2. Sidewalks:

For pedestrian safety and convenience, the Planning Board may require sidewalks. The Board shall consider the following factors when determining if a sidewalk is required.

- a) The probable present and future type, volume and speed of vehicular traffic on the particular way.
- b) The probable present and future type and quantity of pedestrian traffic on the particular way.

If sidewalks are required, they must be a least 5 feet wide.

3. Minimum Standards for Construction:

This section sets the minimum standards for street, sidewalk, and utilities construction.

Clearing:

The provisions of this subsection apply to the clearing for streets.

- a) The entire area of the proposed traveled portion of each street, way, including shoulders and sidewalk, must be cleared of all stumps, brush, roots, boulders, like material, and all trees not intended for preservation.
- b) Beneath these ways all loam or soft spongy or otherwise under desirable material such as peat, roots, mulch or quicksand, must be removed to whatever depth it occurs, except if covered by 5 feet or more of fill if deemed necessary by the Road Commissioner.
- c) Clearing must be inspected and approved by the Road Commissioner before continuing the project.

Rough Grading for Streets and Sidewalks:

The provisions of this subsection apply to both major and minor subdivisions.

- a) The entire length and width of the vehicular way must be brought to a firm sub-grade at least eighteen (18) inches below the finished grade shown on the profile.
- b) If required, the entire length and width of the sidewalk must be brought to a firm sub-grade at least eight (8) inches below the finished grade desired.
- c) All fill and ordinary borrow must consist of any firm bearing material, except loam or organic matter meeting the approval of the Road Commissioner.

Rough grading must be inspected and approved by the Road Commissioner before continuing the project.

Finish Grading and Paving Curbs:

The provisions of this subsection apply to both major and minor subdivisions.

- a) All sub-grades of vehicular ways of local roads must be covered with at least fifteen (15) inches of well-compacted gravel to a grade of 2 ½ inches below finish grade shown on the profile, with a transverse pitch from centerline to edge of pavement of one-quarter (1/4) inch per foot. Sub-grades of connector roads covered with 24" to a grade of 2 ½"
 - 1) Gravel specifications: Minimum amount of gravel 15" deep. Bottom 13" as per Maine Department of Transportation Specification No. 703.20, Gravel Borrow. No rocks over 6".

Passing 3" screen 70-100%
Passing ¼" mesh sieve 10-70%
Passing 200 mesh sieve 0-10%
Top 2" as per Maine Department of Transportation Specification
No. 703.06 (b) Aggregate Sub-base
Passing 1 ½" screen 100%
Passing ¼" sieve 25-70%
Passing No. 40 sieve 5-30%
Passing No. 200 sieve 0-7%

Final Paving:

The provisions of this subsection apply only to major subdivisions

- a) Gravel must be allowed to settle over one winter season prior to paving unless the gravel is compacted by a roller.
- b) All vehicular ways of a major subdivision must be paved with at least 1 ½" of compacted bituminous concrete binder course and 1" finish course.
- c) If sidewalks are required by the Board, all sub-grades of sidewalks must be covered with at least six (6) inches of well-compacted gravel to a grade two (2) inches below the desired finish grade and pitched one-quarter (1/4) inch per foot. A one and one-half (1 1/2) inch course of compacted bituminous concrete must be applied.
- d) Where planting strips are installed, at least four (4) inches of well compacted loam must be installed and pitched at least one-quarter (1/4) inch per foot and not more than four (4) inches per foot.
- e) All completed gravel courses must be inspected and approved by the Road Commissioner prior to application of the finished paving.

Permanent monuments meeting Maine Department of Transportation standards must be installed at all street intersections, at all points of change in direction, or curvature of streets.

Before a street is submitted to the Town for acceptance as a town street, the street must have gone through one full winter with the final paving.

Section V.

Performance Guarantee:

1. The Planning Board may require that the sub-divider file with the Board at the time of submission of the Final Plot Plan a performance guarantee in an amount sufficient to defray all expenses of the proposed public improvements. This may be tendered in the form of a certified check payable to the Treasurer of the Town, or a performance bond running to the Town and issued by a surety company acceptable to the Town, or an

irrevocable letter of credit from a bank, or an escrow account shall be determined by the Planning Board with the advice of the Town Selectmen. The amount shall be at least equal to the total cost of furnishing, installing, connecting and completing all of the street grading, paving, storm drainage and utilities or other improvements specified on the Final Plot Plan within two years of the date of the certified check, performance bond, letter of credit or escrow account.

2. The Planning Board may recommend a maximum extension of 12 months to the guaranteed performance period when the sub-divider can demonstrate, to the satisfaction of the Board and the Selectmen, good cause for such extension. Such recommendation shall be referred to the Selectmen for official action.
3. Before a subdivider may be released from any obligation requiring his guarantee of performance, the Planning Board will require certification from the Zoning Administrator and Selectmen to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards (State, Federal, and local codes, ordinances, laws, and regulations).
4. Except for major subdivisions, the Planning Board may, at its discretion, waive the requirement of a performance guarantee and recommend a properly executed conditional agreement with the Town. Such agreement, if executed with the Town, shall be endorsed in writing on the Final Plot Plan and shall provide that the Planning Board may approve the Final Plot Plan or any part thereof, on the condition that no lot in the subdivision may be sold and no permit shall be issued for construction of any building on any lot on any street in the subdivision until it shall have been certified in the manner set forth in paragraph 3 above that all improvements have been made within 2 years of the date of executing such conditional agreement.

Section VI.

Amendments:

These regulations may be amended by the Planning Board after a Public Meeting.

TOWER ORDINANCE

TOWN OF OWLS HEAD

Adopted - August 30, 1999
Amended - August 26, 2002
Amended - June 1, 2009

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Section 1. Title

This Ordinance shall be known and cited as the "Wireless Telecommunications Facilities Siting Ordinance" of the Town of Owls Head, Maine (hereinafter referred to as the "ordinance").

Section 2. Authority

This ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section I of the Maine Constitution; the provisions of Title 3 O-A M. R. S. A. Section 3 001 (Home Rule), and the provisions of the Planning and Land Use Regulation Act, Title 30-A M.R.S.A. Section 4312 *et seq.*

Section 3. Purpose

The purpose of this ordinance is to provide a process and a set of standards for the construction of wireless telecommunications facilities in order to:

- Implement a municipal policy concerning the provision of wireless telecommunications services, and the siting of their facilities;
- Establish clear guidelines, standards and time frames for the exercise of municipal authority to regulate wireless telecommunications facilities;
- Allow competition in telecommunications service;
- Encourage the provision of advanced telecommunications services to the largest number of businesses, institutions and residents of Owls Head;
- Permit and manage reasonable access to the public rights of way of Owls Head for telecommunications purposes on a competitively neutral basis;
- Ensure that all telecommunications carriers providing facilities or services within Owls Head comply with the ordinances of Owls Head;
- Ensure that Owls Head can continue to fairly and responsibly protect the public health, safety and welfare;
- Encourage the co-location of wireless telecommunications facilities, thus helping to minimize adverse visual impacts on the community;
- Enable Owls Head to discharge its public trust consistent with rapidly evolving federal and state regulatory policies, industry competition, and technological development;
- Further the goals and policies of the comprehensive plan, while promoting orderly development of the Town with minimal impacts on existing uses; and
- Protect the scenic and visual character of the community.

Section 4. Applicability

This local land use ordinance applies to all construction and expansion of wireless telecommunications facilities, except as provided in Section 4. 1.

- 4.1. Exemptions. The following are exempt from the provisions of this ordinance.
- A. Emergency Wireless Telecommunications Facility. Temporary wireless communication facilities for emergency communications by public officials.
 - B. Amateur (ham) radio stations. Amateur (ham) radio stations licensed by the Federal Communications Commission (FCC) which are less than sixty (60) feet in height.
 - C. Parabolic antenna. Parabolic Antennas less than seven (7) feet in diameter, that are accessory use of the property.
 - D. Maintenance or repair. Maintenance, repair or reconstruction of a wireless telecommunication facility and related equipment provided that there is no increase in the height or any other dimension of the facility.
 - E. Temporary wireless telecommunication facility. Temporary wireless telecommunication facility, in operation for a maximum period of ninety (90) days.

Section 5. Review and Approval Authority

5.1 Approval Required. No person shall construct a new wireless telecommunication facility or expand an existing wireless telecommunication facility without approval of the Planning Board and the issuance of a building permit by the CEO.

5.2 Approval Authority. In accordance with Section 5.1 above, the Planning Board shall review applications for wireless telecommunication facilities, and make written findings on whether the proposed facility complies with this Ordinance.

Section 6. Approval Process

6.1 Application. An application for approval by the Planning Board must be submitted to the Code Enforcement Officer (CEO) and shall include the following information:

- A. Documentation of the applicant's rights, title, or interest in the property where the facility is to be sited, including the name and address of the property owner and the applicant.
- B. A copy of the FCC license for the facility or a signed statement from the owner or operator of the facility attesting that the facility complies with current FCC regulations.
- C. Identification of relevant districts, landmarks, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed. or eligible for listing, in the National Register of Historic Places.
- D. Location map and elevation drawings of the proposed facility and any other proposed structures. showing color, and identifying structural materials.

- E. A site plan:
 - 1. prepared and certified by a professional engineer registered in Maine indicating the location, type, and height of the proposed facility, antenna capacity, on-site and abutting off-site land uses, means of access, setbacks from property lines, and all applicable American National Standards Institute (ANSI) technical and structural codes;
 - 2. certification by the applicant that the proposed facility complies with all FCC standards for radio frequency emissions; and
 - 3. a boundary survey for the project performed by a land surveyor licensed by the State of Maine.
- F. Evidence demonstrating that no existing structure can accommodate the proposed facility.
- G. A signed statement that commits the owner of the facility, and his or her successors in interest and assigns, to:
 - 1. respond in a timely, comprehensive manner to a request for information from a potential applicant in exchange for a reasonable fee not in excess of the actual cost of preparing a response;
 - 2. negotiate in good faith for shared use of the wireless telecommunications facility by third parties;
 - 3. allow shared use if an applicant agrees in writing to pay reasonable charges for co-location; negotiate in good faith for shared use by third parties; and
 - 4. require no more than a reasonable charge for shared use, based on community rates and generally accepted accounting principles. This charge may include, but is not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance, financing, return of equity, depreciation, and all of the costs of adopting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the life span of the useful life of the wireless telecommunications facility.

The following items shall be submitted only if specifically required by the Planning Board.

- H. A narrative discussing:
 - 1. the extent to which the proposed facility would be visible from or within a designated scenic resource,
 - 2. the tree line elevation of vegetation within one hundred (100) feet of the facility, and
 - 3. the distance to the proposed facility from the designated scenic resource's noted viewpoints.

- I. A written description of how the proposed facility fits into the applicant's telecommunications network. This submission requirement does not require disclosure of confidential business information.

For the expansion of an existing facility and/or co-location, the following information shall be submitted:

Items A, B, C, D, and G as listed above.

6.2. Submission Waiver. The Planning Board may waive any of the submission requirements based upon a written request of the applicant submitted at the time of application. A waiver of any submission requirement may be granted only if the Planning Board finds in writing that due to special circumstances of the application, the information is not required to determine compliance with the standards of this Ordinance.

6.3. Fees and Costs

- A. Planning Board Application Fee. An application for Planning Board approval shall include payment of a non-refundable application fee. The application shall not be considered complete until this fee is paid.
- B. Planning Board Review Fee. An applicant for approval by the Planning Board shall pay all reasonable costs incurred by the municipality that are necessary to review the application, including, without limitation, independent engineering, planning, legal or similar Professional consulting services. Such review fee shall be assessed for the privilege of review and shall be payable without regard to consultation results or the outcome of the application. The review costs shall be paid in full prior to the start of construction. No building permit may be issued until all review fees have been paid.

6.4. Notice of Complete Application. The CEO shall review the application and determine if the application meets the submission requirements. If the application is complete, the CEO shall notify the applicant in writing of this determination and require the applicant to provide a sufficient number of copies of the application to the Planning Board and Code Enforcement Office. If the application is incomplete, the CEO shall notify the applicant in writing, specifying the additional materials or information required to complete the application.

6.5. Planning Board Approval. Within one hundred (100) days of receiving a complete application for approval under Section 5. the Planning Board shall approve, approve with conditions, or deny the application in writing, together with the findings on which that decision is based.

6.6. Building Permit Required. No wireless telecommunications facility shall be constructed or expanded without a building permit therefore issued by the CEO.

Section 7. Standards of Review

- 7.1. Approval Standards. An application for approval by the Planning Board must meet the following standards.
- A. Priority of Locations. New wireless telecommunications facilities must be located according to the priorities below. The applicant shall demonstrate that a facility of a higher priority cannot reasonably accommodate the applicant's proposed facility.
 - 1. Co-location on an existing wireless telecommunications facility the construction of which had previously been approved by the Planning Board.
 - 2. A new facility on property that is located within the "Communications Antenna Area".
 - B. Design for Co-location. A new wireless telecommunications facility and related equipment must be designed and constructed to accommodate expansion for future co-location of at least three additional wireless telecommunications facilities or providers. However, the Planning Board may waive or modify this standard where the district height limitation effectively prevents future co location.
 - C. Height. A new wireless telecommunications facility must be no more than 150-ft. in height.
 - D. Setbacks. A new or expanded wireless telecommunications facility must be set back one hundred percent (100%) of its height from the boundary of the Communication Antenna Area. The setback may be satisfied by including the areas outside the Communications Antenna Area boundaries if secured by an easement.
 - E. Landscaping. A new wireless telecommunications facility and related equipment must be screened with plants from view by abutting properties, to also be preserved to the maximum extent practicable.
 - F. Fencing. A new wireless telecommunications facility must be fenced to discourage trespass on the facility and to discourage climbing on any structure by trespassers.
 - G. Lighting. A new wireless telecommunications facility must be illuminated only as necessary to comply with FAA or other applicable state and federal requirements. However, security lighting may be used as long as it is shielded to be down directional to retain light within the boundaries of the site, to the maximum extent practicable.
 - H. Structural Standards. A new wireless telecommunications facility must comply with the current Electronic Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures".

- 7.2 Standard Conditions of Approval. The following standard conditions of approval shall be a part of any approval or conditional approval issued by the Planning Board. Where necessary to ensure that an approved project meets the criteria of this ordinance, the Planning Board can impose additional conditions of approval. Reference to the conditions of approval shall be clearly noted on the final approved site plan, and shall include:
- A. The owner of the wireless telecommunications facility and his or her successors and assigns agree to:
 - 1. respond in a timely, comprehensive manner to a request for information from a potential co-location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;
 - 2. negotiate in good faith for shared use of the wireless telecommunications facility by third parties;
 - 3. allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for co-location;
 - 4. require no more than a reasonable charge for shared use of the wireless telecommunications facility, based on community rates and generally accepted accounting principles. This charge may include, but is not limited to, a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction and maintenance, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a share user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the life span of the useful life of the wireless telecommunications facility.
 - B. Upon the request by the Town, the applicant shall certify compliance with all applicable FCC radio frequency emissions regulations.

Section 8. Amendment to an Approved Application

Any changes to an approved application must be approved by the Planning Board.

Section 9. Appeals

Any person aggrieved by a decision of the CEO or the Planning Board under this ordinance may appeal the decision to the Board of Appeals, as an administrative appeal under the Zoning Ordinance of the Town of Owls Head. Written notice of an appeal must be filed with the Board of Appeals within thirty (30) days of the decision. The notice of appeal shall clearly state the reasons for the appeal.

In carrying out its responsibilities under the *Tower Ordinance*, the Board of Appeals shall be governed by the provisions of *Article I. General, Section 1.6 Board of Appeals, of the Zoning Ordinance of the Town of Owls Head*. However, whenever there is found to be a conflict between the requirements of the *Zoning Ordinance* and the *Tower Ordinance*, the more severe requirement as judged against the interest of the appellant shall apply.

The Board of Appeals shall hear matters on an appellate basis. The Board of Appeals may reverse the decision of the Code Enforcement Officer or Planning Board only upon a finding that the decision was clearly contrary to specific provisions of this ordinance.

Section 10. Administration and Enforcement

The CEO shall enforce this ordinance. If the CEO finds that any provision of this ordinance has been violated, the CEO shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. The CEO shall order correction of the violation and may take any other legal action to ensure compliance with this ordinance.

Section 11. Penalties

Any person who owns or controls any building or property that violates this ordinance shall be fined in accordance with Title 30-A M.R.S.A. Sec. 4452. Each day such violation continues after notification by the CEO shall constitute a separate offense.

Section 12. Conflict and Severability

- 12.1 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 apply.
- 12.2 Severability. The invalidity of any part of this ordinance shall not invalidate any other part of this ordinance.

Section 13. Definitions

The terms used in this ordinance shall have the following meanings:

Antenna: means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals. This includes all related supports, attachments, anchors, guy wires.

Antenna Height: means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the facility site. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Co-location: means the use of a wireless telecommunications facility by more than one wireless telecommunications provider.

Communications Antenna Area: The Communications Antenna Area shall be as defined by the Town's Communications Antenna Area Ordinance and shown on the accompanying map.

Expansion: means the addition of antennas, towers, or other devices to an existing structure.

FAA: means the Federal Aviation Administration, or its lawful successor.

FCC: means the Federal Communications Commission, or its lawful successor.

Height: means the vertical measurement from a point on the ground at the mean finish grade adjoining the foundation as calculated by averaging the highest and lowest finished grade around the building or structure, to the highest point of the building or structure.

Historic District: means a geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development and identified in the municipality's comprehensive plan, which is listed or is eligible to be listed on the National Register of Historic Places. Such historic districts may also comprise individual elements separated geographically, but linked by association or history.

Historic Landmark: means any improvement, building or structure of particular historic or architectural significance to the Town relating to its heritage, cultural, social, economic or political history, or which exemplifies historic personages or important events in local, state or national history identified in the municipality's comprehensive plan, which have been listed or are eligible to be listed on the National Register of Historic Places.

Parabolic Antenna: (also known as a satellite dish antenna) means an antenna which is bowl-shaped, designed for the reception and or transmission of radio frequency communication signals in a specific directional pattern.

Designated Scenic Resource: means that specific location, view, or corridor, as identified as a scenic resource in the municipally adopted comprehensive plan or by a State or federal agency, that consists of:

- A. a three dimensional area extending out from a particular viewpoint on a public way or within a public recreational area, focusing on a single object, such as a mountain, resulting in a narrow corridor, or a group of objects, such a downtown skyline or mountain range, resulting in a panoramic view corridor; or
- B. lateral terrain features such as valley sides or woodland as observed to either side of the observer, constraining the view into a narrow or particular field, as seen from a viewpoint on a public way or within a public recreational area.

Viewpoint: means that location which is identified either in the municipally adopted comprehensive plan or by a federal or State agency, and which serves as the basis for the location and determination of a particular designated scenic resource.

Wireless Telecommunications Facility or Facility: means any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange phone services, specialized mobile radio communications (SMR), common carrier wireless exchange access services, and personal communications service (PCS) or pager services.

Section 14. Effective Time and Date

This ordinance becomes effective at upon adoption by Town Meeting.

Section 15. Certification of Adoption

We hereby attest that this is a true copy of the TOWER ORDINANCE of the Town of Owls Head, Maine, duly adopted at a Town Meeting held on August 30, 1999 and amended at Town Meetings held on:

Amended - August 26, 2002

Amended - June 1, 2009

Selectmen: Nancy Golson

Renee

Linda Post

Attest to: [Signature]
Town Clerk

Date: 6/01/09

Section 16. Tower Siting Area

Town of Owls Head Ordinance Declaring a “Communications Antenna Area”

This is an ordinance designating an area within the Town of Owls Head as the only area, within the Town’s boundaries, on which a wireless telecommunications facility as defined in the Town’s Wireless Telecommunications Siting Ordinance can be located. This area is designated “Communications Antenna Area”.

The text below and the accompanying map, labeled “Communications Antenna Area, define the “Communications Antenna Area” 13 January 1999.

The Communications Antenna Area is a rectangular area, the corner points of which have been designated points C, E, F, and D on the attached map entitled “Communications Antenna Area, 13 January 1999”.

On Owl’s Head Tax Map 9 of the property tax maps of the Town of Owls Head, as prepared by Aerial Survey & Photo, Inc. and dated 1980 which may be examined in the Assessors’ Office at the Town Office, start at the point of intersection of the boundaries of Lots 41,49, and 50 (designated point A).

From point A follow the boundary between Lots 41 and 49 in the (generally) northwesterly direction for 325 feet to a point that is designated, point B.

The line through point B and perpendicular to the boundary between Lots 40 and 41 includes the (generally) northwesterly boundary of the Communications Antenna Area. This boundary is designated CD.

From the intersection of line CD with the boundary between lots 40 and 41 (point C), follow this boundary (between lots 40 and 41) in a (generally) southeasterly direction for 1,014 feet to a point designated, point E.

From point E, construct a line perpendicular to Line CE and intersecting the boundary between Lot 50 and Lot 14 (Part of Lot 14 is shown on Tax Map 6) at point F. The line EF represents the (generally) southeasterly boundary of the Communications Antenna Area.

From point F construct a line that follows in a (generally) northwesterly direction the boundary between Lot 50 and Lot 14 (part of Lot 14 is shown on Tax Map 6). Project this straight line until it intersects line CD at point D. This line is the (generally) northeasterly boundary of the Communications Antenna Area.



ZONING ORDINANCE

TOWN OF OWLS HEAD

Adopted - October 9, 1990
Amended - October 27, 1993
Amended - August 28, 1995
Amended - August 21, 1996
Amended - August 30, 1999
Amended - August 31, 2000
Amended - August 26, 2002
Amended - September 7, 2004
Amended - April 7, 2008
Amended - June 1, 2009
Amended - May 17, 2010
Amended - December 19, 2011
Amended - August 20, 2012
Amended - March 4, 2013
Amended - August 25, 2014
Amended - November 17, 2014
Amended - August 28, 2017

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ARTICLE I. GENERAL

1.1 Title

This Ordinance shall be known and may be cited as the "Owls Head Zoning Ordinance," and will be referred to herein as this "Ordinance."

1.2 Purpose and Applicability

To protect the lawful use of land as existing on the date of enactment of this Ordinance. To provide for the development of Owls Head land in such a way as to protect Owls Heads environment. To further the maintenance of safe and healthful conditions and the general welfare. To prevent and control water pollution, protect spawning grounds, fish, aquatic and other wildlife habitat. To control size and location of building sites, placement of structures and land uses.

1.3 Basic Requirements

All buildings or structures hereinafter erected, reconstructed, altered, enlarged or moved, and uses of premises in the Town of Owls Head shall be in conformity with the provisions of this Ordinance. Any subdivision (as defined herein) of a Property into three or more lots or three or more dwelling units shall be subject to review and approval by the Planning Board under the provisions of the Town of Owls Head Subdivision Ordinance which is incorporated by reference herein. There are also provisions of this Ordinance which make reference to The Site Plan Review Ordinance which is incorporated by reference herein.

1.4 Nonconforming Uses (Grandfather Clause)

- A. All lots of record with or without buildings and all buildings of record on the effective date of adoption of this Ordinance, or subsequent amendments thereto, not meeting the requirements of this Ordinance and any amendments thereto shall be referred to as "nonconforming lots and/or buildings," provided such lots and buildings were in legal existence.
- B. Lots and/or buildings of record shall mean by recorded deeds, by deeds not yet recorded, written legal agreements of sale, land divided by inheritance of estate settlements, order of court or gifts of living relatives dated prior to the effective date of adoption or amendment of this Ordinance.

1.5 Nonconformance

A. Purpose

The purpose of this article is to regulate nonconforming lots, uses, and structures as defined in Article VII Definitions so they can be reasonably developed, maintained, repaired or changed to as not to worsen an existing nonconformance or create a new nonconformance.

B. Nonconforming lots

1. Vacant lots

- a. A nonconforming lot may be built upon provided that such a lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions

of this Ordinance except lot area and lot frontage can be met. Variance of other requirements shall be obtained only by action of the Board of Appeals.

b. If two or more vacant, contiguous lots are in the same ownership of record at the time of adoption or amendment of this Ordinance, and if these lots do not individually meet the dimensional requirements of this Ordinance, the lots shall be combined to the extent necessary to meet the dimensional standards.

c. No division of any lot may be made which leaves the lot's frontage, lot's coverage, or lot area below the minimum requirements of this Ordinance or which worsens an existing nonconforming situation or creates a new nonconformance.

2. Lots with Structures

a. If two or more contiguous lots or parcels are in the same ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the applicable area and dimensional requirements, and if an allowed use exists on each lot, or if the lots were legally created and recorded before the adoption of this Ordinance, the nonconforming lots may be conveyed separately or together, providing all other State law and local Ordinance requirements are complied with.

b. Contiguous nonconforming lots of record, which at the effective date of adoption of this Ordinance are the sites of permitted accessory structures, shall conform to the provisions of 1.5,B.,1., b.

C. Nonconforming Structures

1. Maintenance and Enlargement

A Structure legally in existence as of the effective date of adoption of this Ordinance that does not meet the height or yard requirements may be repaired, maintained and improved. It may be enlarged and/or accessory structures may be added to the site without a variance, provided that:

- a. The enlargement or accessory structure itself meets the height requirements of this Ordinance;
- b. The enlargement or accessory structure in combination with the existing structure does not exceed the prescribed maximum lot coverage (referenced in section 3.4 Dimensional Requirements); and the enlargement or accessory structure ~~do~~ does not create an increase in nonconformance as defined in the Ordinance itself;

c. There shall be no increase in the nonconformity of a structure, except that

an existing lawfully nonconforming structure may be expanded in the area of the nonconformity of that structure (which does not comply with current front, side or rear yard setbacks) only if the resulting expansion of that structure, in the area of the nonconformity, shall be no closer to the front, side, or rear lot line setbacks than the existing lawfully nonconforming structure prior to the expansion. The total square footage of all structures on the property must not exceed the lot coverage required in section 3.4 Dimensional Requirements for the District in which the property is located. In addition, the resulting expansion of the existing structure in the area of the nonconformity shall be no higher than it is currently in the nonconforming portion of the existing structure prior to the expansion within the side and rear yard setbacks, and in no event higher than the district height standard. If an expansion of the existing nonconforming part of that structure is approved, such plan must be filed with the Registry of Deeds prior to the issuance of a building permit.

- d. No structure which is less than the required setback from the normal high water mark shall be expanded so that any portion of the structure is closer to the high water mark than the existing structure. No accessory structure shall be located within the required setback from the normal high water mark.

2. Reconstruction

Any nonconforming structure legally in existence which is hereafter damaged or destroyed by fire or any cause may be replaced or reconstructed ~~or~~ so long as it is substantially started with a permit issued within two (2) years of the event causing the damage or destruction and substantially completed within five (5) years after the original permit was issued. In no event shall any replacement or reconstructed structure create any further nonconformity than was present with the nonconforming structure before said damage or destruction occurred. Current provisions of the Land Use Ordinance shall apply to all replacement or reconstructed structures other than for the continuance of preexisting nonconformity of the lot area per dwelling unit, lot size, front, side, or rear line setbacks. Nothing in this section shall prevent the demolition of the remains of any building damaged or destroyed.

D. Nonconforming Uses

1. Continuance

The use of land, building, or structure, lawful at the time of adoption of this Ordinance, may continue although such use does not conform to the provisions of this Ordinance, except as provided in Paragraph 3 below.

2. Resumption

Whenever a nonconforming use of land and/or structure is superseded by a permitted use, such structure and/or land shall thereafter conform to the provisions of this Ordinance and the nonconforming use shall not thereafter be resumed.

3. Discontinuance

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 that preceding five (5) year period.

4. Expansion of Use

A nonconforming use, including a nonconforming outdoor use of land, shall not be extended or expanded in area or function.

E. Transfer of Ownership

Ownership of nonconforming lots, structures, and/or uses as defined in this Ordinance may be transferred without loss of their lawful but nonconforming status.

1.6 Board of Appeals

A. Appointment and Composition

The Board of Appeals shall consist of five members. A quorum of the Board shall consist of three members. Members shall be appointed by the Board of Selectmen. The term of office of a member is three years, but initial appointments shall be made for one, two, and three years respectively. Board members shall elect a Chairman. Tape recordings of the proceedings may serve in lieu of minutes. However, the vote on each question shall be recorded in writing. A decision reached by a majority of the members constituting the quorum shall be a decision of the Board. Any vote of the Board that results in a tie shall be deemed to be and shall be recorded as a decision against the matter being voted on.

All proceedings and records of the Board shall be a public record. Selectmen and their spouses shall not serve as members.

Any question of whether a particular issue involves conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.

A member of the Board may be dismissed for cause by the Selectmen upon written charges and after a hearing.

One alternative member may be appointed by the Selectmen to serve in the absence or disqualification of a regular member. The term of office shall be three years.

B. Powers and Duties

1. To interpret provisions of this Ordinance which are called into question.
2. The Board of Appeals shall hear matters on an appellate basis. The Board of Appeals may reverse the decision of the Code Enforcement Officer or

- Planning Board only upon a finding that the decision was clearly contrary to specific provisions of this ordinance.
- C. The Board of Appeals shall hear and decide upon applications in specific cases where relaxation of the terms of this Ordinance would not be contrary to the public interest and where, owing to conditions peculiar to the property, and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in undue hardship. Variance applications shall be in writing to the Board of Appeals in sufficient detail with sketches and measurements as may be necessary for the Board of Appeals to render its decision.
- D. A person or persons aggrieved by a decision of, or failure to act on the part of the Code Enforcement Officer (CEO) and/or the Planning Board may appeal to the Board of Appeals. Such appeal must be made within thirty (30) days following the decision or failure to act on the part of the CEO and/or Planning Board. A person or persons requesting a variance from a requirement of the Owls Head Zoning Ordinance may file an appeal to the Board of Appeals. In either case, in making this appeal the appellant(s) must complete the form entitled "Application for a Variance or Administrative Appeal to the ^ Board of Appeals" and file seven (7) completed copies with all supporting documentation for the appeal with the Code Enforcement Officer, paying at that time a filing fee as determined by the Board of Selectmen.
- E. Before taking action on any appeal, the Board of Appeals shall hold a public hearing within 35 days of receipt of an Application for a Variance or an Administrative Appeal. The hearing shall be advertised 14 days in advance in a newspaper with local circulation. The Board of Appeals shall notify, in writing, the appellant, the Selectmen, the Planning Board, the Code Enforcement Officer, and all owners of property within 500 feet of the property involved in the appeal, of the nature of the appeal and of the time and place of the public hearing thereon. The Department of Environmental Protection shall be notified twenty (20) days prior to the hearing for a variance request in the Shoreland Zone. Failure to receive notice shall not invalidate a Board of Appeals decision.
- F. The Board of Appeals may grant a variance only where strict application of this Ordinance would result in "undue hardship" to the petitioner. A variance shall not be granted to permit a use or structure otherwise prohibited by this Ordinance. "Undue hardship" shall mean:
1. That the land in question cannot yield a reasonable return unless a variance is granted;
 2. That the need for a variance is due to the unique circumstances of the property and not to general conditions in the neighborhood;
 3. That the granting of a variance will not alter the essential character of the locality; and,
 4. That the hardship is not the result of action taken by the applicant or a prior owner.
- G. As used in this Ordinance, a variance if approved and granted by the Board of Appeals may be authorized only for height, area of lot and density associated

therewith, and size of structures and/or size of yards and setbacks. The Board of Appeals shall in granting an area variance, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this Section 1.6 “Board of Appeals” and shall be imposed for the purpose of minimizing any adverse impact such variance would have on the Town and/or adjoining property owners. The Board of Appeals may after approving a variance with conditions refer the matter back to the Planning Board or Code Enforcement Officer to incorporate those conditions into their final approvals. However, a side yard or rear yard variance shall not be granted if it will interfere with access of fire fighting apparatus to a structure on the land in question or adjacent property.

- H. The Board may grant a temporary variance without making a finding of undue hardship to a property owner for the purpose of making the property accessible to a person with a disability who is living on the property. Any such variance granted shall be restricted solely to the installation of equipment or the construction of structures necessary for access to or egress from the property by the person with the disability. For the purposes of this paragraph, a disability has the same meaning as a physical or mental handicap under MRSA Title 5 Section 4553, namely, any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, birth defect, environmental conditions or illness, and includes the physical or mental condition of a person that constitutes a substantial disability as determined by a physician or, in the case of mental disability, by a psychiatrist or psychologist, as well as any other health or sensory impairment that requires special education, vocational rehabilitation, or related services. This temporary variance shall terminate upon the death or permanent removal of the person(s) with the disabilities for whom the variance was granted from the dwelling; a discontinuation of the disabilities for any reason; or a sale of the dwelling in which the person(s) for whom the variance was granted no longer resides on the premises. On the happening of any of the conditions stated above, all exterior additions for which the variance was granted are to be removed from the exterior of the premises within 6 months.
- I. If the Board of Appeals shall deny a variance, a second request for a variance, affecting the same property and requesting a similar result, shall not be submitted to the Board of Appeals within six (6) months from the date of denial, unless four members of the Board find that an error of law or misunderstanding of fact has been made or substantial change in circumstances which directly affected the outcome of the first appeal. A decision must be made within 60 days from the date of the hearing.
- J. The Board of Appeals shall make their decision within thirty-five (35) days of the date of the hearing, and shall issue a written finding on all appeals.
- K. In the Shoreland Zone, 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.

- L. Variance recorded. If the board grants a variance, or a temporary variance as defined in this section 1.6 H, under this section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting shall be prepared in recordable form. This certificate must be recorded in the local registry of deeds within 30 days of final approval of the variance or the variance is void. The variance is not valid until recorded as provided in this subsection.
- M. A copy of all variances granted for properties within the Shoreland Zone shall be submitted to the Department of Environmental Protection within fourteen (14) days of the decision.

1.7 Validity

- A. 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 this Ordinance.
- B. State statutes not included in this Ordinance remain applicable as governing land use in the Town of Owls Head and enforceable as directed by State authorities.
- C. Whenever the requirements of this Ordinance conflict with those of another ordinance or other regulations, the stricter shall apply.

1.8 Amendments

This Ordinance may be amended by a majority vote of any legal town meeting when such amendment is published in the warrant calling for the meeting, and is not in conflict with State laws.

Each Ordinance or amendment shall be on file with the municipal clerk and shall be accessible to any member of the public. Copies shall be made available to any member of the public, at a reasonable cost, at the expense of the person making the request.

1.9 Effective Date, Repeal

This Zoning Ordinance shall be enacted and be of full force and effect on the day following the date of approval of this Ordinance by the voters of the Town of Owls Head at a town meeting, and any Zoning Ordinance of the Town of Owls Head in effect prior to the date of enactment of this Zoning Ordinance shall be repealed as of that date.

ARTICLE II. ZONING MAP

2.1 Zoning Map, Certification

A map entitled "Town of Owls Head Zoning Map" is hereby adopted or as amended as part of the Ordinance and shall be referred to as the Official Zoning Map. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Selectmen and attested by the signature of the Town Clerk. The Official Zoning Map shall be located in

the municipal office and in the office of the Town Code Enforcement Officer, and it shall be the final authority as to the current zoning status of the land and water areas, buildings, and other structures in the Town. All references to Tax Section, Block, and Lots herein are taken from the official “Map of Owls Head Properties, Knox County“ adopted or as amended which is also located in the municipal offices. Any references to Metes and Bounds on The Town Of Owls Head Zoning Map, or on the list shown in this Article in section in 2.2 (C) for lots in the Commercial Zone are those approved by the Town at a Town Meeting and have become the official boundaries of the lot description in that Commercial Zone.

2.2 Zone Boundaries

A. Uncertainty of Boundaries

Where uncertainty exists with respect to the boundaries of the various zones as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of roads and highways shall be construed to follow such center lines;
2. Boundaries indicated as approximately following well established lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits;
4. Boundaries indicated as following shorelines shall be construed to follow the normal high water line, and in the event of natural change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams or rivers shall be construed to follow such center lines;
5. Boundaries indicated as being parallel to or extensions of features indicated in Paragraphs 1 through 4 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map. Any conflict between the zoning map and a description by metes and bounds in a deed shall be resolved in favor of the description by metes and bounds;
6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in circumstances where the items covered by paragraphs 1 through 5 above are not clear, the Board of Appeals shall interpret the zone boundaries.

B. Division of Lots by Zone Boundaries

Where a zone boundary line divides a lot or parcel of land of the same ownership of record at the time such line is established by adoption or amendment of this Ordinance, the regulation applicable to the less restricted portion of the lot may be

extended into the more restricted portion of the lot, by not more than fifty (50) feet; provided, however, that minimum side yard and back yard requirements and

buffering requirements for a nonresidential or multi-family use abutting a residential use shall be observed.

C. Commercial Zone :

1. Knox County Regional Airport: Map 3 Lot 5-1 on the Northerly side of the Dublin Road, and Map 5 Lot 1,
2. Owls Head Transportation Museum: Map 8 Lot 40, and Map 5 Lot 8-40
3. Portion of Map 4 Lot 56
4. A portion of Map 4 Lot 69 (a parcel as defined by Metes and Bounds within said tax lot being 135,000. Sq ft.)
5. Map 4 Lot 95
6. Map 5 Lot 2
7. Map 5 Lot 3
8. Map 5 Lot 3-1
9. Map 6 Lot 1
10. Map 6 Lot 3
11. Map 7 Lot 141 and Lot 141-1
12. Map 7 Lot 6
13. Map 8 Lot 34
14. Portion of Map 9 Lot 18 (one acre on which boat sales is located abutting Woods Road)
15. Map 9 Lot 19 (The Grange Hall)
16. Portion of Map 11 Lot 1 (one acre fronting South Shore Drive as defined by Metes and Bounds)
17. Map 11 Lot 7 (Old School House)
18. Map 11 Lot 12
19. Map 11 Lot 13
20. Map 11 Lots 21, 22, 23 and Lot 33
21. Map 11 Lot 43 and 1 00' X 300' portion of Lot 42-2 adjacent to the lobster pound
22. Portion of Map 12 Lot 54 (one acre on which shop is located)
23. Map 12 Lot 62
24. Map 13 Lot 20
25. Map 13 Lot 93
26. Map 16 Lot 25
27. Map 16 Lot 73

28. Town Landing at east end of Ash Point Drive

Note: A property owner can remove a parcel from a Commercial Zone if he/she or they decide to upon notification to the Owls Head Tax Assessor and Code Enforcement Officer and place it in the appropriate Rural Residential I or II Zone which abuts the property. This will be reported at next Town Meeting on warrant and any change in tax assessment would go into effect the next fiscal year.

D. Resource Protection Zone

1. Where Broad Brook enters Broad Cove to a distance of 75' upstream from high water mark. The width to be determined by its embankments.
2. Deep Cove, commencing at the Bancroft School line, in an easterly direction to the outcropping of ledges, with a distance of 75' from high water mark.
3. All properties contained within the boundaries of Map 1 1 Lots 56 and 57 (Lighthouse Park).
4. Monroe Island, east side from light south only 1/4 mile, approximately 100' from high water mark.
5. All lands 250' from high water mark on Ash and Spaulding Islands. All the lands 100' in from high-water mark on Sheep Island.
6. All lands on Little and Emery Islands.
7. All lands in Birch point State Park, Map 1, Lots 39, 40, and 41.
8. All lands in the State Wildlife and Game Preserve (Waldo Tyler Preserve). Map 15, Lots 2 and 3.

Notwithstanding any wording to the contrary within this ordinance, the designation *Resource Protection Zone* is removed from all of Owls Head with the exception of:

All areas referred to in this section Article II Section 2.2, D (1-8)

All areas within the *Shoreland Zone* that are designated Resource Protection Zone on “Map 7 Shoreland Zoning” or in the text of the Shoreland Zoning Ordinance.

All areas within the Knox County Regional Airport and the Owls Head Transportation Museum that are designated *Resource Protection Zone* on “Map 7 Shoreland Zoning” or in the text of the Shoreland Zoning Ordinance.

All areas identified as Resource Protection due to significant wildlife habitat as defined in Shoreland Zoning.

E. Recreational Zone

1. Lighthouse Park
2. Birch Point State Park
3. Recreational facilities at the Owls Head Community Center.

F. Rural Residential I

All lands in the Town of Owls Head not designated as being within a Commercial Zone, a Resource Protection Zone, a Recreational Zone, or a Rural Residential II Zone.

G. Rural Residential II Zone

That area consisting of the properties that are bounded by **Ash Point Drive** to the West, , **South Shore Drive** to the South and East, and **North Shore Drive** to the North and East . More specifically, that portion of Section 4 on the “Map of Owls Head Properties, Knox County” referred to above which lies North of South Shore Drive; That portion of Section 6 which lies North of South Shore Drive; that portion of Section 7 which lies North of South Shore Drive; all of Sections 9 and 10 on said Map, and that portion of Section 11 which lies West of North Shore Drive, all of which is shown on the Zoning Map attached hereto.

An area framed by **Ash Point Drive**, **Dublin Road** , parts of the **Ballyhac Road** and the **Shoreland Zone**. More specifically described as follows: All of Section 1 with the exception of Spauldings Island; That portion of Section 2 which lies West of Ash Point Drive and North of Lucia Beach Road; That portion of Section 3 which lies in the area South of Dublin Road and East of Ballyhac Road; all of which is shown on the Zoning Map attached hereto.

NOTE: Detailed maps for use in determining boundaries are on file at the office of the Owls Head Code Enforcement Officer.

ARTICLE III. LAND USES

3.1 General

Land uses and activities not involving construction, structural improvements or alteration of the land are allowed in all zones and shall not, unless specifically indicated in this Ordinance, require permits from the Code Enforcement Officer. These activities include, but are not limited to: hiking, hunting, snowmobiling, harvesting of wild crops, wildlife observation and wildlife management, fire prevention activities, surveying, noncommercial mineral exploration, trail construction and maintenance, and emergency operations. Such activities shall conform to applicable State and Federal laws and regulations. All other

land uses and activities shall conform to applicable General Performance Standards of this Ordinance and Site Plan Review Ordinance is applicable.

3.2 Purpose

A. Rural Residential I Zone

To maintain the rural and marine-related character of Owls Head, while at the same time protecting this natural and rural quality from developmental sprawl.

B. Rural Residential II Zone

To better preserve the water quality, water retention, and recharge areas in Owls Head while protecting and maintain the rural quality of this more sensitive natural and ecological section of the Town.

C Rural Residential Overlay Zone

The overlay is to allow certain carefully structured events that are closely associated and appropriate with agricultural uses in the Rural Residential I and Rural Residential II Zones but not Shoreland Zoning Districts as defined on the definitions page.

D. Commercial Zone

To provide within the Town of Owls Head the location of business and service uses consistent with the residential and rural character of the Town.

E. Recreational Zone

To provide areas for suitable recreational activities, such as swimming, tennis, sightseeing, hiking, walking etc. as allowed and or as posted by owner.

F. Resource Protection Zone

To preserve and protect areas in which development would adversely affect water quality, protective habitat, biotic systems, or scenic and natural values.

3.3 Land Uses

Land Uses	Rural *** Residential I & II	Rural Residential I & II Overlay	Resource Protection	Commercial
Adult Entertainment	No	No	No	No
Agricultural and horticultural uses and sale, processing, and storage of products grown on the premises. (1)	Yes	Yes	PB	Yes
Agricultural Events	No	PB/CEO (5)	No	Yes
Animal Kennels	No	No	No	PB (7)
Bait Houses Used For Commercial Purposes	No	No	PB (6)	PB
Bakery	No (2)	PB	No	PB
Bed and Breakfast, Tourist Home	PB	PB	No	PB
Boat Building	No (2)	No (2)	No	PB
Business and Professional Offices	No (2)	No (2)	No	PB
Campgrounds	No	No	No (5)	PB
Cemeteries	PB	PB	No	PB
Church, Quasi-Public Facility	PB	PB	No (12)	PB
Commercial Buildings	No	No	No	PB
Commercial Outdoor Recreational Uses	No	No	PB (4)	PB
Commercial Storage of Motor Vehicles Aircraft, Boats	No	No	No	PB
Conversion of Existing Structures to Not More Than Two Dwelling Units	CEO	CEO	No	CEO
Day Care Center	PB	PB	No	PB
Earth Moving Contractors	No	No	No	PB
Filling Station	No	No	No	PB
Gravel, Loam, Sand, or Stone Removal	PB	PB	No	PB
Home Occupations as Defined in Article VII. (Antique/Gift/Specialty Shops)	CEO	CEO	No	CEO
Junkyard	No	No	No	PB
Light Manufacturing, Processing, Warehousing Distribution, Storage of Materials (other than those used in home occupation)	No (2)	No (2)	No	PB
Lumber Yard for Storage and/or Sale of Finished Lumber	No	No	No	PB
Medical Dispensaries/Clinics	No	No	No	PB (7)
Mineral Extraction, Processing & Storage	No	No	No	PB

Land Uses	Rural *** Residential I & II	Rural Residential I & II Overlay	Resource Protection	Commercial
Mobile Home Parks	PB (3)	PB (3)	No	PB
Motels/Hotels	No	No	No	PB
Multi-Family Dwellings/Apartment Houses (More than two families)	No	No	No	No
Municipal Uses	PB	PB	No	PB
Neighborhood Store, including Sale of Motor Vehicles, Aircraft, Boats	No	No	No	PB
Nursing, Convalescent Home	PB	PB	No	PB
Personal Services	No (2)	No (2)	No	CEO
Public Utility Installations, Including Power Substations and Pumping Stations	PB	PB	No	PB
Repair of Vehicles (including Body Shop), Engines, Boats, or Aircraft for Commercial Purposes	No	No	No	PB
Restaurants	No	No	No	PB
School, Commercial	No	No	No	PB
School, Public or Private	PB	PB	No	PB
Septage Waste Disposal	No	No	No	PB (8), (9), (10)
Single or Two Family Dwelling	CEO	CEO	No	CEO
Small Wind Energy Systems	CEO	CEO	PB	CEO
Special Provisions for Certain Home Occupations (Refer to 3.5 E 10)	Yes	Yes	No	Yes
Storage of Petroleum Products for Wholesale or Retail Purposes	No	No	No	PB
Storage of Three or More Unregistered Motor Vehicles	No	No	No	PB
Timber Harvesting, Forest Management Activities (1)	Yes	Yes	Yes	Yes
Tradesman's Shops	No (2)	No(2)	No	CEO

Key: Yes – Allowed No permits required.

PB – Planning Board Approval Required.

No – Not Allowed.

CEO – Building Permit Required

From the Code Enforcement Officer

Notes to the above schedule

The above list of land uses is not meant to be all-inclusive. Where it is indicated in the above table that Planning Board approval is required, and for any other uses that may be proposed, the Board shall use the following general criteria as a guideline in making a decision:

- 1) Building permits are required for all buildings and for all structures other than fences, stone walls, and fireplaces 4 ft. or under in height.
- (2) Unless operated as Home Occupations as defined in Article VII.
- (3) Must comply with 30 M.R.S.A., paragraph 4965, Sub. 3-A.
- (4) PB will review under Site Plan Review for first event – CEO will review all following events if no substantial change or complaints are received.
- (5) The proposed location is not undesirable for the proposed use.
- (6) The proposed use will not unduly depreciate the value of adjacent real estate.
- (7) The proposed use will not create unreasonable demands for municipal services.
- (8) The proposed use will not result in an inordinate amount of pedestrian and/or vehicular traffic.
- (9) When put to any other use, a structure originally designated as a dwelling shall not be put to a use that would cause rapid deterioration of said dwelling.
- (10) The proposed use will not have an unreasonably deleterious effect on adjacent property in considering the overall design of the building and occupancy elements.
- (11) The proposed use will not have an unreasonable deleterious effect on the peace and comfort of surrounding property owners.
- (12) Copies of all required, valid Maine State and federal license(s) must be presented to the Planning Board with the application.
- (13) Copies of all records and reports required by the State relative to the commercial storage and/or processing of septic waste must be sent to the Code Enforcement Officer in compliance with the State filing deadline. All required daily records must be made available to the Code Enforcement Officer at this request. An annual review of the facilities, and the operation thereof, is necessary as part of the Annual Review process.
- (14) There shall be a permit fee in such amount as the Board of Selectmen may from time to time establish by order.
- (15) Require Site Plan Review in addition to requirements of this Ordinance.
- (16) With exception allowed as defined under the definition of Quasi-Public Facility. In cases where there is any question regarding the acceptability of a proposed land use, the Planning Board or Code Enforcement Officer as applicable shall refer to the Land Use Guidelines in the Site Plan Review Ordinance. The Guidelines are more specific with regard to requirements to be met.

3.4 Dimensional Requirements

ZONES

Minimum Dimensions Per Lot	Rural Residential I	Rural Residential II	Rural Residential I & II Overlay	Commercial
Lot Area Residential for ^ one Dwelling (8)	40,000 sq. ft.	60,000 sq. ft.	15 acres (7)	40,000 sq. ft.
Non-residential	N/A	N/A	N/A	40,000 sq. ft.
Road Frontage (1)	100 ft.	100 ft.	100 ft.	100 ft.
Rear Yard Width	100 ft.	100 ft.	100 ft.	100 ft.
Lot Depth	100 ft.	100 ft.	100 ft.	100 ft.
Front Yard Setback	25 ft.	25 ft.	25 ft.	25 ft.
Side yard Setback (2), (6)	25 ft.	25 ft.	100 ft. for events	25 ft.
Rear Yard Setback (2), (6)	25 ft.	25 ft.	100 ft. for events	25 ft.
Shoreline Setback (3)	75 ft.	75 ft.	N/A	75 ft.
Fence Setback	On owner's side of the property line	On owner's side of the property line	On owner's side of the property line	On owner's side of the property line
Driveway or Road Setback from Sideline or Rear Setback of the property line	10 ft.	10 ft.	10 ft.	10 ft.
Maximum Dimensions Building Height (ft.) (4)	35 ft.	35 ft.	35 ft (all structures including tents)	35 ft.
Municipal Town Owned Sand & Salt Building Height (ft.) (4)	42 ft.	42 ft.	N/A	42 ft.
Lot Coverage by Structures (5)	20%	20%	20% total including event structures permanent or temporary	50%

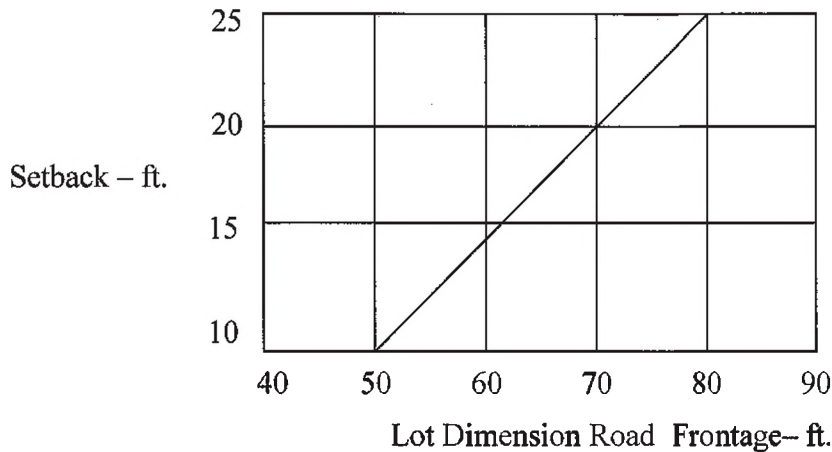
Notes to the above schedule

(1) Road frontage may be reduced to 35 ft., measured along the chord of a cul-de-sac. A cul-de-sac shall have a minimum right of way outside radius of 60 feet, with a traveled way minimum outside radius of 40 feet and a maximum inside radius of 19 feet.

Where a lot is land-locked, and meets all other requirements of this Ordinance, the road frontage requirement is waived, but there must be a Private Right of Way plan prepared and signed by a licensed surveyor, submitted to the Code Enforcement Officer for approval in accordance with the provisions of this code. When approved, the plan must be legally

recorded to become a legal Private Right of Way. All Private Right of Ways must possess a minimum width of 50 feet to provide access to a landlocked parcel.

- (2) For any grandfathered nonconforming lot with a width or length dimension of 80 feet or less, but measuring 40 feet or more, the side and rear setback for primary building and garage shall be taken from the chart below: (80 feet and above the setback shall be 25 feet. For lots 50 feet or less in width, the setback shall be 10 feet minimum)



- (3) Not applicable to piers, docks, and retaining walls.
- (4) Height of building shall be calculated by averaging the measurements from the highest point of the building to the highest and lowest finished grade levels next to the building, excluding incidental protrusions such as chimneys, ventilators, and non-inhabited towers and spires. Free-standing structures such as satellite dishes and radio towers are permitted but they must be set back from the nearest lot line one foot for every foot of height.
- (5) Any lot in a Rural Residential Zone which was on 1 July 1995 an active house of worship, comprising at least twenty five members all of whom reside in the State of Maine, may cover a maximum of 36% of that lot with structures.
- (6) In all districts, stand-alone accessory buildings, including but not limited to sheds and tool houses but excluding garages and living quarters, may be placed within the side and rear setbacks under the following conditions:
- Total ground coverage shall not exceed 150 square feet.
 - Building height shall not exceed 10 feet.
 - The building shall not be used for storage of flammable liquids or gases of more than 5 gallons.
 - No portion of the building shall be placed closer than 10 feet from the property line.
- Only one accessory structure is allowed per lot under these criteria, without exception.
- (7) The 15 acres shall be contiguous and a minimum of 5 acres must be in production.
- (8) If more than one residential dwelling is to be constructed or established on a single parcel, all existing dimensional and other requirements for the zone in which this parcel is located shall be met for each additional dwelling unit, principal structure, or use.

3.5 General Performance Standards

- A. Purpose: The standards contained in this section are intended to allow various uses to be accommodated without detriment to neighboring uses and properties.

B. Air Pollution

1. All air pollution control shall comply with minimum Federal, State and local requirements.
2. Any activity emitting toxic or odoriferous substances shall submit detailed plans to minimize such emissions to the Code Enforcement Officer and the Department of Environmental Protection before a permit for construction is granted.
3. An environmental impact study may be required at the applicant's expense.

C. Corner Clearances

For purposes of traffic safety, no building or structure may be erected and no vegetation other than shade trees may be maintained more than three feet above street level within forty feet of the intersection of the center line of intersecting streets or driveways serving nonresidential uses.

D. Dwelling Conversions

A single-family dwelling may be converted to no more than two dwelling units provided:

1. All dimensional requirements for a single-family dwelling shall be met for properties located in Rural Residential Zone I (40,000 sq. ft. total), and in Rural Residential Zone II (60,000 sq. ft. total).
2. The lot shall have suitable soil conditions for on-site disposal in accordance with the Maine State Plumbing Code.
3. Off-street parking shall be provided in accordance with this Ordinance.

E. Home Occupations and Tradesman's Shops

1. Shall be secondary and subordinate to the primary use of the lot which is residential.
2. Shall be carried on within the principal and/or secondary building, and utilize no more than 1000 sq. ft., excluding interior storage space of not more than 500 sq. ft. A secondary building shall be on the same lot as the primary building.
3. Shall be carried on by the family residing in the dwelling unit with a total of not more than 6 participants. This total shall be made up of resident family members and up to 3 non-resident family or non-family members.
4. There shall be no structural variations made in the primary or secondary building detracting from the residential character of the neighborhood.
5. Objectionable conditions such as offensive noise, vibration, smoke, dust, odors, heat, traffic, or parking problems, and soil or water contamination shall not be generated by the home occupation. Noise, smoke and odors shall not be detectable beyond the property line by normally sensitive human beings.

6. The exterior storage and display of materials and finished products for the home occupation is not allowed unless screened from view from adjacent lots and from public view, maintaining as much as possible the residential character of the neighborhood. Because of the key part that the lobster industry has played and still plays in Owls Head, storage of lobster traps is exempt from this screening requirement as being impractical.
7. Yard (or garage) sales of household goods, curios, and the like are permitted, but shall not be conducted more often than four (4) days in any six (6) month period. Sales conducted more frequently will fall into the category of a home occupation, and must meet all the requirements of a home occupation.
8. There shall be sufficient off-street parking space for employees and customers of the home occupation.
9. A home occupation selling products and/or services on-site to the public may not commence until a nontransferable use permit has been obtained from the CEO. Home occupations already in existence must obtain a permit within one year after the date this ordinance is adopted or cease operation.
10. Special Provisions

No Home Occupation Permit is Required if All of the Following are Met:

- a. All work performed relative to the home occupation, which is performed on the premises, is to be done exclusively by residents of the premises.
- b. The pursuit of the home occupation is to cause no noise, nor create any odor, dust, or vibration detectable, without instruments, at any point on the boundary of the property upon which the home occupation is being conducted.
- c. The nature of the home occupation is such that there will never be more than 10 customers/client visits per month to the premises.
- d. The nature of the home occupation is such that the sum of all vendor, supplier, and delivery service visits will not exceed 10 per month to the premises.
- e. There will be no signs relative to the home occupation on the premises, although a single notice, no larger than 8.5" X 11", bearing characters no greater than 1" high may be posted on or near one of the building's doors.
- f. No material, nor equipment relative to the home occupation may be stored or displayed out of doors.

F. Agricultural\

Agriculture (or farming) is defined in Article VII section 7.2 herein. However, for the purposes of this section only, it shall include forestry management/conservation, and timber harvesting. On parcels of fifteen (15) acres or more in size in the Rural Residential Overlay Zone in which at least 5 acres are in active agriculture (or farming) production,

forestry management/conservation and timber harvesting, the following shall be considered permitted agricultural and horticultural uses in (1) & (2) below and agricultural events in (3) through (6) below:

1. A horse farm, including boarding stables, riding area, indoor riding facility and equestrian instruction.
2. The sale, on-site or by shipping or delivery off-site, of agricultural products grown or produced on premise at vineyards/wineries and farms or closely related items with a minimum of \$2000 or more gross annual sales. Sale of any unrelated items not to exceed 10% of gross annual sales.
3. Farm to table dinners, serving products primarily raised or created on premise. Not more than 100 attendees per event, no more than one event per month between June through November. Events shall fall between the hours of 10:00 am. to 8:00 pm. This time window includes all set up and clean up. Events are required to:
 - a. adhere to noise levels stated in this Ordinance Appendix A in Land Use Guidelines for activities outside the Commercial Zone & guidelines in the Site Plan Review.
 - b. obtain approved licensed permit by the Selectmen prior to the events serving alcohol.

Note: The Planning Board may require a new Site Plan Review, at the owner's expense, for any change in scope of business or complaints, if filed with the Code Enforcement Officer.

4. Educational classes for the promotion of agricultural methods & products. Not more than 20 attendees per class. Classes shall fall between the hours of 8:00 am. to 6:00 pm.
 5. Events promoting agricultural methods & products which are directly related to products grown on the farm. No more than one event per month and events shall fall between the hours of 10:00 am. to 8:00 pm. This time window includes all set up and clean up. Events are required to comply to the following with exclusion of State wide events which are free to the public:
 - a. adhere to noise levels stated in this Ordinance Appendix A in Land Use Guidelines for activities outside the Commercial Zone & guidelines in the Site Plan Review.
 - b. obtain approved licensed permit by the Selectmen prior to the events serving alcohol.
 6. Excluded events are: rodeos and rodeo related activities, tractor pulls, horse pulls, any other steam, gas or diesel engine competition or demonstration, farm equipment sales, swap meets or flea markets. This also includes any event not pertaining to farming or events deemed not appropriate by the Planning Board.
- G. Manufacturing, Processing, Warehousing, Distribution and Storage in a Commercial Zone
1. These uses shall conform to dimensional requirements for nonresidential

uses.

2. No parking or outdoor storage shall be located within the yard setbacks.
3. Off-street parking and loading shall conform to the off-street parking and loading requirements of this Ordinance.
4. All outdoor storage of materials, goods or vehicles shall be screened from view from adjacent residential lots and from public view, as required for off-street parking and loading spaces.

H. Mineral Extraction. Processing and Storage

Topsoil, rock, minerals, sand, gravel, and similar earth materials may be removed for commercial purposes from locations where permitted under the terms of this Ordinance only after such operations have been approved by the Planning Board and a permit has been issued by the Code Enforcement Officer provided that:

1. Specific plans are established to avoid hazards from excessive slopes or standing water. Where an embankment must be left upon completion of operations, it shall be at a slope not steeper than two feet horizontal to one foot vertical (2:1), and shall be loamed with not less than four inches of topsoil and seeded and mulched to prevent erosion.
2. No excavation shall be extended below the grade of adjacent streets unless 100 feet from the street line or unless provision has been made for reconstruction of the street at a different level.
3. No below grade excavation except for drainage ways shall occur within 50 feet of any lot line, except as allowed in No. 2 above. Natural vegetation shall not be removed or disturbed within the 50-foot setback from all lot lines.
4. The operation shall be shielded from view from adjacent residential lots and from public view.
5. Removal of sod, loam, or topsoil shall leave not less than four inches of topsoil. Where sand, gravel, or other minerals are to be removed, sufficient topsoil shall be stockpiled to permit covering all areas with not less than four inches of topsoil. Upon completion of each section, in accordance with the approved plans, all disturbed areas shall be loamed, with not less than four inches of topsoil, seeded, and mulched to prevent erosion.
6. No excavation, filling or storage of materials shall occur within 50 feet of the bank of any permanently flowing watercourse or within 100 feet of any pond. No excavation shall result in standing water unless in conformance with a final grading plan approved by the Planning Board.
7. A bond or other surety payable to the Town of Owls Head in an amount recommended by the Planning Board and approved by the Board of Selectmen, shall be filed with the Town of Owls Head. The amount shall be sufficient to guarantee conformity with Planning Board approval.

8. No activity permitted under this section shall result in erosion and/or transport of sediment beyond the property lines of the lot(s) for which the permit is issued.

I. Motels

Motels shall conform to the following:

1. Lots shall meet all requirements for nonresidential uses and shall have a lot area of not less than 5,000 square feet per sleeping room.
2. New buildings shall be no more than 25 feet in height.
3. No parking shall be located within 10 feet of any lot line.
4. Off-street parking shall be provided in accordance with this Ordinance.

J. Off-Street Parking and Loading Standards

1. **Applicability:** In all new construction, alterations, and changes of use there shall be provided off-street parking and loading space adequate for their use.
2. **Off-Street Parking Standards:** Off-street parking shall be considered as an accessory use when required or provided to serve conforming uses located in any zone. An area of 200 sq. ft. appropriate for the parking of an automobile, exclusive of maneuvering space shall be considered as one off-street parking space. No off-street parking facility shall have more than two (2) entrances/exits on the same street. Parking areas with more than four parking spaces shall be so arranged that vehicles can be turned around within such areas and can conveniently avoid the need to back into the street.

The intent of this section is to assure that there are sufficient parking spaces provided so that no vehicles will have to park on a public or private way. If the required number of parking spaces required in the table below prove to be insufficient to prevent the need for on-street parking, the owner will be required to provide sufficient on-site parking.

The following minimum number of spaces shall be provided and maintained:

Single Family Dwellings	2 parking spaces per dwelling unit
Multifamily Dwellings	2 parking spaces per dwelling unit
Motels, Hotels and Inns	2 parking spaces plus 1 parking space for each sleeping room
Bed & Breakfasts, Tourist Homes, Rooming Houses	2 parking spaces for each dwelling unit plus 1 space for each room offered for rent
Campgrounds	4 spaces plus 1 space for each site available for occupancy
Nursery Schools and Day Care Centers	1 parking space for each 4 children

Schools, commercial	1 space for each 3 students based on the maximum number of students attending the school at any 1 period in the day
Schools, public & private	As specified by the Maine State Dept. of Education, or where not specified by the State, 1 parking space per adult employee plus 1 parking space per 5 students at the time of peak enrollment
Hospitals & Nursing Homes	1 parking space for each 3 beds plus 1 space per employee based on the shift with the largest number of employees
Offices, Professional and Public Buildings	1 parking space for each 200 square feet of gross floor space
Theaters, Auditoria, Churches, Arenas	1 parking space for each 4 seats or for every 500 square feet of assembly area of no fixed seats
Marinas	1 space for every 3 slips
Boat Building/Repair	1 space for every employee
Retail Uses and Personal Services	1 parking space per 200 square feet of gross floor area
Bowling Alleys	4 parking spaces for each bowling lane
Restaurants & Night Clubs	1 space for each 3 seats
Drive-in Restaurants, Snack Bars, Take-out Restaurants	25 parking spaces plus 1 space for each 50 square feet of floor space in excess of 2,500 square feet
Industrial Uses	1 parking space for each 500 square feet of gross floor area and in no case less than 1 space for each 1.2 employees at peak shift
Events	1 parking space for each three people attending (if on premise parking is provided)

<p>All uses not specifically listed or able to be placed into one of the above categories</p> <p>Planning Board Discretion</p>	<p>Sufficient number of parking spaces, as determined by the Planning Board during site plan review, or by the Code Enforcement Officer if there is no site plan review, to eliminate the necessity of on-street parking.</p> <p>The Planning Board may, increase or decrease the above parking requirements depending upon individual applicant circumstances. An applicant requesting a deviation from the above standards must demonstrate to the satisfaction of the Planning Board that the request is appropriate to the planned use through the submission of parking information for similar uses or other similar information.</p>
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3. Location of Off-Street Parking

Required off-street parking shall be located on the same lot as the principal building or use, except that where off-street parking cannot be provided on the same lot, the Planning Board may permit such off-street parking to be located a reasonable distance from the principal building or use. If serving a business or commercial use, such parking area shall be in a commercial zone. Such parking areas shall be held under the same ownership or lease. The Planning Board may approve the joint use of a parking facility by two or more principal buildings or uses where it is clearly demonstrated that the parking facility will substantially meet the intent of the requirements by reasons of variation in the time of use by patrons or employees among such establishments. No part of any parking area may be within ten feet of any property line.

4. Off-Street Loading Standards

Retail, wholesale and industrial operations with a gross floor area of more than 2,000 sq. ft. shall provide one loading bay, with minimum dimension of fourteen (14) feet by fifty (50) feet, for each 60,000 sq. ft. of floor area or fraction thereof. Off-street loading facilities shall be located entirely on the same lot as the building or use to be served so that trucks, trailers and containers shall not be located for loading or storage upon any public way.

Any required loading bay or bays shall be in addition to the required off-street parking.

5. Landscaping of Parking Areas

In addition to the off-street parking spaces and loading bays required by this Ordinance, the following minimum standards for landscaping of parking areas shall apply:

- a. Where a commercial parking area abuts a public right of way, a minimum of ten (10) feet in width along the public right of way

within the parking area shall be provided and properly maintained, provided, however, that the growth shall not interfere with sight distance and traffic safety.

- b. In addition to the area required for parking spaces and loading bays, a minimum of five (5) percent of the total area of any parking lot, including drives and entrances, accommodating ten (10) or more parking spaces, shall be landscaped and properly maintained. Parking areas shall be divided into small areas of no more than 50 parking spaces each, by landscaping such as shade trees, shrubs, and park benches.
- c. Required loading and parking spaces for nonresidential uses, where not enclosed within a building, shall be effectively screened from view by continuous landscaping or natural growth, not less than six (6) feet in width containing evergreen shrubs, trees, fences, walls, berms, or any combination thereof forming a visual barrier not less than six feet in height along exterior lot lines adjoining all residential properties, except that driveways shall be kept open to provide visibility for vehicles entering and leaving.

K. On-Site Sale of Products

Agricultural or horticultural products, the major portion of which are grown or produced on the premises, may be sold from a stand not exceeding 100 sq. ft. in area.

L. Polluting Factors

All new commercial and/or industrial enterprises or (an) expansion(s) of (an) existing enterprise(s) shall be permitted if and only if it/they conform(s) to the requirements of the LAND USE GUIDELINES in the Site Plan Review Ordinance.

M. Public Buildings

Public buildings shall conform to the applicable off-street parking and loading requirements and to the land use standards applicable to similar privately operated facilities.

N. Public Utility Buildings

Public utility buildings shall conform to the applicable off-street parking and loading requirements. Offices shall conform to the land use standards for retail and professional offices. Storage, manufacturing and research uses shall conform to the land use standards for manufacturing, processing, warehousing, distribution and storage.

O. Retail, Wholesale and Commercial Businesses, Personal Services, Business and Professional Offices, and Tradesman's Shops shall conform to the following:

- 1. Applicable off-street parking and loading requirements of this Ordinance shall be met.

2. No parking or outdoor storage shall be located within 10 feet of any lot line.
3. All outdoor storage of materials, goods or vehicles shall be screened from view from adjacent residential lots and from public view as required for off-street parking and loading areas

P. Restaurants shall conform to the following:

1. Lots shall meet all requirements for commercial uses.
2. Applicable off-street parking and loading requirements of this Ordinance shall be met.
3. No parking shall be located within 10 feet of any lot line.
4. Refuse containers not within a building shall be placed no less than 30 feet from any lot line and shall be screened from view and maintained so as to prevent access by flies and vermin.
5. Restaurants serving "take-out" food or providing outdoor dining on the premises shall provide suitable waste receptacles for use by customers.

Q. School, Commercial, Public and Private, Quasi-Public Facilities, Churches, Cemeteries

1. Lots shall meet all requirements for nonresidential uses.
2. No parking or outdoor storage shall be located within 10 feet of any lot line.
3. Applicable off-street parking and loading requirements of this Ordinance shall be met, except that no off-street parking shall be required for cemeteries.

R. Signs

1. Residential uses, including home occupation, may display no more than one sign attached to a building plus no more than one detached single or double-faced sign relating to uses or goods sold or services rendered on the premises, the total display area of any one sign shall not exceed eight (8) square feet. No part of the detached sign, or its supporting framework, shall exceed a height of 8 feet above the finished grade upon which it is erected. No part of any sign shall be located within or over a public right of way excepting a sign on a D.O.T. signpost.
2. Nonresidential (On Premises)
 - a. Nonresidential uses may display attached, detached, single-faced or double-faced signs, identifying uses or goods sold or services rendered on the premises. Signs that project over a public right of way are not permitted.
 - b. To the extent that they are within the jurisdiction of the laws of the State of Maine, on-premise signs shall comply with Title 23, Chapter 21, Maine Revised Statutes Annotated, as amended, and shall further comply with the standards of this Ordinance.

- c. The maximum total display area of all signs, including attached and detached, on each premise shall not exceed 100 sq. ft. In addition, one row of characters identifying the name or owner of the business is permitted on the building and does not count towards the total amount of signage, provided the characters do not exceed 18 inches in height.
- d. Detached signs shall not exceed 16 feet to the highest point above the finished grade upon which they are erected.
- e. No sign shall be located in a manner that will constitute a hazard to vehicular or pedestrian traffic.
- f. Signs with visible movement or any animated or moving parts or that have blinking, moving, or glaring illumination are strictly prohibited. There shall be no more than two illuminated signs allowed on a premise. If flood or spot lamps are used to illuminate a sign, the lamps shall be shielded from view from the public way and nearby residents
- g. At the entrance of an industrial park, commercial or business park, or shopping center, where three or more tenants are located off a public highway, the owner of the development may place a single or double-faced sign of not over 180 sq. ft. displaying the name of the development. Each tenant may display, if permitted by the developer, a single or double-faced sign of not over eight (8) sq. ft. attached to the bottom of the sign owned by the developer. All attached signs shall be of uniform size, shape, color and style of characters displayed. However, a product logo may be arrayed on an attached sign in its standard color(s) and style. A sign permit will be required from the Code Enforcement Officer for each sign displayed.

3. Nonresidential (Off-Premises)

- a. Only Official Business Directional signs, as defined by the State of Maine, shall be allowed to be located off-premises in the Town.
- b. Off-premises signs shall comply with Title 23, Chapter 21, Maine Revised Statutes Annotated, as amended, and shall further comply with the standards of this Ordinance.
- c. Each place of business, service, or point of interest, provided that such place of business, service, or point of interest is located within Owls Head, shall be eligible for a maximum number of four Official Business Directional signs, which shall be placed within a radius of no more than 5 miles from the business, service, or point of interest.
- d. Reflectorized or non-reflectorized Business Directional signs shall be 9 inches by 48 inches and shall have white lettering on a blue, green, brown, or red background.

4. Temporary Signs

No permit shall be required for temporary signs.

5. Administration and Enforcement

a. No sign, either on-premises or off-premises, shall be erected, attached to a building, physically altered or reconstructed until a permit has been issued by the Code Enforcement Officer to the owner or person in control of the sign. The application for a permit shall be accompanied by plans and specifications showing the location, dimensions, materials, and type of sign, and the manner in which it is to be secured to the premises. Official Business Directional signs erected and maintained in accordance with the Maine Traveler Information Services Act, Title 23, Section 1906 M.R.S.A. but shall also require a permit from the Town of Owls Head. All applications for signs requiring a permit shall be submitted with the accompanying fee.

b. Permits are not required for:

Street numbers and personal occupant signs not exceeding two square feet in total display area.

Signs, not exceeding four in number and eight square feet each in display area, which advertise the sale, rental or lease of the premises on which they are located. Each double faced sign counts as two.

Signs denoting the architect, engineer, contractor, or funding agency when placed upon work under construction, not exceeding eight square feet in total display area, and removed upon completion of construction.

Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.

Traffic or other municipal signs, legal notices, danger and such temporary emergency or non-advertising signs.

Signs indicating only business hours.

Signs indicating "No Trespassing" or "No Hunting" posted in accordance with State laws and regulations.

c. In considering whether to grant a variance under this subsection, the Zoning Board of Appeals shall consider the criteria listed in 1.6 F, and in the Planning Board Land Use Guidelines.

d. Any sign in existence prior to the date of adoption or amendment of this Ordinance shall not be governed by the terms of this Ordinance. However, any alteration of a nonconforming sign,

unless the sign is specifically designed for a periodic change of message, or of total sign display area, shall constitute a new sign and such changes shall be governed by the terms of this Ordinance. Replacements of signs that have deteriorated to the point that they are no longer useful, shall meet the requirements of this Ordinance.

- e. The owner of any premises where business goods are no longer sold or produced or where services are no longer provided shall have 60 days to remove any remaining or derelict on-premise or off-premise signs following notification by the Code Enforcement Officer. Where due written notice has been given and compliance has not been made within 60 days, the Town may seek removal by means of a court order.
- f. All signs, including their supporting structures and other components, shall be kept in good repair and shall be maintained to prevent rust, peeling, or similar deterioration. Vegetation and landscaping adjacent to any sign shall be maintained in a neat and slightly condition, and shall not interfere with the legibility of the sign. Damaged signs shall be repaired or removed within 30 days. Any sign determined by the Code Enforcement Officer to be an immediate public safety hazard shall be removed or repaired within 24 hours. The Code Enforcement Officer may take measures to have it made safe at the cost of the owner of the property on which the sign is located.
- g. Applicability. The performance standards contained in this Article shall apply to all signs in the Town, unless specified, whether or not a permit is required.

S. Water Quality

- 1. No building, structure, activity, or use shall discharge untreated waste water directly to a water body.
- 2. There shall be no storage of materials which by their volume, toxicity, temperature or obnoxiousness or by their location, will run off from or percolate into the soils and pollute surface or ground waters.

T. Prevention of Erosion and Flooding

- 1. No person shall perform any act or use of the land in a manner that would cause erosion and/or flooding to neighboring properties. If this should occur, the person responsible must take appropriate corrective action.

U. Septic Waste Disposal

- 1. All subsurface waste disposal systems shall be installed and maintained in conformance with the current State of Maine Subsurface Wastewater Disposal Rules.

V. Small Wind Energy Systems

- 1. Purpose

The intent of the Section is to regulate the placement, construction, and modification of small wind energy systems while allowing the safe, effective, and efficient use of this technology.

2. Siting Requirements for Small Wind Energy Systems

- a. Small wind energy systems shall be a permitted use in all Districts and must meet the Shoreland Zoning set-back of seventy five (75) feet.
- b. Each parcel shall be limited to one small wind energy system.
- c. Small wind energy system towers and all attachments shall not exceed a maximum height of sixty (60) feet above existing grade, except school parcels which shall not exceed a maximum height of 140 ft above existing grade.
- d. Small wind energy system towers shall not be lighted unless required by the Federal Aviation Administration (FAA).

3. Setback Requirements

- a. Small wind energy systems shall be set back a distance equal to one hundred (100) percent of the height of the tower and blade length from adjoining property lines.
- b. Small wind energy systems shall be set back a distance equal to one hundred (100) percent of the tower and all attachments plus an additional seventy five (75) feet within the Shoreland Zone.

4. Sound Requirements

- a. An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.
- b. Prior to approval, the applicant shall provide documentation from the manufacturer that the wind energy system will not produce noise levels in excess of the following standards, as measured at the closest property line.

<u>Ambient Reading Without Wind Tower</u>	<u>Maximum Permitted Reading With Wind Tower</u>
45	55
50	56
55	61
60	63
65	68

- c. Upon complaint of an abutter, ambient and maximum permitted decibel measurements shall be performed by an agent designated by the Planning Office. The report shall be submitted to the Planning Office for review. The fee for this service shall be paid by the complainant unless the maximum permitted decibel level has been exceeded in which case the owner of the system shall pay the fee.
- d. If the maximum decibel readings are exceeded, the installation shall be considered a nuisance under the provisions of this Ordinance.

- e. The nuisance violation must be corrected within 90 days from notification of the violation and if the violation cannot be corrected, the wind energy system shall be removed or relocated.

5. Permitting Requirements

- a. In addition to the application and supporting documentation required by Article IV., the applicant for a small wind energy system shall provide the following information to the Code Officer;
- b. A site plan of the property showing the location of the proposed system, existing and proposed structures, and any other significant features on the property,
- c. Structural drawings of the wind tower, base pad, footings, and guy wire prepared by the manufacturer or a professional engineer,
- d. Drawings and specifications of the generator, hub, and blade, prepared by the manufacturer or a professional engineer,
- e. Photographs of the proposed site and the specific small wind energy system to be installed.

ARTICLE IV. ADMINISTRATION

4.1 Permits Required

None of the following actions shall be taken until the Code Enforcement Officer has issued a Building, Use, and/or Demolition Permit certifying that the plans of an intended use of the land or building are in conformity with this Ordinance. In addition to the actions identified below, this Ordinance applies to any other actions which do not require a building or use permit. Copies of building permits, applications and their accompanying plans shall be maintained as a permanent record by the Code Enforcement Officer.

- A. Building or emplacing a new residence (including mobile home) or commercial structure.
- B. Building or emplacing a new garage or workshop.
- C. Building or emplacing a shed.
- D. Renovation, external structural alteration, including deck.
- E. Moving any building (including mobile home) or other structure.
- F. Sign erection.
- G. Change of use.
- H. Demolition.
- I. Excavation or filling of land causing the removal or addition of earth, gravel, or stone exceeding 100 cubic yards, except commercially operated pits and aggregate storage areas.

- J. Placement of riprap along shoreline.
- K. Construction or emplacing of a wharf or pier, permanent or temporary.
- L. Placement of fence over 4 ft. in height.
- M. Home occupation
- O. Small Wind Energy Systems

4.2 Demolition Permit

Before a demolition permit is issued, a plan must be submitted showing the following:

- A. Date the work will start.
- B. Date the work will be completed. On completion of work, the site shall include finish grading, landscaping, and proper drainage to make the area look presentable.
- C. Disposal site(s) for demolition debris at a site authorized by the Town or State.

4.3 Temporary Structures

No building permit is required for structures built or placed on a lot in accordance with the requirements stated in A. and B. below. However, temporary structures must meet all of the set-back requirements of this ordinance.

- A. Contractor's or engineer's offices and supply/tool storage facilities used in connection with construction projects. Portable toilets. These temporary structures must be removed within one year or shall be considered a permanent structure requiring a building permit.
- B. Structures to cover boats, wood or other items may be erected as long they are seasonal in nature and do not remain in place longer than six months.

4.4 Permit Application

Applications shall be in writing on forms provided by the Code Enforcement Officer. The Code Enforcement Officer may require the submission of whatever additional information may be necessary to determine conformance with the provisions of this Ordinance.

4.5 Soil Analysis and Permit

A building permit shall not be issued for any building or structure, including manufactured homes, which requires any form of plumbing until such time as the applicant has secured a satisfactory soil analysis test and a subsurface wastewater disposal system permit.

4.6 Approval of Permits

A permit shall not be denied by the Planning Board or Code Enforcement Officer if the proposed use and structure are in conformance with this Ordinance. All permits shall be approved or denied within 30 days of receipt of completed applications or such additional

information as may be required. Permits shall be valid for a period not to exceed one year from the date of issuance and shall expire if the proposed activity is not substantially begun during that one year period. An extension of time to commence shall be granted upon application to and approval by the Code Enforcement Officer if reasonable need can be shown.

4.7 Construction Without Required Building Permit

Any on-site construction activity prior to issuance of a valid building permit by the Code Enforcement Officer shall be a violation of this Ordinance.

4.8 Appeals

In the event of an adverse decision by the Planning Board or Code Enforcement Officer, an aggrieved party may appeal to the Board of Appeals in accordance with Section 1.6 of this Ordinance.

4.9 Permit Fees

All building/use permit applications shall be accompanied by a fee. The fees shall be established by the Selectmen and may be revised as required from time to time in order to cover the costs of administrating and enforcing this and other land use ordinances. The fee schedule shall be on record at the Town Office.

ARTICLE V. ENFORCEMENT

5.1 Enforcement Agencies

The selectmen shall appoint a Code Enforcement Officer to administer these duties. The Selectmen may also appoint a Deputy Code Enforcement Officer to assume any and all duties of the Code Enforcement Officer.

5.2 Enforcement Procedures

If the Code Enforcement Officer shall find that provisions of this Ordinance are being violated, he shall notify in writing the party responsible for such violation, indicating the nature of the violations and specifying the action necessary to correct them. He shall order discontinuance of illegal use of land, buildings, structures, additions, or work being done, or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions. Failure by the party so notified to take the corrective action indicated shall make that party subject to the penalties provided in this Ordinance.

Any violation of this Ordinance shall be a nuisance. In addition to such penalties, the Town may bring action in court to enjoin violations of this Ordinance and impose such other penalties as by law may be provided. The Code Enforcement Officer shall keep records of his proceedings and such records shall be made public on request.

5.3 Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Selectmen, upon notice from the Code Enforcement Officer, are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and impositions of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance.

ARTICLE VI. PENALTIES

6.1 Penalties for violations of this Ordinance shall be as follows:

- A. The minimum penalty for starting construction or undertaking a land use activity without the required permit shall have a penalty of a double permit fee or;
- B. Assessment of penalties under this Ordinance shall be in accordance with Title 38 M.R.S.A, Section 429, and Title 30-A., Section 4452. Each day a violation continues may be counted as a separate offense. Assessment of penalties shall commence on the date of issuance of a Notice of Violation signed by the Code Enforcement Officer to the person or party in violation of this Ordinance. Return of the receipt indicating that the notice was undeliverable as addressed or otherwise not delivered to the person or party shall not in any respect invalidate enforcement of this Ordinance or any penalties for violation thereof. In addition to the penalties provided herein, the Town may bring action in court to enjoin violation of the Ordinance and for such other relief as the law may provide.

ARTICLE VII. DEFINITIONS

7.1 Meaning of Words

All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural and vice versa. The word "lot" shall include "parcel" and "plot." The word "shall" is used to indicate the mandatory, and the word "may" is used to indicate the permissive. The words "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied." Any item not defined, see the dictionary definition.

7.2 Definitions

Abutting Property: Any lot which is physically contiguous with the lot in question even if only at a point.

Accessory Use: A use clearly incidental and subordinate to the principal building Of use and located on the same lot with such principal building or use. An accessory building is a structure detached from the principal building. 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. A dwelling unit shall not be considered an accessory use. In a residential zone, the accessory use shall not be nonresidential in character.

Agriculture (or Farming): Cultivation of soil, production of crops on premise, and animal husbandry. The on premise sale, processing and storage of on premise produced agriculture products. The shipment/delivery off site of agriculture related products produced on premise. It may also include a building or portion of a building for farm to table dinners, education & educational events. Agriculture and horticulture is also defined as set forth and restricted by Section 3.5 F.

Agricultural use includes, a commercial riding facility, which means a place, building or track of land in or on which equines are kept for purposes of offering to the public recreational riding in or instruction in riding or driving. A commercial riding facility may include a boarding stable which means a place, building or track of land in or on which privately owned equines are kept for their owners in return for a fee. A commercial riding facility may include an indoor riding facility or building. Commercial riding facilities are permitted. A commercial riding facility shall not be considered a commercial outdoor recreational use as that term is used in this ordinance.

For lots at least fifteen (15) acres in size located in the Rural Residential zone, agricultural use may include a farm winery that is permitted/licensed by the State of Maine. A farm winery includes a facility to process grapes, fruit, and juice into wine. It may also include a building or portion of a building for wine tasting and the sale of wine produced on this property and closely related items. The gross sales value of these “closely related” items shall not exceed 10% of the establishment’s sales volume. The major portion of grapes and fruit used for a wine production must be grown on the property. For purposes of complying with this requirement, each grape vine planted in a vineyard will be assumed to produce twelve pounds of grapes, meaning that for each vine the equivalent of fewer than twelve pounds of grapes from another vineyard may also be used.

Agricultural Events: Activities directly related to the promotion and education of agricultural methods and products including the assembly of a group of people to share the lands produce.

Animal Husbandry: For the purposes of this ordinance, a kind of farming in which people raise or breed animals for the purpose of creating products derived from the animals for human consumption or use, for example: meat, milk, eggs, feathers, wool, etc., which shall not include an animal kennel.

Animal Kennel: an establishment, in which canines or felines are sold, boarded, or trained for a fee.

Bed And Breakfast Establishment or Tourist Home: An owner-occupied residential structure in which no more than three (3) bedrooms are made available for a fee to guests staying for a limited duration (less than 2 weeks). Only breakfasts for guests may be served. Such establishments do not provide guests with the independent living quarters and eating facilities normally associated with a hotel or motel. If located in a Rural Residential District, they must in addition comply with all conditions of a home occupation.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals or chattel. Each portion of a building, separated from other portions by a fire wall, shall be considered as a separate building.

Business Service: Services, including by way of example but not limited to: advertising, credit reporting and collection, mailing and reproduction services, services to buildings, personnel supply services, computer and data processing services, management and public relations, similar services to businesses, and the business offices of corporations or firms.

Campground: A parcel of land used for overnight accommodations for limited duration, excluding the erection of permanent sleeping structures.

Church: As used in this Ordinance, refers to a place of worship regardless of denomination.

Code Enforcement Officer: The official responsible for enforcement of this Ordinance and for other duties set forth by state statute and other ordinances.

Commercial: Buying and selling or manufacturing of goods, and/or providing services other than home occupations.

Commercial Outdoor Recreation: Outdoor recreation activities that are operated by an entity other than a unit of government and which are available for use for a fee, including but not limited to golf courses, ice skating rinks, tennis courts, and cross-country ski trails. Private outdoor recreation facilities serving exclusively a residential use shall be considered accessory to the residential use.

Commercial Structure In A Commercial Zone: A structure primarily used for the buying or selling of goods, manufacturing, and/or providing services.

Community Living Arrangement: A residential grouping of handicapped or special needs people which is designed to emulate a permanent family-like environment.

Day Care Center (or Nursery School): A facility licensed by the State of Maine for the care or instruction of more than three pre-school aged children, exclusive of children who may be living in the home which is serving as the day care or nursery school facility.

Deputy Code Enforcement Officer: The official appointed to assist the Code Enforcement Officer in the performance of his or her duties and duly certified to act on behalf of the Code Enforcement Officer.

Driveway: A vehicular access way serving two dwelling units or less.

Dwelling: A building which shall consist of one or two Dwelling Units. The term includes manufactured housing as defined by Title 3D-A, Section 4358, Maine Revised Statutes Annotated, as amended.

Dwelling, Attached: A single family dwelling which has two or more fire separation walls, or one fire separation wall in the case of a dwelling unit at the end of a group of attached dwellings; which has no dwelling unit above or below it; and which has no common hallway with any other dwelling unit.

Dwelling, Two-Family: A building used for residential occupancy by two families living independently of each other.

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

Family: Any number of persons related by blood or adoption, or as a community living arrangement, living in a dwelling unit; or living together as a single, non-profit house-keeping unit and doing their cooking on the premises, excluding, however, occupants of a club, fraternity house, lodge, residential club or rooming house.

Farm-to-Table: For the purpose of this ordinance “Farm-to-Table” shall mean that the food grown or raised on an approved property within the Rural Residential Overlay Zone is

allowed to be prepared and served to patrons at approved events sponsored by the farm on the farm property in celebration of the produce.

Financial Service: Services including, but not limited to: banking, other credit agencies, security and commodity brokers and service, insurance, real estate and investment offices.

Freshwater Wetlands: "Freshwater wetlands" means freshwater swamps, marshes, bogs and similar areas which are:

- A. of 10 or more contiguous acres, or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream, or brook, such that in a natural state, the combined surface area is in excess of 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.

Frontage, Road: The linear distance between the sidelines of a lot, measured along whatever right of way serves as legal access to the lot. For the purpose of this Ordinance, the following ways shall constitute legal access to a lot along which frontage may be measured:

- A. a way accepted by or established as belonging to the Town of Owls Head, Knox County, or the State of Maine, provided access is not specifically prohibited;
- B. a way, whether dedicated to public ownership or not, as shown on an approved subdivision plan;
- C. a private or public way which has not been approved by a governmental subdivision but which has been established in a deed recorded in a Registry of Deeds or otherwise legally established by adverse possession or adverse use.

In the case of a lot situated on a curve of a way or on a corner of two ways, the measurement of frontage may include the entire length of the property line along such way or ways.

Frontage, Shore: The straight line distance between the points of intersection of the side lot lines with the shoreline at normal high water elevation.

Height of Building: Vertical measurement from a point on the ground at the mean finished grade adjoining the foundation as calculated by averaging the highest and lowest points around the building or structure, to the highest point of the building or structure, excluding incidental protrusions.

Home Occupation: An occupation or profession which is customarily carried on in a dwelling unit or other structure accessory to a dwelling unit; carried on by a member or members of the family residing in the dwelling unit; clearly incidental and secondary to the use of the dwelling unit for residential purposes.

Hotel: See Motel.

Increase in Non-Conformity of a Structure: Any change in a structure or property which causes further deviation from the dimensional standards creating the nonconformity such as, but not limited to:

- A. reduction in rear, front, or side lot line setback distance;
- B. increase in lot coverage; or
- C. increase in height of structure.

Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, a structure may be expanded laterally, provided that the expansion extends no closer to the lot lines than the closest portion of the existing structure. Included in this allowance are expansions which fill in irregularly shaped structures.

Industry: An occupation, activity or business conducted for profit, particularly involving the manufacturing, processing and storage of goods or products intended for sale to the public.

Industrial Structure: A structure primarily used for the manufacturing, processing and/or storage of goods.

Junk Yard: A yard, field, or other area used as a place of storage for the following items, excluding items which are being stored out of doors for household use within a reasonable period of time:

- A. Three or more unserviceable, discarded, worn-out or junked motor vehicles as defined by state law, not including temporary storage, as defined by state law, by an establishment or place of business engaged primarily in doing auto body repair work for the purpose of rendering a motor vehicle serviceable.
- B. Discarded, worn-out, or junked plumbing, heating supplies, household appliances, furniture; and construction equipment.
- C. Junked lumber.
- D. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber and plastic debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material

Land-Locked Lot: A lot bounded on all sides by adjoining lots and without legal access.

Lot: A contiguous parcel of land in single or joint ownership described on a deed, plot plan, or similar legal document.

Lot or Ground Coverage: The percentage of lot area covered or occupied by principal and accessory structures.

Medical Dispensaries/Clinics/Pharmacies: Dispensing of prescription drugs such as but not limited to medical marijuana, methadone, prescription pills or medications from a business, pharmacy, or other type of office and shall not be allowed as a Home Occupation.

Mobile Home: A detached residential dwelling unit designed for transportation, after fabrication, on streets or highways on its own wheels, or on a flat-bed or other trailer, and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, such as locating on jacks or other foundation, or connection to utilities. For the purpose of this Ordinance, a mobile home shall be treated as a single-family dwelling and be subject to all land use regulations applicable thereto.

Motel: A building or group of buildings designed, intended or used primarily for providing temporary living accommodations which may include provisions for living space, and bathing facilities.

Neighborhood Store: A retail store that occupies 2,000 sq. ft. or less of total floor space.

Nonconforming Lot: A single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the minimum lot area per dwelling unit, lot coverage, or lot width or frontage or rear lot requirements of the zone in which it is located. It is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

Nonconforming Structure: A structure that does not meet either the setback or lot coverage or height requirements of the zone in which it is located. It is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Nonconforming Use: A use of premises that is not permitted in the zone in which it is located but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Normal High Water Mark - Coastal: 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.

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

Parking Space: An area not less than ten feet wide and twenty feet long, not including the access thereto, accessible from street or aisles leading to streets and usable for the storage or parking of passenger vehicles. Parking space or access thereto may be construed to be usable year round. A parking space to accommodate the handicapped shall be an area not less than twelve feet wide and twenty feet long.

Personal Service: A service listed under U.S. Standard Industrial Classification Code 72, and including laundry and cleaning services, photography studios, shoe repair shops, funeral homes and similar services to the general public. Personal Service: A service including by way of example: laundry and cleaning services, photography studios, shoe repair shops, barber shops and beauty salons, and similar services to the general public.

Private Right Of Way: A privately owned road, for vehicle access to structures or lots to be used for the building of structures or other vehicular uses where it adjoins a public road or abuts an adjoining property holder and is to provide access to an otherwise landlocked parcel.

Professional Office: Any structure which houses the business office of a person or persons who supply a service to the public.

Quasi-Public Facility: A facility for a recognized public purpose, such as an auditorium, library, park, or museum including offices, and its' supporting operational spaces, which is operated by a not-for-profit organization or by a public agency other than the municipality.

Renovation: In-place alterations or replacements such as walls, baths, and cabinetry of a structure at a material cost exceeding \$5,000.00 exclusive of labor. Replacement of like material for siding, roofing, doors and windows are excluded unless structural.

Repair: Normal maintenance of a structure such as painting, re-siding, replacement of roof shingles, and requiring no structural alterations or renovations.

Restaurant: A place for the serving of prepared food and beverages to the public.

School, Commercial: A place or institution for teaching and learning, which place or institution is established for commercial or profit-making purposes, including, by way of example only, schools for dance, music, gymnastics, photography, driving, or business. A commercial riding facility shall not be considered a commercial school. For Commercial riding facility see definition of Agriculture Use See Section 7.2 of the Owls Head Zoning Ordinance.

School, Public and Private: A place or institution for teaching and learning" which place or institution teaches courses of study sufficient to qualify attendance there as being in compliance with state compulsory education requirements. A public school, as differentiated from a private school, is operated by a municipal corporation or school administrative district or, for the purposes of this Ordinance, by a recognized religious organization.

Septage Waste Disposal:

1. Septage Waste Facility: An establishment, the principal function of which is the storage, processing, disposal and/or handling of septage waste.
2. Processing: The change in volume, change in the chemical or physical characteristics, or any other change in the nature of the material being processed.
3. Septage Waste: The matter, refuse, effluent, sludge or any other materials from septic tanks, cesspools or other similar facilities.

Setback - Back: The distance between the rear line of the lot, extending the full width of the lot, and the nearest part of any principal or accessory structure. Back or rear setback and back or rear yard are synonymous.

Setback - Front: The distance between the street right of way or easement line extending the width of the frontage, and the nearest part of any principal or accessory structure, in the case of a land-locked lot, accessible by a right of way, this distance shall be measured from the structure to the abutting property line. Front setback and front yard are synonymous.

Setback - Side: The distance between the side property line and the nearest part of any principal or accessory structure. Any lot line not a back lot line or a front lot line shall be deemed a side lot line. Side setback and side yard are synonymous.

Shoreland Zone: The land area located within 250 feet, horizontal distance, of the normal high-water line of any river, or salt-water body; or within 250 feet of the upland edge of a coastal or freshwater wetland; or within 75 feet of the normal high-water line of a stream.

Sign: Structure, device, letter, word, model, banner, insignia, flag, or other representation which is used as or is in the nature of an advertisement, announcement, or direction. The

area of a sign is the area on one side of the smallest simple geometric shape such as a square, rectangle, triangle, circle, etc., encompassing all lettering, wording, design, symbols, together with any background which is not the same color as the building. An inconspicuous support such as a slim post is not part of sign area.

Sign - Double-Faced: When a sign has two (2) faces, the area of all faces shall be included in determining the total area.

Sign - Illuminated: A sign which has characters, letters, figure, designs, or outlines illuminated by electric lighting or luminous tubes as part of the sign, and not the so-called neon tube, or whose illumination is derived entirely from an external artificial source.

Sign - Off-Premise: A sign which is not located upon the same real property that the business, facility, or point of interest which it serves is located.

Sign - On-Building: A sign which is attached to the building wall and which extends not more than six inches from the face of such wall.

Sign - On-Premise: A sign which is located upon the same real property that the business, facility or point of interest which it serves is located.

Sign - Temporary: A sign of a temporary nature, erected less than 90 days, within any 12-month period, exemplified by the following: political signs, charitable signs, fund raising signs, construction signs, seasonal agricultural sales, and all signs advertising sales of personal property. However, signs for special events; such as carnival signs, garage sales, lawn sales, rummage sales, community suppers, bake sales, museum and community events, and short term commercial sales of product, may be placed no sooner than 15 days prior to the event and must be removed within 48 hours after the scheduled event that is advertised has occurred. A temporary sign may be placed by a commercial enterprise or home occupation for special events as stated above, but in no event shall it serve as a substitute for the signage allowed under this Ordinance for such residential and non-residential commercial or permitted home occupancy enterprises.

Any exterior sign displayed by an ongoing business on the business premises on which the written or printed message changes while the structure of the sign remains unchanged shall not be considered as a temporary sign. For example, chalkboards and signs with removable lettering shall not be considered temporary signs if in place for 90 days or more within any 12-month period.

Small Wind Energy Systems: A small wind-powered electricity generation system that produces a maximum of ten kilowatts (10KW) of peak AC or DC regulated electric power.

Stream: "Stream" means a free-flowing body of water from the outlet of a great pond or the point of confluence of 2 perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5-minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river.

Street: A public or private way which affords the principal means of access to abutting properties.

Structure: Any constructed or erected material or combination of materials in or upon the ground, including but not limited to: buildings, mobile homes, towers, sheds, signs, decks, parking lots, paved areas, storage bins, and fences over 4 ft. in height; but excluding fences 4 feet and under and wells.

Subdivision: The division of a tract or parcel of land into 3 or more lots within any 5 year period as defined in Title 30-A section 4401(4) of the Maine Revised Statutes or as further amended .

Substantial Completed: A building is substantially completed when it is roofed, sheathed, and doors and windows are installed.

Substantially Started: In new construction a building is substantially started when the foundation is complete. A substantial start of new construction must be completed within one year of the issuance of a building permit. In a reconstruction in Article I Section 1.5 C. 2 this shall mean a physical commencement of the reconstruction or restoration with a permit issued .

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.

Temporary Variance: A temporary variance is a relaxing of the term of this Ordinance by decision of the Board of Appeals for the specific purpose of installing equipment or the construction of structures for access to or egress from a property for a person or persons with a disability as defined in MRSA Title 5 Section 4553 or as amended and which shall last only as long as specified in Article I Section 1.6 H. of this Ordinance.

Tradesman's Shop: The shop of a self-employed craftsman or person in a skilled trade, considered a home occupation.

Variance: A variance is a relaxation of the terms of this Ordinance by decision of the Board of Appeals. It can be granted only where such variance will not be contrary to the public interest and only where a literal enforcement of the Ordinance will result in undue hardship. In general, the amount of variance granted should be only sufficient to relieve the undue hardship. Establishment or expansion of a use otherwise prohibited by this Ordinance shall not be allowed by variance.

Wetland - Coastal: All tidal and sub-tidal lands; all lands below any identifiable debris line left by tide action; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, 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.

Yard Sale: An outdoor market selling antiques, used household goods, curios, and the like.

ARTICLE VIII. CERTIFICATION OF ADOPTION

We hereby attest that this is a true copy of the ZONING ORDINANCE of the Town of Owls Head, Maine, duly adopted at a Special Town Meeting held on Oct. 9, 1990 and amended at Town Meetings held on:

- Amended - Oct. 27, 1993
- Amended - Aug. 28, 1995
- Amended - Aug. 21, 1996
- Amended - Aug. 30, 1999
- Amended - Aug. 31, 2000
- Amended - Aug. 26, 2002
- Amended - Sept. 7, 2004
- Amended – April 7, 2008
- Amended - June 1, 2009
- Amended – May 17, 2010
- Amended – December 19, 2011
- Amended – August 20, 2012
- Amended – March 4, 2013
- Amended – August 25, 2014
- Amended – November 17, 2014
- Amended - August 28, 2017

Selectmen: *Linda Post*
Bill Me...
Thomas Von Malde

Attested To *Susan Yussor* (Town Clerk)

Dated: August 28, 2017

SEE REVISED MAP