Town of Albion
Land Use Ordinance

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Attested Signature: Jeanie Doore
(Town Clerk)

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ALBION LAND USE ORDINANCE

Article I. General Provisions

1. Title

This Ordinance shall be known and cited as the *Albion Land Use Ordinance* and will be referred to as "this Ordinance."

2. Authority

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution, the provisions of Title 30-A MRSA, Section 3001 (*Home Rule),* Title 30-A MRSA, Sections 4401 et seq. (*Subdivision Law).* This Ordinance is founded upon and pursuant to Albion's Comprehensive Plan as adopted on March 16, 1991.

3. Purposes

The purpose of this Ordinance is to provide for the health, safety, and general welfare of the public and residents of the Town of Albion, specifically:

A. to allow for affordable residential and commercial growth, while preserving Albion's rural character, particularly it's open land, scenic beauty and reasonable tax rate;

B. to make efficient use of land and public facilities, particularly roads;

C. to protect the natural resources of the community from degradation;

D. to foster harmonious co-existence of commercial, residential, recreational and other land use activities;

E. to maintain and enhance the historic village character;

F. to provide clarity and consistency to the town's treatment of growth and development;

G. to protect the quality of ground and surface waters;

H. to protect the agricultural base of the Town;

I. to promote the availability of affordable housing options;

J. to promote well-designed commercial and industrial development;

K. to preserve scenic beauty;

L. to avoid development sprawl;

M. to protect landowners' rights and freedom of choice in development activities;

N. to discourage large amounts of traffic on Albion's rural road network;

4. Applicability

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

5. Conflicts with Other Ordinances, Laws and Regulations

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 from any jurisdiction, the more restrictive provision shall control.

6. Validity and 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.

7. Effective Date

This Ordinance will become effective on the date of its adoption. It contains a comprehensive set of four amendments to the Land Use Ordinance adopted March 21, 1992 and subsequently amended, and replaces it in its entirety.

8. Amendments

A. An amendment to this ordinance may be initiated by:

(1) the Planning Board, provided a majority of the Board has so voted;

(2) request of the municipal officers; or

(3) written petition of at least 25 voters registered to vote in Albion.

B. The Planning Board shall hold a public hearing on the proposed amendment. Notification of the hearing shall be posted and advertised in a newspaper of general circulation within the Town at least two (2) times, the date of the first publication to be at least twelve (12) days prior to the hearing and the date of the second publication to be at least seven (7) days prior to the hearing. Notice of the hearing shall also be posted in the Town Office at least thirteen (13) days prior to the hearing.

C. If an amendment to land use districts is proposed within 500 feet of a common town border, the Town Clerk shall forward notice to the Selectmen and Planning Board of adjacent communities at least ten days in advance of the public hearing. The adjacent community may provide verbal or written testimony.

D. An amendment to this ordinance may be adopted by a majority vote of the Town Meeting.

At any time this Ordinance is amended, the Planning Board, Planning Board secretary or designated agent is authorized to insert and/or delete amendments, add and/or delete inconsistent references within the Ordinance caused by such amendment(s), and renumber sections of the amended Ordinance in a logical and appropriate fashion, provided said changes do not result in any substantive alteration in the meaning of the Ordinance.

9. Availability

A certified copy of this Ordinance, as well as the Land Use Map, shall be filed with the Town Clerk and shall be accessible to any member of the public during Town Office hours. Copies shall be made available to the public at reasonable cost to be charged to the person making the request. Notice of the availability of this Ordinance shall be posted in the Town Office.

Article II. Administration

1. Administering Bodies and Agents

A. Code Enforcement Officer

(1) The Code Enforcement Officer shall be appointed or reappointed annually.

(2) The Code Enforcement Officer shall have the following powers and duties:

a) Act upon land use permits as authorized by this ordinance, refer appropriate permits to the Planning Board, and refer requests for variances and administrative appeals to the Board of Appeals.

b) Enter any property at reasonable hours with the consent of the owner, occupant or agent to inspect the property or building for compliance with this ordinance.

c) Investigate complaints and reported violations.

d) Keep written inspection reports and thorough records. All permits and permit applications shall be filed in the Town Office by Tax Map and Lot Number.

e) Issue violation notices.

f) Participate in appeals procedures.

g) Appear in court when necessary.

h) Confer with citizens in the administration and enforcement of this Ordinance.

i) Attend meetings of the Board of Appeals and meetings of the Planning Board as necessary.

j) Revoke a permit within his or her jurisdiction after notice and hearing if it was issued in error or if it was based on erroneous information.

k) Inform the Planning Board of any similar problems discovered in permits issued by the Board.

l) Shall issue a written report to the Planning Board at least once each month. The report shall include a list of all permits issued and all enforcement actions taken.

B. Planning Board

(1) The Planning Board shall be constituted as provided for in the *Ordinance to Re-establish the Town of Albion Planning Board.*

(2) As the designated municipal reviewing authority, the Planning Board is responsible for acting upon applications for land use, subdivision and site plan review permits as provided in Article IV of this Ordinance

2. Enforcement

A. Nuisance

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

B. Enforcement Procedure

(1) 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 is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to both the municipal officers and Planning Board and be maintained as a permanent record.

(2) 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.

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

C. Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recording 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 pose a threat or hazard to public health and safety or will result in substantial environmental damage.

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D. Special Exceptions

A municipality by ordinance may authorize a code enforcement officer to issue a permit of a dwelling for the purpose of making a dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. If the permit requires a variance, the permit is deemed to include that variance solely for the installation of equipment or the construction of structures necessary for access to or egress from the dwelling for the person with a disability. The code enforcement officer may impose conditions on the permit, including limiting the permit to a duration of the disability or to a time that the person with a disability lives in the dwelling.
For purposes of this section, the term "structures necessary for access to or egress from the "dwelling' includes ramps and associated railings, walls or roof systems necessary for the safety or effectiveness or the ramps.
For purposes of this section, "disability" has the same meaning as a physical or mental disability under Title 5, section 4553-A.

E. Penalties

(1) Any person, including but not limited to a landowner, a landowner's agent or a contractor, who permits or engages in any activity in violation of this Ordinance or who fails to comply with any of its requirements shall be penalized in accordance with Title 30-A, MRSA, §4452. (3).

The assessment of a penalty under this subsection shall not relieve a violator of its obligation to comply with this Ordinance or to undertake any actions necessary to abate or correct a violation of this Ordinance.

3. Appeals

(1) An applicant or other aggrieved party may appeal any decision of the Code Enforcement Officer or Planning Board as an administrative appeal with the Board of Appeals, according to the procedures outlined in section 6.1 of *The Ordinance to Establish Town of Albion Board of Appeals.*

(2) A variance to dimensional requirements of this ordinance may be requested from the Board of Appeals, according to the procedures outlined in section 6.2 of *The Ordinance to Establish Town of Albion Board of Appeals.* A variance may only be granted for requirements for frontage, lot area, buffer width and setback requirements. A variance may not be granted for failure to achieve adequate rating under the point system.

Article III: Land Use District Definitions and Requirements

1. Land Use Districts Established – Townwide Districts

A. Official Land Use Map

The Land Use Districts referenced in this Ordinance are located and bounded as shown on the Official Land Use Map which is hereby made a part of this Ordinance.

(1) Certification of Map

The Official Land Use Map is certified by the attested signature of the Town Clerk under the following words: "This is the Official Map of the Land Use Ordinance of the Town of Albion", together with the date of the adoption of this Ordinance. The official copy shall be located in the office of the Town Clerk.

(2) Changes to the Official Land Use Map

If changes are made in the district boundaries, or other matter portrayed on the Official Land Use Map, such changes shall be made on the Map within fourteen (14) days after the amendment has been adopted together with an entry on the Official Map as follows:

"On [date], the Town Meeting enacted the following change: [insert brief description of the nature of change]."

Immediately beneath the entry the Town Clerk shall place his or her signature.

(3) Replacement of Official Land Use Map

In the event that the Official Land Use Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions the Board of Selectmen shall authorize re-creation of the map as nearly as possible to the most recent official version.

B. Establishment of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Land Use Map the following rules shall apply.

i. Boundaries indicated as approximately following the center lines of streets, highways, rivers, or streams, or defined in terms of their distance from said center lines, shall be construed to precisely reference such center lines.

ii. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines. In cases where a lot line shifts due to boundary line adjustments, the district boundary will shift accordingly.

iii. Boundaries indicated as approximately following Town limits shall be construed to follow such limits.

iv. Boundaries indicated as following (or referencing a specific distance from) shorelines shall be construed to following such shorelines, and in the event of change in the shoreline shall be construed as moving with the shoreline.

C. Village Area

(1) Description

The Village Area is the center of Albion, hosting a variety of public, commercial and residential uses. The standards in this ordinance are designed to maintain and enhance the function and attractive aspects of the mixed uses in the village, encouraging its continued role as a community center. The following characteristics are representative of and desired for the Village Area:

i. more compact area, with lot sizes generally limited only by subsurface wastewater disposal as determined by the State Plumbing Code;
ii. encouragement of office and retail activity;
iii. discouragement of industrial activity;
iv. design standards established for signs, displays and buildings to retain historic character; and
v. increased landscaping.

(2) Applicability

The Village Area is defined as the land areas within the following boundaries:

a) Hussey Road to south boundary of Tax Map 10, Lots 88 and 89

b) Unity Road to east boundaries of Tax Map 10, Lots 27 and 79

c) Benton Road to Mill Stream on the west and to the north boundary of Tax Map 10, Lot 20 on the east (near Taylor Road intersection);

d) Winslow Road to the Narrow Gauge Railroad bed, also the west boundaries of Tax Map 17, Lots 16 and 115; and

e) China Road to the south boundaries of Tax Map 7, Lot 25-1 and Tax Map 17, Lot 18.

(3) Allowed Uses

All uses are allowed in the Village Area with the exception of high-impact industrial activities and Utility Scale Solar Facilities (USSF). Permitting requirements apply (Article IV).

(4) Dimensional Requirements

Lot Size: The minimum required lot size for non-residential uses and single family housing units is 0.75 acre. The minimum required lot area for two-family housing units is 1 acre. For three or more housing units, the minimum required lot area is 1 acre plus 10,000 square feet for each unit above two.

Road Frontage: The minimum required frontage along a Public Road is 150 feet. The minimum required frontage along a Private Road is 75 feet.

Property Line Setbacks: The minimum required distance between a building and a street or right-of-way line is ten feet. The minimum required distance between a building and a side or rear property line is fifteen feet.

D. Growth Area

(1) Description

The Growth Area represents land area in Albion where the Town wishes to encourage more intensive development. The area was selected on the basis of roads that are designated collectors for the majority of local traffic and maintained by the State. Growth along these corridors will reduce impacts on rural resources.

It is anticipated that development will occur at an average density of approximately one unit/acre. New private roads are encouraged to prevent development sprawl along the main collector access roads.

(2) Applicability

Albion's Growth Area encompasses all parcels directly abutting China Road (Route 202), Winslow Road, Benton Road, Unity Road (Route 202), or Freedom Road (Route 137), and not within the designated Village Area.

(3) Allowed Uses

All land uses are allowed in the Growth Area including the specific provisions under the USSF Ordinance…(See Article IV, page 21). Permitting requirements apply (Article IV).

(4) Dimensional Requirements

Dimensional requirements in the Growth Area are intended to be flexible, to accommodate creativity of design. Use tables III-1 and III-2 in subsection F, below, to determine dimensional requirements in the Growth Area.

E. Rural Area

(1) Description

The Rural Area is intended to maintain Albion's rural character, providing larger tracts of undeveloped land available for agriculture, forestry, wildlife habitat, recreation; low-impact commercial and industrial activities; and low-density residential development.

(2) Applicability

The Rural Area includes all land area in Albion not located within the Growth Area, Village Area, or Shoreland Zoning District.

(3) Allowed Uses

All uses are allowed including the specific provisions under the USSF ordinance. See Article IV, page 21. Uses which are calculated to generate more than one hundred (100) vehicle trips per day according to Table VI-2 will not be allowed unless they are place-dependent (example: parks) or resource-dependent (examples: farm stores, lumber mills, gravel crushers).

(4) Dimensional Requirements

Dimensional requirements in the Rural Area are intended to be flexible, to accommodate creativity of design. Use tables III-1 and III-2 in subsection F, below, to determine dimensional requirements in the Rural Area.

F. Dimensional Standards in Growth and Rural Areas

(1) Flexible Development Design in Growth and Rural Areas

Development design is a mechanism for balancing preservation of Albion's rural character with diversity of design, affordability of housing, and landowners' freedom of choice.

(2) POINT SYSTEM

The POINT SYSTEM described in this section is designed to guide new development in Albion towards land use goals while encouraging diversity, affordability and freedom of choice. Point system values have been selected to achieve the Town's objectives while keeping restrictions to a minimum. Applicability

a. The POINT SYSTEM will be applied prior to issuance of a land use permit for one- and two-family and non-residential buildings in the Growth and Rural Areas. Calculation of point values totals must be a part of the land use permit process.

b. The POINT SYSTEM does not apply within the Village Area or to any accessory structures. Accessory structures shall meet the Base setback standards in the applicable table.

c) The POINT SYSTEM does not apply to subdivision design, including mobile home parks and multi-family development. Dimensional standards for lots

within subdivisions are described in Article V, section 14; for mobile home parks in Article VII, section 5; for multi-family development in Article VII, section 6.

(3) Calculation Under the POINT SYSTEM

In the Growth and Rural Districts, an applicant must achieve POINTS in order to receive a land use permit. The Base Standard is the minimum requirement and no POINTS are awarded for meeting it. The fulfillment of each desired standard is worth ONE POINT. Partial points are awarded for design falling in-between the base and desired standards. (*For example, a one-acre lot in the Growth Area would be awarded a point value of .33, as it is one-third of the difference between the desired and allowed standards).* No more than ONE POINT may be awarded within each performance area.

The screening/landscaping performance standard is meant to be interpreted with flexibility, encouraging lot developers to either retain existing vegetation or plant new trees and shrubs so that approximately the percentage of the building listed in the standard is likely to be visible from the road within ten (10) years.

TABLE III - 1: Minimum Dimensional Standards Lots for SINGLE-FAMILY RESIDENTIAL and NON-RESIDENTIAL STRUCTURES							
Performance Area		District					
		Growth Area			Rural Area		
		Base	Desired	Points	Base	Desired	Points
1	Lot Size	.75 acre	1.5 acre		1 acre	3 acres	
	Frontage:						
2A	Public Road	150'	200'		200'	300'	
2B	Private Road	75'	150'		150'	200'	
	Building Setbacks from Edge of Right-of-Way and Property Lines:						
3	Front	30'	50'		50'	100'	
4	Side	15'	30'		20'	50'	
5	Rear	15'	30'		20'	50'	
	Screening/Landscaping (% of Structure Visible from Road Within 10 Years):						
6	Front	100%	50%		100%	50%	
7	Side	100%	50%		100%	50%	
TOTAL POINTS AWARDED (minimum of 5 needed for permit)							

TABLE III - 2: Minimum Dimensional Standards Lots for TWO-FAMILY (DUPLEX) RESIDENTIAL							
Performance Area		District					
		Growth Area			Rural Area		
		Base	Desired	Points	Base	Desired	Points
1	Lot Size	1.5 acres		N/A	2 acres		N/A
Frontage:							
2A	Public Road	150'	200'		200'	300'	
2B	Private Road	75'	150'		150'	200'	
Building Setbacks from Edge of Right-of-Way and Property Lines:							
3	Front	30'	50'		50'	100'	
4	Side	15'	30'		20'	50'	
5	Rear	15'	30'		20'	50'	
Screening/Landscaping (% of Structure Visible from Road Within 10 Years):							
6	Front	100%	50%		100%	50%	
7	Side	100%	50%		100%	50%	
TOTAL POINTS AWARDED (minimum of 4 needed for permit)							

(4) Exemption for Frontage Standard along Curves and on Cul-de-Sacs

New building lots located at the end of cul-de-sacs or along curves in a road where the radius of the curve at the front lot line is less than 90 feet, may be designed so that they have a minimum of 35 feet of road frontage along the front lot line, so long as lot width at the location where the principal building is to be constructed is at least equal to the distance normally required for road frontage in that district. The lot width shall be measured along lines that are parallel to a tangent at the mid-point of the curve.

(5) Exemption for Public Utilities

Electrical Power transmission or distribution lines and structures supporting said lines are not subject to the dimensional standards of this ordinance.

(6) Shoreland Zone

Land use within the Shoreland Zone is administered by a separate Shoreland Zone Ordinance. Refer to Shoreland Zone Ordinance for applicable regulations.

2. Non-Conformance

A. Purpose

It is the intent of these provisions to promote land use conformities, except that non-conforming conditions that legally existed before the effective date of this Ordinance or any amendment thereto shall be allowed to continue, subject to the requirements set forth in this section.

B. General Requirements

(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 pursuant to this Ordinance, the normal upkeep and maintenance of non-conforming uses and structures.

(3) Rebuilding

If a non-conforming structure is destroyed by fire or act of God, it may be rebuilt provided the construction is commenced within one (1) year from date of destruction. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity.

C. Non-Conforming Structures

(1) Expansions

A non-conforming structure may be added to or expanded after obtaining a permit from the Planning Board, if such addition or expansion does not increase the non-conformity of the structure.

(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 or other dimensional requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the *State of Maine Subsurface Wastewater Disposal Rules* 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 or other dimensional requirements to the greatest practical extent, the Planning Board shall base its decision on the size of the lot, the slope of the land, the location of other structures on the property, 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.

(3) Reconstruction or Replacement

Any non-conforming structure which is damaged or destroyed may be reconstructed in place with a permit from the Planning Board.

D. Non-Conforming Uses

(1) Expansions

Expansions of non-conforming uses are prohibited, except that non-conforming uses may, after obtaining a permit from the Planning Board, be expanded within residential structures legally existing as of the effective date of the Ordinance, or on the effective date of a subsequent amendment that causes such use to be non-conforming.

(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 Planning Board finds, after receiving a written application, that the proposed use is equally or more appropriate to the district than the existing nonconforming use, and that the proposed use will have no greater adverse impact on adjacent properties than the former use.

The determination of appropriateness shall be based on HHE-211 Interior Plumbing, HHE-200 Subsurface Wastewater Disposal System, NFPA 101 – Life Safety Code and on the probable changes in traffic (volume and type), parking, noise, potential for litter, wastes or by-products, fumes, odors, or other nuisances likely to result from such change of use. The performance standards of this Ordinance shall apply to such requests to establish new non-conforming uses.

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.

E. Non-Conforming Lots

(1) Non-conforming Lots

A non-conforming lot of record legally existing as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership, and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals. If more than one residential dwelling unit or other use is built, located or created on a non-conforming lot of record, the minimum lot size requirement of the District in which it is located shall be met for each residential dwelling unit.

(2) Contiguous Built Lots

If two or more contiguous lots or parcels are in the same ownership of record at the time of adoption or amendment 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 lots of at least 20,000 square feet are created and provided further that all such lots meet the requirements of the *State of Maine Subsurface Wastewater Disposal Rules.*

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 *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

a) If two or more contiguous lots or parcels are in the same 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.

b) These provisions are intended to apply to all lots whether shown on an approved and recorded plan or not. Corporations that have two or more common directors (or their spouses) shall be treated as the same corporation (that is, as the same single or joint owner) for the purposes of this Ordinance.

F. Vested Rights

Non-conforming use rights do not arise by the mere filing of a notice of intent to build, an application for building permits, or an application for required State permits and approvals. Such rights may arise when actual substantial construction has begun, or, in the case of pending applications, when the substantive review process to determine compliance with substantive performance standards on a complete application commences. Such construction must be legal at the time it is commenced and the owner must be in possession of and in compliance with all validly issued permits, both State and local.

3. Change of Use of Existing Conforming Structures

An existing conforming structure use may be changed to another conforming structure use provided that the Planning Board finds, after receiving a written application, that the proposed use is equally or more appropriate to the district than the existing conforming use, and the proposed use will have no greater adverse impact on adjacent properties than the former use.

The determination of appropriateness shall be based on HHE-211 Interior Plumbing, HHE-200 Subsurface Wastewater Disposal System, NFPA 101 – Life Safety Codes and on the probable changes in traffic (volume and type), parking, noise, potential for litter, wastes or by-products, fumes, odors, or other nuisances likely to result from such change of use. The performance standards of this Ordinance shall apply to such requests to establish new conforming uses. In determining that "no greater adverse impact" will occur, the Planning Board shall require written documentation from the applicant, describing 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.

Article IV: Land Use Regulation and Permitting

1. Permits Required

A. After the effective date of this Ordinance, no person shall engage in any land use activity requiring a permit without first obtaining such a permit.

B. Permits are not required for the following activities:

(1) For normal repair and maintenance or remodeling.

(2) The construction, erection, addition, or enlargement of any structure that has a total area of less than 125 square feet in area after construction is completed.

(3) Fences.

(4) Home Occupations, as defined.

(5) Agricultural and forestry practices, except clearcuts over five (5) acres and permanent agricultural structures over 125 square feet.

C. An application fee shall be required to accompany any permit application. Permits will not be processed without proof of fees paid.

(1) A fee schedule will be adopted by the Board of Selectmen. The fee schedule may be amended by the Board of Selectmen at any time if it appears on the Board's published agenda. Any amendment to the fee schedule will take effect thirty (30) days following the date of adoption.

(2) Application fee amounts will be generally consistent with the cost of processing the permit applications, including staff time, postage, and advertising expenses.

(3) The Planning Board is authorized to assess applicants for subdivision or site plan permits the actual cost of professional assistance if such assistance is needed. Assistance may include, but not be limited to, legal advice, engineering analysis, or plan review by other than town staff. Rules for engaging professional assistance and assessing fees shall be incorporated into the board's procedural guidelines, and no permit will be approved unless such costs as assessed are paid.

2. Land Use Permits

A Land Use Permit shall be obtained from the Code Enforcement Officer or Planning Board for any land use activity as listed below prior to start of any construction, site work, or commencement of activity.

A. Permits Issued by the Code Enforcement Officer:

(1) A single-family home, seasonal home, or accessory living unit within a single-family home.

(2) The construction, erection, addition, or enlargement of any residential structure (see definitions) that would result in a total combined area of 125 sq. ft., or greater including but not limited to decks, lean-to's, additional stories, dormers, and permanent swimming pools. Poles, posts, or any supports that would substitute for the wall are included for measuring purposes, in the absence of walls. For the purpose of this Ordinance, any two structures that are separated by less than one (1) foot are considered a single structure.

(3) Agricultural barn(s) used for animal husbandry or farm use that are greater than 125 square feet and where the impervious surface of developed area is equal to or less than 10,000 square feet.

B. Permits Issued by the Planning Board:

(1) Two-family Residential Buildings, including conversion from single-family

(2) A lot, structure, or use which is non-conforming

(3) Commercial development covering impervious surface of less than 10,000 square feet, including public, civic, or institutional uses, *provided that* the Planning Board may require review as a Major Development if the development is projected to exceed fifty (50) vehicle trips per day, as calculated using Table VI-2 of this Ordinance, or if the development would regularly sell, use, or store petroleum or toxic materials in commercial quantities.

(4) Mineral (including Gravel) extraction, (see definition). Mineral extraction permits are five-year, renewable permits, as described in Article VII, Section 3.

(5) Clearcuts in excess of five (5) acres

(6) Roads (unless included in a major development review).

C. Procedure for Applying for a Land Use Permit:

(1) Application Form

a) Every applicant for a land use permit from the Albion Planning Board shall submit seven copies of the written Land Use Permit Application, including seven copies of the scaled plans of proposed structure(s) as they will sit on the lot, on a form provided by the Town of Albion, to the Town Office for review as provided above.

b) Whenever a new land use will require a new driveway entrance, permission from the Road Commissioner (for town roads) or Maine DOT (for state roads) is required before a land use permit may be issued. The driveway permit must be submitted with the application.

c) All applications shall be signed by the person proposing the activity, or their authorized agent, 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 with a notarized signature of authorization from the owner or lessee.

d) All applications shall be dated, and the Town Office shall note upon each application the date that it was received.

e) Permit fees shall be submitted before processing of the application will begin. The Town Office will provide a dated receipt for fees paid.

(2) Plumbing Permit

a) A valid HHE-211, Interior Plumbing Permit and a complete HHE-200, Subsurface Wastewater disposal System design shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.

b) All applications for expansions of structures or uses which would cause an increase in the volume of wastewater to be disposed of shall be submitted with one of the following items. (For the purposes of this section the addition of bedrooms to a residence shall indicate an increase in wastewater volume per the State Plumbing Code.)

i. A letter of certification from a licensed site evaluator certifying that the existing wastewater disposal system is operating property and that it is capable of properly disposing of the increased wastewater volume.

ii. A copy of the original DHS HHE 200 forms showing the septic system design and documenting that the original system was oversized and is designed to handle the increased wastewater volume.

(3) Installation of Public Utility Service

A public utility, water district, sanitary or any utility company of any kind may not install service on any lot or structure located in any established Land Use District in the Town of Albion unless a written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the Code Enforcement Officer, Planning Board, or other written arrangements have been made between the municipal officials and the utility.

D. Review of Applications for Land Use Permits

(1) Procedure for Administering Permits.

Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, 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 Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a complete application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of a complete application.

(2) Public Hearing

The Planning Board may choose to hold a public hearing regarding applications within its jurisdiction. If a Public Hearing is held, the Board shall follow procedures established by its procedural guidelines, including notification of abutters.

(3) Timing of Actions

The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of the date of determination that the application was complete, *except* that the Planning Board and applicant may mutually agree on an extension of the 35 day limit.

(4) Approval

Permits shall be approved if the proposed use or structure is found to be in conformance with the provisions of this Ordinance. Permits may be made subject to reasonable mandatory conditions to ensure conformity with this Ordinance. If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or any State law which the Town is responsible for enforcing.

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.

E. Expiration of Permit, Extensions

Following the issuance of a permit, if no substantial start is made in construction or in use of the property within one year of the date of the permit, the Planning Board may order the voiding of the permit. The applicant may request an extension of up to one (1) year of the time for a substantial start.

3. Review and Permitting of Major Development (Subdivisions and Major Commercial)

A. Purpose

The purpose of this section is to:

- Provide a streamlined review process for subdivisions required to be reviewed under Title 30-A MRSA, Section 4401 et seq. and for commercial development subject to the provisions of this Ordinance.
- Direct the Planning Board to adopt submittal requirements, procedural guidelines, and appropriate application forms for review.

B. Administration

The Planning Board shall adopt submission requirements, procedural guidelines, and application forms for use by development applicants. All materials and procedures will be designed for use with both subdivision and commercial development review to avoid unnecessary duplication.

C. Subdivision Review

(1) Subdivision approval is required for all subdivisions *as defined by* Title 30-A MRSA, Section 4401. Division of a building or property for commercial purposes, where ownership in the building or land is retained for income-producing purposes, is not subject to subdivision review under this definition. Buildings divided into three (3) or more dwelling units or two or more duplex residential units on a parcel and Mobile Home Parks are reviewed as subdivisions.

(2) The Planning Board shall make findings of fact and conclusions of law that the subdivision will meet the criteria in Title 30-A MRSA, section 4404. The Board may attach reasonable conditions to the approval to ensure conformity with the standards and criteria of this Ordinance.

D. Commercial Development Review

(3) Planning Board review is required for commercial development, including public, civic, and institutional uses, where the impervious surface of the developed area will exceed 10,000 square feet. Commercial development includes the subdivisions of buildings into multiple leaseholds for commercial purposes. The Planning Board may also choose to apply these procedures to certain high-impact development that would otherwise qualify for review as a land use permit (see section IV.2.B(3), above).

(4) An application shall be approved if the proposed development is found to be in conformance with the criteria and standards of Articles V, VI, and VII this Ordinance. The Board may attach reasonable conditions to the approval.

E. Expiration of Approval, Extension

Following the issuance of a permit, if no substantial start is made in construction or in use of the property within one (1) year of the date of the permit, the Planning Board may order the voiding of the permit. The applicant may request an extension of up to one (1) year of the time for a substantial start.

F. Limited Waiver of Standards

Upon written request of the applicant for subdivision or site plan approval, the Planning Board may find that strict compliance with the standards of Articles V, VI, and VII of this Ordinance presents an undue burden. The applicant shall provide an alternative means of meeting the standards which will permit a more practical and effective development provided, however, that the public health, safety and welfare will not be compromised.

The Planning Board will make a written record of any waivers granted and the reasons therefore.

G. Appeals

A final decision by the Planning Board may be appealed by the applicant, any abutting landowner, or any aggrieved party, to the Board of Appeals as outlined in the *Ordinance to Establish Town of Albion Board of Appeals*. An appeal of final action shall be commenced within thirty (30) days of the date of the decision.

Article V. General Land Development Standards

The following standards shall be utilized by the Board in reviewing applications for subdivision and site plan approval. The standards are not intended to discourage creativity, invention and innovation. The Board may waive standards in this section upon a determination that they are not applicable to the proposed development, or that the proposed development will achieve the objectives of this Ordinance with a different design.

1. Air Pollution

The proposed development shall not create an 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. All such activities shall also comply with applicable federal and State regulations.

2. Buffer Areas and Screening

A. Buffering of Adjacent Uses: A buffer shall be provided between any existing residential use or property and any proposed activity that, by the presence of noise, dust, light, traffic, or industrial activity, would have a deleterious effect on residential uses. A buffer shall also be established in cases where the proposed activity would pose a potential attraction to children.

(1) A visual buffer must be designed to provide a year-round visual screen of all portions of the development in order to minimize impacts. It may consist of fencing, evergreens, berms, rocks, boulders, mounds, or a combination thereof.

(2) The width of the buffer may vary depending on the density of development. Within the Village District, a buffer with dense plantings, fencing, or changes in grade should be ten (10) feet to fifteen (15) feet in width. In growth and rural areas, the vegetated buffer should be a minimum of twenty-five (25) feet in width.

(3) Areas adjacent to service, loading, or storage areas should be screened by dense planting, berms, fencing, or a combination thereof sufficient to substantially eliminate the visual appearance of the area.

(4) Sites with outside storage of materials such as stacks of inventory, junkyards, refuse piles, or with external machinery or dangerous site conditions, shall be secured with fencing or other means sufficient to deter small children from entering the area.

B. Screening of Parking Areas: Outside of the Village District, where the area between the street and the front of the building is used for parking or vehicle movement, separation or buffering must be provided to avoid distraction to motorists from movement or glare in the parking lot and to provide distinct points of access into the site. Unless the parking areas are located more than fifty (50) feet from the road, a buffer providing at least three (3) feet of height along the length of the parking area shall be established. The buffer may consist of a vegetative hedge, berms, walls, fences, or any combination thereof.

3. Comprehensive Plan

The proposed activity must be in conformance with the Albion Comprehensive Plan.

4. Exterior Lighting

A. All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways.

B. Overhead lighting shall be hooded or shielded to prevent spillage of light onto public roads or neighboring properties.

C. Lighting fixtures shall be arranged to minimize glare and reflection on adjacent properties and the traveling public. Illumination of signs by external fixtures shall be arranged so that the lighting element cannot be seen from a public road.

5. Financial and Technical Capacity

The applicant must have adequate financial and technical capacity to meet these standards. Adequate financial capacity may be demonstrated by the development of an estimate of construction costs to be incurred and a plan for providing or obtaining the resources necessary to meet the costs. The applicant will provide names and addresses of contractors, engineers, or other professionals retained for the development or describe the process by which such individuals will be hired.

6. Ground Water Quality and Quantity

A. Protection from Agricultural Contamination

In order to minimize conflicts between commercial agriculture and other land uses, no water supply well shall be located closer than fifty (50) feet from the property line on which active farmland is located. The Board may require additional separation distance if there is evidence of groundwater contamination in the area.

B. Protection of Groundwater and Aquifers

(1) The development will demonstrate that it will not increase the contaminant concentration in the groundwater to more than the State's Primary Drinking Water Standard or Secondary Drinking Water Standard, nor will it decrease the quantity of ground water available on nearby properties below that needed to support existing uses, potential expansions of existing uses or allowable uses.

If ground water contains contaminants in excess of the primary standards, the applicant shall demonstrate how water quality will be improved or treated. If ground water contains contaminants in excess of the secondary standards, the development shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

(2) The location of septic systems and wells shall be determined according to the direction of ground water flow, so that contamination of wells by septic systems is avoided.

(3) Provisions applicable to Commercial Development:

a) For above ground fuel storage, chemicals, industrial wastes, and potentially harmful raw materials, an impermeable diked area shall be provided; the diked area must be sized to contain the total volume of fuel tanks and piping; roofed to prevent accumulation of rainwater in the diked area and shall be properly vented. There shall be no drains in the facility. All concrete shall be designed by a professional engineer registered in the State of Maine when required by the Board.

b) Underground petroleum tanks shall be installed in accordance with the standards adopted by the Maine Board of Environmental Protection.

c) Commercial development subject to these provisions shall provide the Board with a list of chemicals associated with the business that could be a threat to water quality. The development will develop a Spill Prevention Control and Cleanup Plan in accordance with 38 MRSA, §1318-C.

d) Permits granted to businesses required to have a Spill Prevention Control and Cleanup Plan shall contain a condition that the Code Enforcement Officer shall periodically inspect to verify their compliance with the provisions of this section. Any costs incurred in verification shall be borne by the business.

C. Ground Water Assessments

An assessment of the impacts of the development on ground water may be required by the Planning Board if the development will be located over a mapped sand and gravel aquifer, or if the development involves extraction of groundwater to be used off-site. The assessment shall be prepared by a certified geologist or registered professional engineer and shall include the following:

i. a map showing the basic soil types;
ii. the depth to the water table at representative points throughout the development and presumed ground water flow directions;
iii. drainage conditions throughout the development;
iv. data on the existing ground water quality and availability, either from test wells in the development or from existing wells on neighboring properties;
v. an analysis and evaluation of the effect of the development on ground water resources. The evaluation shall, at a minimum, include a projection of post development water quality and quantity, including fluctuations in water table levels and nitrate concentrations.
vi. a map showing the location of any subsurface wastewater disposal systems and drinking water wells within the development and within 200 feet of the development boundaries.

7. Lot Shape

A. No newly created subdivision lot shall have a ratio of length to width of greater than 3:1 without approval of the Planning Board.

B. No lot which fronts on a river, stream, or pond shall have a ratio of lot depth to shore frontage of greater than 5:1.

8. Natural Resource Protection

A. Landscape Preservation

(1) The landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal, disturbance of soil, and retaining existing vegetation during construction.

(2) No significant change shall be made in the elevation or contour of any lot or site by the removal of earth to another lot or site other than as shown on the approved plan.

(3) Environmentally sensitive areas such as significant wildlife habitat, wetlands, steep slopes, floodplains, historic buildings and sites, existing and potential archaeological sites and unique natural features will be maintained and preserved to the maximum extent as deemed by the Board.

(4) Natural drainage areas will be preserved to the maximum extent as deemed by the Board.

B. Scenic Area Protection

(1) The Albion Comprehensive Plan identifies twelve priority scenic areas in Albion. These areas are listed below and marked on the *Official Land Use Map.*

i. Pratt Brook Gorge along the Knights Road
ii. view from Quaker Hill
iii. Mill Stream from Taylor Road to Lovejoy Pond
iv. view of village area from Shores Hill
v. view of village from Unity Road near #4 Cemetery
vi. view from Libby Hill
vii. view of Lovejoy Pond from Back Pond Road
viii. view of Lovejoy Pond from Pond Road
ix. view from Quimby Road
x. view from Drake Hill

(2) In the course of review of any application for a commercial development or subdivision within the immediate vicinity of a scenic area, the Planning Board shall encourage the developer to design the project in such a way as to minimize negative impacts on the viewscape. Compliance with such suggestions shall be voluntary except as provided in (3).

(3) Wireless telecommunication facilities are prohibited from locating within the immediate vicinity of a scenic area.

C. Unique Natural Areas

(1) This standard intends to preserve rare, fragile or endangered species of plant and animal life and habitat. It applies to areas identified by the Maine Natural Areas Program as locations of habitat for endangered or threatened species of plants or animals, natural communities, or Beginning with Habitat Focus Areas. Unique Natural Areas identified as of the date of enactment of this Ordinance are mapped on the *Official Land Use Map*.

(2) If a development is determined to be located within or adjacent to a unique natural area, the applicant shall provide setbacks, disturbance rules, or other management techniques for the preservation of the area.

9. Noise

A. The proposed development shall not raise noise levels to the extent that abutting and/or nearby residents are adversely affected. Any development likely to generate loud or unusual noise, including but not limited to manufacturing facilities and power substations, shall provide the Planning Board with a projection of noise to be generated and proposed methods of noise attenuation or reduction.

B. The estimated sound pressure level of any continuous, regular or frequent or intermittent source of sound produced by any activity on the site shall be limited by the time period and by the abutting land use as listed below. Sound levels shall be measured at least four (4) feet above ground at the property boundary of the source.

Sound Pressure Level Limits Using the Sound Equivalent Level of One Minute (leq 1) (Measured in dB(a) Scale)

Abutting Use	7 am - 9 pm	9 pm - 7 am
Residential	55	45
Public, semipublic and institutional	60	55
Vacant or rural	60	55
Commercial	65	55
Industrial	70	60

Construction activities on a site abutting any residential use, shall limit external noise production to between the hours of 7:00 A.M. and 9:00 P.M.

10. Odor

The proposed development shall not produce offensive or harmful odors perceptible beyond their lot lines, either at ground or habitable elevation.

11. Public Services

A. The development will not have an unreasonable adverse impact on public services and facilities including local roads, fire protection, emergency services, solid waste facilities, schools, recreational programs and facilities and other municipal services and facilities.

B. The proposed development will provide for adequate disposal of solid waste. If the additional solid waste from the proposed development will cause undue strain on the Town's solid waste disposal system, the applicant will make alternate arrangements for the disposal of solid waste. The alternate arrangements shall be at a disposal facility which is in compliance with its license. The Board may not require the applicant to enter into a contractual arrangement exceeding a period of five years.

C. All hazardous and/or special wastes will be disposed of at a licensed waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted.

D. The applicant must submit evidence that proposed fire protection measures are adequate, in the form of a written statement from the fire chief that the proposed development will not exceed the capacity of his/her department to provide adequate protection. The fire chief may recommend additional protective improvements, including but not limited to fire ponds, dry hydrants, fire lanes, separation of flammable wastes, or sprinkler systems.

E. Commercial development must be designed to provide protection from the spread of fire. At a minimum, the requirements of NFPA – 1 and NFPA – 101 must be met. Whenever possible, a key box security system should be installed, and may be required on some projects.

12. Sewage Disposal

The development shall provide for a suitable sewage disposal. All individual on-site systems will be designed by a licensed soil evaluator in compliance with the *State of Maine Subsurface Wastewater Disposal Rules*. Upon the recommendation of the Local Plumbing Inspector, the Board may require identification and protection of reserved areas for replacement systems on individual lots.

13. Signs

All signs shall comply with the provisions of the Maine Traveler Information Services Act, 23 MRSA §1901 et seq.

14. Subdivision Design Options

A. Purpose

This standard provides the developer of a subdivision two options for dimensional standards in order to provide flexibility in design. Because the Albion Comprehensive Plan and community standard places emphasis on retaining tracts of open space over large individual lots, this standard provides the developer a density incentive for the open space design option.

B. Dimensional Standard Options for Subdivision Lots

New lots created within subdivisions of land (other than mobile home parks) shall comply with the dimensional standards in Table V-1, below, according to the appropriate district and design option chosen:

TABLE V – 1: MINIMUM DIMENSIONAL STANDARDS FOR SUBDIVISION LOTS

Performance Area	District			
	Village Area and Growth Area		Rural Area	
	Traditional Design	Open Space Design	Traditional Design	Open Space Design
Maximum Project Density	1.5 acres/unit	1 acre/unit	3 acres/unit	2 acres/unit
Minimum Lot Size	1.5 acres	.75 acre	3 acres	1 acre
Minimum Frontage:				
Public Road	200’	150’	300’	200’
Private Road	150’	75’	200’	150’
Minimum Setback from road right-of-way or from property lines:				
Front	50’	30’	100’	50’
Side and Rear	30’	15’	50’	20’
Minimum Screening/Landscaping:				
Public Road	25%	0	35%	10%
Private Road	25%	0	35%	0

C. Traditional Design Option

Subdivisions of land may be designed in a traditional fashion with individual lots. Such lots must meet the “Traditional Design” dimensional standards for the district, as shown above. Minimum lot sizes shall be 1.5 acres in the Village and Growth Areas and 3 acres in the Rural Area.

D. Open Space Design Option

(1) The Town offers a density incentive to subdivisions designed to encompass a significant portion of the land within an area contiguous and protected from future development. This allows development to take place at greater densities -- 1 acre per housing unit in the Village and Growth Areas, and 2 acres per housing unit in the Rural Area.

(2) Open space created by this design may be used for agriculture, forestry, non-commercial recreation, conservation and comparable low-intensity, nonstructural uses. Wherever possible, a portion of the reserved land shall be located along public road frontage. There shall be no further subdivision of the protected open space. Easements and installation of public utilities may be permitted.

(3) The minimum percentage of open space within the tract required for density bonus eligibility shall be 33% in the Village and Growth Areas, and 50% in the Rural Area.

No more than half of the land set aside may consist of land otherwise unavailable for development such as wetland, floodplain, water bodies, or land within setbacks, buffer strips or rights-of-way.

(4) The reserved open space may be retained by the original landowner or sold or leased to a third party, provided that deed restrictions on the land prohibiting further development must be approved by the Planning Board at the time of subdivision and recorded in the Registry of Deeds. The reserved land required shall be shown on the subdivision plan, with calculations showing the percentage of the tract to be designated as open space. (*This would allow a farmer, for example, to continue to own land protected from development, while subdividing and selling a portion of the parcel).*

(5) The reserved open space may be owned in common by a homeowners' association or deeded to a land trust or conservation organization. The reserved land required shall be designated and shown on the subdivision plan as "open space not to be further subdivided or developed."

(6) A statement of the use, ownership, entity responsible for paying property taxes, and maintenance provisions, shall be submitted to the Planning Board for approval. If any or all of the open space is to be reserved as common open space for use by the residents, the bylaws of the proposed homeowners association shall specify maintenance responsibilities and shall be submitted to the Planning Board prior to subdivision approval. The developer or subdivider shall maintain control of such open space and be responsible for its maintenance until development sufficient to support the association has taken place.

E. Mobile Home Parks and Multi-Family Buildings

(1) Dimensional requirements for Mobile Home Parks are determined by State law 30-A MRSA §4358 and Article VII, Section 5 of this ordinance.

(2) Dimensional requirements for Multi-family buildings are as required under Article VII, Section 6 of this Ordinance.

15. Lot Permit – (For creating a new lot from an existing parcel)

1. Application Requirements

The application for a lot permit must include the following: Diagram of the proposed lot, drawn to scale, with dimensions of each proposed boundary line, showing road frontage and/or right-of-way; if accessed via right-of-way, copy of deed guaranteeing right-of-way; location of existing or proposed entrance; acreages of proposed lot and remaining portion of existing lot; tax map and lot number; names and lot numbers of abutters; copy of deed to existing lot; names of legal owners of existing lot, and of proposed lot, if to be conveyed to known party; and any deed restriction or other limitation to be placed on the use of the lot.

2. Conditions for Approval of Lot Permit

Approval for a lot permit requires meeting the dimensional standards of the district(s) in which it is located. Note: These standards are outline in Table V-1 for Traditional Design of Village, Growth, or Rural Districts of this Ordinance, and must be considered together with any relevant provisions of the Shoreland Zoning Ordinance or Floodplain Management Ordinance, if located in these overlay districts. Proposed new backlots must meet the standards in Article VII: Specific Use Performance Standards for Establishing New Backlots.

a) The creation of the proposed lot will not cause another lot to become landlocked, and will not cause the existing lot to become a non-compliant lot.

b) The lot being divided will have an existing entrance that was legally established at the time of its creation, and the newly created lot will have an approved entrance.

c) A driveway permit indicating at least one permittable entrance location must be obtained from the Road Commissioner, or from the Maine Department of Transportation if on a state road. Note: The location identified is not binding on a future entrance permit application.

3. Copy of Deed Filed at Town Office

A copy of any deed filed pursuant to the issuance of a Lot Permit shall be filed with the Town Clerk within 15 days of the date of filing at the Registry of Deeds.

16. Surface Waters

A. General Standard:

Development will not result in undue surface water pollution. The Board shall at least consider the elevation of land above sea level and its relation to floodplains, the nature of soils and, if necessary, their ability to adequately support waste disposal and/or any other approved licensed discharge; the slope of the land and its effect on drainage.

B. Erosion Control Plan

Erosion of soil and sedimentation of watercourses and water bodies shall be minimized. When a development involves alteration of the ground surface or construction of

structures, an Erosion Control Plan shall be developed and implemented. The Erosion Control Plan shall meet the standards of *Maine Erosion and Sedimentation Control BMP's*, published by Maine DEP (March, 2003 or as revised).

C. Stormwater Management Plan

(1) Where the development includes streets or parking areas, a Stormwater Management Plan shall be prepared by a professional engineer registered in the State of Maine. The Stormwater Management Plan shall meet the standards of *Stormwater Management for Maine*, published by Maine DEP (2006 or as revised).

(2) All components of the storm water management system shall be designed to limit peak discharge to predevelopment levels for every storm between the two (2) year and the twenty-five (25) year, twenty-four (24) hour duration, frequencies, based on rainfall data for Kennebec County. When the development discharges directly to a major water body, peak discharge may be increased from predevelopment levels provided downstream drainage structures are suitably sized.

(3) For projects including structural treatments, such as detention ponds, a Stormwater Maintenance Agreement shall be prepared, indicating how stormwater management structures will be maintained through the course of their projected life.

D. Lovejoy Pond Watershed

When a proposed development is within the direct watershed of Lovejoy Pond, the phosphorus export from development shall be equal to or less than .073 pounds per acre per year. The Department of Environmental Protection manual *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development,* (September 1989, or as revised) shall be used for calculating, designing, and evaluating phosphorus controls.

E. Development in the Floodplain

Any structural development in the floodplain shall comply with the provisions of the *Floodplain Management Ordinance for the Town of Albion*, (2009, or as amended).

17. Survey Monuments

Stone or concrete monuments or iron pins shall be set at all corners and angle points of lots to be created and at intersections or angle points of any rights-of-way. Stone or concrete monuments shall be a minimum of four (4) inches square, and set so that the top is within four (4) inches of the ground surface. All monuments shall bear the name and license number of the surveyor who installed them.

Article VI: Land Development Standards for Roads, Parking and Access

1. Design and Construction of Roads

These standards shall apply to the construction of all new roads within the Town of Albion.

Nothing in this Ordinance shall be construed to preclude the design and construction of roads that meet higher construction standards than those described herein.

A. Public Acceptance of Roads

(1) The approval by the Planning Board of a proposed road designed to "public road" standards shall not be deemed to constitute or be evidence of acceptance of the road by the Town of Albion. Acceptance of a proposed public road shall only be by an affirmative vote of a Town Meeting.

(2) No road shall be offered for acceptance to the Town unless and until it meets the minimum standards outlined in Section E below.

B. General Standards (applicable to all roads)

(1) All public and major private roads shall be designed by a professional engineer, registered in the State of Maine, and shall be built according to accepted engineering standards. No road shall be constructed until approval has been granted by both the Road Commissioner and Planning Board.

(2) Intersections with public roads:

a) The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees.

b) The maximum grade desired within 75 feet of the intersection shall be 2%.

(3) Dead End Roads:

a) The maximum length of dead end roads shall be 2,000 feet.

b) Dead end roads serving more than four dwelling units, or greater than 1,000 feet in length, shall have a turnaround.

c) If a cul-de-sac style turnaround is used, the right-of-way shall have at least a 75-foot radius and the road surface shall have at least a 60-foot radius at the outside.

d) If a hammerhead-style turnaround is used, it shall be located within one

hundred (100) feet of the end of the road, and shall be a minimum of sixty (60) feet deep and constructed to the same specification as the road.

(4) When crossing brooks or streams, adequate erosion control measures shall be taken to prevent sedimentation of the water. Culvert design and installation shall be as provided in the Stormwater Management Plan.

(5) The design of roads shall provide for proper continuation of roads from adjacent development and proper projection of roads onto adjacent undeveloped land.

C. Public Roads: Minimum Standards

(1) The following minimum design standards apply to the construction of improvement of public roads. A "collector or commercial" road is one which serves twenty (20) or more dwelling units or a commercial building. A "minor" road serves fewer than twenty dwelling units.

	TYPE OF ROAD	
Description	Collector or Commercial	Minor
Minimum Right of way width	60'	50'
Minimum Pavement width	24'	20'
Minimum grade	.5%	.5%
Maximum grade *	6%	8%
Minimum centerline radius	250'	150'
Minimum tangent between curves	100'	50'
Roadway crown	1/4"/Ft.	1/4"/Ft.
Shoulders (each side)	5'	3'

* Maximum grade may be exceeded for a length of 100 feet of less.

The center line of the roadway shall be the center line of the right of way.

(2) All roads proposed to be dedicated to the Town shall be paved as provided below. Paving materials and gravel grading shall conform to standards of *State of Maine Department of Transportation Standard Specifications* (November, 2014 or as revised).

	TYPE OF ROAD	
Material Description	Collector or commercial	Minor
Aggregate Sub base course (Max. Sized stone 4")	24"	15"
Crushed Aggregate Base course	4"	3"
Hot Bituminous Pavement		
Surface Course	2"	1 ½"
Base Course	4"	2 ½"
Total Thickness:	6"	4"

(3) The planning board may require sidewalks be provided along the street if sidewalks already exist on abutting property. Sidewalks shall be a minimum of five (5) feet in width and be constructed in accordance with ADA standards.

(4) For commercial developments expected to generate 200 trips per day (see section VI.5, below) or more, or residential subdivisions with 20 or more lots or dwelling units, there shall be at least two entrances from public roads.

D. Private Roads: Minimum Standards

Private roads are barred by law from receiving public expenditures for either summer or winter maintenance, but must be designed, constructed and maintained in sufficient condition for access by emergency services.

(1) Where proposed roads are to be privately-owned, the following words shall appear on the recorded plan: "*All roads shall remain private roads to be maintained by _____ and shall not be offered for acceptance or maintained by the Town until they meet the applicable public road design and construction standards*."

(2) Maintenance responsibility for the road(s) shall be assigned to a homeowners' association, in the case of a residential subdivision, or a corporate entity in the case of a commercial development. Provisions for funding maintenance of the roads shall be submitted to and approved by the Planning Board prior to permitting.

(3) Except as provided below, private roads shall meet the standards for minor public roads, except for maximum grade and shoulder width, and that paving is not required. However, if paving is provided, it shall meet the specifications of Section VI.1.C(1) above.

(4) Private roads serving fewer than four (4) structures may be designed with a single travel lane at least fourteen (14) feet in width, no shoulder width, and a gravel base of no less than twelve (12) inches.

(5) Private roads within a mobile home park shall be designed to the standards of Article VII, Section 5.C(3) of this Ordinance.

2. Design and Construction of Driveways

A. The Road Commissioner shall inspect the proposed driveway placement for sight distance (*see* section 3.C, below) and determine the need for a culvert. A letter from the Road Commissioner shall be submitted as part of the application package for any land use or development permit.

B. Culverts purchased by the applicant shall be installed after approval by the Road Commissioner. The Road Commissioner will also conduct a final inspection for compliance once the culvert has been installed.

C. Culverts shall be no smaller than 15" in diameter. The Road Commissioner may require a larger diameter if deemed necessary, and may specify a longer runout or other design measures to reduce erosion potential.

D. Common driveways may serve two single-family dwelling units without being

considered a minor private road.

(1) The Road Commissioner and Code Enforcement Officer shall review the proposed common driveway before a Land Use Permit is issued.

(2) Deeds to lots proposed to be accessed by a common driveway shall include a driveway maintenance agreement.

3. Access to Property

A. Proposed developments shall provide safe access to and from public and private roads. Safe access shall be assured by providing suitable location for access points, with respect to sight distances and intersections.

B. Any development proposing access onto a state road shall obtain a driveway, entrance, or traffic movement permit from the Maine Department of Transportation. A copy of the permit shall be provided to the Planning Board.

C. Any road or driveway entering onto a public road shall be so designed in profile and grading and so located as to provide the minimum sight distance in each direction.

The minimum sight distance from a proposed entrance (in feet) shall be 10 times the posted speed limit (in MPH) on the existing road, or 350 feet if no speed limit is posted. Sight distance is measured from a point ten (10) feet behind the curb or edge of shoulder, with the height of the eye 3.5 feet above the pavement and height of object 4.25 feet. Where necessary, the land bordering the intersection shall be cleared of perennial growth and sight obstructions to achieve the required sight line.

D. Access points to existing public roads shall be minimized. Development shall be designed so that lots are accessed through lesser roads, where applicable. Curbcuts shall be limited to the minimum width necessary for safe entering and existing. Where common access is not provided, a single lot shall be limited to two curbcuts.

E. The centerline of any new road or commercial driveway intersecting an existing public road shall be at least 125 feet from the centerline of any other street intersecting that road, unless it is located directly across from that intersection.

F. If a proposed development is projected to generate more than 300 vehicular trips per day, as estimated using section VI.5, below, a traffic impact analysis completed by a professional engineer with experience in traffic planning shall be provided at the time of review.

4. Internal Circulation and Parking

A. Commercial and other non-residential development shall provide an internal system of circulation and parking sufficient to accommodate expected vehicles without parking on the street.

(1) On-site parking will be arranged so that it is not possible for vehicles to back

directly onto a street. The driveway shall be designed so that vehicles do not have to wait on the street for drivers to pull into or out of parking spaces.

(2) The layout and design of parking areas must provide for safe and convenient circulation of vehicles and pedestrians throughout the lot.

(3) Projects that will be regularly served by delivery trucks must provide a clear route with appropriate geometric design to allow for turning and backing of an appropriate vehicle length without impeding normal vehicle circulation or obstructing access to parking spaces.

(4) A clear route of access must be provided and maintained for emergency vehicles to and around buildings. Snow shall not be stored on-site in locations that may impede emergency vehicles.

(5) Any use that provides drive-through service must be located and designed to minimize the impact on neighboring properties and traffic circulation. No drive-through facility shall be located in the area of the site adjacent to a pre-existing home. Communication systems must not be audible to adjacent homes. Vehicular access to the drive-through shall be through a separate lane that prevents vehicle queuing within normal parking areas. Adequate queuing space must be provided to prevent any vehicles from having to wait on a public street, within the entry from the street, or within designated parking areas.

B. Adequate parking capacity shall be provided for the reasonable expectations of business at the site.

(1) The table overleaf shall be used as a guide for the provision of sufficient parking spaces. The planning board may modify parking requirements consistent with the objective to reduce impervious surface and environmental impact. For uses not listed in the table, the publication *Parking Demand* (ITE, 1987 or most recent edition) shall be consulted.

(2)

TABLE VI - 1: On-site Parking Requirements	
# of Spaces	**Land Use Activity**
Places of Residence or Accommodation -- spaces per room or dwelling unit	
1/3	Dedicated Retirement Home, Nursing Care Facility
1	Overnight accommodations
1.5	Multifamily buildings
Places of Public Assembly -- spaces per seat based on maximum seating capacity	
1/4	Theater, with fixed seating
1/3	Religious Institution, Restaurant (except fast food)
1/2	Convention Center, Meeting Hall, Grange, Bottle Club
Places of Commerce and Industry -- spaces per 1,000 sq.ft. of gross floor area.	
1	Warehouses, including self-storage
1 1/2	Industrial and Manufacturing Facilities, furniture and appliance stores
3	Grocery Stores over 5,000 sq.ft., Offices, except as noted.
3.5	Retail Sales, except as noted
5	Banks, Medical, Dental, and Veterinary Offices, Fitness Clubs, Child Care
6	Fast food restaurant, snack bar
Public and Institutional Facilities -- spaces per 1,000 sq.ft. of gross floor area	
2	Elementary Schools, Library, Museum
4	Other education – classroom area only, Community Center, Municipal Office.
6	Hospital
Miscellaneous -- criteria as specified	
1 per 1,000 sf	Indoor Sports Facility (Tennis, Fitness, etc.) -- no spectators
1 per 4 seats, based on max seating capacity	Stadiums, Arenas, Racetracks, and other spectator sport venues
30 per acre	Mini-golf, Go-Carts, and other Outdoor Amusements
4 per lane	Bowling Alley
3 per service bay 1 per 10 vehicles displayed	Motor Vehicle Sales or Service

(3) Within each development, at least one parking space, plus one for every 25 spaces, shall be provided and designated for handicapped access.

(4) Where the proposed development is for expansion of or addition to an existing use that will continue, the requirement for parking spaces will include sufficient spaces for the existing use, even if it did not previously have sufficient spaces.

(5) Where multiple uses of the lot or building are proposed, the requirement shall be the sum of the requirements for the separate uses. Where a building or use consists of multiple functions, such as a church with school, each separate function shall be calculated independently, except that when one of the uses is residential, no additional spaces shall be required.

(6) The Board may permit phased installation of parking spaces provided that adequate provision is made for the development of these spaces as needed in the future. The approval shall specify conditions for phasing, such as a permanent set-aside of adequate land area, and a schedule showing under what conditions the additional required parking shall be provided.

(7) Area devoted to parking for vehicles used in the ordinary conduct of the business, such as construction vehicles, tractor-trailers, and vehicles displayed for sale, shall not be included in the above calculations.

C. Dimensional Standards for aisles and parking spaces:

(1) Parking lots and access drives are not required to be paved unless the planning board determines that it is necessitated by the volume of vehicle traffic. If paving is required, it shall conform to the standards of section 1.C.(1) of this article for minor streets.

(2) Parking spaces do not need to be designated on unpaved parking lots; however, the site plan shall show adequate parking layout and aisle width.

(3) Parking spaces shall measure a minimum of ten (10) feet in width by twenty (20) feet in length for spaces angled at 90 degrees from the travel aisle. Spaces designated for handicapped parking shall measure twelve and a half (12.5) feet in width by twenty (20) feet in length.

(4) Parking spaces installed at an angle other than 90 degrees from the travel aisle shall be designed so that a ten-by-eighteen foot rectangle can be placed within each one, except that stalls parallel to a travel aisle shall measure ten (10) feet in width by twenty-two (22) feet in length.

(5) Parking aisles shall twenty (20) feet in width if designated for two-way traffic, and sixteen (16) feet in width if restricted to one-way traffic. One-way aisles shall be so marked.

(6) Bumper stops or other devices shall be used to prevent parking vehicles from interfering with pedestrian walkways, drainage ways, or landscaping.

5. Sidewalks

A. If a paved sidewalk exists on property abutting the development, it shall be extended into the development. Additional sidewalk will connect the installed sidewalk with the primary entrance to the development.

B. Paved sidewalks shall consist of bituminous or Portland Cement concrete placed over an adequate base of crushed gravel.

C. A pedestrian connection must be provided from parking areas to building entrances in such a fashion that pedestrian safety is preserved. In unpaved parking lots, signage shall be installed warning motorists of pedestrians crossing at critical points.

6. Vehicle Trip Generation Calculations

A. Trip Generation Estimates

Trip generation estimates are provided in this Ordinance as a mechanism for projecting the impact of a prospective development within the Town of Albion. Estimates are intended to utilize available existing data to anticipate the traffic to be generated by development based on the type of use.

B. Daily Trip Generation by Land Use

Table VI-2, below, provides trip estimates according to the land use proposed. For land uses not listed, the publication *Trip Generation Manual*, published by the Institute of Transportation Engineers (2014 or as revised) may be used. For any development within the village area, the trip estimate may be reduced by ten (10) percent to allow for walk-in traffic.

Table VI-2: Example Daily Trip Generation Rates by Land Use

Land Use Type	Trip Generation per unit	Size of building necessary to generate 100 trips
General Retail	39.8 per 1,000 square feet (sf)	2,500 square feet (sf)
Grocery/convenience	94.8 per 1,000 sf	1,000 sf
Gas Station	135 per pump	1 pump
Auto Repair	15 per 1,000 sf	6,700 sf
General Office	11.5 per 1,000 sf	8,700 sf
Medical/dental Office	35.7 per 1,000 sf	2,800 sf
Day Care	30 per 1,000 sf	3,300 sf
General Manufacturing	9.7 per 1,000 sf	10,300 sf
Warehouse	3.0 per 1,000 sf	33,300 sf
Hotel/motel	4.7 per room	22 rooms
Restaurant	75 per 1,000 sf	1,300 sf
Fast Food/drive-through	338 per 1,000 sf	300 sf
Bank	121 per 1,000 sf	800 sf
Places of Public Assembly	9.7 per 1,000 sf	10,300 sf
Apartments	0.65 per unit	16 units
Mobile Home Park	0.60 per unit	17 units

Article VII: Specific Use Performance Standards

1. A. Existing Backlots

The Town allows limited development on backlots existing at the time of enactment of this Ordinance.

(1) Any buildings proposed to be placed on a backlot shall be located at least 250 feet from a public road.

(2) If developed according to the point system, the application shall be granted 1/2 point for road frontage and 1 point for front setback.

B. Establishing New Backlots

(1) New Backlots can be established in Village, Growth, and Rural Districts.

(2) Must have a minimum buildable lot size of 3 acres for the Rural District and 1.5 acres for Village and Growth district.

(3) Any new back lot development shall require a 50 feet right-of-way access that meets both the general standards as identified in Section VI.1.B and the minimum standards criteria for private roads as identified in Section VI.1.D

(4) Proposed placement of deeded right-of-way must meet site distance as determined by Town Road Commissioner or DOT for a State Road.

(5) No Structure may be built closer than 250 feet from the edge of the public road right-of-way or placement within the 50 feet of the backlot right-of-way.

(6) If developed according to the point system, the application shall be granted ½ point for road frontage and 1 point for front setback.

(7) A copy of any deed filed pursuant to the issuance of a Backlot shall be filed with the Town Clerk within 15 days of the date of filing at the Registry of Deeds.

2. Mineral Extraction

A. Applicability

Mineral extraction operations which anticipate removal of more than one hundred (100) cubic yards of material are required to obtain a land use permit from the planning board. Because the nature of mineral extraction operations is to grow, a permit may be issued for no more than five (5) years. Permits are fully renewable based on a new site plan. Operations already in existence on the effective date of this ordinance must obtain a

permit within five (5) years of the effective date. (*Note: Gravel pits with excavation of five acres or more are also subject to performance standard review under Chapter 378 of the rules of the Maine Department of Environmental Protection).*

B. Performance Standards

(1) Whenever possible, oil changes and refuelings should not take place in the extraction area or over the aquifer. In the event of such occasions, or in the case of an accidental leak, absorbent pads shall be kept on site and utilized to minimize pollution.

(2) There shall be no storage or dumping within the extraction area of any substances that could produce harmful leachate, unless such substances are placed under cover and on an impermeable, spill-proof base. Such potentially harmful substances include, but are not limited to salt, rubbish, creosoted timber and petroleum products.

(3) Disturbance of Ground or Surface Water

a) In order to preserve the natural ability of the soil to act as a filtering and absorption media in an aerobic environment, and to prevent the evaporative water losses that are associated with ponds, all extraction shall conform to the following limitations unless a waiver has been obtained from the Planning Board.

i. No material shall be excavated below a position that is two feet above the seasonally high-water table; and

ii. No ditches, trenches, pumping or other methods shall be used to lower the water table to permit more extraction than could occur under natural conditions.

b) If excavation is to be conducted within two feet of the water table, the applicant must demonstrate that both of the following conditions exist:

i. The applicant must prove that no reasonable alternative exists to excavate without disturbing ground or surface water; and

ii. The applicant must prove that no harm will result to ground water from the proposed excavation.

c) The Planning Board may require the applicant to hire, or may directly hire at the applicant's expense, a hydro geologist or other expert to render a professional opinion before granting a permit for the excavation.

(4) Access to the operating area shall be strictly controlled at all times, where feasible with locking gates. When operations are finished, all vehicular entrances shall be made impassable.

(5) Any open-pit excavation shall be conducted so that:

a) The average slope from any cut bank measured from a point located 10 feet from the boundary of any abutting property to the bottom of the cut bank in the pit shall

not exceed a horizontal to vertical ratio of 2:1. The owner of the pit is responsible for maintaining this condition.

b) The top of the cut bank of the pit shall, at no time, be closer than 10 feet from the property boundary of any abutting landowner.

(6) Reclamation.

a) A reclamation plan will be provided which will show any areas on which operations will be completed over the five-year period and a plan to reclaim the area. "Completed" means that less than one hundred (100) cubic yards of material are removed over a twelve (12) month period.

b) Within twelve (12) months following completion of excavation operations, ground levels and grades shall be established so that the restored drainage exits the site resembling pre-development drainage volume and location.

c) Final slopes on the reclaimed area shall not exceed two feet horizontal to one foot vertical (2:1).

d) All ground surfaces shall be stabilized according to best management practices described in *Maine Erosion and Sediment Control BMP's* (DEP, 2003 or as revised.)

(3) Home Occupations

A. Home occupations do not require a land use permit provided that they are conducted within an existing residential use and conform to the following guidelines:

(1) A home occupation shall be carried out without altering the residential character of the home or changing the character of the lot from its principal use as a residence.

(2) A home occupation shall be carried on by the residents of the dwelling unit, with not more than two employees who are not residents of the dwelling unit.

(3) A home occupation shall not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes, or electrical interference with normal radio or television reception, or cause other nuisances which extend beyond the limits of the subject property.

(4) A home occupation shall not generate any substantial increase in daily or seasonal traffic.

B. A commercial enterprise which does not meet the definition of home occupation, or cannot meet the standards of this section, may still be allowed, but must apply for the appropriate permit.

(4) Mobile Home Parks

A. Applicability

The provisions of this section shall pertain to all mobile home parks and mobile home park expansions within the Town.

B. Dimensional Standards

(1) Minimum dimensional standards for mobile home park lots are outlined in the following table, except as further described in Subsections 2-4 below:

TABLE VII-1: Minimum Dimensional Standards For Lots Within Mobile Home Parks

Performance Area	District	
	Village and Growth Areas	Rural Area
Minimum Lot Size*:		
Individual septic system	20,000 square feet	20,000 square feet
Central septic system	7,500 square feet	12,000 square feet
Minimum Frontage:		
Individual septic system	100'	150'
Central septic system	75'	100'
Minimum Setbacks:		
Front	20'	40'
Side and Rear	10'	20'

**The applicant must also satisfy the requirements of the State Plumbing Code for adequate well and septic system placement, and shoreland setbacks for any lots located within a shoreland zone.*

(2) Mobile homes located on lots adjacent to a public road shall be set back 30 feet in the Village and Growth Areas, and 50 feet in the Rural Area.

(3) Carports of non-combustible materials are not subject to side setback requirements.

(4) To avoid monotony, the Planning Board may allow front setbacks on a road within the park to be varied, provided that no home may be closer than ten (10) feet from the right-of-way and the average setback distance is at least twenty (20) feet in the village and growth areas and forty (40) feet in the rural area.

(5) All buildings on the lot, including accessory buildings and structures, but excluding open decks and parking spaces, shall not cover more than 50 percent of the lot area.

C. Roads and Parking

(1) For each mobile home lot there shall be provided and maintained at least 2 off-street parking spaces. This requirement may be waived if an equivalent number of spaces is provided in a central parking area.

(2) In addition to occupant parking, off-street guest and service parking shall be provided within the boundaries of the park at a ratio of one (1) space for each four (4) lots. Such parking shall have a gravel or paved surface.

(3) Private roads within the park shall be located within a right-of-way of at least twenty-three (23) feet in width. Roads shall be built to the standards developed by the Maine Manufactured Housing Board.

D. Sanitation and Utility Requirements

(1) All mobile home parks shall provide permanent electrical, water and sewage disposal connections to each mobile home in accordance with applicable State and local rules and regulations.

(2) For parks that do not have individual on-site wells, the water supply distribution system shall be designed by a professional engineer, registered in the State of Maine.

(3) For parks that do not have individual on-site wastewater disposal systems, the wastewater collection system shall be designed by a professional engineer, registered in the State of Maine.

E. Conversion of Park Lots

No lot in a mobile home park may be sold or otherwise conveyed without the prior approval of the Planning Board. Any mobile home park lot so conveyed shall meet the dimensional requirements outlined in Article III, Table III-1 of this Ordinance.

F. Park Administration

(1) The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of all park-owned structures and their sites. Park management shall conform to State laws.

(2) Compliance with this Ordinance shall not exempt the park owner, developer or manager from complying with other applicable local, state and federal codes and regulations.

(5) Multiple Dwelling Units

A. Accessory Apartments

(1) Accessory apartments are allowed in all districts as an attached or a separate structure following issuance of a Land Use Permit by the Code Enforcement Officer.

(2) Accessory apartments shall conform to all provisions of the Maine State Plumbing Code and no dwelling that is served by an on-site wastewater disposal system shall be modified to create an accessory apartment until a site evaluation has been conducted by a licensed site evaluator which demonstrates either that the existing system can handle both dwelling units or that a new system can be installed to meet the disposal needs of both dwelling units.

(3) The applicant shall demonstrate that adequate off-street parking will be provided.

(4) The principal dwelling unit must be owner-occupied. There are no restrictions on occupancy of the accessory apartment.

B. Conversion of a Single-family Home to Multi-family

The conversion of an existing residence to a multi-family dwelling, that otherwise would not meet the dimensional and/or parking requirements for a new structure, may be allowed under a Land Use Permit granted by the Planning Board. The following conditions must be met:

(1) The conversion shall not create more than two new dwelling units in any structure (creation of more units requires subdivision approval).

(2) The converted residence shall retain the appearance of a single-family dwelling, with the exception of a second floor emergency egress, if applicable.

(3) Adequate off-street parking shall be provided.

(4) Adequate provision shall be made for the disposal of sewage, waste and drainage generated by the use. Subsurface sewage disposal shall comply with all provisions of the *State of Maine Subsurface Wastewater Disposal Rules.*

C. Multi-family Buildings/Apartments

(1) The development of multi-family buildings is permitted in all districts upon review as a subdivision. Dimensional requirements shall be as follows:

TABLE VII-2: Dimensional Standards For Multi-Family Buildings			
	District		
	Village Area	Growth Area	Rural Area
Lot Size*	1 acre plus 10,000 square feet for each additional unit after second	1.5 acres plus 15,000 square feet for each additional unit after second	2 acres plus 15,000 square feet for each additional unit after second
Frontage:			
Public Road	150'	200'	300'
Private Road	75'	150'	200'
Minimum Setback from edge of road right-of-way or from property lines:			
Front	10'	50'	100'
Side	15'	30'	50'
Rear	15'	30'	50'

**The applicant must also satisfy the requirements of the Minimum Lot Size Law and State Plumbing Code for adequate well and septic system placement, which may require a larger lot size. Also, the applicant must meet the dimensional requirements and performance standards of the Shoreland Zone, if applicable.*

(2) For developments of more than four (4) units, at least one approved site for a replacement septic system shall be provided. For developments of more than twelve (12) units, at least two approved sites for replacement septic systems shall be provided.

(3) Adequate off-street parking shall be provided. For conventional multi-family buildings, a minimum of one and a half (1.5) spaces shall be provided for each dwelling unit. For housing that is legally designated elderly housing, the parking requirement may be reduced to one-half (1/2) space per dwelling unit.

(6) Seasonal Conversions

A. A change of use from seasonal to year-round use shall require a new plumbing permit and a land use permit from the Planning Board.

B. If either the structure or lot is non-conforming, the Planning Board may deny the permit if year-round use would substantially increase the negative impact of the non-conformance.

(7) Timber Harvesting

A. Timber harvesting within the boundaries of the Town of Albion is allowed without a permit with the exception of clearcuts in excess of 5 acres.

B. Clearcutting of more than 5 acres must be conducted under a harvesting plan submitted by the landowner and approved by the Planning Board. The harvesting plan must describe the erosion control methods to be utilized. Following the clearcut, the State's regeneration standards must be met.

C. All tree cutting operations must conform to the laws of the State of Maine.

(8) Wireless Telecommunication Facilities

A. Applicability

This section shall apply to all development of wireless telecommunication facilities. All new or expanded wireless telecommunication facilities shall be subject to review as per the requirements of this Ordinance. An expansion which consists only of the addition of antennae within previously-approved co-location pads shall not require a formal review process and shall be approved by the Code Enforcement Officer.

B. Materials to be Included in the Application

In addition to the requirements of this Ordinance for all applications, the following information shall be provided:

i. Name of the owner or operator of the wireless telecommunication facility and the proposed tenants.

ii. Date the wireless telecommunication facility is proposed to be constructed.

iii. A description and construction detail of the wireless telecommunication facility including a plan identifying the location of the tower and other structures on the property in relation to existing structures on the subject or neighboring property; dimensions of the tower, and location of structural supports if any. The plan shall also identify any accessory structures that are essential to operation of the telecommunication facility.

iv. Certification that construction of the structure will meet industry standards and complies with all federal, state and local building codes and other applicable regulations.

v. Provide documentation of FCC approval and license.

vi. Provide documentation of FAA approval if applicable.

vii. Redundant towers shall submit evidence demonstrating that no existing site or structure can accommodate the applicant’s proposed facility due to insufficient location, height, structural capacity, access or affordability.

C. Location

(1) Wireless telecommunication facilities shall not be sited within the foreground of a scenic area identified by the Albion Comprehensive Plan unless the Planning Board finds that no other location is technically feasible.

(2) No wireless telecommunication facility shall be located so as to create a significant threat to the health or survival of rare, threatened or endangered plant or animal species.

D. Standards

All wireless facilities shall comply with the following standards:

(1) A wireless telecommunication facility must be fenced to discourage trespass.

(2) A wireless telecommunication facility must be constructed of materials and/or colors that blend with the surrounding natural or man-made environment to the maximum extent possible. The facility must be designed to minimize its profile by blending with the surrounding existing natural and man-made environment.

(3) A new wireless telecommunication facility and related equipment must be designed and constructed to accommodate future expansions for future colocation of at least 3 additional wireless telecommunication devices or providers subject to the height limitation posed by tower design.

(4) A new wireless telecommunication facility must be illuminated only as necessary to comply with the FAA or other applicable state and requirements. Security lighting may be installed as long as it is as it is shielded to retain light within boundaries of the site to the maximum extent possible.

(5) The facility and related equipment must be screened from view to a reasonable extent. Tower facilities shall be landscaped with a buffer of plant material that effectively screens the view of the tower compound. In sensitive locations, the buffer shall include evergreen trees that will reach a height of at least 25 feet in a period of 10 years. The standard buffer shall consist of a landscaped strip at least 4 feet wide outside the perimeter of the compound. In locations where visual impact of the tower would be minimal, the landscape requirements may be reduced or waived altogether. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers on large, wooded lots, natural growth around the property perimeter may be sufficient barrier.

(6) All wireless telecommunication facilities shall be set back a minimum of 105 percent of the antenna height from all residential buildings and from any structures on neighboring property.

E. Abandonment

(1) The owner of a wireless telecommunication facility shall be required to remove the tower should it not be in service for a period of twelve (12) consecutive months. An applicant for a permit under this section shall post a performance guarantee with the town prior to obtaining a permit that is equal to 125% of the cost of removing the structure. The performance guarantee covering such removal shall be for a minimum term of 5 years. It must contain a mechanism, satisfactory to the town, for review of the cost of removal every 5 years, and a mechanism for increasing the amount of the guarantee should the revised cost estimate show it necessary.

Article VIII. Definitions

1. Construction of Language

(1) In the interpretation and enforcement of this Ordinance, all words other than those specifically defined in the Ordinance shall have the meaning implied by their context in the Ordinance or their ordinarily accepted meaning. Where any uncertainty arises, the Board of Appeals shall be the final authority.

(2) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity.

(3) The present tense includes the future tense, the singular number includes the plural, and plural numbers include the singular.

(4) The words "shall", "will" and "must" are mandatory; the word "may" is permissive.

(5) The word "lot" includes the word "parcel."

(6) The words "Town" or "municipality" mean the Town of Albion, Maine.

2. Definition of Terms

In this Ordinance the following terms shall have the following meanings:

Abutter - the owner of any property with one or more common boundaries, or across the street or stream from, the property involved in an application or appeal.

Accessory apartment - a secondary dwelling unit attached to a single-family residence or a separate structure that may be occupied by a family member or tenant of the owner-occupants of the main dwelling unit.

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; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

Aggrieved party - an owner of land whose property is directly 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.

Antenna. Means a system of poles, panels, rods, reflecting disc or similar devices used for the

transmission or reception of electromagnetic frequency signals.

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 point is an antenna. Measurement of tower height shall include antenna, basepad, 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 grade shall be used in calculating the antenna height.

Backlot - any lot or parcel of land that does not have frontage on a public or private road or lacks the minimum frontage as required by this Ordinance.

Barn – A building or structure, in whatever shape or design, used for agricultural purposes.

Best Management Practice (BMP) - a method or practice which, when installed or used, is consistent with efficient, practical, technically and environmentally sound animal or crop production practices. For those practices that have an impact on water quality, BMP's are those practices best suited for preventing, reducing or correcting surface and groundwater contamination.

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.

Building - Any structure built for the enclosure of persons, animals, or property, which is erected on a permanent foundation or is a manufactured housing unit.

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.

Clear Cutting - timber (tree) harvesting on a forested site which over a 10-year period results in an average residual basal area of trees over 6 inches in diameter of less than 30 square feet per acre, unless one or both of the following conditions exist:

(1) If, after harvesting, the average residual basal area of trees over 1 inch in diameter measured at 4.5 feet above the ground is 30 square feet per acre or more, a clearcut does not occur until the average residual basal area of trees 6 inches or larger measured at 4.5 feet above the ground is less than 10 square feet per acre; or

(2) After harvesting, the site has a well-distributed stand of trees at least 5 feet in height that meets the regeneration standards applicable under Title 12 MRSA, Chapter 805, Section 8869, Subsection 1.

Colocation. Means the use of a wireless telecommunication facility by more than one provider.

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.

Common driveway - a vehicular accessway serving two dwelling units, lots or structures.

Curbcut - junction of a vehicular accessway and the public or private road accessed.

Density - the number of dwelling units per area of land.

Development – The construction, reconstruction, conversion, alteration, or enlargement of any structure, or the establishment of a new non-residential use of the land. The term includes grading and filling of land preparatory to actual construction.

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

Direct watershed - that portion of the watershed that does not first drain through an upstream lake.

District - a specified portion of the Town of Albion, delineated on the *Official Land Use Map* within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Driveway - a vehicular access way serving a land use activity.

Driveway (shoreland zone only) - a vehicular accessway less than five hundred (500) feet in length serving two lots or less.

Dwelling - any building or structure or portion thereof designed or used for residential purposes.

Dwelling unit - A room or suite of rooms used by a family as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, bathing and sanitary facilities.

Duplex - two-family dwelling.

Emergency services - operations conducted for the public health and safety, such as fire protection, law enforcement, ambulance service, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

Essential services - gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles 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 months to a use's operating season; or an increase in the amount of floor area or ground area devoted to a particular use.

Expansion, Wireless Telecommunication Facility. Means the increase in height of an existing tower,

or the addition of towers or structures to an existing facility.

FAA. Means the Federal Aviation Administration or its lawful successor.

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

FCC. Means the Federal Communication Commission or its lawful successor.

Floor area - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, with 5' vertical distance or more of headroom, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

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

Forested wetland - a freshwater wetland dominated by woody vegetation that is six (6) meters tall or taller.

Foundation - the supporting substructure of a building or other structure including but not limited to basements, slabs, sills, posts or frostwalls.

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

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

(2) 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.

Frontage, road - the linear distance between the intersections of the side lot lines with the road right-of-way, as measured along the edge of the right-of-way.

Frontage, shore - the horizontal distance, measured in a straight line, between the intersections of the lot lines with the shoreline at normal high-water elevation.

Gravel pit - Mineral extraction operation in which the excavation of sand or gravel takes place.

Height - the vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

Height, Wireless Telecommunication Facility. Means the distance measured from the ground to the highest point on the tower or other structure even if the highest point is an antenna.

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

Impervious Surface - The area covered by buildings and associated structures, areas which have been or will be covered by a low permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas which have been or will be compacted through design or use to reduce their permeability. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and other surfaces which similarly impede the natural infiltration of stormwater.

Land use permit - document issued by Code Enforcement Officer or Planning Board authorizing a particular land use by an applicant.

Lot - an area of land in one ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a subdivision plan duly approved by the Planning Board and recorded in the County Registry of Deeds.

Lot area - the area of land enclosed within the boundary lines of a lot, not including land below the normal high-water line of a water body and areas devoted to rights-of-way.

Lot width - the distance between the side boundaries of the lot measured at the front setback line.

Manufactured housing or mobile home unit - a structure, transportable in one or two sections, which was constructed in a manufacturing facility and is transported to a building site and designed to be used as a dwelling when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein and as otherwise defined in Title 30-A MRSA, Section 4358(1).

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.

Mobile home park - a parcel of land under unified ownership approved by the Town for the placement of 3 or more manufactured homes.

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

Non-conforming lot - a lot of record which, at the effective date of adoption or amendment of this

Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

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

Non-residential structure - any building that has a principal use other than as a dwelling or as an accessory to a dwelling.

Parcel - same as lot.

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.

Places of public assembly - a building which is owned and used as a meeting place for private or semiprivate social organizations and clubs such as grange halls, fraternal organizations and religious institutions, in which the principal use is exclusively for members. Rental of the facilities to outside groups is clearly incidental to the principal use and shall not significantly increase the intensity of the use of the site, especially in regard to parking and traffic.

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

Principal use - a use other than one which is wholly incidental or accessory to another use on the same premises.

Private road - a privately-owned road, neither open to nor maintained by the Town or other public entity.

Public road - any roadway which is owned, leased, or otherwise operated by a governmental body or public entity.

Recent flood plain soils - the following soil series as described and identified by the National Cooperative Soil Survey:

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

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

Recreational vehicle - a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up

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: (a) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or (b) any existing overboard wastewater discharge.

Residential dwelling unit - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.

Right-of-way - all public or private roads and streets, state and federal highways, public easements, and public land reservations for the purpose of public access, including utility rights-of-way.

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 or roadway - 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.

Seasonal use - one that takes place no more than seven months of the year.

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

(1) in the case of electric service

(a) the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
(b) the total length of the extension is less than one thousand (1,000) feet.

(2) in the case of telephone service

(a) the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
(b) the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback - the horizontal distance from the edge of the road right-of-way or property boundary to the nearest part of a building, including porches, steps and railings.

Site Plan - A scaled drawing depicting locational details of a proposed commercial or non-residential development.

Slash - bark, branches, tops, chunks, cull logs, uprooted stumps and broken or uprooted trees and shrubs left on the ground as a result of a timber (tree) harvesting operation.

Single-Family Dwelling - any structure containing only one (1) dwelling unit.

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

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, signs, and utility poles. The term includes temporary structures located on a prepared site. Temporary structures erected for a period of less than ten (10) days are exempt.

Subdivision - as defined in Title 30-A MRSA, Section 4401.

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 Title 38 MRSA, Section 414, any surface wastewater disposal system licensed under Title 38 MRSA, Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in Title 38 MRSA, Chapter 13, Subchapter 1.

Timber or tree harvesting - the cutting and removing of trees from their growing site, and the attendant operation of mobile and portable chipping mills and of cutting and skidding machinery, including the creation and use of skid trails, skid roads and winter haul roads. Timber or tree harvesting does not include the clearing of land for allowed uses.

Timber harvest plan - a site-specific document outlining proposed activities to ensure compliance with performance standards and regeneration requirements prepared by the landowner or his/her agent.

Two-family dwelling (duplex) - a building containing two (2) dwelling units.

Undue hardship - as used in this Ordinance, the words "undue hardship" shall mean all of the following:

(1) That the land in question cannot yield a reasonable return unless a variance is granted; and

(2) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and

(3) That the granting of a variance 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.

A variance is not justified unless all elements are present in the case.

Upland edge - the boundary between upland and wetland.

Variance - a relaxation of the terms of this Ordinance where such relaxation will not be contrary to the public interest where, owing to conditions peculiar to the property, and not the result of the actions of the applicants, a literal enforcement of the Ordinance would result in undue hardship. Variances permissible under this Ordinance are limited to height of buildings, structures, lot size, yard and open space size, frontage, and setbacks. No variance can be granted for the establishment of any use otherwise prohibited, nor shall a variance be granted because of the presence of non-conformities in the immediate or adjacent districts.

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

Water body - Lovejoy Pond, a river, or a stream.

Wetland – an area which is inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soils and which is not otherwise defined as a river, stream, or pond.

Wireless Telecommunication Facility. Means any structure, 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 access services, and personal communication services (PCS) or pager services. "Wireless telecommunications facility" will not include any of the following:

- Amateur ham radio stations licensed by the FCC
- Parabolic antennas less than 7 feet in diameter, that are an accessory use of the property, commonly referred to as a satellite dish.
- Temporary wireless telecommunication facility, in operation for no longer than 180 days.
- An antenna that is an accessory to a residential dwelling unit.
- Antennas used for communication of municipal services and public safety.