Chapter 14 ZONING

Cross reference(s)--Building, Ch. 4; mobile homes, Ch. 7; sewers, Ch. 10; streets, Ch. 11; subdivisions, Ch. 12.

State law reference(s)--Authority of town to zone land, 12 M.R.S.A., § 4812, 30 M.R.S.A., § 4961 et seq.

Article 1. General Provisions 6

Sec. 14-1. Short Title 6

Sec. 14-2. Purpose of Chapter 6

Sec. 14-3. Jurisdiction 6

Sec. 14-4. Compliance 6

Sec. 14-5. Conformance with chapter required 7

Sec. 14-6. Relationship to other laws 7

Sec. 14-7. Amendments 7

Sec. 14-8. Public hearing procedure 7

Sec. 14-9. Interpretation of chapter 8

Sec. 14-10. Nonconforming uses, structures and lots 8

Article 2. Administration 9

Division 1. Building Inspector

Sec. 14-11. Enforcement 9

Sec. 14-12. Duties 9

Sec. 14-13. Notification of violations, abatement powers; inspection powers..... ….. 10

Sec. 14-14 Right of Appeal……..10

Division 2. Board of Appeals

Sec. 14-15. Creation; composition; organization; quorum 11

Sec. 14-16. Membership; qualifications; vacancy; removal; compensation 11

Sec. 14-17. Meetings 11

Sec. 14-18. Authority to adopt rules 11

Sec. 14-19. Powers and duties 12

Sec. 14-20. Appeals procedure 12

Sec. 14-21. Appeals to superior court 12

Sec. 14-22. Variances 12

Article 3. Permits 13

Division 1. Building and Use Permits

Sec. 14-23. Building permit required 13

Sec. 14-24. Building permit; requirement for issuance; time limit 14

Sec. 14-25. Use permit; requirements for issuance; temporary permit 15

Sec. 14-26. Application for building and use permit 15

Division 2. Conditional Use and Site Review

Sec. 14-27. Permit 16

Sec. 14-28. Site Plan Review Purpose 17

Sec. 14-29. Applicability 17

Sec. 14-30. Administration 17

Sec. 14-31. Review Criteria 18

Sec. 14-32. Burden of Proof 19

Sec. 14-33. Decisions 19

Sec. 14-34. Waivers 20

Sec. 14-35. Application Procedure 20

Sec. 14-36. Rights Not Vested 22

Sec. 14-37. Site Inspection 22

Sec. 14-38. Revisions to Approved Site Review Plans 22

Sec. 14-39. Application Submission Requirements 23

Sec. 14-40. Performance Standards 25

Article 4. Zoning Districts 34

Sec. 14-41. Establishment 34

Sec. 14-42. High Density Residential District 34

Sec. 14-43. Medium Density Residential District 35

Sec. 14-44. Mixed Use District 36

Sec. 14-45. Low Density Residential District 40

Sec. 14-46. Rural District 42

Sec. 14-47. Industrial District 44

Sec. 14-48. Seasonal Residential District 45

Sec. 14-49.Conservation District 47

Sec 14-50 – 14-52 are blank

Article 5. Traffic Access Standards and Parking 50

Sec. 14-53. Arterial Highway Designation 50

Sec. 14-54. Traffic Visibility 50

Sec. 14-55. Driveways 50

Sec. 14-56. Highway Access 51

Sec. 14-57. Loading Docks 51

Sec. 14-58. Parking Requirements 51

Sec. 14-59. Exception to Parking Requirements 52

Sec. 14-60. Parking Spaces Required 52

Article 6. General Performance Standards 53

Sec. 14-61. General Site and Use Standards 53

Sec. 14-62. Signs 55

Sec. 14-63. Home Occupations and Minor Home Occupations 57

Sec. 14-64. Private Swimming Pools, Pool Decks, Pool Fences 58

Sec. 14-65. Re-Use of Agricultural Structures 59

Sec. 14-65 A. Personal Wireless Services Facilities (PWSF).....60

Sec. 14-65 B. Wind Energy Facility.....74

Sec. 14-65 C. Large Scale Principal Solar Energy System..... 109

Sec. 1465 D. Medium Scale Principal Solar Energy System 114

Sec. 14-65 E. Companion Animal Care Center 116

Article 7. Shoreland Areas 116

Sec. 14-66. Purposes..... 117

Sec. 14-67. Authority..... 117

Sec. 14-68. Applicability 117

Sec. 14-69. Effective date and repeal of formally adopted ordinance 117

Sec. 14-70. Availability 118

Sec. 14-71. Severability 118

Sec. 14-72. Conflicts with other Ordinances 118

Sec. 14-73. Amendments 118

Sec. 14-74. Districts and Zoning Maps 118

Sec. 14-75. Interpretation of District Boundaries 119

Sec. 14-76. Land Use Requirements 119

Sec. 14-77. Nonconformance 120

Sec. 14-78. Establishment of Districts 125

Sec. 14-79. Table of Land Uses 126

Sec. 14-80. Land Use Standards 132

Sec. 14-81. Administration 152

Sec. 14-82. Definitions 160

Article 8. Regulating Commercial Displays of Nudity……169

Sec. 14-83. Regulating Commercial Displays of Nudity……...1**69**

Article 9. Property Maintenance……174

Sec. 14-84. Vacant Buildings……..174

Article 10. Definitions……179

Sec. 14-85. Definitions……..179

Article 1. General Provisions

Sec. 14-1. Short Title

This Chapter, and accompanying Official Zoning Maps, shall be known as and may be cited as the " Zoning Ordinance for the Town of Winslow, Maine" or as this " Chapter".

Sec. 14-2. Purpose of Chapter

(a) This Chapter is designed to:
- (1) Encourage the most appropriate use of land throughout the town.
- (2) Promote traffic safety.
- (3) Provide safety from fire and other elements.
- (4) Prevent overcrowding of real estate.
- (5) Promote a wholesome environment.
- (6) Prevent housing development in unsuitable areas.
- (7) Provide an adequate street system.
- (8) Promote the coordinated development of unbuilt areas.
- (9) Promote an allotment of land area in new developments sufficient for all the requirements of community life.
- (10) Conserve natural resources.
- (11) Provide for adequate public services.
- (12) Provide for adequate light and air.

Sec. 14-3. Jurisdiction

(a) This Chapter shall apply to all real estate within the boundaries of the town.

(b) Real estate used or to be used by a public service corporation shall be wholly or partially exempted from this Chapter only where on petition, notice, and public hearing, the public utilities commission has determined that such exemption is reasonably necessary for public welfare and convenience.

(c) County, municipal governments and districts shall be governed by the provisions of this Chapter.

(d) This Chapter is advisory with respect to the State.

Sec. 14-4. Compliance

No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit except minor structures and normal repairs, and without full compliance with the provisions of this Chapter and all other applicable local and State regulations.

Sec. 14-5. Conformance with Chapter Required.

(a) With certain exceptions given in section 14-10, it is required that the following actions shall take place in conformance with this Chapter:

(1) Reduction of lot size.
(2) Change of exterior dimensions of any building and structure.
(3) Structural change of building and structure.
(4) Conversion of building and structure.
(5) Reconstruction of disaster damaged building and structure.
(6) Establishment of new use of land, building and structure.
(7) Resumption of use of land, building, and structure.
(8) Change of use of land, building and structure.
(9) Extension of current use to parts of land, building, and structure currently not in such use.
(10) Intensification of current use of land, building, and structure.
(11) Demolition/Removal of buildings or structures

(b) Excepted from this Chapter are: agricultural uses not involving animals and forestry uses.

Sec. 14-6. Relationship to Other Laws.

If any portion of this Chapter shall be held invalid, such decision shall not affect the validity of the remaining portion thereof

Sec. 14-7. Amendments.

The Town Council shall amend or repeal any section of this Chapter by due procedure of a public hearing held after proper notice. The Town Clerk shall notify the State Planning Office by certified mail of amendments to this Chapter prior to the effective date of such amendments. A file of return receipts from such mailings shall be maintained as a permanent record.

Sec. 14-8. Public Hearing Procedure.

(a) On their own motion, or recommendation of the Planning Board or on petition, the Town Council shall hold a public hearing on a proposed amendment. Notice of such hearing shall be given at least 14 days but no more than 30 days immediately prior to the hearing on the town office bulletin board and published in a newspaper of general circulation in the area.

(b) The Town Council shall also notify the Planning Board at least 14 days before the hearing. Anyone who petitions for a change in this Chapter shall not be charged a fee if the number of petitioners equals at least 10% of the voters who voted in the last gubernatorial election. If the number of petitioners is less than 10%, then the fee shall be $50.00.

(c) The Planning Board shall attend the hearing and shall no later than 45 days after the hearing make its written recommendations to the Town Council.

Sec. 14-9. Interpretation of This Chapter.

In cases where this Chapter may not be entirely clear, it shall be interpreted according to the legislative purpose and intent of the Chapter. In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Maine Statutes.

Any use not so designated as a principal or conditional use for a zoning district shall be prohibited.

Sec. 14-10. Nonconforming Uses, Structures and Lots.

(a) Any lot, structure, or use of lot or structure in conflict with this Chapter is termed nonconforming and considered a nuisance except as provided in subsection (b).

(b) Nonconformance may be permitted as explained in the following:

(1) Lot and structure.

a. Any structure legally in existence on March 8, 1999, may continue even if it does not conform to this Chapter, but its nonconformance may not be increased. *Note:* Any lot or structure constructed, altered or reconstructed before August 12, 1991, which does not meet current front and yard setback requirements shall be treated as nonconforming structure and shall not be subject to any action for violation of the provisions of this Chapter.

b. A nonconforming structure destroyed by disaster may be reconstructed to its original size with respect to total square footage, volume of the structure, height, and the original footprint of the structure within a 2 year period from the date of the disaster.

c. A nonconforming structure may be relocated only to improve conformance to this Chapter.

d. A nonconforming structure and structure receiving nonconforming use may be repaired, moderately altered and improved provided that the existing nonconforming dimensional requirements are not increased.

e. A nonconforming lot legally in existence and which was duly recorded on or before March 8, 1999, and which does not abut one or more lots in the same ownership, may be used and/or built upon provided that all requirements of this Chapter other than those

pertaining to lot size and street frontage are met.

If such nonconforming lot abuts one or more lots in the same ownership and these lots are vacant or contain an accessory structure, they shall be combined to the extent necessary to conform to the dimensional requirements of the district in which they are located.

(2) Use of land and structure

a. Nonconforming use of land or structure legally in existence on March 8, 1999, may continue.

b. A nonconforming use of a lot or structure may be changed to another nonconforming use if it can be manifestly established that such use would constitute lesser nuisance.

c. The same nonconforming use may be resumed after abandonment for less than one year.

Ord. No. 3-1998, 3-8-99

Article 2. Administration
Division 1. Code Enforcement Officer

Sec. 14-11. Enforcement of this Chapter.

The Code Enforcement Officer shall administer and enforce this Chapter.

Sec. 14-12. Duties.

(a) It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Chapter, examine all applications for permits, inspect affected properties, and within 30 days grant written permits to applicants whose application is complete and acceptable according to this Chapter, and written refusals to applicants whose application is not acceptable according to this Chapter. The Code Enforcement Officer shall refer all applications for conditional use to the Planning Board within 30 days.

(b) The Code Enforcement Officer shall maintain a current file of all pertinent local ordinances, regulations, codes, and plans relating to land use regulation including local subdivision plans.

(c) The Code Enforcement Officer or Deputy Code Enforcement Officer shall be present at all meetings of the Planning Board and Board of Appeals and present all pertinent material.

(d) The Code Enforcement Officer shall conduct on-site inspections to ensure compliance

with all applicable laws and conditions attached to approval. The Code Enforcement Officer may enter any property at reasonable hours and enter any structure with the consent of the property owner, occupant or agent, to inspect the property or structure for compliance with the provisions set forth in this Chapter. If consent is denied, the Code Enforcement Officer shall obtain an administrative warrant before entering the property.

Sec. 14-13. Notification of Violations, Abatement Powers; Inspection Powers and Penalty.

(a) If the Code Enforcement Officer finds that any provision of this Chapter is being violated, he/she shall immediately notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it.

(b) The Code Enforcement Officer shall order removal of illegal buildings, structures, additions, and alterations as well as discontinuance of illegal use of real estate. The Code Enforcement Officer is authorized to institute or cause to be instituted, in the name of the Town, any and all legal or equitable relief, that may be appropriate or necessary for the enforcement of this Chapter provided, however, that this section shall not prevent any person entitled to equitable relief enjoining any act contrary to the provisions of this Chapter. The Code Enforcement Officer shall give notice of any impending legal action to the Town Council.

(c) The Code Enforcement Officer shall be given access to real estate in the town at reasonable hours as necessary for the enforcement of this Chapter.

(d) Any Person being the owner or occupant of, having control of or use of, any building or premises, or part thereof, who violates any of the provisions of this Chapter shall be guilty of a civil violation and upon conviction thereof, shall be fined not less than $50.00 nor more than $1,000.00. Each day such violation continues shall constitute a separate offense.

Sec. 14-14. Right of Appeal.

(a) Anyone with standing, not satisfied that the Code Enforcement Officer has made a proper decision in regard to permits may bring an appeal for administrative review to the Board of appeals within 45 days from the date of any such final decision by the Code Enforcement Officer.

(b) The Code Enforcement Officer shall refer to the Board Of appeals all requests for a variance and other cases over which the Board of Appeals is given explicit authority by this Chapter.

(c) There shall be a fee of $50.00 to partially cover the cost involved with this appeal. If the final decision for an appeal, not a variance, is in favor of the applicant, the fee

will not be refunded.

Division 2. Board of Appeals

See. 14-15. Creation; Composition; Organization; Quorum.

(a) A Board of Appeals is established. The Board of Appeals shall consist of 7 members and 2 associate members to be appointed by the Town Council for a period of up to 5 years.

(b) The Board of Appeals shall annually at the first meeting of January elect one of its members as chairmen and one as secretary.

(c) Four members of the Board of Appeals shall constitute a quorum; two-thirds majority is required for a decision.

Sec. 14-16. Membership; Qualifications; Vacancy; Removal; Compensation.

(a) All members and associate members shall be residents of the Town.

(b) A Municipal Officer may not be a member or an associate member of the Board of Appeals. The associate member shall act, in order of seniority, instead of a member of the Board of Appeals who is unable to act because of a conflict of interest, physical incapacity, or absence.

(c) When there is a permanent vacancy, the Town Council shall appoint a new member for the remainder of the unexpired term.

(d) The Town Council shall, upon public hearing, remove from office members or associate members who have failed to do their duty on the Board of Appeals.

Sec. 14-17. Meetings.

(a) All meetings of the Board of Appeals shall be open to the public. The Board of Appeals shall make electronic recordings or keep minutes of its proceedings, recording vote, failure to vote, and absence of each member. The final disposition of appeals shall be recorded by resolution supported by finding of fact and conclusions of law.

(b) The Board of Appeals shall keep records of its proceedings and official actions. All records of the Board of Appeals shall be public records and shall be immediately filed in the town office.

Sec. 14-18. Authority to Adopt Rules.

The Board of Appeals shall adopt reasonable rules necessary to the conduct of its affairs in accordance with this Chapter.

Sec. 14-19. Powers and Duties.

(a) The Board of Appeals shall hear and decide on appeals concerning alleged errors in any final decision made by the Code Enforcement Officer or Planning Board on applications for conditional uses.

(b) The Board of Appeals shall hear appeals made in accordance with this Chapter within 45 days from filing. The Board of Appeals shall issue its written decision within 7 days from the conclusions of the hearing on the appeal.

(c) The Board of Appeals has only the powers explicitly vested in it by this Chapter.

(d) The Board of Appeals may request a recommendation from the Planning Board in considering variances.

(e) The Board of Appeals may conduct a site visit.

Sec. 14-20. Appeals Procedure.

(a) Applications to the Board of Appeals consist of the same documents required for building and use permits plus any additional material the Code Enforcement Officer or the Board of Appeals consider relevant to the case.

(b) An appeal to the Board of Appeals may not be repeated within one year of a decision of the Board of Appeals unless there is newly discovered evidence which by due diligence could not have been discovered by the applicant in preparation for the original appeal hearing, and which newly discovered evidence is relevant to the case appealed.

(c) An appeal to the Board of Appeals stays, until the Board of Appeals makes its final decision, all legal proceedings in furtherance of the action appealed from unless the Code Enforcement Officer certifies to the Board of Appeals that by reason of fact stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life and property.

Sec. 14-21. Appeals to Superior Court.

Appeal from a decision of the Board of Appeals may be taken to the superior court within 30 days after decision.

Sec. 14-22. Variances

(a) Variance means a relaxation of the terms of this Chapter where such variances are not the result of the actions of the applicant and a literal enforcement of this Chapter would result in unnecessary and undue hardship. A variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise

prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of unconformities in the zoning district or adjoining zoning districts.

(1) Upon duly made appeal, the Board of Appeals may grant a variance in cases for which literal enforcement of this Chapter would cause undue hardship. The words "undue hardship" as used in this subsection mean:

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

(b) The need for the variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood; and

(c) The granting of a variance will not alter the essential character of the locality; and

(d) The hardship is not the result of action taken by the applicant or a prior owner.

(2) No variance shall be given to permit a use otherwise prohibited in the district.

(3) A variance shall be given the same kind of validity as a building permit.

(4) Notice of an appeals hearing before the Board of Appeals for a variance shall be the responsibility of the applicant The notice shall be sent by certified, return receipt mail to all property owners immediately abutting the affected premises at least 10 days prior to any such appeal hearing. Property owners immediately abutting the site shall mean all parties listed by the Town Tax Assessor as those against whom taxes are assessed and shall further include any property owner immediately opposite on the opposite side of a public or private road from the site or within 500 feet of the property line of the premises being considered for variance, but not including the owner or owners of such public or private road. Failure of any property owner to receive such a notice of an appeal hearing concerning a variance shall not necessitate another hearing or invalidate any action by the Board of Appeals.

Article 3. PERMITS
Division 1. Building and Use Permits

Sec. 14-23. Building Permit Required.

(a) A building permit is the responsibility of the owner or tenant in possession and must be obtained from the Code Enforcement Officer before any of the following may be undertaken:

(1) Reduction of lot size;

(2) Construction of a new building and structure or accessory structure, except minor structure;
(3) Significant intensification of current use of land or structure;
(4) Establishment of new use of land, structure, and building;
(5) Change of exterior dimensions of more than 2 feet of building and structure, or accessory structure;
(6) Structural alterations of building and structure or accessory structure;
(7) Resumption of use of land, building and structure after abandonment;
(8) Resumption of use of land, building , and structure after reconstruction;
(9) Conversion of building and structure or accessory structure;
(10) Reconstruction of disaster- damaged building and structure or accessory structure;
(11) Change of use of land or structure;
(12) Extension of current use to parts of land, building and structure not in such use;
(13) Mineral extraction;
(14) Intensification of the current use of land, building, or structure by any new construction whatsoever;
(15) Relocation of mobile home in mobile home parks;
(16) Placement of a sign;
(17) Construction of piers, docks, wharves, breakwaters, causeways, marinas, bridges, and uses projecting into water bodies:,
(18) Construction of public utilities, including sewage and collection and treatment facilities;
(19) Demolition/Removal of buildings or structures;
(20) The following activities when located in the Conservation District: timber harvesting, road construction, agriculture, filling or other earth moving activities of less than 10 cubic yards, public parks and recreation areas, clearing for approved construction, small nonresidential facilities for educational, scientific, or nature interpretation purposes.

(b) This section shall not be construed to require permits for normal maintenance and repair of minor structures.

(c) The following activities do not require a permit:

(1) Agricultural uses not involving animals.

(2) Forestry uses.

(d) Use permits become invalid if the use is not instituted within 150 days of the date of the permit.

Sec. 14-24. Building Permit; Requirements for Issuance; Time Limit.

(a) No building or use permit shall be issued unless the proposed action is in compliance with the other applicable laws and ordinances; but no building permit or use permit shall be

deemed or construed to be a permit for or an approval of any violation of any of the provisions of this Chapter; nor shall any permit presume to give authority to violate or cancel any provisions of this Chapter, except in so far as the building or work, or use which is authorized is lawful, nor shall any permit presume to give authority to any other applicable laws and ordinances or a waiver of any enforcement thereof.

(b) No building permit shall be issued to property owners and/or their agents on driveways or roads that have not been officially accepted by the town, except as follows.

(1) Frontage
There must be Frontage on the driveway or private road equal to the "Lot Frontage" requirement of the zone in which the property is located.

(2) Driveways (Single home driveways are exempt from this section)
Two Lots may be permitted on a driveway, in compliance with Chapter 11 Sec. 11-5 but only after the appropriate 20 ft. Right-of-Way is recorded at the Kennebec County Registry of Deeds.

(3) Common Driveways
Four lots may be permitted on a common driveway, in compliance with Chapter 11 Sec. 11-5, but only after the appropriate 35' Right-of-Way is recorded at the Kennebec County Registry of Deeds.

(4) Private Roads
Lots on private roads shall be in compliance with Chapter 11 Article 1 and a Planning board permit must be obtained.

Ord. No. 4-2005, 6-13-05; Ord. No. 2-2007, 3-12-07

Sec. 14-25. Use Permit; Requirements for Issuance; Temporary Permit.

(a) The Code Enforcement Officer shall not issue a use permit until he/she has established that the affected premises and the proposed use are in compliance not only with this Chapter but also with other applicable laws and ordinances.

(b) The Code Enforcement Officer may issue a temporary use permit for a period of 6 months during construction or alteration for partial occupancy of a building, pending its completion, provided that such temporary permit may require such conditions and safeguards as will protect the safety of the occupants and the public.

Sec. 14-26. Application for Building and Use Permits.

(a) Applications for a building or use permit shall be made to the Code Enforcement Officer on forms furnished by the Town and shall include the following where applicable:

(1) Names and addresses of the applicant, owner of the site, architect, professional engineer, or contractor.

(2) Description of the subject site by lot, block and recorded subdivision by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.

(3) Site map prepared by a registered Maine land surveyor, drawn to scale, showing the location, boundaries, dimensions, elevations, uses, and size of the following: subject site, principal and accessory structures, existing and proposed subsurface sewage disposal systems, easements, streets, and other public ways, off-street parking, loading areas, driveways, existing highway access restrictions, side and rear yard setbacks. In addition, the site map shall show the location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site.

(4) Proposed subsurface wastewater disposal plan, if municipal sewage service is not available. The plan shall be approved by the Local Plumbing Inspector who shall certify in writing that satisfactory, adequate, and safe sewage disposal is possible on the site as proposed by the plan in accordance with local and state regulations.

(5) Proposed water supply plan, if municipal water service is not available. The plan shall be approved by the Local Plumbing Inspector who shall certify in writing that an adequate and safe supply of water will be provided.

(6) Additional information as may be required by the Board of Appeals, Tax Assessor, Code Enforcement Officer, or Local Plumbing Inspector.

(7) Fee receipt from the Town Treasurer in the amount defined in Section 4.4 of the Charter and Code of the Town of Winslow.

(8) A detailed set of construction drawings for all new principal structures with adequate details to allow the CEO to determine its compliance with the town's building and zoning codes.

Ord. No. 6-2005, 10-11-05

Divison 2. Conditional Use and Site Review

Sec. 14-27. Permit

The Planning Board may authorize the Code Enforcement Officer to issue a conditional use permit for conditional uses after the Planning Board has approved a site plan for the proposed conditional use in accordance with this Chapter. Conditional uses are listed in the conditional use section of each zoning district.

Sec. 14-28. Site Plan Review Purpose

The purposes of site plan review are to assess the impact of development on surrounding properties, municipal facilities and services, and the natural environment. New development or expansions of existing uses or structures that are a conditional use are subject to a site plan review in order to ensure that they are designed and constructed so as to fit harmoniously with their surroundings.

The site plan process will include a review of environmental, architectural, and landscaping features of the proposal such as: existing natural features of the site, location of water bodies and wetlands, wildlife habitat, unique and scenic features, archeological and historic sites, erosion and storm-water control, traffic, roads, parking, buffers, water supply, wastewater disposal, noise, lighting, signs, and landscaping. Site plan review is not designed to establish the right of a use to be located in a zoning district, but rather, to assure that the use is designed and placed on the lot in a manner appropriate to its surrounding, according to established review criteria.

Sec. 14-29. Applicability

(a) All land uses identified in Article 4, Zoning Districts, as Conditional Uses shall obtain site plan review approval by the Planning Board before a permit may be issued by the Code Enforcement Officer.

(b) The following Conditional Uses are not required to obtain site plan review approval, but rather, shall obtain subdivision plan approval according to Chapter 12 of the Code of the Town of Winslow: Subdivisions and Mobile Home Parks.

(c) Leased and/or rental multi-family proposals shall be reviewed under Article 3, Division 2.

Sec. 14-30. Administration

(a) The Planning Board shall administer this Division and shall review all site plan applications according to the review criteria and standards.

(b) The Planning Board shall develop application forms to be used by applicants seeking site plan review approval.

(c) All site review applications shall be accompanied by a fee of $150.00, payable to the Town of Winslow. Application fees shall be paid to the Town Clerk.

(d) The Planning Board may require that additional studies be performed or that a consultant be hired to review the entire and/or portions of the site review application. Whenever the Planning Board votes to use a consultant or require additional studies be performed the cost shall be borne by the applicant. The applicant shall deposit with the Town the estimated cost of any consultant or additional study which shall be placed in an escrow account. The Town shall pay for services rendered and reimburse the applicant. If funds remain after payments are completed. The applicant shall place additional funds into the

escrow account as required in order to meet expenses.

(e) The applicant shall obtain an appropriate permit from the Code Enforcement Officer within one year of the site plan approval granted by the Planning Board as determined from the date the Board approved the application. Failure to obtain a permit from the Code Enforcement Officer within one year shall make the site plan-approval null and void.

Sec. 14-31. Review Criteria

(a) The applicant shall demonstrate that the proposed use meets the review criteria listed below. The Planning Board shall approve the application unless it makes written findings that one or more of these criteria have not been met.

(1) Sufficient public or private water sources are available to serve the foreseeable needs of the proposal.

(2) The proposal will provide for adequate wastewater disposal and will not cause an unreasonable burden on municipal services if they are to be used.

(3) Adequate temporary and permanent erosion control measures are developed for the proposal.

(4) The proposal will not cause an unreasonable burden on the Town's ability to dispose of solid waste.

(5) All hazardous waste material will be disposed of according to applicable local, state and federal laws and regulations.

(6) The proposal will not cause unreasonable public road congestion or unsafe conditions with respect to the use of public roads existing or proposed.

(7) The proposal will not have an undue adverse impact on the scenic or natural beauty of the area, aesthetics, historic sites, archeological sites, significant wildlife habitat, or rare and irreplaceable natural areas.

(8) The proposal conforms to all the applicable provisions of this Chapter, Performance Standards contained in the Site Review Section and other Ordinances and Regulations of the Town of Winslow.

(9) The proposal will not adversely affect the quality or quantity of ground water.

(10) The proposal conforms to the Town's Floodplain Management Regulations, if it is located within a special flood hazard area.

(11) The applicant has the financial and technical capacity to meet the standards of this

section.

(12) The proposal will provide for adequate storm-water management.

(13) All rivers, streams, brooks, and wetlands within or abutting the project shall be identified on the site plan. The proposal shall not adversely impact any one of these water-bodies.

(14) The proposal conforms to the Town's Shoreland Zoning Provisions, if it is located within a shoreland zone.

(15) The long term cumulative effects of the project will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the project, if it is located within the direct watershed of a great pond.

(16) Buffer strips and on-site landscaping or other measures provide an adequate protection to neighboring properties from detrimental features of the development, such as noise, dust, odor and light.

Sec. 14-32. Burden of Proof

The applicant shall have the burden of proof for showing that the proposal meets the review criteria.

Sec. 14-33. Decisions

(a) After review of a complete application for site review the Planning Board shall determine whether or not the proposed use meets the review criteria contained in Section 14-31. The Planning Board shall make a written finding of fact to support its decision and vote to approve the application, deny the application, or approve the application with conditions. The Planning Board shall submit its written decision to the applicant.

(b) If in its findings, the Planning Board determines that the application may not meet the review criteria and/or performance standards, and that additional actions by the applicant will be sufficient to meet them, it may require such actions, as conditions of approval. The conditions may set forth requirements in addition to those set forth in this article only when the Planning Board finds it necessary to further the purposes of this article. All conditions approved by the Planning Board shall be listed along with the reasons for these conditions in the Board's decision.

(c) The Planning Board shall list any waivers approved by the Board in its decision and the reasons for such approval.

(d) The Planning Board may require additional submission materials, additional studies be performed or that a consultant be hired to review the entire or portions of the application. Whenever the Planning Board votes to require additional materials, studies or the services

of a consultant it shall make a written finding of fact that these additional materials and/or services are necessary to meet the review criteria contained in Section 14-31.

Sec. 14-34. Waivers

(a) The Planning Board may vote to waive any of the review criteria and/or performance standards when it finds one of the following:

(1) One or more of the review criteria and/or performance standards are not applicable to the proposal due to the size of the project, circumstances of the site, design of the project, or unique features of the proposed use.
(2) The applicant has proposed an alternative design that meets or exceeds the requirements set forth in the performance standards.

(b) The applicant shall submit information and materials that support the waiver request with the application.

(c) The Planning Board may only consider a waiver when the applicant has submitted a written waiver request in the site review application. The first item of the site application review shall be a consideration of any waiver request. The Planning Board shall review the waiver request and if it meets the criteria stated above shall approve the request and submit its decision to the applicant in writing. If the Planning Board finds that the waiver request does not meet the criteria stated above, it shall deny the waiver and submit its decision in writing to the applicant. The Planning Board shall require that the application be amended to include the items necessary to meet the site review criteria and/or performance standards. The Planning Board may vote to suspend review of the application until such time that the applicant supplies all the necessary additional information. The applicant shall submit all the required information to the Planning Board within 30 days of the denial of the waiver request. Failure to submit the additional information within this time frame will require that a new application be submitted for review. In no case shall the Board make a final decision on the proposal until the applicant supplies the additional information to the satisfaction of the Board.

Sec. 14.35. Application Procedure

All applications for site review shall follow the procedure outlined below:

(a) Site Review application forms shall be obtained from the Code Enforcement Officer.

(b) All site review applications shall be submitted to the Code Enforcement Officer. A dated receipt shall be issued to the applicant. An application file shall be established for the site review proposal. All submissions and correspondence regarding the application shall be maintained in the file. One complete copy of the site review application and applicable submissions shall be submitted to the Code Enforcement Officer for review.

(c) Within 30 days of the receipt of the site review application, the Code Enforcement Officer shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete; the Code Enforcement Officer shall notify the applicant in writing of the specific additional material needed to complete the application.

The application shall be considered complete when all the site review submission requirements are included or when the applicant files a written waiver request as per section 14-34.

(d) The Code Enforcement Officer shall place the site review application on the Planning Board Agenda for a public hearing within 30 days of determining that it has received a complete application. A complete copy of the site review application shall be kept on file at the Town Office and shall be available for public review.

The applicant shall submit 8 copies of the complete application and applicable submissions to the Code Enforcement Officer at least 14 days prior to the scheduled public hearing. The Code Enforcement Officer shall mail or deliver one copy of the complete application to each Planning Board member at least 10 days prior to the public hearing.

(e) The Code Enforcement Officer shall publish a notice of the date, time, place, and purpose of the public hearing, in a newspaper of general circulation in the Town, at least 7 days prior to the hearing.

(f) The Code Enforcement Officer shall notify by registered, return receipt mail, the applicant, and all property owners immediately abutting the proposed site at least 14 days prior to the public hearing. A record of all persons mailed a public hearing notice shall be maintained in the site review application file.

Property owners immediately abutting the site shall mean all parties listed by the Town Tax Assessor as those against whom taxes are assessed, and shall further include any property owner immediately opposite on the opposite side of a public or private road from the site or within 500 feet of the property line of the proposed site.

(g) Within 60 days of public hearing the Planning Board shall make a final decision as per Section 14-33.

(h) The deadline for making a final decision may be extended by the Planning Board for a period not to exceed 60 days, under the, following conditions:

(1) The Planning Board voted to deny a waiver request as per Section 14-34.

(2) The Planning Board voted to require additional studies be performed or required additional information be submitted in order to meet the review criteria.

If the additional application materials or studies are not submitted to the Planning Board within the additional prescribed time period, the Planning Board shall vote to deny the application or accept a request by the applicant to withdraw the application. The application may be resubmitted to the Planning Board at later date according to the requirements for a new application proposal.

(i) The Code Enforcement Officer shall maintain one complete copy of the application, decision forms and all applicable submissions in the site review application file.

Sec. 14-36. Rights Not Vested

The submittal of the site review application to the Code Enforcement Officer to review for a complete application shall not be considered the initiation of the review process for the purposes of bringing the application under the protection of Title 1, M.R.S.A., Section 302. The formal review process shall begin upon written notification to the applicant that a complete application has been received.

Sec. 14-37. Site Inspection

(a) The Planning Board may vote to schedule an on-site inspection of the proposed project. The Planning Board shall schedule the date and time of the site inspection at the public hearing and shall post the date, time and place of the site inspection at the Town Office.

(b) The purpose of the site visit is for the Planning Board to obtain knowledge about the site and surrounding area. The Planning Board shall not discuss the merits of the application or render any decision concerning the application during the site visit.

Sec. 14-38. Revisions to Approved Site Review Plans

(a) An application for a revision to a previously approved plan shall be submitted to the Code Enforcement Officer at least 14 days prior to a scheduled meeting of the Planning Board. The Code Enforcement Officer shall place the revision application on the Planning Board's agenda. If the revision involves an expansion of a building or structure greater than 5% from the original plan, modifications to any condition imposed by the Planning Board, the addition of additional dwelling units, change or expansion of use or an expansion of the proposed development, the procedure for a new application shall be followed. If the revision only involves minor modifications of the plan, the Planning Board may consider the request at the meeting.

(b) The Planning Board's scope of review shall be limited to those portions of the plan which are proposed to be changed.

(c) The applicant shall submit a copy of the approved plan as well as 8 copies of the proposed revisions. The application shall also include enough supporting data to allow the Planning Board to make a determination that the proposed revision meets the review criteria and standards of this Article.

(d) The Planning Board shall vote to approve the revision, deny the revision, or approve the revision with conditions. The Planning Board may further require additional information be submitted in order to ensure that the review criteria and the performance standards of this Article are met.

Sec. 14-39. Application Submission Requirements

(a) It shall be the responsibility of the applicant to comply with the requirements of the Town of Winslow Zoning Ordinance and to submit a complete site review application.

(b) The Site Review Application shall consist of the following:

(1) A dated receipt from the Town Clerk indicating that the application fee has been paid.

(2) A signed and dated site review application form and all necessary attachments.

(3) Waiver request form if necessary.

(4) General location information:

a. Copy of the Tax Assessor's map of the site and surrounding area within 500 feet.

b. A copy of the U.S.G.S. Topographic map of the area showing the proposed site.

c. A copy of the Kennebec County Soil Survey showing the area of the proposed development.

(5) General information:

(a) Name and address of the applicant, applicant's agent, engineer, contractor.

(b) Proof of Standing: property deed, purchase and sale agreement, contract, or other legal document.

(c) Description of the site, including; address, map and lot number, book and page reference, copy of the most recent property deed,

(d) Description of the proposed use including type of operation, number of employees, hours of operation, number of parking spaces, type and expected quantity of solid and hazardous waste produced on site, a description of the anticipated noise levels at the site lot lines, and size of any

structures.

(e) Complete application for a Floodplain Management Permit if located within a special flood hazard area.

(f) Complete application for a Local Shoreland Zoning Permit if located within a shoreland zoning district.

(g) A list of all other local, state and federal permits required for the project.

(6) Erosion control plan.

(7) Storm-water control plan.

(8) Phosphorus control plan.

(9) Traffic plan including:

a. Description and engineering drawings of all parking areas, roads, traffic access, and associated drainage.

b. Estimated number of vehicle trips at peak hour.

c. Letter from the Public Works Director and Police Chief with their review and comments concerning all traffic access points onto existing or proposed public roads.

(10) Hazardous waste material control plan.

(11) Solid waste disposal plan.

(12) Wildlife, scenic area, historic and archeological protection plan.

(13) Wastewater disposal plan.

(14) Water supply plan.

(15) Water-body protection plan.

(16) Description of the applicant's financial and technical capacity.

(17) Site plan, drawn to a scale of not more than one hundred feet to the inch. The site plan shall show the following:

(a) Standard boundary survey of the parcel giving complete descriptive data by

bearings and distances made and certified by a registered land surveyor.

(b) The date the plan was prepared, north arrow, and graphic map scale.

(c) Location of all existing and proposed structures, roads, parking areas, traffic access points, rights-of-way, public or private easements, buffers, landscaping, rivers, streams, brooks, wetlands, steep slopes over 20%, 10 foot contour lines, water supply lines, public sewers, drainage structures, sign locations, lighting, electrical service lines and structures, subsurface wastewater disposal areas, special flood hazard areas, zoning district boundaries, existing and proposed vegetative cover, well locations, number of acres of the site, significant wildlife habitat, archaeological and historic sites, scenic areas, and outdoor areas used for storage, processing or manufacturing.

(d) The site plan may also show the following features; erosion control measures, storm-water control features, phosphorus control measures, water-body protection features, traffic plan.

(18) Plans for all proposed structures and buildings including new construction and additions.

Sec. 14-40. Performance Standards

The performance standards contained in this section shall apply to all site review proposals.

(a) Erosion Control

(1) The site shall be developed so as to prevent soil erosion from entering water-bodies, wetlands and adjacent properties. All temporary and permanent erosion measures shall be designed in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, March 1991.

(b) Storm Water Control

(1) A storm water control plan shall be developed to limit peak discharges from the site to predevelopment levels through a system of swales, culverts, under-drains, storm drains, and best management practices equivalent to those described in the Storm-water Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection, 1995, as amended.

(2) Peak discharge rates shall be limited to the predevelopment levels for the 2-year, 10-year, and 25-year frequency, 24-hour duration storm.

(3) All storm water control structures shall be maintained by the property owner.

(4) The applicant shall submit with the application all storm water drainage studies and other data used by the applicant to prepare the storm water control plan.

(5) The storm water control plan shall be submitted to the Town of Winslow Public Works Director for review and comment. The Public Works Director shall review the plan and submit written comments to the applicant which shall be included with the plan.

(6) A project may propose to discharge storm-water into the Town's storm-water collection system in order to meet the above listed requirements according to the following criteria:

a. The Public Works Director issues a written statement indicating that the Town's storm water system has the existing capacity to accommodate peak discharge from the site for the 2-year, 10-year and 25-year frequency, 24-hour duration storm.

(c) Private Water Supply

(1) Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface waste water disposal systems and other sources of potential contamination.

(2) Lot design shall permit placement of wells, subsurface waste water disposal systems and reserve areas for subsurface sites in compliance with the Maine Subsurface Waste Water Disposal Rules and the Well Drillers and Pump Installers Rules.

(3) If a central water supply system is provided by the applicant, the location and protection of the source, the design, construction and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10- 144A, C.M.R. 231).

(4) The water supply for the site shall be adequate to supply all the potable, industrial, fire protection, and all other water requirements for the development.

(d) Public Water Supply

(1) When a site is to be served by a public water supply system, the size and location of mains, gate valves, hydrants, and service connections shall be reviewed by the Kennebec Water District and the Town of Winslow Fire Chief.

The applicant shall submit the water supply plan to the Kennebec Water District and the Fire Chief for their review and their written comments shall be submitted with the

application.

(2) Site proposals that only require a 3/4 inch water supply line and will not have a sprinkler system shall be exempt from the requirements listed above.

(3) The water supply for the site shall be adequate to supply all the potable, industrial, fire protection, and all other water requirements for the development. The applicant shall provide an estimate of the expected water demands of the project and show that the existing water supply has sufficient water volume and pressure to meet expected demands.

(e) Subsurface Waste Water Disposal Systems

(1) The applicant shall submit evidence of site suitability for subsurface wastewater disposal system prepared by a Licensed Site Evaluator in full compliance with the Requirements of the State of Maine Subsurface Waste Water Disposal Rules. The site evaluator shall certify that all test pits meet the requirements for a new system in accordance with the disposal rules. The subsurface waste water disposal data shall be provided on a completed HHE-200 Form, and the area needed for the disposal field shall be shown on the site plan along with any required reserve areas.

(2) In no instance shall a disposal area for a new structure require a New System variance from the Subsurface Waste Water Disposal Rules. Holding tanks systems shall not be allowed to serve new structures.

(3) Subsurface wastewater disposal systems with a design flow greater than 500 gallons per day as per the State of Maine Subsurface Wastewater Disposal Rules shall contain a reserve area equal in size to the original system to accommodate future replacement. The area reserved for the replacement system shall be shown on the site plan and shall further be protected by a deed restriction which prohibits any development from being placed in this area. The deed restriction must remain in place until such time that the development is served by a public sewer system.

(f) Public Sewer System.

(1) The applicant shall prepare sewer construction drawings which show the size and location of all laterals, collectors, manholes, and pump stations. The system shall be sized to accommodate the expected demands of the development.

(2) The applicant shall submit the sewer plan to the Town of Winslow Public Works Director for review and comment. Written comments from the Public Works director shall be submitted with the application.

(3) The applicant shall comply with all applicable requirements of the Town of Winslow Code, Chapter 10 Sewers. Any improvements to the existing public system

required by the development shall be borne completely by the applicant.

(g) Floodplain Management

(1) The applicant shall submit a complete Floodplain Management Permit Application with the site review application if any development is proposed within the special flood hazard area. All development within the floodplain shall be in compliance with the Town of Winslow Code, Chapter 6, Floodplain Management.

(h) Shoreland Zoning

(1) The applicant shall submit a complete Shoreland Zoning Permit Application with the site review application if any development is proposed within a shoreland zoning district. All development within a shoreland zoning district shall be in compliance with the requirements of the Shoreland Zoning Ordinance.

(i) Water-body Protection

(1) The locations of all rivers, streams, brooks and wetlands shall be identified on the site plan. Wetlands shall be identified in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, published by the United States Army Corps of Engineers.

(2) Water-bodies shall not be developed or disturbed unless no other alternative exist. Any development planned within 50 feet of the high water line of any water-body shall require a plan which includes the following:

a. A complete description of the proposed development including a discussion of why this is the only alternative.

b. Construction drawings of the disturbance area showing all structures fill areas, vegetative disturbance, and erosion control measures.

c. List of state and federal permits required.

(j) Ground Water

(1) Any development proposed within a Sand and Gravel Aquifer as identified in the Town's Comprehensive Plan shall be designed and constructed so as not to cause any pollution or contamination of the aquifer. A ground water protection plan developed by a certified hydrologist shall be required for the following development proposals: industrial use, manufacturing facility, auto junkyard, auto repair garage, chemical storage or processing facility, oil or fuel storage facility, truck repair, and any structure with oil, fuel or chemical storage that exceeds a total of 1000 gallons for the entire site.

(k) Historic and Archeological, Wildlife Habitat, Scenic Areas and Rare and Natural Areas

(1) The site plan shall indicate the locations of any historic and archeological sites, wildlife habitat, scenic areas, and rare and natural areas. If any of the above listed areas are located on the site, a protection plan shall be developed in accordance with the following:

(2) If any portion of the site is designated as a significant archeological or historic site by the Maine Historic Commission, Comprehensive Plan or listed on the National Register of Historic Places, the applicant shall develop appropriate measures for the protection of these resources according to local, state and federal regulations.

(3) If any portion of the site is located within an area designated as a scenic area or a unique natural area by the Maine Natural Areas Program, or the Comprehensive Plan, the applicant shall develop appropriate measures for the preservation of the values which qualify the site for such designations.

(4) If any portion of the site is within a wildlife habitat area, the applicant shall consult with the Maine Department of Inland Fisheries and Wildlife or a qualified wildlife biologist and develop measures to protect these areas from environmental damage and habitat loss.

Wildlife habitat areas shall include the following:

a. Habitat or endangered species appearing on the official state or federalist of endangered or threatened species.
b. High or moderate value waterfowl and wading bird habitats as defined by the Maine Department of Inland Fisheries and Wildlife.
c. Deer wintering areas as identified by the Maine Department of Inland Fisheries and Wildlife.

(l) Solid and Hazardous Waste

(1) The applicant shall dispose of all solid and hazardous waste in accordance with local, state and federal regulations.

(2) The applicant shall provide a description of the type and quantities of solid and hazardous waste that will be produced on-site and the methods that will be used for storage, and disposal.

(3) The applicant shall provide documentation from state and/or federal authorities that the proposed methods for the storage and disposal of hazardous waste are in compliance with all state and federal regulations.

(m) Phosphorus Control

(1) Any site within the direct watershed of a great pond shall develop a phosphorus control plan in accordance with the design criteria contained in the Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, published by the Maine Department of Environmental Protection, revised September, 1992.

(2) The phosphorus control plan shall be designed by a registered engineer or hydrologist. The Maine Department of Environmental Protection shall be consulted for the appropriate phosphorus loading data for the watershed.

(n) Parking

(1) All parking facilities shall be designed in accordance to the standards contained in Article 5 of this Chapter.

(2) All parking areas shall be shown on the site plan, and adequate parking spaces shall be provided to accommodate all the parking on-site.

(o) Road Construction

(1) All roads shall be designed and constructed in accordance with the Town of Winslow Code, Chapter 11, and Street Construction.

(p) Traffic Access

(1) All traffic access for the site shall be designed in accordance with the provisions of Article 5 of this Chapter.

(2) A traffic plan which shall include the following shall be developed:

a. Description and engineered drawings of all parking areas, roads, traffic access and associated drainage.

b. Estimated number of vehicle trips at peak hour.

(3) The traffic plan shall be submitted to the Town of Winslow Public Works Director and Police Chief for review and comment. Written comments from these municipal officials shall be included in the application.

(q) Signs

(1) All sign locations shall be shown on the site plan and shall be designed and constructed in accordance with the provisions of Section 14-62 of this Chapter.

(r) Lighting

(1) Development shall not produce a stray, dazzling light or reflection of that light beyond its lot lines onto neighboring properties or onto any public way so as to impair the vision of any vehicle upon that way.

(2) Lighting fixtures shall be shielded or hooded so that lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings.

(3) Direct or indirect illumination shall not exceed 1/2 footcandles upon abutting properties.

(4) No lighting fixture, except for street lights shall extend beyond a height of 25 feet, as measured from ground level.

(5) The location, type, height, and footcandle power of all exterior lighting shall be shown on the site plan.

(s) Financial and Technical Capacity

(1) The applicant shall submit evidence that he/she has adequate technical capacity to design and construct the development in accordance with the all applicable local, state and federal laws and regulations. Evidence of adequate technical capacity shall consist of the following:

a. A list of all technical and professional staff involved with the site design and preparation of the application including their qualifications and past experience with projects of similar size and scale.

b. A list of all persons with inspection and oversight responsibilities of the project construction and, if available, the persons selected to construct the project, including their qualifications and past experience with projects of similar size and scale.

(3) The applicant shall submit evidence that he/she has adequate financial capacity to construct the development in the time period specified. Evidence of adequate financial capacity shall consist of the following:

a. A letter from a financial institution such as a bank or other lending institution that states that the applicant has the necessary funds available or a loan commitment from this institution to complete the proposed development within the time period specified by the applicant.

(t) Buffer Standards

(1) The purpose of the buffer standards are to: reduce noise and odor; reduce the negative impact of light and glare in conjunction with the Lighting Standards

contained in Sub-section r; block light from vehicle headlights from parking areas, and provide a visual barrier between properties.

Proposals with large lots could satisfy buffer requirements by using existing vegetation and by placing the development outside of view. Developments on small lots or within densely developed areas will require more extensive landscaping in order to meet the buffer requirements.

Applicants should be aware that the buffer areas in many circumstances will be required to exceed some of the minimum requirements in order to satisfy the purposes outlined above.

(2) Buffers shall be provided by using one or more of the following methods:

a. Existing or proposed vegetation
b. Structures such as fences, walls, or earthen berms
c. Land distance between property lines and the development

(3) The buffer shall be placed along the side and rear property lines of the proposed site. The following types of land uses shall also provide a buffer along the front property line: junkyards, auto graveyards, outside storage of goods and materials, and outside processing of materials.

(4) Existing or proposed vegetation

a. Vegetation shall consist of native species that provide a year-round visual barrier sufficient to screen the proposed use from the property line to a minimum height of 6 feet. The vegetative buffer shall be installed to the minimum barrier height prior to the occupancy of the proposed use.

b. The width of the buffer area and species selection shall be determined by the applicant who shall maintain the vegetation as necessary to satisfy this standard. Applicants are encouraged to design wide buffers that require less intensive planting and future maintenance.

(5) Structures

a. Structures in combination with vegetation may be used to provide a year-round visual barrier sufficient to screen the proposed use from the property line to a minimum height of 8 feet. All structures or combination of structures and vegetation shall be installed to the minimum barrier height prior to occupancy of the proposed use.

b. Structures may consist of fences, walls, or earthen berms and shall be maintained by the property owner in order to satisfy this standard.

(6) Land Distance

a. A strip of land that exceeds 150 feet in width between the side and rear property line and the edge of the developed area of the site may be considered a buffer. The land area shall at a minimum consist of a grass lawn or other pervious landscape and shall not contain any structures, parking lots or impervious surfaces. The following land uses shall not use this buffer method: junkyards, auto graveyards, outside storage of goods and materials and outside processing of materials.

b. The land area shall be maintained as a buffer strip and any future placement of structures or impervious surfaces within this area shall require the installation of a buffer consisting of vegetation and/or structures.

c. Proposals using this method shall account for the effects of light, glare, noise
and vehicle headlight intrusions onto neighboring properties.

(u) Mineral Extraction

(1) The site review permit shall include the following additional information: a description of the operation; a list of the equipment, machinery and structures to be used; the source, quantity, and disposition of water to be used; existing and proposed access roads; the depth of all existing and proposed excavations; restoration plan; estimated productive life span of the operation; and list of all other local, state and federal permits required for the project.

(2) A restoration plan shall include the following: proposed contours after filling; depth of the restored topsoil; type of fill; reforestation and/or planting description, restoration commencement; and completion date.

(3) The conditional use permit issued for a mineral extraction operation shall be valid for a 2 year period and may be renewed according to the following:

(1) The applicant shall submit an application for a revision to site plan no later than 30 days before the permit expires. The Planning Board shall renew the permit for another 2 year period if the operation continues to meet the applicable standards contained in this Chapter.

(2) If the applicant fails to renew the permit the operation shall be discontinued.

Ord. No. 1-1997, 2-10-97; Ord. No. 3-1998, 3-8-99; Ord. No. 2-2007, 3-12-07

Article 4. ZONING DISTRICTS

Sec. 14-41. Establishment.

For the purpose of this Chapter, the Town is hereby divided into the following 8 Zoning Districts:

HR High Density Residential District
MR Medium Density Residential District
LR Low Density Residential District
MU Mixed Use District
RD Rural District
ID Industrial District
SD Seasonal Residential District
CVD Conservation District

Boundaries of these districts are hereby established as shown on a map entitled "Zoning Map, of Winslow Maine " dated December 13, 2012" , which accompanies and is part of this Chapter. Such boundaries shall be construed to follow corporate limits; lot or property lines; center lines of streets, highways, alleys, easements, and railroad rights-of-way, or such lines extended; unless otherwise noted on the zoning map. Any zoning district boundary disputes will be decided by the Board of Appeals.

Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.
A certified copy of the zoning map shall be adopted and approved with the text as part of this Chapter and shall bear upon its face the attestation of the Chair of the Town Council and the Town Clerk, and shall be available to the public in the office of the Town Clerk.

When any amendment is made to any district boundary or other matter portrayed on the certified copy of the zoning map, the map shall be revised promptly after the amendment has been approved by the Town Council with an entry on the map indicating the number of the ordinance and the date it was adopted. The revised zoning map shall be signed by the Chair of the Town Council and attested by the Town Clerk. The current zoning map shall be kept in the office of the Town Clerk. Dimensional requirements pertain to all buildings, principal and accessory, unless specific statements indicate otherwise.

(Ord. No. 1-2010; 12-13-10)

Sec. 14-42. High Density Residential District

(a) Purpose:

The High Density Residential District includes predominantly built-up areas of Town that consist of existing residential structures on small lots and some municipal and educational uses

such as schools, parks, playgrounds, churches and other public buildings. The district is designed to protect and enhance the existing character, scale and uses already established in these areas. New construction, alterations and proposed changes of use shall be required to be consistent with the established residential character of the district.

(b) Minimum Dimensional Requirements:

All Dimensions are Minimum Requirements unless otherwise indicated

Dimensional Requirements	Principal and Conditional Uses
Lot area	9,000 square feet
Lot width	90 feet
Frontage	90 feet
Building area	960 square feet
Maximum building height	35 feet
Building width	20 feet
Street yard	25 feet
Rear yard	10 feet
Side yard, Principal Structure	10 feet
Side yard, Accessory Structure	10 feet

(c) **Allowed Uses:**

Principal Uses

Single Family Dwellings
Minor Home Occupations
Essential Services
Home Child Care
Child Care Center
Churches Yard Sale
Schools Public and Private
Community Centers

Conditional Uses

Parks and Playgrounds
Medium Scale Principal Solar Energy Systems (MSPSES)
Two Family Dwellings

(Ord. No. 3-1996, 7-8-96; Ord. No. 2-2007, 3-12-07; Ord. No. 4-2015; 06-08-15; Ord. No. 15-2015. 1-11-16)

Sec. 14-43. Medium Density Residential

(a) Purpose:

The Medium Density Residential District includes existing residential subdivisions, predominantly single family residential dwellings and undeveloped land areas that are adjacent to the service centers of the Town. This district is intended for the Town's single family residential growth demand, and is located in areas that have access or future potential for municipal water and sewer services. Municipal water and sewer are required to serve these areas as outlined in the general provisions of this chapter.

(b) Minimum Dimensional Requirements

All Dimensions are Minimum Requirements unless otherwise indicated

Dimension Requirements	Lots with Municipal Sewer	Lots without Municipal Sewage
Lot area	15,000 square feet	(2) acres
Lot width	120 feet	200 Feet
Lot frontage	120 feet	200 Feet
Building area	1,200 square feet	1,200 square feet
Maximum building height	35 feet	35 feet
Building width	24 feet	24 feet
Road yard	25 feet	50 feet
Rear yard	25 feet	25 feet
Side yard Principal Structure	15 feet	25 feet
Side yard Accessory Structure	15 feet	25 feet

(c) Allowed Uses:

Principle Uses:

Single Family Dwellings Minor Home Occupations Parks & Playgrounds
Essential Services Home Child Care Yard Sales
Medium Scale Principal Solar Energy Systems (MSPSES)

(Ord. No. 1-1997, 2-10-97; Ord. No. 3-1998, 3-8-99; Ord. No. 2-2000, 7-10-2000; Ord. No 2-2007, 3-12-07; Ord. No. 1-2010, 12-13-10; Ord. No. 15-2015, 1-11-16)

Sec. 14-44. Mixed Use District

(a) Purpose:
The Mixed Use District consists of many of the older sections of Town and contains a variety of residential, commercial, recreational, municipal and educational uses. Municipal water and sewer are available throughout most of the district. The character of the district is dominated by a dense development pattern with commercial uses dispersed among single and multi-family residential homes. The existing mixed use development pattern shall be maintained by allowing a wide

number of residential uses; allowing the expansion of existing non-residential uses; and by allowing some commercial uses that are able to Blend and exist in harmony with the character of the district.

(b) Requirements to Blend: To blend into the existing character of the neighborhood all existing residential properties within 500' of any property line of a proposed nonresidential use shall be considered as neighborhood, The Planning Board and Code Enforcement Officer shall address the following items when reviewing a use or building permit application:

(1). How different the uses are to each other. The developer shall send notice to the neighborhood (all properties within 1000 ft.) by first-class mail describing the proposed project and a written request for comment. A copy of each letter and the comments shall be made part of the permit application.

(2). Buffering with natural vegetation and or structural requirements to help blend or disguise the proposed use.

(3). Traffic and traffic control and Parking.

(4). Hours of operation, lighting and signage. (Hours may be limited depending on the proposed use)

(5). Sewage Disposal, if private the plan must include an additional area shown on the site plan for a replacement system dedicated to "future Subsurface Waste Disposal".

(6). Storm water management and snow removal.

(7). Noise and odor control.

(8). Outside storage of goods and materials on site must be buffered and not visible from any public way or abutting property.

(9). Architectural compatibility, for those uses which require high visibility the Planning Board may require additional Public hearings and input from the neighborhood.

Dimensional Requirements	***Single Family Residential***	***Multi-Family Residential Single Structure***	***Multi-Family Residential Multiple Structures***	***Open Space Development *Note 3***	***Non-Residential w/sewer***	***Non-Residential w/private sewer***
Lot Area	7,000 square feet	10,000 square feet	See Note 4	3X Building Area	15,000 sq. feet	2 Acres
Lot Width	70 feet	100 feet		As approved by Planning Board	100 feet	200 feet
Lot Frontage	70 feet	100 feet	100 feet	As approved by Planning Board	100 feet	200 Feet

c) Minimum Dimensional Requirements

Note 1.Open Space Developments may have reduced lot lines between residential units within the

Building Area	960 square feet	960 square feet	960 square feet or as approved by the Planning Board	Micro-Homes, less than 960 sq.ft.	960 square feet	N/A
Max. Building Height	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet
Rear Yard	10 feet	20 feet	20 feet	10 ft. (note 1)	20 feet	25 feet
Road Yard	25 feet	25 feet	25 feet	0 feet (note 4)	25 feet	25 feet
Side Yard all structures (note 1)	10 feet	20 feet	20 feet	10 ft. (note1)	20 feet	25 feet
Building width	20 feet	20 feet	20 feet	NA	20 feet	N/A
Multi-family density per lot area (note 2)		2,000 sq. ft. per one Bedroom unit 3,000 sq. ft. per two Bedroom unit		Note: lawn and landscaping not less than1X building Area		

project, however the side and rear setbacks for the project to non-project properties cannot be reduced.

Note 2: A multi-family building is required to meet the minimum lot area. The density or number of units allowed on a particular lot is established as 2,000 sq. ft. per a one bedroom unit and 3,000 sq, ft. per two bedroom units. An example: If the buildable area is 10,000 sq. ft. then the building could contain a maximum of 3, two bedroom units or the building could contain 2, one bedroom units and 2 two bedroom units. Buildable Area; that area of a lot after all yard setbacks, parking and roadways have been deducted.

Note 3. Proposed Exemptions as approved by the Planning Board:

- Exemptions for Municipal Buildings.
- May include alleys in calculation of rear setback.
- Lots under 9,000 sf. may not exceed 25% of the project.
- Lots under 50 ft. of frontage may not exceed 50% of any development.

Note 4. Multi-Family multiple Buildings are required to meet the Minimum Buildable lot area of 1400 sq. ft. per unit.

<u>d</u>) **Allowed Uses**:

Principal Uses:

Agriculture
Bed and Breakfast (note1 below)
Boarding Home
Child Care Center
Churches
Congregate Housing
Essential Services
Farmer Market
Fast food Restaurants
Funeral Homes
Greenhouses
Home Child Care
Home Occupations
Minor Home Occupation
Open Space Developments
Medium Scale Principal Solar Energy <u>Systems (MSPSES)</u>
Mobile Home Parks
Motels
Multi-Family Dwellings
Municipal Facility
Parks & Playgrounds
Printing
Professional Offices
Restaurants
Retail (max 20,000sf.)
Schools Commercial
Small Stores
Single Family Dwellings
Two Family Dwellings
Warehouse
Veterinary Clinics
Yard Sales

Retail Businesses as part of a mixed use development Multiplexes as part of a mixed use development Restaurants max 25,000 sf.

Note 1: A bed and Breakfast with not more than 5 bedrooms available for lodging shall be considered a principal use. A Bed and Breakfast with more than 5 bedrooms available for lodging shall be considered a conditional use, Accessory Uses and Structures for Principal Uses
Note 2: Manufacturing, Warehousing and Retail over 20,000sf may be approved by the Planning Board with a minimum lot size of 25 acres providing all the conditions of 14-44 (b) are met.

Conditional Uses:

Auto service
Community Centers
Fireworks Sales and Storage
Government Buildings
Manufacturing
Night Club
Nursing Homes
Parking Lots
Manufacturing, Warehousing and Retail over 20,000sf (Note 2) above
Redemption Centers
Research facilities
Retail Fuel Sales
Schools Public & Private
Truck and heavy equipment repair
Vehicle Sales
Laboratories
Kennels

<u>Mixed Use District Performance Standards:</u>

(1) Gas Pumps

Associated structures such as roofs, canopies and enclosures shall be not less than 30 feet from any side or rear lot line and 20 feet from any existing or proposed street line.
(2) Fireworks Sale and Storage:
Associated structures such as roofs, canopies and enclosures shall be not less than 60 feet from any other permanent Structure and 35 feet from any existing or proposed street line.
Inspections will be conducted by the Fire Chief and Code Enforcement Officer twice a year to verify that the fire suppression system is active and in compliance.

(Ord. No. 3-1998, 3-8-99; Ord. No. 2-2007, 3-12-07; Ord. No. 1-2010, 12-13-10; Ord. No. 3-2012 5-14-12; Ord. No. 5 -2013, 1-13-14; Ord. No. 15-2015, 1-11-16)

Sec. 14-45. Low Density Residential District

(**a) Purpose**:
The purpose of the Low Density Residential District is to provide locations for new single family residential housing in a rural setting adjacent to existing built-up areas of town. This district is envisioned to have public water and sewer. These areas are established to attract new home construction that would otherwise be located in the more rural sections of the community. The goal is to provide ample areas that will supply future home buyers a setting in a rural environment, yet still close to the Town center. Agriculture and forestry and similar resource based activities are encouraged; however, some Commercial, Service and Municipal uses are allowed in this district and any mixed use will have to blend into these residential areas.

(b) Requirements to Blend: To blend into the existing character of the neighborhood all existing residential properties within 500' of any property line of a proposed nonresidential use shall be considered as neighborhood, The Planning Board and Code Enforcement Officer shall address the following items when reviewing a use or building permit application:

(1). How different the uses are to each other. The developer shall send notice to the neighborhood (all properties within 1000 ft.) by first-class mail describing the proposed project and a written request for comment. A copy of each letter and the comments shall be made part of the permit application.
(2). Buffering with natural vegetation and or structural requirements to help blend or disguise the proposed use.
(3). Traffic and traffic control and parking.
(4). Hours of operation, lighting and signage. (Hours may be limited depending on the proposed use)
(5). Sewage Disposal, if private the plan must include an additional area shown on the site plan for a replacement system dedicated to "future Subsurface Waste Disposal".
(6). Storm water management and snow removal.
(7). Noise and odor control.
(8). Outside storage of goods and materials on site must be buffered and not visible from any public way or abutting property.
(9). Architectural compatibility, for those uses which require high visibility the Planning Board may require additional Public hearings and input from the neighborhood.

(c) Minimum Dimensional Requirements

All Dimensions are Minimum Requirements unless otherwise indicated

Dimensional Requirements	Planned Unit/Open Space Development as approved by the Planning Board	Residential single family	Non Residential uses
Lot area	3X Building Are (Note 2)	1 acre without water and sewer	1 acres
	2X Building Area	½ acre with water and sewer	
Lot width	As approved by Planning Board (Note 2)	100 ft	200 feet
Lot Frontage	As approved by Planning Board(Note 2)	100 ft	200 feet
Street Yard	As approved by the Planning Board (Note 3)	25 ft	50 feet
Building Width	NA	25 ft	N/A
Side Yard and Rear	15 ft. (Note 1)	25 ft	50 feet
Maximum Building Height	35ft.	35 ft	35 feet
Open space.	Note: lawn and landscaping 1X building Area		

Note 1.Open Space Developments may have reduced lot lines between residential units within the project, however the side and rear setbacks for the project to non-project properties cannot be reduced.

Note 2. Proposed Exemptions as approved by the Planning Board:

- May include alleys in calculation of rear setback.
- Lots under 9,000 sf. may not exceed 25% of the project.
- Lots under 50 ft. of frontage may not exceed 50% of any development.

Note 3. Lot front yard setback may be modified by the Planning Board where it can be demonstrated that safety and snow removal is not an issue. And must be part of a Open Space Development.

(d) Allowed Uses:

Principal Uses:

Agriculture
Bed and Breakfast (note 1 below)
Boarding Home
Child Care Center
Churches
Congregate Housing
Essential Services
Farmer Markets
Forestry
Home Child Care
Greenhouses
Home Occupations
Open Space Development
Nursing Homes
Parks & Playgrounds
Passive Recreation
Retail Businesses as part of an Open Space development
Single Family Dwellings
Veterinary Clinics
Yard Sale
Mobile Home Parks
Minor Home Occupation
Medium Scale Principal Solar Energy Systems (MSPSES)

Conditional Uses:
Radio and Communication Towers
Outdoor Recreation
Retail Business
Light Manufacturing/Warehousing
Municipal Facility
Companion Animal Care Center
Large Scale Principal Solar Energy Systems (LSPSES)

(Ord. No.1-2010, 12-13-10; Ord. No. 7-14; 12-08-14: Ord. No. 8-2015, 10-13-15; Ord. No. 15-2015, 1-11-16)

Sec. 14-46 Rural District

(a) **Purpose:**

The vast majority of the Town's land area is within the Rural District which consists of open space, forest, farmland, residential homes, resource based activities and some commercial operations. The goal of the Rural District is to preserve and encourage existing open space, agriculture, forestry and resource based activities while at the same time allowing very low

density residential and some limited commercial development. All non-agricultural development in this district is designed to grow at a slow pace and in such a manner that the traditional rural character is maintained for future generations. Proposed development that might create negative traffic impacts, environmental damage, loss of farmland, increased traffic, suburban land use and loss of rural character shall not be permitted in this district.

(b) **Minimum Dimensional Requirements**

All Dimensions are Minimum Requirements unless otherwise indicated

Dimensional Requirements	Principal and Conditional Uses
Lot area	2 acres
Lot width	200 feet
Lot frontage	200 feet
Maximum building height	35 feet
Road yard	50 feet
Rear yard	25 feet
Side yard principal structure	25 feet
Side yard accessory structure	25 feet

(c) Allowed Uses

Principal Uses

Agriculture	Passive Recreation	Mobile Homes
Parks and Playgrounds	Essential Services	Temporary Vendors
Farmer Markets	Home Child Care	Convenience Store
Forestry	Single Family Dwellings	Minor Home Occupations
Veterinary Clinic	Yard Sale	Commercial Greenhouses
Kennels	Nursing Homes	Small Stores -3000sf
Farm Stands	Timber Harvesting	Two Family Dwellings
Home Occupations	Cemeteries	Churches
Congregate Housing	Boarding House	Bed and Breakfast
Indoor Recreation	Temporary and Seasonal Itinerant Vendors	
Medium Scale Principal Solar Energy Systems (MSPSES)		

Special Uses:

Re-use of Agricultural Structures after public hearing and review by the Zoning Board of Appeals.

Conditional Uses:

Mineral Extraction	Campgrounds	Golf Courses
Outdoor Recreation	Community Centers	Child Care Center
Auto Service and Repair	Automobile Junk Yard	Companion Animal Care Center
Radio/Communication Towers	Small Stores +3000sf	Large Scale Principal Solar Energy Systems (LSPSES)

(Ord. No. 3-1998, 3-8-99; Ord. No. 5-2005, 7-11-05; Ord. No. 2-2007, 3-12-07; Ord. No 3-2008, 12-8-08; Ord. No. 8-2015, 10-13-15; Ord. No. 15-2015, 1-11-16)

Sec. 14-47. Industrial District

(a) Purpose:

The Industrial District includes existing industrial uses and areas for future growth adjacent to principal traffic routes and municipal water and sewer. The primary uses intended for the district include, manufacturing, assembly, fabricating, warehousing, and some related commercial enterprises. Most residential, recreational, municipal, service and consumer related activities are not allowed in the district. The district is designed to provide space for industrial related activities that create an incompatible environment for most other types of land use.

(b) Minimum Dimensional Requirements

All Dimensions are Minimum Requirements unless otherwise indicated

Dimensional Requirements	Industrial with sewer	Industrial without sewer
Lot area	1 acre	2 acre
Lot frontage (See note #1)	150 feet *1	200 feet*1
Maximum building height	45 feet	45 feet
Road yard	25 feet	25 feet
Rear yard	30 feet	30 feet
Side yard (all structures)	20 feet	20 feet

Note #1: as approved by the Planning Board.

(c) Allowed Uses:

Principal Uses:

Timber Harvesting
Funeral Home
Forestry
Essential Services
Parking Lots
Municipal Facility
Recycling Center
Temporary Vendors
Yard Sale
Light Manufacturing
Warehouse
Utilities
Laboratories
Printing
Radio and Communication Tower
Pharmaceutical
Temporary and Seasonal Itinerant Vendors
Agriculture
Medium Scale Principal Solar Energy Systems (MSPSES)

Conditional Uses:

Heavy Industrial	Automobile Junk Yard	Truck and Heavy Equipment Repair
Storage and Sales	Chemical Manufacturing and Storage	
Vehicle Sales	Professional Office Complex	Bulk Oil/Fuel Storage
Mineral Extraction	Retail Sales	Large Scale Principal Solar Energy Systems (LSPSES)

Note # 1 Commercial activity such as but not limited to, restaurants, fuel sales, offices and sales that are incidental or accessory to a principal industrial uses are allowed.

(d) Industrial District Performance Standards

(1) Outside Storage and Manufacturing Areas

All areas used for the storage of goods, materials, equipment, junk, salvage, or other related manufacturing activities shall be enclosed by a fence or vegetative barrier that completely screens the area from adjacent property lines and public or private streets. All such outside areas shall also be located at least 500 feet from any residential district.

(2) Chemical Manufacturing and Storage Performance Standards

Chemical manufacturing and storage facilities shall obtain all applicable State and Federal permits prior to the issuance of a Conditional Use permit These facilities shall be located a suitable distance from populated areas of the Town and at a minimum shall be setback at least 1,000 feet from all residential structures and 2,000 feet from all schools and other public buildings used as a place of assembly.

In addition to the review criteria listed in Section 14-31 of this Chapter, the following additional criteria shall be applicable to all Chemical Manufacturing and Storage Facilities:

The Town of Winslow Fire Department and Police Department have the necessary technical capacity and equipment to provide emergency services to the facility including but not limited to; excavation of the facility and surrounding area, fire and explosion suppression, and containment of all hazardous materials and chemicals. (Ord. No. 1-1997, 2-10-97; Ord. No 3-1998, 3-8-99; Ord. No. 2-2007, 3-12-07; Ord. No. 8-2015, 10-13-15; Ord. No. 15-2015, 1-11-16)

Sec. 14-48. Seasonal Residential District

(a) Purpose

The Seasonal Residential District includes areas adjacent to Pattee Pond that are already divided into small lots and contain structures or are undeveloped. Most of the lots contain seasonal

homes; however, there are some year-round dwellings and undeveloped parcels. The primary goal of the district is to maintain and improve the water quality of Pattee Pond by strictly regulating any increases in land use intensity and the expansion of structures and uses within the built-up areas around the Pond. The existing low intensity land use of seasonal homes and camps is allowed. Expansion of structures and uses, including conversion from seasonal to year-round dwellings, are subject to performance standards.

(b) Minimum Dimensional Requirements

All. Dimensions are Minimum Requirements unless otherwise indicated

Dimensional Requirements	Principal and Conditional Uses
Lot area	2 acres
Lot width	200 feet
Lot depth	250 feet
Lot frontage (See note #1)	200 feet
Building area	400 square feet
Maximum building height	35 feet
Building width	20 feet
Road yard	50 feet *
Rear yard	25 feet
Side yard, principal structure	25 feet
Side yard, accessory structure	25 feet

* Amended August 9, 2004
Note #1: As approved by the Planning Board.

(c) Allowed Uses:

Principal Uses:
Single Family Dwellings Passive Recreation Parks and Playgrounds
Individual Camps Essential Services

Conditional Uses:
Campgrounds Outdoor Recreation Agriculture
Conversion of Seasonal Dwellings to Year-round Dwellings

(d) Seasonal Residential District Performance Standards

(1) Street Frontage
Street frontage may be on either a public or private road or driveway as approved by the Planning Board, Chapter 11, Article 1, Section 11-6 except that an existing private right-of-way shall not be less than 20 feet and shall not serve more than 5 year-round dwellings.

(2) Conversion of Seasonal Dwellings
Conversion permits for seasonal residences to be used as year-round residences can only be issued by a conditional use permit from the Planning Board and only if the minimum standard dimensional requirements for the lot in the Seasonal Residential District are met. Those requirements include a lot of 2 acres, a width of 200 feet, a depth of 200 feet, and frontage as approved by Planning Board in compliance with Chapter 11, section 11-6 on a private right-of-way. Seasonal dwellings on lots of less than two acres and which also do not meet the width and depth requirements will not be able to convert to year-round residency.

(3) Occasional Use
It is not the intent of this section to prevent the occasional overnight use of a seasonal dwelling and/or property to support winter recreational activities such as ice-fishing and snowmobiling. "Occasional overnight use" shall be defined as overnight use of a seasonal structure not more than two (2) overnights per week between December 1 and April 1.

(4) Seasonal Use Limitation
The seasonal use of a lot or dwelling is limited to the occupancy of the lot or dwelling between April 1 and December 1, unless it is an existing legal year-round residence or a conditional use permit for a conversion of a seasonal dwelling is obtained according to this Chapter.

(Ord. No. 5-2004, 9-13-2004; Ord. No. 2-2007, 3-12-07)

Sec. 14-49 Conservation District

(a) Purpose

The Conservation District is the area within the boundaries of the Pattee Pond watershed as determined by Maine Department of Environmental Protection.
It is intended to be a rural area with limited commercial or industrial activity or other uses which would tend to adversely affect water quality. The district is generally restricted to low impact development with special attention to the following areas:

(1) Floodplains that make building or development difficult, costly or unacceptable.
(2) Poor soil types not suitable for building or development.
(3) Steep slopes or embankments that render building or development generally difficult, costly or unacceptable.

(4) Significant wetlands that provide breeding and feeding habitat for waterfowl.
(5) Natural sites of significant scenic or aesthetic value, historic sites and archeological sites.

(b) Minimum Dimensional Requirements

All Dimensions are Minimum Requirements unless otherwise indicated

Dimensional Requirements	Principal and Conditional Uses	Open Space Development
Lot area	2 acres	1 acre (See Note 1)
Lot width	200 feet	125 feet
Lot depth	200 feet	200 feet
Lot frontage	200 feet	125 feet
Maximum building height	35 feet	35 feet
Road yard	50 feet	By Planning Board
Rear yard	25 feet	By Planning Board
Side yard, principal structure	25 feet	By Planning Board
Side yard, accessory structure	25 feet	By Planning Board
Conservation Easement	As required by site plan	40% of the development
Road yard(Base Lot) (See Note 2)	N/A	50 feet
Side and Rear yard (Base Lot) (See Note 2)	N/A	25 feet

Note 1. The planning board may approve 30,000 sf. Lots if the Open Space Development has a community Subsurface Waste Disposal System including a reserved area for a replacement system.
Note 2. “Base Lot” is the total parcel to be utilized in an Open Space Development.

(c) Allowed uses

Yard Sale
Passive Recreation
Timber Harvesting
Single Family Homes
Farm Stands
Bed & Breakfast
Home Child Care
Forestry
Agriculture
Essential Services
Home Occupation (Minor)
Temporary Vendor
Medium Scale Principal Solar Energy Systems (MSPSES)

Conditional Uses:

Campgrounds
Government Facilities
Summer Camp Facilities
Parks and playgrounds
Companion Animal Care Center

Mineral Extraction	Small Store less than 3000 sf.
Greenhouses	Farmers Market
Kennels	Veterinary Clinic

Note (1): Anyone desiring to have a use not listed above may petition the Town for an appropriate zoning change.

Note (2): Principal and Conditional Uses in the Conservation District shall conform to the applicable performance standards contained in this Section and the Shoreland Zoning Section when development is within 250' of any regulated water body (Lake, Stream, Bog or wetlands).

(d) Site Plan Application Requirements:

Required in every application: (1) (2) (3) (4) (5) (6) (7) (8) (11) (16) (17) & (18).
Requirement determined by the CEO/Planning Board: (9) (10) (12) (13) (14) & (15).

(1) A signed and dated site review application form and all necessary attachments.
(2) Copy of the Tax Assessor's map of the site and surrounding area within 500 feet.
(3) A copy of the U.S.G.S. Topographic map of the area showing the proposed site.
(4) A copy of the Kennebec County Soil Survey showing the area of the proposed development.
(5) Name and address of the applicant, applicant's agent, engineer, contractor.
(6) Proof of Standing: property deed, purchase and sale agreement, contract or other legal document.
(7) Description of the site, including; address, map and lot number, book and page reference, copy of the most recent property deed.
(8) Description of the proposed use, site lot lines, and size and location of any structures.
(9) Complete application for a Floodplain Management Permit if located within a special flood hazard area.
(10) Complete application for a Local Shoreland Zoning Permit if located within a Shoreland zoning district.
(11) A list of all other local, state and federal permits required for the project.
(12) Erosion control plan prepared by a Maine licensed Engineer.
(13) Storm-water control, Water-body protection plan prepared by a Maine Licensed Engineer.
(14) Phosphorus control plan prepared by a Maine Licensed Engineer.
(15) Wildlife corridors, scenic, historic and archeological protection plan with supporting documentation prepared by a Maine licensed Engineer.
(16) Wastewater disposal plan (HHE-200 Form).
(17) Sufficient public or private water sources are available to serve the foreseeable needs of the proposal.
(18) Site plan, drawn to a scale by a Maine Registered Land Surveyor of not more than one hundred feet to the inch. The site plan shall show the following:

(a) Standard boundary survey of the parcel giving complete descriptive data by bearing and distances made and certified by a registered land surveyor.
(b) The date the plan was prepared, north arrow, and graphic map scale.
(c) Location of all existing and proposed structures, roads, traffic access points, rights-of-way, public or private easements, buffers, landscaping, rivers, streams, brooks, wetlands, steep slopes over 20%, 10 foot contour lines, drainage structures, subsurface wastewater disposal areas, special flood hazard areas, zoning district boundaries, existing and proposed vegetative cover, well locations, number of acres of the site, significant wildlife habitat, archaeological and historic sites, scenic areas, and outdoor areas used for storage.
(d) The site plan may also show the following features; erosion control measures, storm-water control features, phosphorus control measures, water-body protection features.

Sections 14-50 – 14-52 are blank
(Ord. No. 2-2007, 3-12-07; Ord. No 1-2010, 12-13-10; Ord. No. 15-2-2015, 1-11-16)

Article 5 Traffic Access Standards and Parking

Sec. 14-53. Arterial Highway Designation

(a) The following streets and roads are designated to be arterial highways for the purpose of administering this Chapter and the Subdivision Ordinance.

Albion Road	Augusta Road	Bay Street
Benton Avenue	China Road	Clinton Avenue
Cushman Road	Garland Road	Halifax Street

Sec. 14-54. Traffic Visibility

No obstructions, such as structures, parking, or vegetation shall be permitted in any district between the heights of 2 1/2 feet and 10 feet above the plane through the mean curb grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 15 feet from their intersection.

The shaded area on the plan view and the side view indicates the area where vision clearance must be obtained. The lines are the right-of-way lines for a typical street intersection. Within this area, no obstruction are allowed 2 1/2 feet above a plane surface passing through the average height of the abutting curb or edge of the paved part of the street. In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 50 feet.

Sec. 14-55. Driveways

(a) All driveways installed, altered, changed, replaced, or extended after the effective date of this Chapter shall meet the following requirements:

(1) Islands between driveway openings shall be provided with a minimum of 12 feet between all driveways and 6 feet at all lot lines.
(2) Openings for vehicular ingress and egress shall not exceed 24 feet at the street line and 30 feet on the roadway.

Sec. 14-56. Highway Access

(a) No direct public or private access shall be permitted to the existing or proposed right-of-way of the following:

(1) Arterial streets intersecting another arterial street within 100 feet of the intersection of the right-of-way lines.

(2) Streets intersecting an arterial street within 50 feet of the intersection of the right-of-way lines.

(3) Access barriers such as curbing, fencing, ditching, landscaping, or other topographic barriers shall be created to prevent unauthorized vehicular ingress and egress to the above specified streets or highways.

(4) Temporary access to the above rights-of-way may be granted by the Police Department after review and recommendation by highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed 12 months.

Sec. 14-57. Loading Docks

(a) All buildings, structures and uses which have a total gross floor area and effectively utilized outdoor ground space of more than 5,000 square feet shall provide loading areas so that vehicles loading and maneuvering, or unloading and maneuvering are completely off the public ways and so that no vehicles need back onto any public way.

Sec. 14-58. Parking Requirements

(s) In all districts and in connection with every use, there shall be provided at the time any use of building is erected, enlarged, extended, or increased, off-street parking space for all vehicles in accordance with the following:

(1) Adequate access to a public street shall be provided for each parking space, and driveways shall be at least 10 feet wide for one to six family dwellings and a minimum of 20 feet for all other uses.

(2) All parking spaces except those serving one to six family houses shall be accompanied by off-street maneuvering space designed so as to permit all cars to

enter and leave the parking facility driving forward without backing into a public right-of-way.

(3) The size of each parking space shall not be less than 180 square feet exclusive of the space required for ingress and egress.

(4) The location of each parking space shall be on the same lot as the principal use or not over 400 feet from the principal use. No parking stall or driveway, except in residential districts shall be closer than 25 feet to a residential district lot line.

(5) All commercial or residential off-street parking for more than 3 cars on a lot in other than a rural district shall be graded so as to be dust free and properly drained; the minimum standard could be gravel with calcium chloride. Any parking area for more than 10 vehicles shall have asphalt or similar surface, and the aisles and spaces shall be clearly marked.

(6) Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.

Sec. 14-59. Exception to Parking Requirements

(a) When the town or municipal parking authority provides public parking space lots as a special exception initiated by the town or authority, all uses within the designated municipal parking area may be proportionally exempted from the parking requirements of this article provided a fair financial settlement is made between the owner of the affected lot and the municipality or authority.

Sec. 14-60. Parking Spaces Required

The following table indicates the minimum number of parking spaces required for each use. In the case of uses not listed, the provision for a use which is similar shall apply. Combinations of any of the above uses shall provide the total of the number of spaces required for each individual use.

Type of Use	Parking Spaces Required
Single-family dwellings	2 spaces per dwelling unit
Multi-family dwellings	1.5 spaces per dwelling unit
Hotels, Motels	1 space per guest room & 1 space per each 3 employees
Hospitals, Dormitories	1 space per each 2 beds, & I space per each 3 employees

Nursing Homes, Rest Homes	1 space per each 5 beds & 1 space per each 3 employees
Medical and Dental Clinics	6 space per each doctor
Churches, theaters, auditoriums, community centers, schools, and places of public assembly	1 space per each 5 seats
High Schools	1 space per each employee & 1 space per each 15 students
Elementary & Junior High Schools	1 space per each 2 employees
Colleges	1 space per each 2 employees & 1 space per each 5 students
Restaurants, Funeral Homes, Bars	1 space per 10 square feet of gross floor area or 1 space per 3 persons of legal or practical capacity
Retail and Service	4 spaces per 1,000 square feet of floor area
Manufacturing, Warehouse	1 space per each 3 employees
Professional Office, Government Building	1 space per employee and 1 space per 300 square feet of floor area
Bowling Alley	3 spaces per alley

Article 6. General Performance Standards

See. 14-61 General Site and Use Standards

(a) Only those uses specified for a district shall be permitted. Principal uses shall require a permit from the Code Enforcement Officer. Conditional uses shall require site review by the Planning Board. A conditional use is eligible for a permit from the Code Enforcement Officer only after the Planning Board approves the Site Review Application.

(b) Unclassified or unspecified uses may be permitted by the Planning Board provided that such uses are similar in character to the uses permitted in the district.

(c) Temporary uses such as real estate, field offices, or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Planning Board.

(d) Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction. Accessory uses include: incidental repairs; storage; parking facilities; private emergency shelters; and gardening, servants, itinerant agriculture labor's and watchman's quarters not for rent. Accessory uses and structures are required to meet all yard requirements except that swimming pools shall conform to the standards contained in Sec.14-64.

(e) No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Code Enforcement Officer by reason of: flooding; concentrated runoff; adverse soil or rock formation; unfavorable topography; low bearing strength; erosion susceptibility; or any other feature likely to be harmful to the health, safety, and general welfare of the community. The Code Enforcement Officer shall in writing list the particular facts for making a determination that a particular site is unsuitable for development based upon the reasons listed above. The applicant shall have an opportunity to contest such unsuitability through the Board of Appeals.

(f) All principal structures shall be located on a lot; and only one principal structure shall be located; erected; or moved onto a lot, unless the structures have been approved as an open space development.

(g) In any district where public sewer is not available: the width and area of all lots shall be sufficient to permit the use of a subsurface wastewater disposal system designed in accordance with the State of Maine Subsurface Wastewater Disposal Rules.

(h) All subsurface wastewater disposal systems shall be located in areas of suitable soil of at least 1,000 square feet in size in all shoreland areas. No structure or land use requiring a subsurface wastewater disposal system shall be issued a permit without first having been issued a subsurface wastewater disposal permit from the Local Plumbing Inspector.

(i) Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards on the less restrictive, if more than 60 feet from the district boundary line, may be adjusted so as to equal the average street yards required in both districts.

(j) In any district, the street yard requirements may be reduced to equal the average of the existing street yards for buildings existing on the adjacent lot on either side of a proposed building with the approval of the Code Enforcement Officer. However, in no event shall such reduction be allowed to interfere with traffic visibility.

(k) Any non-residential use abutting a residential use or dwelling, or a residential zoning district shall incorporate along the affected property lines a year-round visual barrier sufficient to screen the proposed use from the property line to a minimum height of 6 feet. The screen shall consist of one or more of the following; existing or proposed vegetation, fence, or other similar structure. The visual barrier shall be installed within a buffer area with a minimum width of 25 feet, extending along the affected property lines.

Sec. 14-62 Signs

(a) No sign shall be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit. The sign shall meet all the structural requirements of the Building Code.

(b) All signs are prohibited in all residential, rural and conservation districts except for the following:

(1) Signs over show windows or doors of a business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed 20 square feet.

(2) Real Estate signs not to exceed 8 square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporally located.

(3) Name, occupation and warning signs not to exceed 4 square feet located on the premises.

(4) Official signs such as traffic control, parking restrictions, information, and notices.

(5) Non-lighted temporary signs or banners when authorized by the Code Enforcement Officer for a period of no more than 30 days and not to exceed 8 square feet in area.

(6) Bulletin boards for public, charitable or religious institutions not to exceed 8 square feet in area located on the premises.

(7) Business Directional Signs, as defined and restricted pursuant to Title 23 MRSA, Sections 1906-1912, as amended, provided that any such sign is located at least two hundred (200) feet from any public park or entrance to any public park.

(c) Signs are permitted in the Commercial and Industrial Districts subject to the following restrictions:

(1) A wall sign placed against the exterior walls of building shall not extend more than 6 inches outside of a building's wall surface; shall not exceed 10% of the wall area on which it is mounted; and the total square footage of all wall signs for a premise shall not exceed 500 square feet.

(2) A projecting sign fastened to, suspended from, or supported by structures shall not:

a. Exceed 100 square feet in area for any one premises,
b. Extend more than 6 feet into any required yard,

c. Extend more than 3 feet into any public right-of-way,
d. Be less than 10 feet from all side lot lines,
e. Exceed a height of 20 feet above the mean centerline street grade,
f. Be less than 10 feet above the sidewalk nor 15 feet above a driveway or an alley.

(3) A ground sign shall not exceed 20 feet in height, above the mean centerline street grade, shall meet all yard requirements for the district in which it is located, shall not exceed 100 square feet on one side nor 200 square feet on all sides for any one premises.

(4) A roof sign shall not exceed 10 feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed 300 square feet on all sides for any one premises.

(5) A window sign shall be placed only on the inside of commercial buildings and shall not exceed 25 % of the glass area of the pane upon which the sign is displayed.

(6) A combination of any of the above signs shall meet all the requirements for the individual sign.

(7) A portable sign shall not be more than 50 square feet on one side and shall be set back from the right-of-way a distance of at least 10 feet. Only one sign shall be allowed per property and no permit shall be issued for a period of more than 30 days during any one six-month period.

(8) Changeable message boards: Freestanding signs may include message boards where letters, words, and messages such as "no vacancy" may be removed and replaced, providing that they are permanently mounted within a fixed base. Changeable signs may also be affixed to a building.

Electronic changeable message signs, including time & temperature signs, are signs "which may be changed at reasonable intervals by electronic process or remote control," and do not "include any flashing, intermittent or moving light or lights." (23 U.S.C. § 131), and in accordance with subsection 11-A. of Title 23 Chapter 21 of the Maine Revised Statutes Annotated, are permitted provided that each message remains fixed on the display surface for a minimum of 1.5 seconds. For the purposes of this section, signs whose messages change by mechanical or electronic means are not prohibited as long as the intermittent lighting is used to change messages and not solely to attract attention. A "flashing" sign will continue to be prohibited except as described below. The regulatory factors in the display of an electronic changeable message signs are: Duration of the message display, Message Transition, and Frame Effects. The changes of messages must be accomplished immediately. Messages may be changed only by a complete substitution of the display with transitions such as fade, scroll, sweep or

dissolve to name a few not allowed. Static messages only (text & images) are permitted with a 2 second minimum hold rate between changes with no movement or any illusion of movement. Electronic changeable signs are not permitted in residential zones. No electronic display is permitted to view primarily onto a controlled access highway.

(d) No sign, except those permitted in sub-section (b) shall be permitted to face a residential district within 100 feet of such district boundary.

(e) A sign shall not resemble, imitate, or approximate, the shape, size, form, or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress or egress from any door, window, or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility.

(f) A sign lawfully existing at the time of the adoption or amendment of this Chapter may be continued although the use, size, or location does not conform with the provisions of this section. However it shall be deemed a non-conforming structure.

Ord. No. 4-2004, 7-12-04; Ord. 4-2007; 5-14-07)

Sec. 14-63 Home Occupations and Minor Home Occupations

(a) Home occupations are business or commercial activities that are conducted in a dwelling unit or accessory structure by one or more family members residing in the home. The specific occupation must be compatible with the residential character of both the dwelling and neighborhood. The home occupation use is designed for low impact home business activities that can co-exist with residential neighborhoods without creating noise, odors, excessive traffic or detract from the comfort and expectations of homeowners. A home occupation may be any occupation or profession which can be carried on within the home and meet the requirements of this section.

(b) The use of a dwelling unit or property for a home occupation shall be clearly incidental to and compatible with the residential use of the property and surrounding residential uses.

(c) The home occupation shall be carried on wholly within the principal building or within a building or other structure accessory to it. The outside storage and processing of materials or products shall be prohibited.

(d) A home occupation shall employ no more than one person other than family members residing in the home.

(e) A home occupation shall not alter the residential character of the structure, neighborhood, or change the character of the lot from its principal use as a residence.

(f) One non-illuminated sign, no larger than 4 square feet may be erected on the premises.

(g) The sale of products shall be limited to normal business hours and to those items which are crafted, assembled, or substantially altered on the premises, to catalog items ordered off the premises by customers, and to items which are accessory and incidental to a service which is provided on the premises.

(h) All necessary parking shall be provided off the street and no parking shall be allowed in the front yard.

(I) A home occupation shall not create greater traffic than normal for the area in which it is located or generate more than 20 vehicle trips per day.

(j) The following uses are prohibited as home occupations: veterinary services; kennels; auto service and repair; and truck and heavy equipment repair, sales, and service.

(k) Minor Home Occupations are certain uses that due to their nature and scope have a low impact on the residential nature of a dwelling and neighborhood. Such home occupations include, but not limited to: artist, authors, home crafts for off-site sales, word processing, and tutoring. The following standards shall be met in order to be classified as a minor home occupation:

(1) Only family members residing in the dwelling are employed in the home occupation.

(2) All the standards for a home occupation listed above are met.

(3) No sign is used at the premises.

(4) The home occupation does not include the on-site, retail sale of goods.

(5) No traffic is generated which is not otherwise normal for a residence and the occupation does not require that customers or clients travel to the dwelling.

(6) No deliveries are made to the premises other than package carrier services.

Sec. 14-64 Private Swimming Pools, Pool Decks and Pool Fences

(a) Private Swimming Pools

(1) Swimming pool means an outdoor-receptacle or other container, whether in or above ground, used or intended to be used to contain water for swimming or bathing and designed for a water depth of 24 inches or more.

(2) In ground and aboveground pools shall meet the yard setback requirements for the zoning district in which it is located.

(3) Enclosed pools and their structures shall meet all required yard and setback requirements for all accessory and principal structures and uses for the zoning district in which they are located.

(b) Pool Decks

(1) Any deck surface 2 feet or more above the ground shall be setback at least 10 feet from all property lines.

(c) Pool Fences

(1) A fence shall be erected and maintained around every swimming pool, except that aboveground pools with sidewalls of at least 24 inches in height are exempted. A dwelling or accessory building may be used as part of the enclosure. All gates and doors opening through this enclosure shall be capable of being securely fastened at all times when not in actual use.

(2) Pools shall be enclosed by a fence of at least 6 feet in height, capable of preventing children from gaining access and minimizing noise and otherwise meeting all other requirements of a fence as defined in Title 22, M.R.S.A. Section 1631 (1) as amended.

Sec. 14-65 Re-Use of Agricultural Structures

(a) Purpose

Some of the existing agricultural structures such as barns, dairy barns, chicken barns and similar structures, located throughout the rural portions of the Town are vacant or not used for their original design due to changes in the agricultural market. A non-agricultural use for many of these structures is difficult due to their size and location outside of the Town's designated commercial and industrial districts. These structures may be converted to low intensity light manufacturing and warehousing according to performance standards designed to protect rural character and allow some creative re-use of the structures for certain commercial activities.

(b) Applicability

This section shall apply to the re-use of agricultural structures for light manufacturing and warehousing. Agricultural structures removed or destroyed by natural causes such as fire, wind, snow etc. are not eligible. An agricultural structure is eligible if it has been used for agricultural purposes for a period of at least 5 years prior to its initial application for re- use according to this section.

(c) Standards

(1) The proposed use shall not create more than 100 vehicle trips per day.

(2) The permanent outside storage of goods, equipment and materials is prohibited.

(3) The existing agricultural structure shall not be expanded in area or volume. The construction of new buildings or the conversion of non-agricultural structures is not allowed. Any expansion is limited to the construction of parking areas, driveway access and landscaping.

(4) The outside processing, assembly, fabrication or other manufacturing activities are prohibited.

Sec. 14-65A: Personal Wireless Services Facilities (PWSF)

1. Purpose

These standards are designed and intended to balance the interests of the residents of the Town of Winslow, wireless communications providers and wireless communication customers in the siting of wireless communications facilities within the town. Beyond the objectives described in other provisions of this Ordinance, these Personal Wireless Services Facilities (PWSF) standards are also intended to:

a. Implement a municipal policy concerning the provisions of wireless telecommunications services, and the siting of their facilities;
b. Establish clear guidelines, standards and time frames for the town to regulate wireless communications facilities;

c. Ensure that all entities providing PWSF within the Town comply with the ordinances of Winslow;

d. Permit the Town of Winslow to fairly and responsibly protect public health, safety and welfare;

e. Encourage the siting of PWSF to co-locate, thus minimizing adverse visual impacts on the community;

f. Support the goals and policies of the Comprehensive Plan, especially the orderly development of the Town with minimal impacts on existing residential uses;

g. Protect Winslow's environmental resources and rural character as consistent with the goals and objectives outlined by the Winslow Comprehensive Plan;

h. Provide for the removal of towers and associated structures that are no longer being used for wireless communications purposes;

i. Minimize any potential adverse effect of PWSF on property values; and

j. Protect the scenic and visual character of Winslow.

2. Dimensional Standards

a. Height Outside A PWSF Overlay Zone - The vertical distance between the highest point of a PWSF (ground-mounted or building mounted) and the mean natural grade at the base of the structure or building shall not exceed one hundred (100) feet, provided, however,

1. If antennas are located on an existing utility structure, including water tower, electrical transmission tower, or utility pole, the vertical height of the existing structure may not be increased by more than ten (10) feet;

2. The highest point of a building mounted PWSF on an existing building may not be ten feet higher than the existing building unless the PWSF is completely camouflaged as provided in subsection 3 (a) and (b); and

3. The highest point of ground mounted PWSF shall not exceed ten (10) feet above the average tree canopy height of the trees located within an area defined by a one hundred fifty (150) foot radius or perimeter of the mount, security barrier, or designated clear area for access to equipment, whichever is greatest. Refer to subsection 6 (c) - Average Tree Canopy Height. In high density residential zone and commercial zone when there are buildings within 300 feet of the mount the highest point of ground-mounted PWSF shall not exceed ten (10) feet above the average building height within 300 feet of the mount.

b. Height, PWSF Overlay Zone: Where the Town establishes a PWSF Overlay District (when designated on the Town zoning map), PWSFs of up to 150 feet in height may be permitted by Conditional Use Permit. Such structures must be monopoles and shall comply with all setback requirements set forth in this Ordinance.

c. Reconstruction of Nonconforming PWSF - A non-conforming ground-mounted PWSF, removed or destroyed for any reason, may be reconstructed subject to site plan review on the same site, provided that it complies with the height restrictions of this subsection.

d. Setbacks: All PWSFs and their equipment shelters shall comply with the building setback provisions of the zoning district in which the facility is located. Fences shall comply with the setback provisions of the zoning district in which the facility is located.

e. Fall Zone for Ground Mounts: In order to ensure public safety, the minimum distance from the base of any ground-mounted PWSF to any property line, public road, habitable dwelling, business or institutional use, or public recreational area shall be, at a minimum, the distance

equal to the fall zone, as defined in paragraph 6 (k). The fall zone may cross property lines, so long as the applicant secures a fall zone easement from the affected property owner(s). The area of the easement shall be shown on all applicable plans submitted to the Town, and the terms of the easement shall be provided as part of the site plan review. Fall zones for PWSFs may overlap.

f. Fall Zone for Mounts: In the event that an existing structure is proposed as a mount for a PWSF, a fall zone shall not be required, but the setback provisions of the zoning district shall apply. In the case of pre-existing nonconforming structures, PWSFs and their equipment shelters shall not increase any non-conformities.

2. Performance and Design Standards

a. Visibility - The applicant is encouraged to utilize enhancements to the property and must demonstrate that every reasonable effort has been made to cause the facility to have the least possible visual impact on the Town.

i. Visual impacts are measured on the basis of:

1. Change in community scale, as exhibited in relative height, mass or proportion of the PWSF within their proposed surroundings.
2. New visible elements proposed on a contrasting background.
3. Different colors and textures proposed against a contrasting background.
4. Use of materials that are foreign to the existing environment.

ii. Enhancements are measured on the basis of:

1. Conservation of opportunities to maintain community scale. e.g. buffering areas and low-lying building should not be compromised so as to start a trend away from the existing community scale.
2. Amount and type of landscaping and/or natural vegetation.
3. Preservation of view corridors, vistas, and viewsheds.
4. Continuation of existing colors, textures, and materials.

iii. Visibility focuses on:

1. Eliminating or mitigating visual impact.
2. Protecting, continuing, and enhancing the existing environment.

iv. Camouflage for Facilities on Roof of Existing Buildings:

When a PWSF extends above the roof height of a building on which it is mounted, every effort shall be made to conceal or camouflage the facility within or behind existing or new architectural features to limit its visibility. Facilities mounted on a roof of a building shall

be stepped back from the front façade in order to limit their impact on the building's silhouette.

v. Camouflage for Facilities on Side of Existing Buildings:

PWSF mounted on a side of a building, shall blend with the existing building's architecture and the panels shall be painted or shielded with material consistent with the design features and materials of the building. All surfaces shall be non-reflective.

vi. Camouflage for Ground-Mounted Facilities:

Ground-mounted PWSF outside a PWSF Overlay Zone shall be surrounded by a buffer of dense tree growth that begins at and extends continuously from ten (10) feet beyond the security barrier and portion of equipment shelter outside security barrier for a minimum distance of one hundred and fifty (150) feet and screens views of the facility in all directions with an exception in High Density Residential and Commercial zones noted in this subsection. These trees must be existing (existing trees are preferred) on the subject property, planted on site, or be within a landscape easement on an adjoining site.

The one hundred fifty (150) foot vegetative buffer area shall be protected by a landscape easement or be within the area of the PWSF owner's lease. The easement or lease shall specify that the trees within the buffer shall not be removed or topped, unless the trees are dead or dying and present a hazard to persons or property.

A treed buffer may not be required for a PWSF in High Density Residential or Commercial zones when there are buildings within 300 feet of the mount and when the PWSF is camouflaged.

b. Color - To the extent that a PWSF extends above the height of the vegetation immediately surrounding it, it shall be of a color which blends with the background or surroundings. All surfaces shall be non-reflective.

c. Equipment Shelters – PWSF equipment shelters shall be designed consistent with one of the following design standards:

i. Equipment shelters shall be located in underground vaults; or

ii. Equipment shelters shall be designed so that the shelters are architecturally consistent, with respect to materials and appearance, to the buildings in the area of the PWSF; or

iii. Equipment shelters shall be camouflaged behind an effective year-round landscape screen, equal to the height of the proposed building and/or fence. The Planning Board shall determine the style of fencing and/or landscape buffer that is compatible with the neighborhood; or

iv. If mounted on the roof of a building, the equipment shelter shall be concealed or camouflaged so that the shelter either is not visible at grade or appears to be a part of the original structure.

d. Lighting, Signage, and Security

i. Lighting: The mounts of PWSFs shall be lighted only if required by the Federal Aviation Administration (FAA). Lighting of equipment structures and any other facilities on site shall be shielded from abutting properties. Foot-candle measurements at the property line shall be 0.0 initial foot-candles above ambient light conditions.

ii. Signage: PWSF shall not contain any permanent or temporary signs, writing, symbols or any graphic representation of any kind except those needed to identify the property and the owner and warn of any danger. All signs shall comply with the requirements of this Ordinance.

iii. Security Barrier: Ground-mounted PWSFs shall be enclosed by security fencing equipped with an anti-climbing mechanism.

e. Historic Buildings

i. A PWSF located on or within an historic structure shall not alter the character-defining features, distinctive construction methods, or original historic materials of the building.

ii. Any alteration made to an historic structure to accommodate a PWSF shall be fully reversible.

iii. PWSFs authorized by this subsection shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas.

f. Scenic Landscapes and Vistas - Ground-mounted facilities outside a PWSF Overlay Zone shall not be located within open areas that are clearly visible from public roads, recreational areas, nearby or abutting properties unless these PWSF are hidden or disguised in such a way so as to blend in with their surroundings. Ground-mounted PWSFs outside a PWSF Overlay Zone shall be surrounded by a buffer of dense tree growth as provided under subsection 3.a.vi. ,except that a treed buffer may not be required for a PWSF in High Density Residential or Commercial zones when there are buildings within 300 feet of the mount and when the PWSF is camouflaged.

g. Driveways - If available, existing entrances and driveways to serve a PWSF shall be utilized, unless the applicant can demonstrate that a new entrance and driveway will result in less visual traffic, and environmental impact. New driveways to serve a PWSF shall not exceed twelve (12) feet in width. A gravel or crushed stone surface is required.

h. Antenna Types - Any antenna array placed upon an existing or proposed ground mount, utility pole, or transmission line mount shall have a diameter of no more than four (4) feet, exclusive of the diameter of the mount. A close mount may be required to minimize visual impacts.

i. Mounts - All ground mounts shall be of a mast or monopole type mount. Mounts affixed to the roof or side of a building shall be masts only. Lattice towers, guyed towers, and roof mounted monopoles are expressly prohibited, unless constructed as part of a reconstruction of a nonconforming structure permitted under subsection 2.b.

j. Hazardous Waste - No hazardous waste shall be discharged on the site of any PWSF. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor designed to contain at least one hundred and ten percent (110%) of the volume of the hazardous materials stored or used on the site.

k. Noise - PWSF shall not generate noise in excess of limits permitted under the Town noise ordinance.

l. Radio Frequency Radiation (RFR) Standards - All equipment proposed for a PWSF shall be fully compliant with the FCC Guidelines for Evaluating the Environmental Effects of Radio Frequency Radiation (FCC Guidelines), under *Report and Order,* FCC 93-326, published on August 1, 1996, and all subsequent amendments.

m. Federal and State Requirements - All PWSFs must meet or exceed current standards and regulations of the FAA, FCC and any other agency of the federal or state government with the authority to regulate PWSFs. If such standards and regulations are changed, then the owners of the facilities governed by this ordinance shall bring such facilities into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule if mandated by the controlling agency. Failure to bring a PWSF into compliance with such revised standards and regulations shall constitute grounds for removal of the PWSF as abandoned, in accordance with subsection 5, at the owner(s) expense through the execution of the posted security.

n. Building Code - Safety Standards - To ensure the structural integrity of PWSFs, the owner of the facility shall ensure that it is maintained in compliance with the standards contained in applicable local building codes and the applicable standards for PWSFs that are published by the Electronics Industries Association, as amended from time to time. If, upon inspection, the Town concludes that a PWSF fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the PWSF, the owner shall have thirty (30) days to bring such PWSF into compliance with such standards. If the owner fails to bring such PWSF into compliance within thirty (30) days, such action shall constitute abandonment and grounds for the removal of the facility as abandoned at the owner(s) expense through execution of the posted security.

o. Balloon Test - The Planning Board may require a certified balloon test accurately simulating the height and location of the proposed PWSF. Public notice shall be given of the date and time of such test not less than 10 days prior thereto. The applicant shall provide photographs of such test from locations around the Town and within 20 miles from which the balloon(s) is visible.

p. Migrating Bird Protection - The applicant shall submit a plan indicating methods that it shall use to mitigate adverse impacts on migrating bird populations.

q. The owner of the PWSF, as a condition of approval, shall execute an agreement that it will indemnify and hold the Town, its officials and employees harmless from all claims against the Town for personal injury, property damages, and loss, including costs of defense and reasonable attorney's fees, arising from or related to the construction, operation repair and removal of the PWSF or any part thereof.

r. Alternative Tower Sites – If the proposed ground-mounted PWSF does not meet the standards of this Ordinance because of insufficient camouflage or a lack of screening by existing trees or buildings then potential suitable alternative sites, where PWSFs can meet the standards and provide adequate signal coverage need to be inventoried and evaluated. More than one site each with a PWSF (that may be shorter than originally proposed) could be required. If the applicant determines that there are no suitable alternative sites the municipality may hire at the applicant's expense a radio frequency engineer to independently assess if there are suitable alternative sites.

s. Professional Services – The Planning Board may require that an independent radio frequency engineer be hired at the applicant's expense to substantiate the applicant's claim of technical necessity, the applicant's evaluation of proposed site(s) and alternative sites and to propose suitable alternative sites. An independent landscape architect may be hired at the applicant's expense to evaluate the applicant's visual impact analysis and proposed mitigation and to propose visual impact mitigation alternatives.

t. Average Tree Canopy Height (ATCH) – ATCH shall be determined by a forestry or environmental consultant qualified to inventory tree height and determine the ATCH as defined in this Ordinance.

4. Conditions of Approval

a. Maintenance - The owner of the facility shall maintain the PWSF in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier, maintenance of the buffer areas, landscaping, and camouflage materials. The Planning Board may direct the owner to perform maintenance that it determines to be required.

b. Monitoring - The property owner and the owner of the PWSF shall agree that the Town and its appointed representative(s) may enter the subject property to obtain RFR

measurements, noise measurements, and to perform maintenance and safety inspections at the expense of the carrier. In the case of taking RFR and or noise measurements, the Town may enter without any advance notice to either the PWSF owner or the property owner. In all other cases, the Town shall provide reasonable written notice to the carrier and landowner and provide them the opportunity to accompany the Town representatives when the inspections are conducted.

c. Security for Removal - Recognizing the hazardous situation presented by abandoned and unmonitored telecommunications facilities, the Planning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned telecommunications facilities in the event that a facility is abandoned and the facility owner is unwilling or unable to remove the facility in accordance with Section 14-66.5. The amount of the security shall be based upon the removal cost plus, fifteen percent (15%) provided by the applicant and certified by a professional civil engineer licensed in Maine. No building permit may be issued until the applicant has deposited the just described amount of the security with the Town. The owner of the facility shall provide the Planning Board with revised removal cost estimate and structural evaluation prepared by a professional civil engineer licensed in Maine every five (5) years from the date of the Planning Board's approval of the site plan. If the cost has increased more than fifteen percent (15%) then the owner of the facility shall provide additional security in the amount of the increase.

d. Antenna Installation - An antenna or antenna array may be located, without further approval, on any structure mounted PWSF legally existing prior to effective date of Section 14-66.5, and on any PWSF subsequently approved under the provisions of this Ordinance, provided that:

   i. All carriers using the PWSF comply with provisions of this Ordinance including the requirements of co-location;

   ii. All carriers using the PWSF comply with the terms and conditions of approval of the PWSF by the Planning Board; and

   iii. There is no increase in the PWSF height, carrier capacity, or area of the security barrier.

   Otherwise, site plan review and a conditional use permit is required.

5. Commencement, Abandonment, or Discontinuation of Use

a. Commencement of Operation - Operation of a PWSF shall commence no later than nine (9) months from the date the application was approved. If the PWSF is not operating and providing the citizens of the Town with Personal Wireless Services, as defined, within this time period, the Planning Board, at its discretion, may revoke its approval, regardless of whether construction has begun.

b. Notification of Continued Use - Beginning 12 months after Planning Board approval and continuing on an annual basis thereafter, the owner of a PWSF shall provide the Planning Board with written, signed certification that the PWSF is being used to provide Personal Wireless Services as defined. Failure to comply with this requirement shall constitute an admission that the PWSF is not in use and has been abandoned.

c. Discontinuance - At such time that the owner plans to discontinue operation of a PWSF, the owner will notify the Town by certified U. S. Mail of the proposed date of discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to discontinuation of operations. In the event that the owner fails to give such notice, the PWSF shall be considered abandoned upon such discontinuation of operations.

d. Removal - Upon abandonment or discontinuation of use, the owner of the facility shall physically remove the PWSF within ninety (90) days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

   i. Removal of antennas, mount, equipment shelters and security barriers from the subject property.

   ii. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.

   iii. Restoring the site of the PWSF to its natural condition, except that any landscaping and grading shall remain in the after-condition.

e. Failure to Remove - If the owner of the facility does not remove the facility upon the Planning Board's order, then the Town Council shall, after holding a public hearing with notice to the owner and abutters, issue a declaration of abandonment. The owner of the facility shall dismantle and remove the facility within ninety (90) days of receipt of the declaration of abandonment by the Town Council. If the abandoned facility is not removed within ninety (90) days, the Town may execute the security to pay for this action.

f. Failure to Maintain - If the owner of the facility fails to maintain the facility in accordance with the directions of the Planning Board pursuant to paragraph 4 (a), then the Town Council, shall after holding a public hearing with notice to the owner and abutters, issue a declaration of abandonment. The owner of the facility shall dismantle and remove the facility within ninety (90) days of receipt of the declaration of abandonment by the Town Council. If the abandoned facility is not removed within ninety (90) days, the Town may execute the security to pay for this action.

6. Definitions

For the purpose of this Section 8 (L) and Section 5 (b) of this Article II the following terms have the meaning given herein:

a. Antenna. The surface from which wireless radio signals are sent and/or received by a PWSF.

b. Antenna Array. A collection of antennas attached to a mount to send and receive radio signals.

c. Average Tree Canopy Height. An average height found by inventorying the height, at above ground level (AGL) of all trees over twenty (20) feet in height within the area that extends for a distance of one hundred fifty (150) feet from the base of the mount, security barrier, or designated clear area for access to equipment whichever is greatest. Trees that will be removed for construction shall NOT be used in this calculation.

d. Camouflaged. A PWSF that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure.

e. Carrier. A company that provides personal wireless services also sometimes referred to as a provider.

f. Co-location. The use of a single mount by more than one carrier (vertical co-location), or the use of more than one mount on the same site by more than one carrier (horizontal co-location), or the use of several mounts on an existing building or structure by more than one carrier.

g. Community Scale. Compatibility between the proposed PWSF and its surroundings in relation to the height, mass, materials, contrasts, and proportion of the proposed facility and its surroundings.

h. Environmental Assessment (EA). An EA is a document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a PWSF is placed in certain designated areas.

i. Equipment Shelter. An enclosed structure, cabinet, shed, vault, or box near the base of the mount within which are housed equipment for PWSF such as batteries and electrical equipment. Equipment shelters are sometimes referred to as base transceiver stations.

j. Facility. See Personal Wireless Service Facility.

k. Fall Zone. The area on the ground from the base of a structure mounted personal wireless service facility that forms a circle with a diameter equal to twice the height of the facility, including any antennas or other appurtenances.

   The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

l. Guyed Tower. A monopole or lattice tower that is secured to the ground or other surface by

diagonal cables for lateral support.

m. Height. The height above ground level (AGL) from the natural grade of a site to the highest point of a structure.

n. Lattice Tower. A type of mount with multiple legs and structural cross-bracing between the legs that is self-supporting and freestanding.

o. Mast. A thin pole that resembles a street light standard or a telephone pole. A dual-polarized antenna is typically deployed on a mast.

p. Monopole. A thicker type of mount than a mast that is self-supporting with a single shaft of wood, steel or concrete, or other material that is designed for the placement of antennas and arrays along the shaft.

q. Mount. The structure or surface upon which antennas are mounted. (interior or exterior) including the following two types of mounts:

   i. Ground-mounted - A mount that is a structure affixed to the ground, other than a building, upon which one or more antennas are mounted.

   ii. Building-mount - A mount that is: (1) the roof or side of a building upon which one or more antennas are mounted; or (2) a mount that is a structure affixed directly to the roof or side of a building and not part of the building, upon which one or more antennas are mounted.

   After effective date of Section14-65A of this Ordinance, all ground-mounts shall be masts or monopoles, and all structures (other than buildings) used with building mounts shall be masts.

r. Personal Wireless Service Facilities (PWSF). Facility for the provision of personal wireless services, as defined by the Telecommunications Act of 1996, as amended and this Ordinance. PWSFs include a mount, antenna, equipment shelter, and other related equipment. A PWSF shall not include any of the following:

   i. Wireless communication facilities for emergency communications by public officials.

   ii. Amateur (ham) radio stations licensed by the Federal Communications Commission (FCC)

   iii. Parabolic Antennae less than seven (7) feet in diameter, that are an accessory use of the property.

   iv. Temporary Personal Wireless Service Facilities in operation for one maximum period of one hundred eighty (180) days. Such temporary facilities shall be removed prior to 30

days following the maximum period.

v. An antenna that is an accessory use to a residential dwelling unit, provided that the PWSF is not used for commercial purposes.

s. Personal Wireless Services. The three types of services covered by this Ordinance: commercial mobile radio services, unlicensed wireless services, and common carrier wireless exchange access services as described in the Telecommunications Act of 1996, as amended.

t. Radio Frequency (RF) Engineer. An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

u. Radio Frequency Radiation (RFR). The emissions from PWSFs.

i. Security Barrier. A wall, fence, or berm that restricts an area from unauthorized entry or trespass.

7. Additional Application Requirements for PWSFs.

In addition to the foregoing requirements contained in this section, applications for PWSFs shall include:

a. For ground-mounted PWSFs that must be screened by trees a written report must be provided from a qualified forestry or environmental consultant that describes the Average Tree Canopy Height and the methodology used to determine it.

b. A proposal to construct or modify a PWSF must include evidence of a commitment from a duly licensed carrier to utilize the tower to provide wireless communication services.

c. Written approval by all applicable state and federal agencies, including but not limited to the FAA and FCC, including a description of any conditions or criteria for the approval, or a statement from the agency that no approval is required.

d. An inventory of all of the provider's existing and approved towers, antennae or sites within the Town of Winslow and locations in surrounding communities where wireless telecommunications are proposed to be utilized in conjunction with the facility proposed in the application. Service area maps or network maps of the applicant's existing and proposed facilities in Kennebec County.

e. Identification of any other PWSFs existing or proposed on the site.

f. Details of all existing or proposed accessory structures including buildings, parking areas, utilities, gates, access roads, etc.

g. Evidence must be provided that written notice was sent, by pre-paid first class United States mail, to all other such tower and alternative tower structure owners and licensed wireless communication providers that could furnish service to the Town of Winslow utilizing existing towers and alternative tower structures and to owners of such towers. This notice shall state the applicant's siting needs and include a request for information of the co-location capabilities of the existing or previously approved facilities. Evidence that this notice requirement has been fulfilled shall include a name and address list, copy of the notice that was sent, and a return receipt request that the notices were sent as required.

h. Evidence must be provided that existing or previously approved towers and alternative tower structures with the Town of Winslow cannot accommodate the communications equipment (antennae, cables, etc.) planned for the proposed tower. Such evidence shall include documentation from a qualified and licensed professional engineer that:

   i. Planned necessary equipment would exceed the structural capacity of existing and approved PWSF and alternative tower structures considering (1) the existing and planned use of those PWSFs and alternative tower structures, and (2) the existing and approved PWSFs cannot be reinforced or enlarged to accommodate planned or equivalent equipment at a reasonable cost.

   ii. Planned equipment will cause electromagnetic frequency interference with other existing or planned equipment for that PWSF or alternative tower structure, and the interference cannot be prevented at a reasonable cost;

   iii. Existing or approved PWSFs and alternative tower structures do not have space on which planned equipment can be placed so it can function effectively and at least in parity with other similar equipment in place or approved; or

   iv. Other documented reasons make it technically or financially unfeasible to place the equipment planned by the applicant on existing and approved PWSFs and alternative tower structures.

i. Evidence must be provided that the proposed PWSF cannot be co-located on existing or previously approved tower sites. Evidence should include an assessment of whether such PWSF sites could be changed to accommodate the proposed tower, and a general description of the projected cost of shared use of the existing or approved PWSF site.

j. A report must be provided from a Registered Professional Engineer that describes the PWSF, the technical reasons for the PWSF design and the capacity of the PWSF, including the number(s), type(s), and volume(s) of antennae that it can accommodate and the basis for the calculation of capacity.

k. When a proposed ground-mounted PWSF does not meet the standards of this Ordinance evidence must be provided demonstrating whether there are alternative sites that can meet the standards and provide adequate signal coverage. Using more than one site each with a

shorter PWSF than was originally proposed must be considered.

l. A letter of intent must be provided that commits the PWSF owner and its successors in interest to:

   i. respond in a timely, comprehensive manner to a request for information from a potential co-location applicant;

   ii. negotiate in good faith for shared use by third parties that have received an FCC license or permits; and

   iii. allow shared use if an applicant agrees in writing to pay reasonable charges.

m. Proof of financial capacity to build, maintain, and remove the proposed PWSF must be submitted.

n. Photos showing site vegetation, existing and adjacent structures, views of and from the proposed site, topography, and land uses on the proposed parcel and on abutting properties must be provided.

o. Landscaping plan reflecting location of proposed screening and fencing, planting areas, proposed plantings, existing plant materials to be retained and trees or shrubs to be removed must be submitted.

p. Elevation drawings, cross-sectional area or silhouette, of the facility, drawn to scale, and showing all measurements, both linear and volumetric, showing front, sides and rear of the proposed facility including all fencing, supporting system for transmission cables running between the tower and accessory structures, control panels, antennae, and existing structures and trees. Reference any design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

q. Detail of the tower base or method of attachment to a structure. If the facility will be attached to an existing building or structure, provide measurements and elevations of the structure.

r. An analysis of the visual impact of the proposed facility, including tower and supporting structures, which may include photo montage, field mock up, or other techniques, that identify the potential visual impacts, at design capacity, of the proposed facility. Consideration shall be given to views from roads, public areas, private residences, historic resources, including historic districts and structures listed in the National Register of Historic Places, and archaeological resources. The analysis of the impact on historical and archaeological resources shall meet the requirements of the Maine State Historical Preservation Officer in his/her review capacity for the FCC.

s. The applicant shall submit written proof that the proposed use and the facility comply with

the FCC regulations on radio (RF) frequency exposure guidelines and a propagation map showing the proposed radio frequency coverage.

t. The applicant shall submit written proof that an evaluation has taken place, as well as the results of such evaluation, satisfying the requirements of the National Environmental Policy Act (NEPA) further referenced in applicable FCC rules. If an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required under the FCC rules and NEPA, submission of the EA or EIS to the Town prior to the beginning of the federal 30 day comment period, and the Town process, shall become part of the application requirements.

u. The applicant shall submit annually to the Town Council a Certificate of Insurance showing public liability insurance coverage of not less than $1 million Combined Single Limit.

v. The applicant will provide information as to whether any of the Personal Wireless Service carriers providing service to the Town use the system known as cable micro-cell integrator/headend interface converter (CMI/HIC) which utilizes cable television lines and small transceivers mounted on utility poles to communicate with wireless telephones and whether there are any such carriers using CMI/HIC in Kennebec County.

(Ord. No. 3-2009, 05-11-09)

Sec. 14-65B Wind Energy Facility

(a) Title
This Ordinance shall be known as the Wind Energy Facility Ordinance for Winslow, Maine.

(b) Authority
This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution; the provisions of 30-A M.R.S. § 3001 (Home Rule), and the provisions of the Planning and Land Use Regulation Act, 30-A M.R.S. § 4312, *et seq*.

(c) Purpose
The purpose of the Ordinance is to provide for the construction and operation of Wind Energy Facilities in Winslow, subject to reasonable conditions that will protect the public health, safety, and welfare.

(d) Definitions

Applicant is the legal entity, including successors and assigns,that files an application under this Ordinance.

Approved Residential Subdivision means a residential subdivision for which all applicable land use permits have been issued, provided that the time for beginning construction under such permits has not expired.

Associated Facilities means elements of a Wind Energy Facility other than its Generating Facilities that are necessary to the proper operation and maintenance of the Wind Energy Facility, including but not limited to buildings, access roads, Generator Lead Lines and substations.

DEP Certification means a certification issued by the Department of Environmental Protection pursuant to 35-A M.R.S. § 3456 for a Wind Energy Development.

Generating Facilities means Wind Turbines and electrical lines, not including Generator Lead Lines that are immediately associated with the Wind Turbines.

Generator Lead Line means a "generator interconnection transmission facility" as defined by 35-A M.R.S. § 3132 (1-B).

Historic Area means an Historic Site administered by the Bureau of Parks and Recreation of the Maine Department of Conservation, with the exception of the Arnold Trail.

Historic Site means any site, structure, district or archaeological site which has been officially included on the National Register of Historic Places and/or on the Maine Historic Resource Inventory, or which is established by qualified testimony as being of historic significance.

Locally-Designated Passive Recreation Area means any site or area designated by a municipality for passive recreation that is open and maintained for public use and which: a) has fixed boundaries, b) is owned in fee simple by a municipality or is accessible by virtue of public easement, c) is identified and described in a local comprehensive plan and, d) has been identified and designated at least nine months prior to the submission of the Applicant's Wind Energy Facility permit application.

Meteorological Tower (MET Tower) means a Tower used for the measurement and collection of wind data that supports various types of equipment, including but not limited to anemometers, data recorders, and solar power panels. MET Towers may also include wildlife related equipment such as ANABAT detectors, bird diverts and wildlife entanglement protectors.

Municipal Reviewing Authority means the municipal planning board, agency or office, or if none, the municipal officers.

Nacelle means the frame and housing at the top of the Tower that encloses the gearbox and generator.

Non-Participating Landowner means any landowner, other than a Participating Landowner whose land is located within Winslow.

Occupied Building means a residence, school, hospital, house of worship, public library or other building that is occupied or in use as a primary residence or is customarily frequented by the public at the time when the permit application is submitted.

Participating Landowner means one or more Persons that hold title in fee or a leasehold interest with sublease rights to property on which Generating Facilities or Associated Facilities are proposed to be located pursuant to an agreement with the Applicant or an entity that has entered into an appropriate agreement with the Applicant allowing the Applicant to demonstrate the requisite right, title and interest in such property.

Person means an individual, corporation, partnership, firm, organization or other legal entity.

Planned Residence means a Residence for which all applicable building and land use permits have been issued, provided that the time for beginning construction under such permits has not expired.

Protected Location means any location that is:

1) accessible by foot, on a parcel of land owned by a Non-Participating Landowner containing a residence or planned residence, or an approved residential subdivision, house of worship, academic school, college, library, duly licensed hospital or nursing home near the development site at the time an application for a Wind Energy Facility is submitted under this Ordinance;

2) within a State Park, Baxter State Park, a National Park, a nature preserve owned by a land trust, the Maine Audubon Society or the Maine chapter of the Nature Conservancy, the Appalachian Trail, the Moosehorn National Wildlife refuge, a federally designated wilderness area, a state wilderness area designated by statute, a municipal park or a locally-designated passive recreation area, or any location within consolidated public reserve lands designated by rule by the Bureau of Public Lands as a Protected Location, or;

3) a hotel, motel, campsite or duly licensed campground that the municipal authority responsible for review and approval of the pending application under 9.1 has designated a Protected Location after making a determination that the health and welfare of the guests or the economic viability of the establishment will be unreasonably impacted by noise in excess of that allowed under section 13.1.3(b).

Residence means a building or structure, including manufactured housing, maintained for permanent or seasonal residential occupancy providing living, cooking and sleeping facilities and having permanent indoor or outdoor sanitary facilities, excluding recreational vehicles, tents and watercraft.

Scenic Resource means either a Scenic Resource of state or national significance, as

defined in 35-A M.R.S § 3451(9) or a scenic resource of local significance located within the municipality and identified as such in a comprehensive plan, open space plan or scenic inventory adopted by the municipal legislative body.

Shadow Flicker means alternating changes in light intensity caused by the movement of Wind Turbine blades casting shadows on the ground or a stationary object.

Short Duration Repetitive Sounds means a sequence of repetitive sounds which occur more than once within an hour, each clearly discernible as an event and causing an increase in the sound level of at least 6 dBA on the fast meter response above the sound level observed immediately before and after the event, each typically less than ten seconds in duration, and which are inherent to the process or operation of the development and are foreseeable.

Sight Line Representation means a profile drawing showing prominent features, including but not limited to topography, buildings, and trees, along and in relation to a line of sight extending from an observer's eye to the lowest point visible on a proposed Tower.

Significant Wildlife Habitat means a Significant Wildlife Habitat as defined in 38 M.R.S. § 480-B(10).

Substantial Start means that construction shall be considered to be substantially commenced when any work beyond excavation, including but not limited to, the pouring of a slab or footings, the installation of piles , the construction of columns, or the placement of a Tower on a foundation has begun.

Tower means the free-standing structure on which a wind measuring or energy conversion system is mounted.

Turbine Height means the distance measured from the surface of the Tower foundation to the highest point of any turbine rotor blade measured at the highest arc of the blade.

Wind Energy Facility means a facility that uses one or more Wind Turbines to convert wind energy to electrical energy. A Wind Energy Facility includes Generating Facilities and Associated Facilities.

Wind Energy Facility, Type 1A means a Wind Energy Facility having a maximum generating capacity of less than 100kW, a maximum of one Wind Turbine and a maximum Turbine Height of 80 feet.

Wind Energy Facility, Type 1B means a Wind Energy Facility having a maximum generating capacity of less than 100kW and either more than one Wind Turbine, or one or more Wind Turbines with a Turbine Height greater than 80 feet.

Wind Energy Facility, Type 2 means a Wind Energy Facility having a maximum generating

capacity of 100 kW or greater and which does not require a state permit issued by the Department of Environmental Protection under the Site Location of Development Act, 38 M.R.S. §481, *et seq.*

Wind Energy Facility, Type 3 means a Wind Energy Facility having a generating capacity of 100kW or greater and which requires a state permit issued by the Department of Environmental Protection under the Site Location of Development Act, 38 M.R.S. §481, *et seq.*

Wind Turbine means a system for the conversion of wind energy into electricity which is comprised of a Tower, generator, Nacelle, rotor and transformer.

(e) Applicability

This Ordinance applies to any Wind Energy Facility proposed for construction in Winslow after the effective date of this Ordinance. This Ordinance does not apply to Associated Facilities unless the Generating Facilities are located within Winslow, in which case this Ordinance applies to both the Generating Facilities and the Associated Facilities.

A Wind Energy Facility that is the subject of an application determined to be complete by the Code Enforcement Officer prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided that any physical modifications after the effective date of the Ordinance shall be subject to the permitting requirements of Section 9.2.

(f) Conflict and Severability

If there is a conflict between provisions in this Ordinance, the more stringent shall apply. If there is a conflict between a provision in this Ordinance and that of another Winslow ordinance, the provision of this Ordinance shall apply.

The invalidity of any part of this Ordinance shall not invalidate any other part of this ordinance.

(g) Effective Date

This Ordinance becomes effective on _____ .

(h) Classification of Wind Energy Facilities

All Wind Energy Facilities shall be classified in accordance with Table 1 below:

Table 1: Classification of Wind Energy Facilities and

Corresponding Local Review and Approval Authority

Facility Type	Aggregate Capacity	Turbine Height	Max. # of Turbines	DEP Site Location Permit Required	Local Review and Approval
1A	<100 kW	≤ 80’	1	No	Code Enforcement Officer
1B	<100 kW	> 80’	NA	No	Planning Board
2	≥100 kW	NA	NA	No [1]	Planning Board
3	≥ 100 kW	NA	NA	Yes [2]	Planning Board

1 Per 35-A MRS §3456. DEP Certificate required if energy generated is for sale or use by a Person other than the generator.

2 Per 38 MRS §482(2)

(i) Administration

Review and Approval Authority

1. The Code Enforcement Officer is authorized to review all applications for Type 1A Wind Energy Facilities and MET Towers pursuant to section 11.0, and may approve, deny or approve such applications with conditions in accordance with the standards of the Ordinance.

2. The Planning Board is authorized to review all applications for Type 1B, Type 2, and Type 3 Wind Energy Facilities and may approve, deny or approve such applications with conditions in accordance with this Ordinance.

Permit Required

1. No Wind Energy Facility shall be constructed or located within Winslow without a permit issued in accordance with this Ordinance.

2. Any physical modification to an existing Wind Energy Facility that materially alters the location or increases the area of development on the site or that increases the Turbine Height or the level of sound emissions of any Wind Turbine shall require a permit modification under this Ordinance. Like-kind replacements and routine maintenance and repairs shall not require a permit modification.

Permit Applications

1. Application components. A Wind Energy Facility permit application shall consist of the application form, application fee, and supporting documents, as described below:

a. Application Forms. The municipality shall provide the application form which shall be signed by: 1) a Person with right, title and interest in the subject property or; 2) a Person having written authorization from a Person with right, title and interest in the subject property. The signature shall be dated and the signatory shall certify that the information in the application is complete and correct and that the proposed facility will be constructed and operated in accordance with the standards of this ordinance and all approval and permit conditions, if any.

b. Application Fees. Application fees shall be assessed and paid upon submission of the application in accordance with Appendix A of this Ordinance.

c. Supporting Documents. The application shall include all additional documents necessary to satisfy the applicable submission requirements under section 10 of this Ordinance.

2. Application Submission. The Applicant shall submit its application for a Wind Energy Facility permit to the Code Enforcement Officer who shall note on the application the date on which it was received.

3. Changes to a Pending Application

a. The Applicant shall promptly notify the municipal entity responsible for review and approval of a pending application under section 9.1 of any changes the Applicant proposes to make to information contained in the application.

b. If changes are proposed to a pending application after a public hearing has been held, the Planning Board may consider those changes and continue with the review and approval process without a renewed public hearing if it determines that the changes do not materially alter the application. If the Planning Board determines that the proposed changes do materially alter the application it shall schedule and conduct another public hearing within 30 days of that determination. In making its determination, the Planning Board shall consider whether the proposed changes involve potential adverse effects different than or in addition to those addressed in the initial application.

Permit Application Procedures

1. Type 1A Wind Energy Facility Application

a. Within 10 days after receiving an application, the Code Enforcement Officer shall notify the Applicant in writing either that the application is complete or, if the application is incomplete, the specific additional material needed to complete the application. The Code Enforcement Officer may waive any submission requirement if the Code Enforcement Officer issues a written finding that, due to special circumstances of the application, adherence to that requirement is not necessary to determine compliance with the standards of this Ordinance.

b. Within 30 days after determining the application to be complete, the Code Enforcement Officer shall issue a written order: 1) denying approval of the proposed Wind Energy Facility, 2) granting approval of the proposed Wind Energy Facility or, 3) granting approval of the proposed Wind Energy Facility with conditions. In making the decision, the Code Enforcement Officer shall make findings on whether the proposed Wind Energy Facility meets the applicable criteria described in sections 12 and 13.

c. With the agreement of the applicant, the Code Enforcement Officer may extend the procedural time frames of this section.

2. Type 1B, Type 2 and Type 3 Wind Energy Facility Applications

a. The Applicant is strongly encouraged to meet with the Code Enforcement Officer before submitting an application. At this pre-application meeting, the Code Enforcement Officer will explain the Ordinance's provisions, application forms, and submission requirements. The Applicant should provide photos of the proposed site and written descriptions of the proposed facility and the proposed site, including its location and lot area.

b. An application shall be eligible for consideration at a regularly-scheduled meeting of the Planning Board only if the applicant submits it at least 14 days prior to the meeting.

c. Within 30 days after receipt of the application by the Code Enforcement Officer, the Planning Board shall notify the Applicant in writing either that the application is complete or, if the application is incomplete, the specific additional material needed to complete the application. The Planning Board may waive any submission requirement if it issues a written finding that, due to

special circumstances of the application, adherence to that requirement is not necessary to determine compliance with the standards of this Ordinance.

d. The Planning Board shall hold a public hearing for a Type 3 Wind Energy Facility application within 60 days after determining that the application is complete. The Planning Board may decide to hold a public hearing for a Type 1B or a Type 2 Wind Energy Facility application. If it decides to hold a public hearing for a Type 1B application, the Planning Board shall hold that hearing within 30 days after determining that application is complete. If it decides to hold a public hearing for a Type 2 application, the Planning Board shall hold that hearing within 60 days after determining that the application is complete.

e. Within 60 days after determining that an application for a Type 1B Wind Energy Facility is complete or within 90 days after determining that an application for a Type 2 or Type 3 Wind Energy Facility is complete, the Planning Board shall issue a written order: 1) denying approval of the proposed Wind Energy Facility, 2) granting approval of the proposed Wind Energy Facility or, 3) granting approval of the proposed Wind Energy Facility with conditions. In making its decision, the Planning Board shall make findings on whether the proposed Wind Energy Facility meets the applicable criteria described in sections 12, 13, and 14.

f. With the agreement of the applicant, the Planning Board may extend the procedural time frames of this section.

Table 2:
Procedural Time Frames

Facility Type	Application Completeness	Public Hearing	Final Decision
1A	≤10 days [1]	NA	<30 days [2]
1B	≤30 days [1]	<30 days [2]	≤60 days [2]
2	≤30 days [1]	≤60 days [2]	≤90 days [2]
3	≤30 days [1]	≤60 days [2]	<90 days [2]

1 Days after receipt of the application by the Code Enforcement Officer
2 Days after the application is determined to be complete

Notice of Meetings

Ten days prior to any meeting at which an application for a Type 1B, Type 2, or Type 3 Wind Energy Facility is to be considered, the Planning Board shall send notice by first class mail, to the applicant and all owners of property abutting the property on which the Wind Energy Facility is proposed to be located. The notice shall state the date, time and place of the meeting and the proposed location and the classification of the proposed Wind Energy Facility.

Public Hearings

The Planning Board shall have notice of the date, time, and place of any public hearing and the proposed location and the classification of the proposed Wind Energy Facility:

1. Published at least once in a newspaper having general circulation within the municipality. The date of the first publication shall be at least 10 days before the hearing.

2. Mailed by first class mail to the Applicant and to owners of property within 500 feet of the property on which the Wind Energy Facility is proposed to be located, at least 10 days before the public hearing. The Planning Board shall maintain a list of property owners to whom notice is mailed in the application file. Failure of any of these property owners to receive a notice shall not invalidate the public hearing, nor shall it require the Planning Board to schedule another hearing.

Professional Services

In reviewing the application for compliance with this Ordinance, the Planning Board may retain professional services, including but not limited to those of an attorney or consultant, to verify information presented by the Applicant. The attorney or consultant shall first estimate the reasonable cost of such review and the Applicant shall deposit, with the municipality, the full estimated cost, which the municipality shall place in an escrow account. The municipality shall pay the attorney or consultant from the escrow account and reimburse the Applicant if funds remain after payment.

Expiration of Permits

Permits shall expire: 1) two years after the date of approval unless a substantial start on construction has occurred and; 2) three years after the date of approval unless construction of the Wind Energy Facility has been completed. If a permit for a Type 2 or Type 3 Wind Energy Facility expires, the Applicant shall implement pertinent provisions

of the approved decommissioning plan. Upon the Applicant's written request, the municipal entity responsible for review and approval of the application under section 9.1 may extend either or both expiration time limits by one year.

Access

The Code Enforcement Officer shall have access to the site at all times to review the progress of the work and shall have the authority to review all records and documents directly related to the design, construction and operation of the facility.

Enforcement

1. It shall be unlawful for any Person to violate or fail to comply with or take any action that is contrary to the terms of the Ordinance, or to violate or fail to comply with any permit issued under the Ordinance, or to cause another to violate or fail to comply or take any action which is contrary to the terms of the Ordinance or any permit under the Ordinance.

2. If the Code Enforcement Officer or other Person charged with enforcement of municipal laws determines that a violation of the Ordinance or the permit has occurred, the Code Enforcement Officer shall provide written notice to any Person alleged to be in violation of this Ordinance or permit. If the alleged violation does not pose an immediate threat to public health or safety, the Code Enforcement Officer and the alleged violator shall engage in good faith negotiations to resolve the alleged violation. Such negotiations shall be conducted within thirty (30) days of the notice of violation and, with the consent of the alleged violator, may be extended.

3. If, after thirty (30) days from the date of notice of violation or further period as agreed to by the alleged violator, the Code Enforcement Officer determines, in the officer's reasonable discretion, that the parties have not resolved the alleged violation, the Code Enforcement Officer may institute civil enforcement proceedings or any other remedy at law to ensure compliance with the Ordinance or permit.

Appeals

Any Person aggrieved by a decision of the Code Enforcement Officer or the Planning Board under this Ordinance may appeal the decision to the Board of Appeals, as provided by Chapter 14 Section 14-14 of the Winslow Zoning Ordinance.

(j) Application Submission Requirements

General Submission Requirements

1. A completed application form including:
   a. The Applicant and Participating Landowner(s') name(s) and contact information.

   b. The address, tax map number, zone and owner(s) of the proposed facility site and any contiguous parcels owned by Participating Landowners.

   c. The tax map number, zone, current use, owner(s) and addresses of owner(s) of parcels that abut the proposed facility site or abut parcels of Participating Landowners that are contiguous with the proposed facility site (Not required for Type 1A applications)

   d. An affirmation, signed and dated by the Applicant, that the information provided in the application is correct and that the proposed Wind Energy Facility, if approved and built, shall be constructed and operated in accordance with the standards of this ordinance and all conditions of approval, if any

2. Receipt showing payment of application fee in accordance with Appendix A.
3. A copy of a deed, easement, purchase option or other comparable documentation demonstrating that the Applicant has right, title or interest in the proposed facility site.
4. Location map showing the boundaries of the proposed facility site and all contiguous property under total or partial control of the Applicant or Participating Landowner(s) and any Scenic Resource or Historic Site within 2500 feet of the proposed development.
5. Description of the proposed Wind Energy Facility that includes the number and aggregate generating capacity of all Wind Turbines, the Turbine Height and manufacturer's specifications for each Wind Turbine (including but not limited to the make, model, maximum generating capacity, sound emission levels and types of overspeed controls) and a description of Associated Facilities.
6. Site plan showing the proposed location of each Wind Turbine and Associated Facilities and any of the following features located within 500 feet of any Wind Turbine: parcel boundaries, required setbacks, topographic contour lines (maximum 20-foot interval), roads, rights-of-way, overhead utility lines, buildings (identified by use), land cover, wetlands, streams, water bodies and areas proposed to be re-graded or cleared of vegetation.
   a. In addition to the information in 6, above, site plans for Type 1B, Type 2 and Type 3 Wind Energy Facilities shall show the location and average height of tree cover to be retained and the location, variety, planting height and mature height of proposed trees, if any.

7. Written evidence that the Environmental Coordinator of the Maine Department of Inland Fisheries and Wildlife (MDIFW) and that the Maine Natural Areas Program

(MNAP) have both been notified of the pending application and the location and Turbine Height of all proposed Wind Turbines.

8. Written evidence that the provider of electrical service to the property has been notified of the intent to connect an electric generator to the electricity grid, if such connection is proposed.
9. Description of emergency and normal shutdown procedures.
10. Photographs of existing conditions at the site.
11 An application for a Type 1A or 1B Wind Energy Facility shall include structural drawings of the Tower foundation and anchoring system: a) prepared by the Wind Turbine or Tower manufacturer, b) prepared in accordance with the manufacturer's specifications or, c) prepared and stamped by a Maine-licensed professional engineer.
12. An application for a Type 1A or Type 1B Wind Energy Facility shall include:
    a. a written statement, signed by the Applicant, that certifies that the proposed facility is designed to meet the applicable noise control standards under section 13.1.3 and acknowledges the Applicant's obligation to take remedial action in accordance with section 13.1.6 if the Code Enforcement Officer determines those standards are not being met or;
    b. a written request for review under section 14.1 along with information required under Appendix B, subsection B (Submissions).
13. An Application for Type 1B, Type 2 or Type 3 Wind Energy Facility shall include the following site line, photographic and, if applicable, screening information, provided that an Applicant for a Type 3 Wind Energy Facility may provide this information as part of a visual assessment if required pursuant to section 14.5:
    a. Sight Line Representations of each Wind Turbine from the nearest Occupied Building and from at least one other representative location within 500 feet of the Wind Turbine, such as a Scenic Resource or another Occupied Building. Each Site Line Representation shall be drawn at a scale sufficiently large to make it legible. If screening is proposed, the proposed screening device, such as trees, shrubs or fencing, shall be depicted on the drawing along with the sight line as altered by the screening.

    b. A current four-inch by six-inch color photograph of the proposed site of the Wind Turbine(s) taken from viewpoints corresponding to each of the Site Line Representations.

    c. One copy of each of the photographs described in b, above, onto which is superimposed an accurately-scaled and sited representation of the Wind Turbine(s).

14. An application for a Type 2 Wind Energy Facility that generates energy primarily for sale or use by a Person other than the generator, shall include, if issued at the time of application, certification from the Department of Environmental Protection pursuant to 35-A M.R.S. § 3456 that the Wind Energy Facility:

a. Will meet the requirements of the noise control rules adopted by the Board of Environmental Protection pursuant to the Site Location of Development Act, 38 M.R.S. §481, *et seq.* ;

b. Will be designed and sited to avoid unreasonable adverse Shadow Flicker effects; and

c. Will be constructed with setbacks adequate to protect public safety.

If such certification has not been issued at the time of application, the Applicant shall include written evidence that the Applicant has applied for certification.

10.1 Additional Submission Requirements for an Application for a Type 2 and 3 Wind Energy Facility

1. Certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, or other similar certifying organizations.

2. Decommissioning plan in conformance with Appendix C.
3. Written summary of operation and maintenance procedures for the Wind Energy Facility and a maintenance plan for access roads, erosion and sedimentation controls and storm water management facilities.
4. Standard boundary survey of the subject property stamped by a Maine-licensed surveyor. The Planning Board may waive this requirement if it determines that the Applicant has provided information sufficient to identify property boundaries to the extent necessary.
5. Visual impact assessment, if required pursuant to section 14.5.
6. Stormwater management plan stamped by a Maine-licensed professional engineer.
7. Sound level analysis, prepared by a qualified engineer, which addresses the standards of section 14.1.
8. Shadow Flicker analysis based on WindPro or other modeling software approved by the Department of Environmental Protection.
9. Foundation and anchoring system drawings that are stamped by a Maine-licensed professional engineer.
10. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Planning Board to ensure compliance with this Ordinance.

(k) Meteorological Towers (MET Towers)

Applications for Meteorological (MET) Towers shall be subject to the submission and review standards for a Type 1A Wind Energy Facility, as applicable, except that no height limitation shall apply. A permit for a MET Tower shall be valid for 2 years and 2 months from the date of issuance. The Code Enforcement Officer may grant one or more one-year extensions of

this permit period. Within 30 days following removal of a MET Tower, the Applicant shall restore the site to its original condition to the extent practicable. The provisions of this section do not apply to permanent MET Towers included as Associated Facilities in approved Wind Energy Facility applications.

(l) General Standards

a. Safety Setbacks

Wind Turbines shall be set back a horizontal distance equivalent to 150% of the Turbine Height from property boundaries, public and private rights-of-way and overhead utility lines that are not part of the proposed Generating Facility except that the entity responsible for review and approval of the application may allow a reduced setback if the Applicant submits, in writing: 1) a waiver of the property boundary setback signed by the pertinent abutting landowner or; 2) evidence, such as operating protocols, safety programs, or recommendations from the manufacturer or a licensed professional engineer with appropriate expertise and experience with Wind Turbines, that demonstrates that the reduced setback proposed by the Applicant is appropriate.

b. Natural Resource Protection

A Wind Energy Facility shall not have an unreasonable adverse effect on rare, threatened, or endangered wildlife, significant wildlife habitat, rare, threatened or endangered plants and rare and exemplary plant communities. In making its determination under this subsection, the municipal entity responsible for review and approval of the permit application under section 9.1 shall consider pertinent application materials and the written comments and/or recommendations, if any, of the Maine Department of Inland Fisheries and Wildlife (MDIFW) Environmental Coordinator and the Maine Natural Areas Program (MNAP).

Building Permit
All components of the Wind Energy Facility shall comform to relevant and applicable local and state building codes.

Overspeed Controls and Brakes
Each Wind Turbine shall be equipped with an overspeed control system that: 1) includes both an aerodynamic control such as stall regulation, variable blade pitch, or other similar system, and a mechanical brake that operates in fail safe mode; or 2) has been designed by the manufacturer or a licensed civil engineer and found by the municipal entity responsible for review and approval of the application under 9.1, based on its review of a written description of the design and function of the system, to meet the needs of public safety.

Electrical Components and Interconnections
All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state, and national codes.

Access
All ground-mounted electrical and control equipment and all access doors to a Wind Turbine shall be labeled and secured to prevent unauthorized access. A Wind Tower shall not be climbable up to a minimum of fifteen (15) feet above ground surface.

Blade Clearance
The minimum distance between the ground and all blades of a Wind Turbine shall be 25 feet as measured at the lowest arc of the blades.

Signal Interference
The Applicant shall make reasonable efforts to avoid and mitigate to the extent practicable any disruption or loss of radio, telephone, television, or similar signals caused by the Wind Energy Facility.

Structure Type
With the exception of Meteorological (MET) Towers, Towers shall be monopoles with no guy wires. This requirement may be waived if the Applicant demonstrates to the satisfaction of the municipal entity responsible for review and approval of the permit application under section 9.1, that there is no practicable alternative. Bird flight diverters must be installed on any guy wires that are permitted.

Erosion Control
Erosion of soil and sedimentation shall be minimized by employing "best management practices" in the "*Maine Erosion Control Handbook for Construction: Best Management Practices*", March 2003.

Building-Mounted Wind Turbines
Building-mounted Wind Turbines are not permitted.

Visual Appearance

1. A Wind Turbine shall be a non-obtrusive color such as white, off-white or gray, or as may otherwise be required by another governmental agency with jurisdiction over the Wind Energy Facility.

2. A Wind Turbine shall not be lighted artificially, except to the extent consistent with Federal Aviation Administration recommendations or other applicable authority that regulates air safety or as is otherwise required by another governmental agency with jurisdiction over the Wind Energy Facility.

3. A Wind Turbine shall not be used to support signs and shall not display advertising except for reasonable and incidental identification of the turbine manufacturer, facility owner and operator, and for warnings.

Visibility of Wind Turbine

The following requirements apply, to the extent practicable, to Type 1B and Type 2 Wind Energy Facilities:

1. To the extent that doing so does not inhibit adequate access to the wind resource, each Wind Turbine shall be located to maximize the effectiveness of existing vegetation, structures and topographic features in screening views of the Wind Turbine from Occupied Buildings and Scenic Resources.
2. When existing features do not screen views of a Wind Turbine from Residences and Scenic Resources, screening may be required, where feasible and effective, through the planting of trees and/or shrubs. In order to maximize the screening effect and minimize wind turbulence near the Wind Turbine, plantings should be situated as near as possible to the point from which the Wind Turbine is being viewed. Such plantings should be of native varieties.

(m) Special Standards for Type 1A and Type 1B Wind Energy Facilities

Noise emanating from a Type 1A or Type1B Wind Energy Facility shall be controlled in accordance with the provisions of this section or, upon the written request of the applicant, the provisions of section 14.1. If the Applicant chooses review under section 14.1, the provisions of 13.1.1, 13.1.2 and 13.1.6 shall apply, but the provisions of 13.1.3, 13.1.4 and 13.1.5 shall not apply.

1. The sound level limits contained in this section apply only to areas that are defined as Protected Locations and to property boundaries that describe the outer limits of the facility site in combination with any parcel(s) owned by a Participating Land-Owner that are contiguous with the facility site .

2. The sound level limits contained in this section do not apply to the facility site or any parcel(s) owned by a Participating Land-Owner that are contiguous with the facility site.

3. The sound levels resulting from routine operation of a Wind Energy Facility, as measured in accordance with the procedures described in section 13.1.5 shall not exceed the limits specified for the following locations and times:

   a. At a Protected Location with no living and sleeping quarters:

      55 dBA during the Protected Location's regular hours of operation

   b. At a Protected Location with living and sleeping quarters:

      1. Area(s) within 500 feet of living and sleeping quarters:

         45 dBA between 7:00 p.m. and 7:00 a.m.

         55 dBa between 7:00 a.m. and 7:00 p.m.

2. Area(s) more than 500 feet from living and sleeping quarters:
55dBA at all times.

c. At property boundaries that describe the outer limits of the facility site combined with any parcel(s) owned by a Participating Land-Owner that are contiguous with the facility site:

75 dBA at all times.

4. If the Applicant submits the certification and acknowledgement required by Section 10.1.12(1), the municipal entity responsible for review and approval of the application under Section 9.1 shall determine, for purposes of issuing its approval, that the pertinent sound-level limits under section 13.1.1 have been met, subject to the Applicant's obligation to take remedial action as necessary under section 13.1.4.

5. The Codes Enforcement Office may perform measurements of sound levels resulting from routine operation of an installed Type 1A or Type 1B Wind Energy Facility at the officer's own initiative or in response to a noise-related complaint to determine compliance with the pertinent standards in section 13.1.1. Such measurements shall be performed as follows:
   a. Measurements shall be obtained during representative weather conditions when the sound of the Wind Energy Facility is most clearly noticeable. Preferable weather conditions for sound measurements at distances greater than about 500 feet from the sound source include overcast days when the measurement location is downwind of the Wind Turbine and inversion periods (which most commonly occur at night).
   b. Sound levels shall be measured at least four (4) feet above the ground by a meter set on the A-weighted response scale, fast response. The meter shall meet the latest version of American National Standards Institute (ANSI S1.4.) “American Standard Specification for General Purpose Sound Level Meters” and shall have been calibrated at a recognized laboratory within the past year.
   c. 5 dBA shall be added to sound levels of any Short Duration Repetitive Sound measured in accordance with paragraphs a and b.

6. The Applicant shall operate the proposed Wind Energy Facility in conformance with the sound level limits of section 13.1 or section 14.1, as applicable. If, based on post-installation measurements taken in accordance with section 13.1.3 or section 14.1, as applicable, the Code Enforcement Officer determines that the applicable sound-level limits are not being met, the Applicant shall, at the Applicant’s expense and in accordance with the *Winslow* Wind Energy Facility Ordinance and in consultation with the Code Enforcement Officer, take remedial action deemed necessary by the Code Enforcement Officer to ensure compliance

with those limits. Remedial action that the Code Enforcement Officer may require, includes, but shall not be limited to, one or more of the following:
a modification or limitation of operations during certain hours or wind conditions;
b. maintenance, repair, modification or replacement of equipment;
c. relocation of the Wind Turbine(s); and,
d. removal of the Wind Turbine(s) provided that the Code Enforcement Officer may require removal of the Wind Turbine(s) only if the Code Enforcement Officer determines that there is no practicable alternative.

(n) Discontinued Use

1. A Type 1A or Type 1B Wind Energy Facility that is not generating electricity for twelve (12) consecutive months shall be deemed a discontinued use and shall be removed from the property by the Applicant within 120 days of receipt of notice from the Code Enforcement Officer, unless the Applicant provides information that the Planning Board deems sufficient to demonstrate that the project has not been discontinued and should not be removed. If the Wind Energy Facility is not removed within this time period, the municipality may remove the turbine at the Applicant's expense. The Applicant shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads and reestablishment of vegetation.
2. If a surety has been given to the municipality for removal of a Type 1B Wind Energy Facility, the Applicant may apply to the Planning Boardfor release of the surety when the Wind Energy Facility has been removed to the satisfaction of the Code Enforcement Officer.

(o) Special Standards for Type 2 and Type 3 Wind Energy Facilities

Control of Noise
Noise emanating from a Type 2 Wind Energy Facility, a Type 3 Wind Energy Facility, or, upon written request of the Applicant pursuant to section 13.1, a Type 1A or Type 1B Wind Energy Facility shall be controlled in accordance with the provisions of Appendix B If there is a conflict between a provision of Appendix B and another provision of this ordinance, the provision of Appendix B shall apply.
Use of Public Roads
1. The Applicant shall identify all state and local public roads to be used within Winslow to transport equipment and parts for construction, operation or maintenance of a Type 2 or Type 3 Wind Energy Facility.

2. The Town Engineer, Road Commissioner or a qualified third-party engineer reasonably acceptable to both the Planning Board and the Applicant and paid for by the Applicant pursuant to Section 9.7 of the Ordinance, shall document road conditions prior to construction. The Town Engineer, Road Commissioner or third-

party engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.

3. The Applicant shall demonstrate, to the satisfaction of the Planning Board, that it has financial resources sufficient to comply with subsection 4, below, and the Planning Board may require the Applicant to post a bond or other security in order to ensure such compliance.

4. Any road damage caused by the Applicant or its contractors shall be promptly repaired at the Applicant's expense.

Warnings

A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

Artificial Habitat

To the extent practicable, the creation of artificial habitat for raptors or raptor prey shall be minimized. In making its determination under this subsection the Planning Board shall consider comments and recommendations, if any, provided by the Maine Department of Inland Fisheries and Wildlife.

Effect on Scenic Resources

1. Except as otherwise provided in this subsection, if a Type 2 or Type 3 Wind Energy Facility is proposed for location in or is visible from a Scenic Resource, the Applicant shall provide the Planning Board a visual impact assessment that addresses the evaluation criteria in subsection 14.5.3. There is a rebuttable presumption that a visual impact assessment is not required for those portions of a Type 2 or Type 3 Wind Energy Facility that are located more than 3 miles, measured horizontally, from a Scenic Resource. The Planning Board may require a visual impact assessment for portions of the Type 2 or Type 3 Wind Energy Facility located more than 3 miles and up to 8 miles from a Scenic Resource if it finds that a visual impact assessment is needed to determine if there is the potential for significant adverse effects on the Scenic Resource. Information intended to rebut the presumption must be submitted to the Planning Board by any interested Person within 30 days of acceptance of the application as complete. The Planning Board shall determine if the presumption is rebutted based on a preponderance of evidence in the record.
2. The Planning Board shall determine, based on consideration of the evaluation criteria in subsection 14.5.3, whether the Type 2 or 3 Wind Energy Facility significantly compromises views from a Scenic Resource such that the proposed facility has an unreasonable adverse effect on the scenic character or existing uses related to scenic character of that Scenic Resource.
3. In making its determination pursuant to subsection 14.5.2, and in determining whether an Applicant for a Type 2 or 3 Wind Energy Facility located more than 3 miles from a Scenic Resource must provide a visual impact assessment in accordance with subsection 14.5.1, the Planning Board shall consider:

a. The significance of the potentially affected Scenic Resource;
b. The existing character of the surrounding area;
c. The expectations of the typical viewer;
d. The Type 2 or Type 3 Wind Energy Facility's purpose and the context of the proposed activity;
e. The extent, nature and duration of potentially affected public uses of the Scenic Resource and the potential effect on the public's continued use and enjoyment of the Scenic Resource; and
f. The scope and scale of the potential effect of views of the Wind Energy Facility on the Scenic Resource, including but not limited to issues related to the number and extent of Wind Turbines visible from the Scenic Resource, the distance from the Scenic Resource and the effect of prominent features of the Wind Energy Facility on the landscape.

A finding by the Planning Board that the Type 2 or Type 3 Wind Energy Facility is a highly visible feature in the landscape is not a solely sufficient basis for determination that it has an unreasonable adverse effect on the scenic character and existing uses related to scenic character of a Scenic Resource. In making its determination under subsection 14.5.2, the Planning Board shall consider insignificant the effects of portions of a Type 2 or Type 3 Wind Energy Facility located more than 8 miles, Shadow Flicker

Type 2 and Type 3 Wind Energy Facilities shall be designed to avoid unreasonable adverse shadow flicker effect at any Occupied Building located on a Non-Participating Landowner's Relationship to DEP Certification and Permitting

1. For a Type 2 Wind Energy Facility for which a DEP Certification has been submitted in accordance with section 10.1.14, the Planning Board shall consider, to the extent applicable, pertinent findings in that certification when making its determination under sections 12.1, 14.1, and 14.6. There is a rebuttable presumption that a Wind Energy Facility that has obtained DEP Certification meets the requirements of sections 12.1, 14.1, and 14.6. The Planning Board may, as a condition of approval of a Type 2 Wind Energy Facility that generates energy for sale or use by a person other than the generator, deem DEP's issuance of a certificate for the development sufficient to meet, in whole or in part, as applicable, the requirements of sections 12.1, 14.1, 14.6.

2. If DEP has issued a Site Location of Development Act permit for a Type 3 Wind Energy Facility pursuant to 38 M.R.S. § 484(3), there is a rebuttable presumption that the development meets the requirements of sections 12.1 12.2, 14.1, 14.6, 14.12 and, as it pertains to Scenic Resources of state or national significance as defined by 35-A M.R.S. §3451(9), section 14.5. The Planning Board may, as a condition of approval of a Type 3 Wind Energy Facility, deem DEP's issuance of a permit for the development sufficient to meet, in whole or in part, as applicable,

the requirements of sections 12.1, 12.2, 14.1, 14.6, 14.12 and, as it pertains to Scenic Resources of state or national significance, section 14.5.

Local Emergency Services

1. The Applicant shall provide a copy of the project summary and site plan to local emergency service providers, including paid or volunteer fire department(s).

2. Upon request, the Applicant shall cooperate with emergency service providers to develop and coordinate implementation of an emergency response plan for a Type 2 or Type 3 Wind Energy Facility.

3. A Wind Turbine shall be equipped with an appropriate fire suppression system to address fires within the Nacelle portion of the turbine or shall otherwise address the issue of fire safety to the satisfaction of the [Municipal Reviewing Authority].

Liability Insurance

The Applicant or an Applicant's designee acceptable to the Planning Board shall maintain a current general liability policy for the Type 2 or Type 3 Wind Energy Facility that covers bodily injury and property damage with limits in an amount commensurate with the scope and scale of the Facility. The Applicant or its designee shall make certificates of insurance available to the Planning Board upon request.

Design Safety Certification

Each Wind Turbine shall conform to applicable industry standards including those of the American National Standards Institute (ANSI) and at least one of the following: Underwriters Laboratories, Det Norske Veritas, Germanischer Llloyd Wind Energies, or other similar certifying organization.

Public Inquiries and Complaints

1. The Applicant or its designee shall maintain a phone number and identify a responsible Person for the public to contact with inquiries and complaints throughout the life of the Wind Energy Facility.

2. The Applicant or its designee shall make reasonable efforts to respond to the public's inquiries and complaints and shall provide written copies of all complaints and the company's resolution or response to the Codes Enforcement upon request.

Decommissioning

The Applicant shall prepare a decommissioning plan in conformance with Appendix C

APPENDIX A
Application Fees

Facility Type	Application Fees	Permit Fees

1A	N/A	$200 each unit
1B	$150	$275 each unit
2	$150	$500 each unit
3	$150	$500 each unit

APPENDIX B
Control of Noise

Pursuant to section (n), noise emanating from a Large Scale Principal Solar Energy System, a Type 2 Wind Energy Facility, a Type 3 Wind Energy Facility, or, upon written request of the Applicant pursuant to section (m), a Type 1A or Type 1B Wind Energy Facility, shall be controlled in accordance with the following provisions:

A. Sound Level Limits

(1) Sound from Routine Operation of Facility.

(a) Except as noted in subsections (b) and (c) below, the hourly sound levels resulting from routine operation of the facility and measured in accordance with the measurement procedures described in subsection F shall not exceed the following limits:

(i) At any property line of the facility site or contiguous property owned by the Applicant or Participating Land Owner(s), whichever is farther from the proposed facility's regulated sound sources:

75 dBA at any time of day.

(ii) At any Protected Location in an area for which the zoning, or, if unzoned, the existing use or use contemplated under a comprehensive plan, is not predominantly commercial, transportation, or industrial;

60 dBA between 7:00 a.m. and 7:00 p.m.
(the "daytime hourly limit"), and
50 dBA between 7:00 p.m. and 7:00 a.m.
(the "nighttime hourly limit").

(iii) At any Protected Location in an area for which the zoning, or, if unzoned, the existing use or use contemplated under a comprehensive plan, is predominantly commercial, transportation, or industrial:

70 dBA between 7:00 a.m. and 7:00 p.m.
(the "daytime hourly limit"), and

60 dBA between 7:00 p.m. and 7:00 a.m.
(the 'nighttime hourly limit').

(iv) For the purpose of determining whether the use of an unzoned area is predominantly commercial, transportation, or industrial (e.g. non-residential in nature), the Code Enforcement Officer shall consider the municipality's comprehensive plan, if any. Furthermore, the usage of properties abutting each Protected Location shall be determined, and the limits applied for that Protected Location shall be based upon the usage occurring along the greater portion of the perimeter of that parcel; in the event the portions of the perimeter are equal in usage, the limits applied for that Protected Location shall be those for a Protected Location in an area for which the use is not predominantly commercial, transportation, or industrial.

(v) When a proposed facility is to be located in an area where the daytime pre-development ambient hourly sound level at a Protected Location is equal to or less than 45 dBA and/or the nighttime pre-development ambient hourly sound level at a Protected Location is equal to or less than 35 dBA, the hourly sound levels resulting from routine operation of the facility and measured in accordance with the measurement procedures described in subsection F shall not exceed the following limits at that Protected Location:

55 dBA between 7:00 a.m. and 7:00 p.m.
(the "daytime hourly limit"), and
45 dBA between 7:00 p.m. and 7:00 a.m.
(the "nighttime hourly limit").

For the purpose of determining whether a Protected Location has a daytime or nighttime pre-development ambient hourly sound level equal to or less than 45 dBA or 35 dBA, respectively, the Applicant may make sound level measurements in accordance with the procedures in subsection F or may estimate the sound-level based upon the population density and proximity to local highways. If the resident population within a circle of 3,000 feet radius around a Protected Location is greater than 300 persons, or the hourly sound level from highway traffic at a Protected Location is predicted to be greater than 45 dBA in the daytime or 35 dBA at night, then the Applicant may estimate the daytime or nighttime pre-development ambient hourly sound level to be greater than 45 dBA or 35 dBA, respectively.

NOTE: Highway traffic noise can be predicted using the nomograph method of FHWA Highway Traffic Noise Prediction Model, FHWA-RD-77-108, December, 1978.

(vi) Notwithstanding the above, the Applicant need not measure or estimate the pre-development ambient hourly sound levels at a Protected Location if he demonstrates, by estimate or example, that the hourly sound levels resulting from routine operation of the facility will not exceed 50 dBA in the daytime or 40 dBA at night.

(b) If the Applicant chooses to demonstrate by measurement that the daytime and/or nighttime pre-development ambient sound environment at any Protected Location near the facility site exceeds the daytime and/or nighttime limits in subsection 1(a)(ii) or 1(a)(iii) by at least 5 dBA, then the daytime and/or nighttime limits shall be 5 dBA less than the measured daytime and/or

nighttime pre-development ambient hourly sound level at the location of the measurement for the corresponding time period.

(c) For any Protected Location near an existing facility, the hourly sound level limit for routine operation of the existing facility and all future expansions of that facility shall be the applicable hourly sound level limit of 1(a) or 1(b) above, or, at the Applicant's election, the existing hourly sound level from routine operation of the existing facility plus 3 dBA.

(d) For the purposes of determining compliance with the above sound level limits, 5 dBA shall be added to the observed levels of any tonal sounds that result from routine operation of the facility.

(e) When routine operation of a facility produces short duration repetitive sound, the following limits shall apply:

(i) For short duration repetitive sounds, 5 dBA shall be added to the observed levels of the short duration repetitive sounds that result from routine operation of the facility for the purposes of determining compliance with the above sound level limits.

(ii) For short duration repetitive sounds which the municipal entity responsible for review and approval of a pending application under section 9.1 determines, due to their character and/or duration, are particularly annoying or pose a threat to the health and welfare of nearby neighbors, 5 dBA shall be added to the observed levels of the short duration repetitive sounds that result from routine operation of the facility for the purposes of determining compliance with the above sound level limits, and the maximum sound level of the short duration repetitive sounds shall not exceed the following limits:

(a) At any Protected Location in an area for which the zoning, or, if unzoned, the existing use or use contemplated under a comprehensive plan, is not predominantly commercial, transportation, or industrial:

65 dBA between 7:00 a.m. and 7:00 p.m., and
55 dBA between 7:00 p.m. and 7:00 a.m.

(b) At any Protected Location in an area for which the zoning, or, if unzoned, the existing use or use contemplated under a comprehensive plan, is predominantly commercial, transportation, or industrial:

75 dBA between 7:00 a.m. and 7:00 p.m., and
65 dBA between 7:00 p.m. and 7:00 a.m.

(c) The methodology described in subsection 1(a)(iv) shall be used to determine whether the use of an unzoned area is predominantly commercial, transportation, or industrial.

(d) If the Applicant chooses to demonstrate by measurement that the pre-development ambient hourly sound level at any Protected Location near the facility site exceeds 60 dBA between 7:00 a.m. and 7:00 p.m., and/or 50 dBA between 7:00 p.m. and 7:00 a.m., then the maximum sound level limit for short duration repetitive sound shall be 5

dBA greater than the measured pre-development ambient hourly sound level at the location of the measurement for the corresponding time period.

(e) For any Protected Location near an existing facility, the maximum sound level limit for short duration repetitive sound resulting from routine operation of the existing facility and all future expansions and modifications of that facility shall be the applicable maximum sound level limit of (e)(ii)(a) or (e)(ii)(b) above, or, at the Applicant's election, the existing maximum sound level of the short duration repetitive sound resulting from routine operation of the existing facility plus 3 dBA.

NOTE: The maximum sound level of the short duration repetitive sound shall be measured using the fast response [L_{AFmax}]. See the definition of maximum sound level.

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(2) Sound from Construction of a Facility

(a) The sound from construction activities between 7:00 p.m. and 7:00 a.m. is subject to the following limits:

(i) Sound from nighttime construction activities shall be subject to the nighttime routine operation sound level limits contained in subsections 1(a) and 1(b).

(ii) If construction activities are conducted concurrently with routine operation of the facility, then the combined total of construction and routine operation sound shall be subject to the nighttime routine operation sound level limits contained in subsections 1(a) and 1(b).

(iii) Higher levels of nighttime construction sound are permitted when a duly issued permit authorizing nighttime construction sound in excess of these limits has been granted by the Code Enforcement Officer.

(b) Sound from construction activities between 7:00 a.m. and 7:00 p.m. shall not exceed the following limits at any Protected Location:

Duration of Activity	Hourly Sound Level Limit
12 hours	87 dBA
8 hours	90 dBA
6 hours	92 dBA
4 hours	95 dBA
3 hours	97 dBA
2 hours	100 dBA
1 hour or less	105 dBA

(c) All equipment used in construction on the facility site shall comply with applicable federal noise regulations and shall include environmental noise control devices in proper working condition, as originally provided with the equipment by its manufacturer.

(3) Sound from Maintenance Activities

(a) Sound from routine, ongoing maintenance activities shall be considered part of the routine operation of the facility and the combined total of the routine maintenance and operation sound shall be subject to the routine operation sound level limits contained in subsection 1.

(b) Sound from occasional, major, scheduled overhaul activities shall be subject to the construction sound level limits contained in subsection 2. If overhaul activities are conducted concurrently with routine operation and/or construction activities, the combined total of the overhaul, routine operation and construction sound shall be subject to the construction sound level limits contained in subsection 2.

B. Submissions

(1) Facilities with Minor Sound Impact.

An Applicant proposing facility with minor sound impact may choose to file, as part of the permit application, a statement attesting to the minor nature of the anticipated sound impact of their facility. An applicant proposing an expansion or modification of an existing facility with minor sound impact may follow the same procedure as described above. For the purpose of this ordinance, a facility or an expansion or modification of an existing facility with minor sound impact means a facility where the Applicant demonstrates, by estimate or example, that the regulated sound from routine operation of the facility will not exceed 5 dBA less than the applicable limits established under Section A. It is the intent of this subsection that an applicant need not conduct sound level measurements to demonstrate that the facility or an expansion or modification of an existing facility will have a minor sound impact.

(2) Other Facilities

Technical information shall be submitted describing the Applicant's plan and intent to make adequate provision for the control of noise. The applicant's plan shall contain information such as the following, when appropriate:

(a) Maps and descriptions of the land uses, local zoning and comprehensive plans for the area potentially affected by sounds from the facility.

(b) A description of major sound sources, including tonal sound sources and sources of short duration repetitive sounds, associated with the construction, operation and maintenance of the proposed facility, including their locations within the proposed facility.

(c) A description of the daytime and nighttime hourly sound levels and, for short duration repetitive sounds, the maximum sound levels expected to be produced by these sound sources at Protected Locations near the proposed facility.

(d) A description of the Protected Locations near the proposed facility.

(e) A description of proposed major sound control measures, including their locations and expected performance.

(f) A comparison of the expected sound levels from the proposed facility with the sound level limits of this regulation.

C. Terms and Conditions

The municipal entity responsible for review and approval of the pending application under 9.1 may, as a term or condition of approval, establish any reasonable requirement to ensure that the Applicant has made adequate provision for the control of noise from the facility and to reduce the impact of noise on Protected Locations. Such conditions may include, but are not limited to, enclosing equipment or operations, imposing limits on hours of operation, or requiring the employment of specific design technologies, site design, modes of operation, or traffic patterns.

The sound level limits prescribed in this ordinance shall not preclude the municipal entity responsible for review and approval of the pending application under 9.1 from requiring an Applicant to demonstrate that sound levels from a facility will not unreasonably disturb wildlife or adversely affect wildlife populations in accordance with 12.2. In addition, the sound level limits shall not preclude the municipal entity responsible for review and approval of the pending application under 9.1, as a term or condition of approval, from requiring that lower sound level limits be met to ensure that the Applicant has made adequate provision for the protection of wildlife.

D. Waiver from Sound Level Limits

Winslow recognizes that there are certain facilities or activities associated with facilities for which noise control measures are not reasonably available. Therefore, the municipal entity responsible for review and approval of the pending application under section 9.1 may grant a waiver from any of the sound level limits contained in this ordinance upon (1) a showing by the Applicant that he or she has made a comprehensive assessment of the available technologies for the facility and that the sound level limits cannot practicably be met with any of these available technologies, and (2) a finding by the municipal entity responsible for review and approval of the pending application under section 9.1 that the proposed facility will not have an unreasonable impact on Protected Locations. In addition, a waiver may be granted by the municipal entity responsible for review and approval of the pending application under section 9.1 if (1) a facility is deemed necessary in the interest of national defense or public safety and the Applicant has shown that the sound level limits cannot practicably be met without unduly limiting the facility's intended function, and (2) a finding is made by the municipal entity responsible for review and approval of the pending application under section 9.1 that the proposed facility will not have an unreasonable impact on Protected Locations. The municipal entity responsible for review and approval of the pending application under section 9.1 shall consider the request for a waiver as part of the review of a completed permit application. In granting a waiver, the municipal entity responsible for review and approval of the pending application under section 9.1 may, as a condition of approval, impose terms and conditions to ensure that no unreasonable sound impacts will occur.

E. Definitions

Terms used herein are defined below for the purpose of this noise regulation.

(1) AMBIENT SOUND: At a specified time, the all-encompassing sound associated with a given environment, being usually a composite of sounds from many sources at many directions, near and far, including the specific facility of interest.

(2) CONSTRUCTION: Activity and operations associated with the facility or expansion of the facility or its site.

(3) EMERGENCY: An unforeseen combination of circumstances which calls for immediate action.

(4) EMERGENCY MAINTENANCE AND REPAIRS: Work done in response to an emergency.

(5) ENERGY SUM OF A SERIES OF LEVELS: Ten times the logarithm of the arithmetic sum of the antilogarithms of one-tenth of the levels. [Note: See Section F(4.2).]

(6) EXISTING FACILITY: A Wind Energy Facility legally constructed before the effective date of this ordinance or a proposed Wind Energy Facility for which the Application is found complete on or before the effective date of this ordinance. Any facility with an approved permit application which has been remanded to the municipal entity responsible for review and approval of the application under 9.1 by a court of competent jurisdiction for further proceedings relating to noise limits or noise levels prior to the effective date of this ordinance shall not be deemed an existing facility and the ordinance shall apply to the existing noise sources at that facility.

(7) EXISTING HOURLY SOUND LEVEL: The hourly sound level resulting from routine operation of an existing facility prior to the first expansion that is subject to this ordinance.

(8) EQUIVALENT SOUND LEVEL: The level of the mean-square A-weighted sound pressure during a stated time period, or equivalently the level of the sound exposure during a stated time period divided by the duration of the period. (NOTE: For convenience, a one hour equivalent sound level should begin approximately on the hour.)

(9) HISTORIC AREAS: Historic sites administered by the Bureau of Parks and Lands of the Maine Department of Conservation, with the exception of the Arnold Trail.

(10) HOURLY SOUND LEVEL: The equivalent sound level for one hour measured or computed in accordance with this ordinance.

(11) LOCALLY-DESIGNATED PASSIVE RECREATION AREA: Any site or area designated by Winslow for passive recreation that is open and maintained for public use and which:

(a) has fixed boundaries,

(b) is owned in fee simple by Winslow or is accessible by virtue of public easement,

(c) is identified and described in Winslow comprehensive plan, and

(d) has been identified and designated at least nine months prior to submission of the Applicant's Wind Energy Facility permit application.

(12) MAXIMUM SOUND LEVEL: Ten times the common logarithm of the square of the ratio of the maximum sound to the reference sound of 20 micropascals. Symbol: LAFmax.

(13) MAXIMUM SOUND: Largest A-weighted and fast exponential-time-weighted sound during a specified time interval. Unit: pascal (Pa).

(14)RESIDENCE: A building or structure, including manufactured housing, maintained for permanent or seasonal residential occupancy providing living, cooking and sleeping facilities and having permanent indoor or outdoor sanitary facilities, excluding recreational vehicles, tents and watercraft.

(15)PRE-DEVELOPMENT AMBIENT: The ambient sound at a specified location in the vicinity of a facility site prior to the construction and operation of the proposed facility or expansion.

(16) PROTECTED LOCATION: any location that is:

1) accessible by foot, on a parcel of land owned by a Non-Participating Landowner containing a Residence or planned Residence, or an approved residential subdivision, house of worship, academic school, college, library, duly licensed hospital or nursing home near the facility site at the time an application for a Wind Energy Facility permit is submitted under this ordinance; or

2) within a State Park, Baxter State Park, a National Park, a nature preserve owned by a land trust, the Maine Audubon Society or the Maine chapter of the Nature Conservancy, the Appalachian Trail, the Moosehorn National Wildlife refuge, a federally designated wilderness area, a state wilderness area designated by statute, a municipal park or a locally-designated passive recreation area, or any location within consolidated public reserve lands designated by rule by the Bureau of Public Lands as a Protected Location.

At Protected Locations more than 500 feet from living and sleeping quarters within the above noted buildings or areas, the daytime hourly sound level limits shall apply regardless of the time of day.

Houses of worship, academic schools, libraries, State and National Parks without camping areas, Historic Areas, nature preserves, the Moosehorn National Wildlife Refuge, federally-designated wilderness areas without camping areas, state wilderness areas designated by statute without camping areas, and locally-designated passive recreation areas without camping areas are considered protected locations only during their regular hours of operation.

Transient living accommodations are generally not considered Protected Locations; however, in certain special situations where it is determined by the municipal entity responsible for review and approval of the application under 9.1 that the health and welfare of the guests or the economic viability of the establishment will be unreasonably impacted, the municipal entity responsible for review and approval of the application under 9.1 may designate certain hotels, motels, campsites and duly licensed campgrounds as protected locations.

This term does not include buildings and structures located on leased camp lots, owned by the Applicant used for seasonal purposes.

For purposes of this definition, (1) a Residence is considered planned when the owner of the parcel of land on which the Residence is to be located has received all applicable building and land use permits and the time for beginning construction under such permits has not expired, and (2) a residential subdivision is considered approved when the developer has received all applicable land use permits for the subdivision and the time for beginning construction under such permits has not expired.

(17)ROUTINE OPERATION: Regular and recurrent operation of regulated sound sources associated with the purpose of the facility and operating on the facility site.

(18)SHORT DURATION REPETITIVE SOUNDS: A sequence of repetitive sounds which occur more than once within an hour, each clearly discernible as an event and causing an increase in the sound level of at least 6 dBA on the fast meter response above the sound level observed immediately before and after the event, each typically less than ten seconds in duration, and which are inherent to the process or operation of the facility and are foreseeable.

(19)SOUND COMPONENT: The measurable sound from an audibly identifiable source or group of sources.

(20)SOUND LEVEL: Ten times the common logarithm of the square of the ratio of the frequency-weighted and time-exponentially averaged sound pressure to the reference sound of 20 micropascals. For the purpose of this ordinance, sound level measurements are obtained using the A-weighted frequency response and fast dynamic response of the measuring system, unless otherwise noted.

(22)SOUND PRESSURE: Root-mean-square of the instantaneous sound pressures in a stated frequency band and during a specified time interval. Unit: pascal (Pa).

(23)SOUND PRESSURE LEVEL: Ten times the common logarithm of the square of the ratio of the sound pressure to the reference sound pressure of 20 micropascals.

(24)TONAL SOUND: for the purpose of this ordinance, a tonal sound exists if, at a Protected Location, the one-third octave band sound pressure level in the band containing the tonal sound exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by 5 dB for center frequencies at or between 500 Hz and 10,000 Hz, by 8 dB for center frequencies at or between 160 and 400 Hz, and by 15 dB for center frequencies at or between 25 Hz and 125 Hz.

Additional acoustical terms used in work associated with this ordinance shall be used in accordance with the following American National Standards Institute (ANSI) standards:

ANSI S12.9-1988 - American National Standard Quantities and Procedures for Description and Measurements of Environmental Sound, Part 1;

ANSI S3.20-1973 - American National Standard Psychoacoustical Terminology;

ANSI S1.1-1960 - American National Standard Acoustical Terminology.

F. Measurement Procedures

(1) Scope. These procedures specify measurement criteria and methodology for use, with applications, compliance testing and enforcement. They provide methods for measuring the ambient sound and the sound from routine operation of the facility, and define the information to be reported. The same methods shall be used for measuring the sound of construction and maintenance activities.

(2) Measurement Criteria

2.1 Measurement Personnel

Measurements shall be supervised by personnel who are well qualified by training and experience in measurement and evaluation of environmental sound, or by personnel trained to operate under a specific measurement plan approved by the municipal entity responsible for review and approval of the pending application under 9.1.

2.2 Measurement Instrumentation

(a) A sound level meter or alternative sound level measurement system used shall meet all of the Type 1 or 2 performance requirements of American National Standard Specifications for Sound Level Meters, ANSI S1.4-1983.

(b) An integrating sound level meter (or measurement system) shall also meet the Type 1 or 2 performance requirements for integrating/averaging in the International Electrotechnical Commission Standard on Integrating-Averaging Sound Level Meters, IEC Publication 804 (1985).

(c) A filter for determining the existence of tonal sounds shall meet all the requirements of-American National Standard Specification for Octave-Band and Fractional Octave-Band Analog and Digital Filters, ANSI S1.11-1986 for Order 3, Type 3-D performance.

(d) An acoustical calibrator shall be used of a type recommended by the manufacturer of the sound level meter and that meets the requirements of American National Standard Specification for Acoustical Calibrators, ANSI S1.40-1984.

(e) A microphone windscreen shall be used of a type recommended by the manufacturer of the sound level meter.

2.3 Calibration

(a) The sound level meter shall have been calibrated by a laboratory within 12 months of the measurement, and the microphone's response shall be traceable to the National Bureau of Standards.

(b) Field calibrations shall be recorded before and after each measurement period and at shorter intervals if recommended by the manufacturer.

2.4 Measurement Location, Configuration and Environment

(a) Except as noted in subsection (b) below, measurement locations shall be at nearby Protected Locations that are most likely affected by the sound from routine operation of the facility.

(b) For determining compliance with the 75 dBA property line hourly sound level limit described in subsection A(l)(a)(i), measurement locations shall be selected at the property lines of the proposed facility or contiguous property owned by the Applicant, as appropriate.

(c) The microphone shall be positioned at a height of approximately 4 to 5 feet above the ground, and oriented in accordance with the manufacturer's recommendations.

(d) Measurement locations should be selected so that no vertical reflective surface exceeding the microphone height is located within 30 feet. When this is not possible, the measurement location

may be closer than 30 feet to the reflective surface, but under no circumstances shall it be closer than 6 feet.

(e) When possible, measurement locations should be at least 50 feet from any regulated sound source on the facility.

(f) Measurement periods shall be avoided when the local wind speed exceeds 12 mph and/or precipitation would affect the measurement results.

2.5 Measurement Plans. Plans for measurement of pre-development ambient sound or post-facility sound may be discussed with the Code Enforcement Officer.

(3) Measurement of Ambient Sound

3.1 Pre-development Ambient Sound

Measurements of the pre-development ambient sound are required only when the Applicant elects to establish the sound level limit in accordance with subsections A(1)(b) and A(1)(e)(ii)(d) for a facility in an area with high ambient sound levels, such as near highways, airports, or pre-existing facilities; or when the Applicant elects to establish that the daytime and nighttime ambient hourly sound levels at representative Protected Locations exceed 45 dBA and 35 dBA, respectively.

(a) Measurements shall be made at representative Protected Locations for periods of time sufficient to adequately characterize the ambient sound. At a minimum, measurements shall be made on three different weekdays (Monday through Friday) during all hours that the facility will operate. If the proposed facility will operate on Saturdays and/or Sundays, measurements shall also be made during all hours that the facility will operate.

(b) Measurement periods with particularly high ambient sounds, such as during holiday traffic activity, significant insect activity or high coastline waves, should generally be avoided.

(c) At any measurement location the daytime and nighttime ambient hourly sound level shall be computed by arithmetically averaging the daytime and nighttime values of the measured one hour equivalent sound levels. Multiple values, if they exist, for any specific hour on any specific day shall first be averaged before the computation described above.

3.2 Post-Facility Ambient Sound

(a) Measurements of the post-facility ambient one hour equivalent sound levels and, if short duration repetitive sounds are produced by the facility, the maximum sound levels made at nearby Protected Locations and during representative routine operation of the facility that are not greater than the applicable limits of subsection C clearly indicate compliance with those limits.

(b) Compliance with the limits of subsection A(l)(b) may also be demonstrated by showing that the post-facility ambient hourly sound level, measured in accordance with the procedures of subsection 3.1 above during routine operation of the facility, does not exceed the pre-development ambient hourly sound level by more than one decibel, and that the sound from routine operation of the facility is not characterized by either tonal sounds or short duration repetitive sounds.

(c) Compliance with the limits of subsection A(1)(e)(ii)(d) may also be demonstrated by showing that the post facility maximum sound level of any short duration repetitive sound, measured in accordance with the procedures of subsection 3.1 above, during routine operation of the facility, does not exceed the pre-development ambient hourly sound level by more than five decibels.

(d) If any of the conditions in (a), (b) or (c) above are not met, compliance with respect to the applicable limits must be determined by measuring the sound from routine operation of the facility in accordance with the procedures described in subsection 4.

(4) Measurement of the Sound from Routine Operation of Facility.

4.1 General

(a) Measurements of the sound from routine operation of facilities are generally necessary only for specific compliance testing purposes in the event that community complaints result from operation of the facility, for validation of an Applicant's calculated sound levels when requested by the municipal entity responsible for review and approval of the pending application under 9.1, for determination of existing hourly sound levels for an existing facility or for enforcement by the Code Enforcement Officer.

(b) Measurements shall be obtained during representative weather conditions when the facility sound is most clearly noticeable. Preferable weather conditions for sound measurements at distances greater than about 500 feet from the sound source include overcast days when the measurement location is downwind of the facility and inversion periods (which most commonly occur at night).

(c) Measurements of the facility sound shall be made so as to exclude the contribution of sound from facility equipment that is exempt from this regulation.

4.2 Measurement of the Sound Levels Resulting from Routine Operation of the Facility.

(a) When the ambient sound levels are greater than the sound level limits, additional measurements can be used to determine the hourly sound level that results from routine operation of the facility. These additional measurements may include diagnostic measurements such as measurements made close to the facility and extrapolated to the Protected Location, special checkmark measurement techniques that include the separate identification of audible sound sources, or the use of sound level meters with pause capabilities that allow the operator to exclude non-facility sounds.

(b) For the purposes of computing the hourly sound level resulting from routine operation of the facility, sample diagnostic measurements may be made to obtain the one hour equivalent sound levels for each sound component.

(c) Identification of tonal sounds produced by the routine operation of a facility for the purpose of adding the 5 dBA penalty in accordance with subsection A(l)(d) requires aural perception by the measurer, followed by use of one-third octave band spectrum analysis instrumentation. If one or more of the sounds of routine operation of the facility are found to be tonal sounds, the hourly sound level component for tonal sounds shall be computed by adding 5 dBA to the one hour equivalent sound level for those sounds.

(d) Identification of short duration repetitive sounds produced by routine operation of a facility requires careful observations. For the sound to be classified as short duration repetitive sound, the source(s) must be inherent to the process or operation of the facility and not the result of an unforeseeable occurrence. If one or more of the sounds of routine operation of the facility are found to be short duration repetitive sounds, the hourly sound level component for short duration repetitive sounds shall be computed by adding 5 dBA to the one hour equivalent sound level for those sounds. If required, the maximum sound levels of short duration repetitive sounds shall be measured using the fast response [LAFmax]. The duration and the frequency of occurrence of the events shall also be measured. In some cases, the sound exposure levels of the events may be measured. The one hour equivalent sound level of a short duration repetitive sound may be determined from measurements of the maximum sound level during the events, the duration and frequency of occurrence of the events, and their sound exposure levels.

(e) The daytime or nighttime hourly sound level resulting from routine operation of a facility is the energy sum of the hourly sound level components from the facility, including appropriate penalties, (see (c) and (d) above). If the energy sum does not exceed the appropriate daytime or nighttime sound level limit, then the facility is in compliance with that sound level limit at that Protected Location.

(5) Reporting Sound Measurement Data. The sound measurement data report should include the following:

(a) The dates, days of the week and hours of the day when measurements were made.

(b) The wind direction and speed, temperature, humidity and sky condition.

(c) Identification of all measurement equipment by make, model and serial number.

(d) The most recent dates of laboratory calibration of sound level measuring equipment.

(e) The dates, times and results of all field calibrations during the measurements.

(f) The applicable sound level limits, together with the appropriate hourly sound levels and the measurement data from which they were computed, including data relevant to either tonal or short duration repetitive sounds.

(g) A sketch of the site, not necessarily to scale, orienting the facility, the measurement locations, topographic features and relevant distances, and containing sufficient information for another investigator to repeat the measurements under similar conditions.

(h) A description of the sound from the facility and the existing environment by character and location.

APPENDIX C
Decommissioning Plan

Pursuant to section 14.12, the Applicant shall provide a plan for decommissioning Large Scale Principal Solar Energy Systems, and a Type 2 or Type 3 Wind Energy Facility. The decommissioning plan shall include, but shall not be limited to the following:

1. A description of the trigger for implementing the decommissioning plan. There is a rebuttable presumption that decommissioning is required if no electricity is generated for a continuous period of twelve (12) months. The Applicant may rebut the presumption by providing evidence, such as a force majeure event that interrupts the generation of electricity, that although the project has not generated electricity for a continuous period of 12 months, the project has not been abandoned and should not be decommissioned.

2. A description of the work required to physically remove all Wind Turbines, associated foundations to a depth of 24 inches, buildings, cabling, electrical components, and any other Associated Facilities to the extent they are not otherwise in or proposed to be placed into productive use. All earth disturbed during decommissioning must be graded and re-seeded, unless the landowner of the affected land requests otherwise in writing.

   [Note: At the time of decommissioning, the Applicant may provide evidence of plans for continued beneficial use of any or all of the components of the Wind Energy Facility. Any changes to the approved decommissioning plan shall be subject to review and approval by the Code Enforcement Officer.]

3. An estimate of the total cost of decommissioning less salvage value of the equipment and itemization of the estimated major expenses, including the projected costs of measures taken to minimize or prevent adverse effects on the environment during implementation of the decommissioning plan. The itemization of major costs may include, but is not limited to, the cost of the following activities: turbine removal, turbine foundation removal and permanent stabilization, building removal and permanent stabilization, transmission corridor removal and permanent stabilization and road infrastructure removal and permanent stabilization.

4. Demonstration in the form of a performance bond, surety bond, letter of credit, parental guarantee or other form of financial assurance as may be acceptable to the Planning Board that upon the end of the useful life of the Wind Energy Facility the Applicant will have the necessary financial assurance in place for 100% of the total cost of decommissioning, less salvage value. The Applicant may propose securing the necessary financial assurance in phases, as long as the total required financial assurance is in place a minimum of 5 years prior to the expected end of the useful life of the Wind Energy Facility.

   (Odr. No. 6-2015, 10-13-15)

Sec. 14-65 C Large Scale Principal Solar Energy Systems (LSPSES)

(a) Regulations Applicable to All Large Scale Principal Solar Energy Systems:

(1) General Provisions, Administration and Permits – Articles 1, 2 and 3 of this chapter apply to this section.

(2) Application and Permit Fee – The Application Fee is $1,500 and the Permit Fee is $500 per MW.

(2) LSPSES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to any existing LSPSES, whether or not existing prior to the effective date of this Section that expands the LSPSES shall require approval under this Ordinance. Routine maintenance or replacements do not require a permit.

(3) The LSPSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory(ETL),Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with Municipality's Building Code, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.

(4) All on-site utility transmission lines and plumbing shall be placed underground. If, however, the applicant can demonstrate that this would not be feasible, then this requirement may be waived by the reviewing authority.

(5) The owner of a LSPSES shall provide the CEO written confirmation that the public utility company to which the LSPSES will be connected has been informed of the customer's intent to install a grid connected system. The owner shall provide a copy of the final inspection report and connection approval from the utility company to the CEO prior to the issuance of a certificate of use and occupancy for the LSPSES.

(6) If a LSPSES is being used as an accessory use for commercial/industrial activity on another property, then the CEO shall be informed of the intent of the LSPSES.

(7) Signage shall comply with the towns applicable sign ordinance.

(8) All LSPSES shall be situated to eliminate concentrated glare onto nearby structures or roadways.

(9) All solar energy systems should be designed and located to ensure solar access without reliance on and/or interference from adjacent properties.

(b) Ground Mounted Principal Solar Energy Systems:

(1) Minimum Lot Size and Lot Frontage

(a) The LSPSES shall meet the lot size requirements of the applicable zoning

district.

(b) The LSPSES is exempt from the applicable zoning district's lot frontage requirement. The Applicant must provide proof that it has authorization to construct, use and maintain the access drive required in section (9) below for the life of the project and including the decommissioning of the project.

(2) Setbacks

(a) LSPSES shall be setback a minimum of 35 feet from the property lines.

(3) Height

(a) Ground mounted LSPSES shall comply with the building height restrictions for principal buildings of the applicable zoning district,

(4) Impervious Coverage

(a) The surface area of the arrays of a ground mounted LSPSES, regardless of the mounted angle of any solar panels, may or may not be considered impervious contingent upon conformity with the stormwater management plan required in section (5)(a) below.

(5) Stormwater

(a) The Applicant shall submit a stormwater management plan, certified by a licensed engineer that demonstrates stormwater from the LSPSES will infiltrate into the ground beneath the LSPSES at a rate equal to that of the infiltration rate prior to the placement of the system.

(6) Screening

(a) Ground mounted LSPSES shall be screened from view of any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of a vegetative barrier which provide a visual screen. In lieu of a vegetative screen, a fence that provides visual screening and meets requirements of the controlling ordinance may be used.

(7) Ground mounted LSPSES shall not be placed within any legal easement or right-of-way location, or be placed within any stormwater conveyance system, or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.

(8) Security

(a) All ground mounted LSPSES shall be completely enclosed by chain link

fencing that consists of a minimum eight (8) foot high fence with a locking gate, or as designated by the CEO.

(b) A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the LSPSES informing individuals of potential voltage hazards.

(9) Access drives shall be maintained to allow for maintenance and emergency management vehicles. As a minimum, Drives must meet the town's common driveway standards in Chapter 11.

(10) If a ground mounted LSPSES is removed, any earth disturbance must be graded and re-seeded.

(11) The LSPSES must be properly maintained and be kept free from all hazards, including, but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare.

(12) Site Plan Review Design and Operation Standards for ground-mounted LSPSES that occupies more than 1,750 square feet of surface area (equivalent to a rated nameplate capacity greater than 10kW DC).

(a) Site Control - The project applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar energy system.

(b) Operation & Maintenance Plan - The project proponent shall submit a plan for the operation and maintenance of the LSPSES, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.

(c) Utility Notification - No grid-intertie photovoltaic system shall be installed until evidence has been given to the Planning Board that the applicant has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

(d) Lighting - Lighting shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as accessory structures, shall be limited to that required for safety and operational purposes, and shall be shielded from interference with abutting properties. Lighting of the solar energy system shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

(e) Signage - Signs shall comply with town's sign ordinance. A sign shall be

required to identify the owner and provide a 24-hour emergency contact phone number. Solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy system.

(f) Utility Connections - Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

(g) Emergency Services – LSPSES owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. Upon request, the owner or operator shall coordinate with local emergency services in developing an emergency response plan. A “3200 Series KNOX-BOX” shall be provided and installed by the operator to be used to allow emergency service personnel continuous access. All means of shutting down the solar energy system shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

(h) Solar Energy System Installation Conditions - The LSPSES owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Public Safety Officials. The owner or operator shall be responsible for the cost of maintaining the solar energy system and any access road(s).

(i) Modifications - Any material modifications to a large-scale ground-mounted solar energy system made after issuance of the required town permit(s) shall require approval by the CEO and/or Planning Board.

(j) Control of Noise – Must meet the requirements in Appendix B of Sec. 14-65B in this chapter.

(k) Decommissioning Plan – Must meet the requirement in Appendix C of Sec. 14-65B in this chapter.

(c) Roof Mounted Principal Solar Energy Systems:

(1) The owner shall provide evidence certified by an appropriately licensed professional that the roof is capable of supporting the collateral load of the LSPSES.

(2) LSPSES mounted on roofs of any building shall be subject to the maximum height

regulations specified for principal and accessory buildings within the applicable zoning district.

(Odr. No. 5-2015, 10-13-15)

Sec. 14-65 D Medium Scale Principal Solar Energy Systems (MPSES)

(a) Regulations Applicable to All Medium Scale Principal Solar Energy Systems:

(1) General Provisions, Administration and Permits – Articles 1, 2 and 3 of this chapter apply to this section.

(2) Permit Fee – The Permit Fee is $.50 per kW installed with a minimum fee of $25.00.

(2) MPSES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to any existing MPSES, whether or not existing prior to the effective date of this Section that expands the MPSES shall require approval under this Ordinance. Routine maintenance or replacements do not require a permit.

(3) The MPSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory(ETL),Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with Municipality's Building Code, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.

(4) All on-site utility transmission lines and plumbing shall be placed underground. If, however, the applicant can demonstrate that this would not be feasible, then this requirement may be waived by the reviewing authority.

(5) The owner of a MPSES shall provide the CEO written confirmation that the public utility company to which the MPSES will be connected has been informed of the customer's intent to install a grid connected system. The owner shall provide a copy of the final inspection report and connection approval from the utility company to the CEO prior to the issuance of a certificate of use and occupancy for the MPSES.

(6) If a MPSES is being used as an accessory use for commercial/industrial activity on another property, then the CEO shall be informed of the intent of the MPSES.

(7) All MPSES shall be situated to eliminate concentrated glare onto nearby structures or roadways.

(8) All solar energy systems should be designed and located to ensure solar access

without reliance on and/or interference from adjacent properties.

(b) Ground Mounted Medium Principal Solar Energy Systems:

(1) Minimum Lot Size and Lot Frontage

(a) The MPSES shall meet the lot size requirements of the applicable zoning district.

(b) The MPSES is exempt from the applicable zoning district's lot frontage requirement.

(2) Setbacks

(a) MPSES shall be setback a minimum of 20 feet from the property lines.

(3) Height

(a) Ground mounted MPSES shall comply with the building height restrictions for principal buildings of the applicable zoning district,

(4) Ground mounted MPSES shall not be placed within any legal easement or right-of-way location, or be placed within any stormwater conveyance system, or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system. Exception, MPSES may be placed within a legal easement that is specifically provided for MPSES.

(5) If a ground mounted MPSES is removed, any earth disturbance must be graded and re-seeded.

(6) The MPSES must be properly maintained and be kept free from all hazards, including, but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare.

(c) Roof Mounted Medium Principal Solar Energy Systems:

(1) The owner shall provide evidence certified by an appropriately licensed professional that the roof is capable of supporting the collateral load of the MPSES.

(2) MPSES mounted on roofs of any building shall be subject to the maximum height regulations specified for principal and accessory buildings within the applicable zoning district.

(Ord. No. 13-2015, 1-11-16)

Sec. 14-65 E: Companion Animal Care Center

1. A Companion Animal Care Center shall be carried on wholly within the Principal building or within a building or other structure accessory to it. Keeping companion animals outside during the period beginning from 6:01 PM to 5:59 AM shall be prohibited.

2. The hours of operation shall be between the hours of 5:00 AM to 9:00 PM. The keeping of Companion animals overnight is prohibited.

3. A Companion Animal Care Center shall employ no more than one person other than family members residing in the home at any one time.

4. A Companion Animal Care Center shall not alter the residential character of the structure or neighborhood, nor change the character of the lot from its principal use as a residence.

5. The minimum lot size for a Companion Animal Care Center is 2 Acres with a 200 foot lot Width, and a separation of 75 feet from any dwelling unit and 50 feet from any property line.

6. One non-illuminated sign, no larger than 4 square feet may be erected on the premises.

7. A Companion Animal Care Center shall not create unreasonable traffic for the area in which it is located. This use must comply with the Town's Parking Review Codes, (chapter 14 section 58) plus the reviewing authority shall have the right to place condition(s) including additional parking requirements, related to site conditions and the use.

8. A Companion Animal Care Center may not violate the Town's nuisance dog ordinance (Chapter 3, sec. 3-5). If there are 3 or more violations of the nuisance dog ordinance in any given 12 month period, then the Code Enforcement Officer may revoke the permit. The permit may also be revoked if a condition of the permit is violated.

9. A Companion Animal Care Center with one operator may care for no more than twenty (20) companion animals at any one time. A Companion Animal Care Center with two or More operators, or with one operator and one or more helpers, may care for no more than 30 companion animals at any one time.

10. Animal waste must be bagged daily with plastic bags. At the end of each day the bags must be tied closed and placed in a commercial dumpster. The dumpster must be emptied at least once a week.

(Ordinance No. 7-2014; 12-8-14)

ARTICLE 7. SHORELAND AREAS

State law reference(s)--Power and duty of the town to regulate shoreland areas, 12 M.R.S.A., § 4812.

Sec. 14-66 Purposes.

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

(Ord. No. 1-1993, 2-8-93)

Sec. 14-67. Authority.

This article has been prepared in accordance with the provisions of Title 38 M.R.S.A., Sections 435--449.

Sec. 14-68. Applicability.

This article applies to all land areas within two hundred fifty (250) feet, horizontal distance of the:

- normal high-water line of any great pond, or river,
- upland edge of a freshwater wetland,
- within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

This article also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending below the normal high-water line of a water body or within a wetland.

Land subject to regulation under this article will also be subject to the requirements of the town zoning ordinance.

(Ord. No. 1-1993, 2-8-93; Ord. No. 2-2009, 05-11-09)

Sec. 14-69. Effective date and repeal of formerly adopted ordinance.

This article, which was adopted by the municipal legislative body on May 11, 2009 shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the article, attested and signed by the municipal clerk, shall be forwarded to the commissioner for approval. If the commissioner fails to act on this article within forty-five (45) days of his/her receipt of the ordinance, it shall be deemed automatically approved. Upon approval of this article, Article VII "Shoreland Area" of the Winslow zoning ordinance is amended.

Any application for a permit submitted to the municipality within the forty-five (45) day period shall

be governed by the terms of this article if the article is approved by the commissioner.

(Ord. No. 1-1993, 2-8-93; Ord. No. 2-2009, 5-11-09)

Sec. 14-70. Availability.

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

(Ord. No. 1-1993, 2-8-93)

Sec. 14-71. Severability.

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

(Ord. No. 1-1993, 2-8-93)

Sec. 14-72. Conflicts with other ordinances.

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

(Ord. No. 1-1993, 2-8-93; Ord. No. 2-2009, 5-11-09)

Sec. 14-73. Amendments.

This article may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the municipal clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the commissioner. If the commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the commissioner.

(Ord. No. 1-1993, 2-8-93)

Sec. 14-74. Districts and zoning map.

(a) *Official shoreland zoning map.* The areas to which this article is applicable are hereby divided into the following districts as shown on the official shoreland zoning map(s) which is (are) made a part of this article:

(1) Resource protection.

(2) Limited residential.

(3) Limited commercial.

(4) General development.
(5) Stream protection.

(b) *Scale of map.* The official shoreland zoning map shall be drawn at a scale of not less than one (1) inch equals two thousand (2,000) feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

(c) *Certification of official shoreland zoning map.* The official shoreland zoning map shall be certified by the attested signature of the municipal clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the municipal clerk shall be the custodian of the map.

(d) *Changes to the official shoreland zoning map.* If amendments, in accordance with section 14-73, are made in the district boundaries or other matter portrayed on the official shoreland zoning map, such changes shall be made on the official shoreland zoning map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

(Ord. No. 1-1993, 2-8-93; Ord. No. 2-2009, 5-11-09)

Sec. 14-75. Interpretation of district boundaries.

Unless otherwise set forth on the official shoreland zoning map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the board of appeals shall be the final authority as to location.

(Ord. No. 1-1993, 2-8-93)

Sec. 14-76. Land use requirements.

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted and all necessary permits have been granted.

(Ord. No. 1-1993, 2-8-93; Ord. No. 2-2009, 5-11-09)

Sec. 14-77. Nonconformance.

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

(b) *General.*

(1) *Transfer of ownership:* Nonconforming structures, lots, and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this article.

(2) *Repair and maintenance:* This article allows, without a permit, the normal upkeep and maintenance of nonconforming uses and structures including repairs or renovations which do not involve expansion of the nonconforming use or structure, and such other changes in a nonconforming use or structure as federal, state, or local building and safety codes may require.

(c) *Nonconforming structures.*

(1) *Expansions:* A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the nonconformity of the structure.

Further limitations:

a. After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by 30% or more, during the lifetime of the structure and may only be expanded in story height or towards the rear property line unless the following conditions can be met:

(1) The lot depth (the distance measured horizontally from the water or the upland edge of the wetlands to the rear property line of lot) must be at least 125 ft; and

(2) The lot width must be at least 100 ft.; and

(3) The lot area must be at least 15,000 s.f.; and

(4) Without the use of any variances, including the first time subsurface disposal system variance (variance includes all foot-notes in the Maine Subsurface Wastewater Disposal Rules).

b. Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided: Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure,

(1) The structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in subsection 2 Relocation, below; if

(2) The completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 14-77(C)(1)(a) above; and

(3) The foundation does not cause the structure to be elevated by more than two (2) additional feet as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

c. No structure which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.

(2) *Relocation:* Relocation. A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules without the use of any variances(which includes any footnotes in the Maine Subsurface Wastewater Disposal Rules),including the first time system variance. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other

on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require a replanting plan prepared by an engineer, Forester or Arborist with experience in Shoreland restoration of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

(a) Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

(b) Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

(c) Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

(3) Reconstruction or Replacement. Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 14-77(C)(1)(a) above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 14-77(C)(2) above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if with a permit is obtained, from the Planning Board within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Section 14-77(C)(3) paragraph (2) above, the physical condition and type of foundation present, if any.

(4) *Change of use of a nonconforming structure:* The use of a nonconforming structure may not be changed to another use unless the planning board after receiving a written application determines that the new use will have no greater adverse impact on the water body, tributary stream or wetland or on the subject or adjacent properties and resources than the existing use.

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

(d) *Nonconforming uses.*

(1) *Expansions:* Expansions of nonconforming uses are prohibited, except that nonconforming residential uses may, after obtaining a permit from the planning board, be expanded within existing residential structures or within expansions of such structures as permitted in section 14-77(c)(1)a. above.

(2) *Resumption prohibited:* A lot, building or structure in or on which a nonconforming use is discontinued for a period exceeding one (1) year, or which is superseded by a conforming use, may not again be devoted to a nonconforming 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-year period.

(3) *Change of use:* An existing nonconforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the planning board. The determination of no greater adverse impact shall be made according to criteria listed in section 14-77(c)(4) above.

(e) *Nonconforming lots:*

(1) *Nonconforming lots:* A nonconforming lot of record as of the effective date of this article 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 article except lot size and frontage can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the board of appeals.

(2) *Contiguous built lots:* If two (2) or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this article, if all or part of the lots do not meet the dimensional requirements of this article, and if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that the state minimum lot size law(12 M.R.S.A. sections 4807-A through 4807-D) and Subsurface Wastewater Disposal Rules are complied with.

If two (2) or more principal uses or structures existed on a single lot of record on the effective date of this article, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this article.

(3) Contiguous lots - Vacant or partially built*:* If two (2) or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this article, if any of these lots do not individually meet the dimensional requirements of this article or subsequent amendments, and if one (1) 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.

This provision shall not apply to two (2) or more contiguous lots, at least one (1) of which is nonconforming, owned by the same person or persons on the effective date of this article and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine subsurface wastewater disposal rules, and;

a. Each lot contains at least 200 feet of shore frontage and at least 2 acres of lot area; or

b. Any lots that do not meet the frontage and lot size requirements of subparagraph a. are reconfigured or combined so that each new lot contains at least 200 feet of shore frontage and 2 acres of lot area.

(Ord. No. 1-1993, 2-8-93; Ord.No 1-2006, 4-10-06; Ord. No. 2-2009, 5-11-09)

Sec. 14-78. Establishment of districts.

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of December 31, 2009.as of. For the purposes of this paragraph “wetlands associated with great ponds and rivers” shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. “Wetlands associated with great ponds or rivers” are considered to be part of that great pond or river.

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

(1) Flood plains along rivers and flood plains along artificially formed great ponds along rivers, defined by the one-hundred-year flood plain as designated on the Federal Emergency Management Agency's (FEMA) flood insurance rate maps or flood hazard boundary maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.

(2) Areas of two (2) or more contiguous acres with sustained slopes of twenty (20) per cent or greater.

(3) Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water.

(4) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

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

(c) *Limited Commercial District.* The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should

not be developed as intensively as the General Development District. This district includes areas of two (2) or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

(d) *General Development District.* The General Development District includes the following types of areas:

(1) Areas of two (2) or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:

a. Areas devoted to manufacturing, fabricating or other industrial activities;

b. Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and

c. Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.

(2) Areas otherwise discernable as having patterns of intensive commercial, industrial or recreational uses.

Portions of the General Development District may also include residential development. However, no area shall be designated as a General Development District based solely on residential use. In areas adjacent to great ponds the designation of an area as a General Development District shall be based upon uses existing at the time of adoption of this article. There shall be no newly established General Development Districts or expansions in area of existing General Development Districts adjacent to great ponds.

(d) *Stream Protection District.* The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated shoreland area is located within two hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

(Ord. No. 2-2009, 5-11-09)

Sec. 14-79. Table of land uses.

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in section 14-79. The district designation for a particular site shall be determined from the official shoreland zoning map.

Key to Table 1:

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

No--Prohibited.

PB--Requires permit issued by the planning board.

CEO--Requires permit issued by the code enforcement officer.

LPI--Requires permit issued by the local plumbing inspector.

Abbreviations:

RP--Resource Protection

LR--Limited Residential

LC--Limited Commercial

GD--General Development

SP--Stream Protection

Table 1. Land Uses in the Shoreland Zone

	Land Uses	Districts				
		SP	RP	LR	LC	GD
1.	Non-intensive recreational uses not requiring structures such as hunting, fishing, and hiking	yes	yes	yes	yes	yes
	Motorized vehicular	yes	yes	yes	yes	yes

2.	traffic on existing roads and trails					
3.	Forest management activities except for timber harvesting	yes	yes	yes	yes	yes
4.	Timber harvesting	CEO	CEO	CEO	Yes CEO	CEO
5.	Clearing of vegetation for approved construction and other allowed uses	CEO	CEO[1]	CEO	yes	yes
6.	Fire prevention activities	yes	yes	yes	yes	yes
7.	Wildlife management practices	yes	yes	yes	yes	yes
8.	Soil and water conservation practices	yes	yes	yes	yes	yes
9.	Mineral exploration	no	yes[2]	yes[2]	yes[2]	yes[2]
10.	Mineral extraction including sand and gravel extraction	no	PB[3]	PB	PB	PB
11.	Surveying and resource analysis	yes	yes	yes	yes	yes
12.	Emergency operations	yes	yes	yes	yes	yes
13.	Agriculture	yes	PB	yes	yes	yes
14.	Aquaculture	PB	PB	PB	yes	yes

15.	Principal structures and uses on a conforming lot					
	A. Single family residential	PB[4]	PB[9]	PB	No	No
	B. Multi-unit residential	no	no	NO	NO	NO
	C. Commercial	no	no	no	CEO	PB
	D. Industrial	no	no	no	No	PB
	E. Governmental and institutional	no	no	no	PB	PB
	F. Small nonresidential facilities for educational, scientific, or nature interpretation purposes	PB[4]	PB	CEO	CEO	CEO
16.	Structures accessory to allowed uses	PB[4]	PB	CEO	CEO	yes
17.	Construction and Demolition of Piers, docks, wharfs, bridges, dams and other structures and uses extending over or below the normal high-water line or within a wetland					

	A. Temporary	CEO	CEO	CEO	CEO	CEO
	B. Permanent	PB	PB	PB	PB	PB
18.	Conversions of seasonal residences to year-round residences	LPI PB	LPI PB	LPI PB	LPI PB	LPI PB
19.	Home occupations	PB	no	PB	CEO	yes
20.	Private sewage disposal systems for allowed uses	LPI	NO	LPI	LPI	LPI
21.	Essential services	PB[6]	PB[6]	PB	PB	PB
22.	Service drops, as defined, to allowed uses	CEO	CEO	CEO	CEO	CEO
23.	Public and private recreational areas involving minimal structural development	PB	PB	PB	PB	PB
24.	Individual, private campsites	CEO	No	CEO	CEO	CEO
25.	Campgrounds	no	no[7]	PB	PB	PB
26.	Road and driveway construction	PB	no[8]	PB	PB	PB
27.	Parking facilities	no	no[7]	PB	PB	PB

28.	Marinas and	PB	no	PB	PB	PB
29.	Filling and earthmoving of less than 10 cubic yards	CEO	CEO	CEO	yes	yes
30.	Filling and earthmoving of more than 10 cubic yards	PB	PB	PB	CEO	CEO
31.	Signs	Yes	NO	Yes	Yes	Yes
32.	Uses similar to allowed uses	PB	PB	PB	CEO	CEO
33.	Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO
34.	Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB

1 In RP not permitted within 75 feet of the normal high-water line of great ponds, except to remove safety hazards.

2 Requires permit from the code enforcement officer if more than 100 square feet of surface area, in total, is disturbed.

3 In RP not permitted in areas so designated because of wildlife value.

4 Provided that a variance from the setback requirement is obtained from the board of appeals.

5 Functionally water-dependent uses and uses accessory to such water dependent uses only. (see note on previous page)

6 See further restrictions in section 14-80(m)(2).

7 Except when area is zoned for resource protection due to flood plain criteria in which case a permit is required from the Planning Board.

8 Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the Planning Board.

9 Single family residential structures may be allowed by special exception only according to the provisions of Section14-81 (e), Special Exceptions. Two-family residential structures are prohibited.

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

a. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
b. Draining or otherwise dewatering;
c. Filling, including adding sand or other material to a sand dune; or
d. Any construction or alteration of any permanent structure.

Ord. No.1-1993, 2-8-93; Ord. No. 1-2006, 4-10-06; Ord. No. 2-2009, 5-11-09)

Sec. 14-80. Land use standards.

(a) *Minimum lot standards.*(1)
All land use activities within the shoreland zone shall conform to the Zoning District requirements which they are located in As outlined in Article 4. Zoning Districts and as located on the Official Town of Winslow Zoning Map.

	Minimum Lot Area (square feet)	Minimum Shore and Road Frontage (feet)
Residential per dwelling unit	2 acres	200 Shore and Road
Public and private recreational facilities	2 acres	200 Shore and Road

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

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

(4) The minimum width of any portion of any lot shall be equal to or greater than the

shore frontage requirement for a lot with the proposed use.

(5) If more than one (1) residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, ~~or~~ principal structure, or use.

(b) *Principal and accessory structures.*

(1) All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance from the normal high-water line of great ponds classified GPA and seventy-five (75) feet horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development District the setback from the normal high-water line shall be at least twenty-five (25) feet horizontal distance. In the Resource Protection District the setback requirement is two hundred and fifty (250) feet horizontal distance, except for structures, roads, or other regulated object specifically allowed in that district after review and approval by the Planning Board, in which case the setback requirements specified above shall not apply,

In addition:

a. The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

(b) On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

(2) Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

(3) The lowest floor elevation or openings of all buildings and structures including

basements shall be elevated at least one (1) foot above the elevation of the one-hundred-year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent floodplain soils.

(4) The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) per cent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the General Development District adjacent to rivers which do not flow to great ponds classified GPA, where lot coverage shall not exceed seventy (70) percent.

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

(c) Construction and demolition of Piers, Docks, Wharfs, Bridges, Dams and other Structures and Uses extending in, over or Below the Normal High-Water line of a Water Body or within a Wetland.

(1) A detailed plan and documentation prepared by a Registered Engineer experienced in environmental impact and preservation must address and detail the following:

(a) Access from shore shall be developed on soils appropriate for such use and constructed so as to minimize and control erosion.

(b) The location shall not interfere with existing developed or natural beach areas.

(c) The facility shall be located so as to minimize adverse effects on fisheries.

(d) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and, uses, of the area. A temporary pier, dock, dam or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.

(e) No new structure shall be built on, over or abutting a pier, wharf, dam, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

(f) New permanent piers, dams and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a

temporary pier or dock is not feasible, and all permits have been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act and all other State and Federal Agencies.

(g) No existing structures built on, over or abutting a pier, dock, wharf, dam or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

(h) Except in the General Development District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

(d) *Campgrounds.* Campgrounds shall conform to the minimum requirements imposed under state licensing procedures and the following:

(1) Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

(2) The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet horizontal distance from the normal high-water line of a great pond classified GPA and seventy-five (75) feet horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

(e) *Individual private campsites.* Individual private campsites not associated with campgrounds are allowed providing the following conditions are met:

(1) One (1) campsite per lot existing on the effective date of this article, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.

(2) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet horizontal distance from the normal high-water line of a great pond classified GPA and seventy-five (75) feet horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

(3) Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle~~s~~ shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

(4) The clearing of vegetation for the siting of the recreational vehicle, tent or similar

shelter in a Resource Protection District shall be limited to one thousand (1,000) square feet.

(5) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the local plumbing inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

(6) When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine subsurface wastewater disposal rules unless served by public sewage facilities.

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

(1) Auto washing facilities.

(2) Auto or other vehicle service and/or repair operations, including body shops.

(3) Chemical and bacteriological laboratories.

(4) Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms.

(5) Commercial painting, wood preserving, and furniture stripping.

(6) Dry cleaning establishments.

(7) Electronic circuit assembly.

(8) Laundromats, unless connected to a sanitary sewer.

(9) Metal plating, finishing, or polishing.

(10) Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas.

(11) Photographic processing.

(12) Printing.

(g) *Parking areas.*

(1) Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located, except that the setback requirement for parking areas serving public boat launching facilities, in districts other than the General Development District may be reduced to no less than fifty (50) feet horizontal distance from the shoreline or tributary stream if the planning board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

(2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm-water runoff from flowing directly into a water body tributary stream or wetland and where feasible, to retain all runoff on-site.

(3) In determining the appropriate size of proposed parking facilities, the following shall apply:

a. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.

b. Internal travel aisles: Approximately twenty (20) feet wide.

(h) *Roads and driveways.* In addition to Chapter 11 Streets of the Winslow Municipal Code the following standards shall apply to the construction and maintenance of roads and/or driveways and drainage systems, culverts and other related features.

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

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

Section 14-80 (h) (1) does not apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to

the shoreline or tributary stream due to an operational necessity
excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 14-80(h)(1) except for
that portion of the road or driveway necessary for direct access to the structure.

(2) Existing public or private roads may be expanded within the legal road right-of-way regardless of their setback from a water body tributary stream or wetland only with a plan detailing compliance with the Chapter 11 Streets, as Minor Rural Road standards without paving.

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

(4) Road and driveway grades shall be no greater than eight(8) per cent (5)In order to prevent road and driveway surface drainage from directly entering water bodies tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least fifty (50) feet plus two (2) times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. ~~Road~~ Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

(6) Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway or ditch. To accomplish this, the following shall apply:

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

Grade (Percent)	Spacing (Feet)
0--2	250

3--5	200--135
6--10	100--80
11--15	80--60
16--20	60--45
21+	40

b. Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) per cent or less.

c. On sections having slopes greater than ten (10) per cent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle down slope from a line perpendicular to the centerline of the road or driveway.

d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning and their inlet and outlet ends shall be stabilized with appropriate materials.

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

(i) *Signs.* The provisions of Section 14-62 Signs shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential and Limited Commercial Districts:

(j) *Storm-water runoff.*

(1) All construction and development shall require a plan designed by a Registered Engineer experienced in environmental impact and preservation designed to minimize storm-water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm-waters.

(2) Storm-water runoff control systems shall be maintained as necessary to ensure proper functioning.

(l) Septic waste disposal.

(1) All subsurface sewage disposal systems shall be installed in conformance with the State of Maine subsurface wastewater disposal rules without the uses of Variances (variance includes all foot-notes in the Maine Subsurface Wastewater Disposal Rules). Primitive Disposal Systems, Alternative Toilets, and Separated Laundry Systems will not be allowed within the Shoreland District. “System” includes Fill Extensions, Treatment Tank, Disposal System, and in ground pump stations.

a. The minimum setback for new and replacement subsurface sewage disposal systems including fill extensions shall be no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distances from water bodies for new subsurface sewage disposal systems shall not be reduced by variance(variance includes all foot-notes in the Maine Subsurface Waste Water Disposal Rules) .

(l) Holding Tank Ordinance

(1) Title

This Ordinance shall be known and cited as the Town of Winslow, Maine Holding Tank Ordinance, and will be referred to as "this Ordinance."

(2) Purpose

The purpose of this Ordinance is to establish the requirements for the use and maintenance of holding tanks utilized as disposal systems designed to receive and retain waste water from residential or commercial uses. It is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit, and preservation of the health, safety, and general welfare of the inhabitants of the Town of Winslow, Maine.

(3) Authority and Administration

A. This Ordinance is hereby adopted and hereafter amended pursuant to and consistent with Article VIII, Part 2, of the Maine Constitution, the provisions of Title 30-A, and the Maine Subsurface Waste Water Disposal Rules (144A CMR 241).

B. This Ordinance shall be administered by the Local Plumbing Inspector (L.P.I.).

(4) Applicability

This Ordinance applies to the approval for the installation of and the maintenance of holding tanks utilized as disposal systems for those small lots in the Seasonal district that have an existing principal structure which have plumbing fixtures installed, have a non-conforming waste water disposal system and soils or lot size do not permit the installation of a Sub Surface waste Disposal System,

(5) Enforcement

A. Nuisances

Any violation of this Ordinance shall be deemed a nuisance.

B. Local Plumbing Inspector

It shall be the duty of the Local Plumbing Inspector to enforce the provision of this Ordinance. If the Local Plumbing Inspector shall find that any provision of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and the action necessary to correct it. A copy of such notices shall be maintained as permanent record.

C. Legal Action

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Town Council, upon notification from the Plumbing Inspector, are hereby authorized and 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.

D. Fines

Any person, including but not limited to the landowner, a landowner's agent or a contractor who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A M.R.S.A., Section 4452. Each day the violation exists shall be considered a separate violation. Such persons shall be also be liable for court costs and attorney fees incurred by the Town of Winslow.

(6) Application Procedure and Content

A. Application Procedure

1. All applications for a Holding Tank Permit shall be in writing on forms provided for that purpose. Applications shall be received by the L.P.I.

2. The L.P.I. shall provide the applicant with a dated receipt when the application is first presented.

3. Within thirty-five days of receiving an application the L.P.I. shall approve, approve with conditions, or deny the application.

B. Fees

All applications for a Holding Tank Permit shall be accompanied by an application fee of $100.

C. Expiration of Approvals

All Holding Tank Permit approvals shall expire one (1) year after the date of issuance unless the work there under has commenced and is completed within eighteen (18) months from issuance.

D. All applications for a permit for a holding tank shall be made in writing on forms provided for that purpose. The submission shall contain the following information and exhibits:

1. Name of the owner(s) of record and applicant's name and address;

2. Sketch map showing the general location of the property;

3. The tax map and lot number of the parcel;

4. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title, or interest in the property on the part of the applicant;

5. A holding tank application approved by the Local Plumbing Inspector

6. A signed agreement between the property owner and a tank pumper to pump and maintain the tank; and

7. A report or other documentation from a Site Evaluator that indicates that due to site conditions, lot configuration, or other constraints, the installation of a system with a disposal field is not feasible.

(7). Performance Standard

The following standards shall be utilized by the L.P.I. in reviewing applications for a holding tank for first time disposal systems. The L.P.I. shall approve the application unless the L.P.I. finds that the applicant has not satisfied one or more of the following standards:

A. A holding tank will not be permitted to satisfy the requirements for a Seasonal Conversion Permit under Title 30-A M.R.S.A., Section 4215 Subsection 2.

B. The plumbing in the structure shall be modified for maximum water conservation and all water closets shall meet or exceed ASME A112.19.2 for 1.6 gallons per flush.

C. A deed covenant shall be required for structures served by a holding tank. As a minimum, the covenant shall include a statement that a holding tank is serving the structure for the disposal of human sewage and waste water. The aforementioned statement shall be a separate stand alone section or paragraph.

D. The agreement between the property owner and tank pumper shall be filed in the Town Office and indicate the location of the site or sites that the septage will be disposed of. Only those sites approved by the Maine Department of Environmental Protection shall be utilized.

E. The owner shall have the tank pumped at least once a year and provide the L.P.I. with copies of all pumping records.

F. The holding tank shall be equipped with a visual and audible alarm device. The alarm shall be located and adjusted in a manner that assures the tank is pumped before it is full.

G. The owner and all tank pumpers shall not violate any terms, rules, regulations, or sections of the State Plumbing Code, as amended, including but not limited to Chapters 14 and 22, as amended, of the Maine Subsurface Wastewater Disposal Rules.

(8) Severability

A. The invalidity of any provision of these standards shall not invalidate any other part.

(9) Effective Date

A. This Ordinance shall become effective thirty (30) days after its

adoption.

(m) *Essential services.*

(1) Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

(2) The installation of essential services, other than road-side distribution lines is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

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

Mineral extraction may be permitted under the following conditions:

(1) A reclamation plan shall be filed with, and approved by the planning board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of paragraph (3) below.

(2) No part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet horizontal distance of the normal high-water line of a great pond classified GPA and within seventy-five (75) feet horizontal distance of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within seventy-five (75) feet horizontal distance of any property line, without written permission of the owner of such adjacent property.

(3) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve-month period, ground levels and grades shall be established in accordance with the following:

a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site

may be buried or covered on-site.

b. The final graded slope shall be two and one half to one (2 1/2:1) slope or flatter.

c. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

(4) In keeping with the purposes of this article, the planning board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

(o) *Agriculture.*

(1) All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).

(2) Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond, classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated stormwater.

(3) Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a conservation plan to be filed with the planning board. Nonconformance with the provisions of said plan shall be considered to be a violation of this article.

(4) There shall be no new tilling of soil within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams, and freshwater wetlands. Operations in existence on the effective date of this article and not in conformance with this provision may be maintained.

(5) Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance of other water bodies; nor, within twenty-five (25) feet, horizontal distance, of tributary streams, and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in

conformance with the above setback provisions may continue, provided that such grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation plan.

(p) *Timber harvesting.*

(1) In a shoreland area zoned for Resource Protection District abutting a great pond, timber harvesting shall be limited to the following:

(a) Within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, timber harvesting may be conducted when the following conditions are met:

(1) The ground is frozen;
(2) There is no resultant soil disturbance;
(3) The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;
(4) There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4 ½ feet above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other natural vegetation remains; and
(5) A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.

(b) Beyond the 75 foot strip referred to in paragraph a. above, timber harvesting is permitted in accordance with paragraph 2 below except that in no case shall the average residual basal area of trees over 4 ½ inches in diameter at 4 1/2 feet above ground level be reduced to less than 30 square feet per acre.

(2) Except in areas as described in paragraph (1) above, timber harvesting shall conform with the following provisions:

a. Selective cutting of no more than forty (40) per cent of the total volume of trees four (4) inches or more in diameter measured at four and one-half (4 1/2) feet above ground level on any lot in any ten-year period is permitted. In addition:

1. Within one hundred (100) feet, horizontal distance of the normal high-water line of a great pond classified GPA and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clear-cut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

2. At distances greater than one hundred (100) feet, horizontal distance,

of a great pond classified GPA and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clear-cut openings greater than ten thousand (10,000) square feet in the forest canopy. Where such openings exceed five thousand (5,000) square feet they shall be at least one hundred (100) feet apart. Such clear-cut openings shall be included in the calculation of total volume removal. For the purposes of these standards volume may be considered to be equivalent to basal area.

b. Timber harvesting operations exceeding the forty (40) per cent limitation in paragraph a. above, may be allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this article. The planning board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the planning board's decision.

c. No accumulation of slash shall be left within fifty (50) feet horizontal distance of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.

d. Timber harvesting equipment shall not use stream channels as travel routes except when:

1. Surface waters are frozen; and

2. The activity will not result in any ground disturbance.

e. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.

f. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil re-vegetated.

g. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an un-scarified strip of vegetation of at least seventy-five (75) feet

horizontal distance in width for slopes up to ten (10) per cent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) per cent increase in slope, the un-scarified strip shall be increased by twenty (20) feet. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty-five (25) feet from the normal high-water line of a water body or upland edge of a wetland.

(q) *Clearing or Removal of vegetation for Activities Other than Timber Harvesting.*

(1) In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending seventy-five (75) feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

(2) Except in areas as described in paragraph 1, above, and except to allow for the development of permitted uses, within a strip of land extending one hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

a. There shall be no cleared opening greater than two hundred fifty (250) square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.

b. Selective cutting of trees within the buffer strip is allowed provided that a well distributed stand of trees and other natural vegetation is maintained. For the purposes of this section a "well-distributed stand of trees and other vegetation" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each twenty-five (25) foot by fifty (50) foot square (1250) square feet) area as determined by the following rating system.

Diameter of Tree at 4 1/2 feet Above Ground Level (inches)	Points

2- <4 inches	1
4-- < 8 inches	2
8 - <_12 inches	4
12 in. or greater	8

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

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

(4x 1) + (2 x2) + (3 x 4) + (2x 8) = 36 points

Thus, the twenty-five-foot by fifty-foot plot contains trees worth thirty six(36) points. Trees totaling twelve (12) points (36- 24 = 12) may be removed from the plot provided that no cleared openings are created.

The following shall govern in applying this point system:

(i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
(ii) Each successive plot must be adjacent to, but not overlap a previous plot;
(iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
(iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Ordinance;
(v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 14-80(q)(2)(b) “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist,

no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

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

c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer shall not be cut, covered or removed, except to provide for a footpath or other permitted uses as described in paragraphs (2) and (2)a. above.

d. Pruning of tree branches, on the bottom one-third (1/3) of the tree is allowed.

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

Paragraph (2) above does not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the minimum area necessary.

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

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, twenty-five (25) per cent of the lot area within the Shoreland District or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision shall not apply to the General Development District.

(4) Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this article.

(5) Fields and other cleared openings which have reverted to primarily shrubs, trees, or

other woody vegetation shall be regulated under the provisions of this section.

(r) *Erosion and sedimentation control.*

(1) All activities which involve filling, grading, excavation or other similar activities which result in un-stabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the Code Officer or Planning Board, as may be required for approval and shall include, where applicable, provisions for:

a. Mulching and re-vegetation of disturbed soil.

b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.

c. Permanent stabilization structures such as retaining walls or rip-rap.

(2) In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

(3) Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

(4) Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

(5) Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and

constructed in order to carry water from a twenty-five-year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

(s) *Soils.* All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine certified soil scientists, Maine registered professional engineers, Maine state certified geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

(t) *Water quality.* No activity shall deposit on or into the ground or discharge to the waters of the state any pollutant that, by itself or in combination with other activities or substances will impair designated uses or the water classification of the water body, tributary stream or wetland.

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

(Ord. No. 1-1993, 2-8-93;Ord. No. 2-1995, 2-12-96; Ord. No. 2-1997, 4-14-97; Ord. No. 1-2006, 4-10-06; Ord. No. 2-2009, 5-11-09)

Sec. 14-81. Administration.

(a) *Administering bodies and agents.*

(1) Code enforcement officer. A code enforcement officer shall be appointed or reappointed annually by July 1st.

(2) *Board of appeals.* A board of appeals shall be created in accordance with the provisions of Title 30-A M.R.S.A., Section 2691.

(3) *Planning board.* A planning board shall be created in accordance with the provisions of Title 30-A, M.R.S.A., Section 2691.

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

(1) A permit is not required for the replacement of an existing road culvert as long as the replacement culvert is:

(a) The replacement culvert is not more than 25% longer than the culvert being replaced;
(b) The replacement culvert is not longer than 75 feet; and
(c) Adequate erosion control measures are taken to prevent sedimentation of the water, the crossing does not block fish passage in the water course.

(2) A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.
(3) Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance

(c) *Permit application.*

(1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in section 14-80.

(2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.

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

(4) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the plumbing inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

(5) Site map prepared by a registered Maine land surveyor, drawn to scale, showing the location, boundaries, dimensions, elevations, uses, and size of the following:

subject site, principal and accessory structures, location of the existing septic system and any proposed new septic system, existing and proposed easements, streets, and other public ways, off-street parking, loading areas, driveways existing highway access restrictions, and existing and proposed street, side and rear yards setbacks. In addition, the site map shall show the location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site.

(6) A detailed set of construction drawings for all new principal structures with adequate details to allow the CEO to determine its compliance with the town's building, plumbing, and zoning codes.

(d). ***Procedure for administering permits****.* Within thirty-five (35) days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in section 14-79, 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.

a. CEO Permits. The Code Enforcement Officer, shall approve, approve with conditions, or deny all permit applications in writing within thirty-five (35) days of receiving a completed application. Planning Board Permits; After receiving a completed application the Planning Board shall place the application on the next available agenda for Public Hearing and review, shall approve, approve with conditions, or deny all permit applications in writing within thirty-five (35) days of the final public meeting regarding the application.

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

After the submission of a complete application to the Planning Board, the Board may find through the Public Hearing and review process that additional information and data is required before making a decision. Upon completion of the review process the Planning Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

(1) Will maintain safe and healthful conditions;

(2) Will not result in water pollution, erosion, or sedimentation to surface waters;

(3) Will adequately provide for the disposal of all wastewater;

(4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

(5) Will conserve shore cover and visual, as well as actual, points of access to inland

waters;

(6) Will protect archaeological and historic resources as designated in the comprehensive plan;

(7) Will avoid problems associated with flood plain development and use; and

(8) Is in conformance with the provisions of section 14-80, Land use standards.

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

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

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

(2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.

(3) The proposed location of all proposed buildings, sewage disposal systems and other improvements are:

(a) Located on natural ground slopes of less than 20%; and

(b) Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance. If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year flood-plain

(4) The total ground-floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.

(5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest

practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate value and high-value wetlands.

(f) ***Expiration of permit****.* Permits will expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one (1) year of the date of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall lapse and become void.

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

(h) ***Appeals****.*

(1) *Powers and duties of the board of appeals.* The board of appeals shall have the following powers:

a. ***Administrative appeals****:* To hear and decide administrative appeals, on a de novo basis, where it is alleged by an aggrieved party with standing that there is an error in any decision, or determination made by, the Code Enforcement Officer regarding issuing or denying of permits.

b. **Variance appeals**: To authorize variances upon appeal, within the limitations set forth in this article.

(2) ***Variance Appeals****.* Variances may be permitted only under the following conditions:

a. Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, per cent of lot coverage, and setback requirements.

b. Variances shall not be granted for establishment of any uses otherwise prohibited by this article.

c. The board shall not grant a variance unless it finds that:

1. The proposed structure or use would meet the provisions of section 14-

79 except for the specific provision which has created the nonconformity and from which relief is sought; and

2. The strict application of the terms of this article would result in undue hardship. The term "undue hardship" shall mean:

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

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

(iii) That the granting of a variance will not alter the essential character of the locality; and

(iv) That the hardship is not the result of action taken by the applicant or a prior owner.

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

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

(3) ***Appeal procedure***.

a. *Making an appeal.*

1. An administrative appeal may be taken to the Board of Appeals by an aggrieved party with standing regarding any decision of the Code Enforcement Officer regarding the issuing or denying of permits. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the board, upon a showing of good cause, may waive the thirty-day requirement.

2. Such appeal shall be made by filing with the board of appeals a written

notice of appeal which includes:

(i) A concise written statement indicating what relief is requested and why it should be granted.

(ii) A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

3. Upon receiving an application for an appeal, the Code Enforcement Officer shall transmit to the board of appeals all of the papers constituting the record of the decision appealed from.

4. The board of appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

b. ***Decision by board of appeals****.*

1. A majority of the full voting membership of the board shall constitute a quorum for the purpose of deciding an appeal.

2. The person filing the appeal shall have the burden of proof.

3. The board shall decide all administrative appeals within thirty-five (35) days after the close of the last meeting of the hearing (the hearing may extend over several meetings), and shall issue a written decision on all appeals.

4. The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

(4) ***Appeals of Board of Appeals Decision****:* Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the board of appeals may take an appeal to superior court in accordance with Civil Rule 80 B forty-five (45) days from the date of any decision of the board of appeals.

(5) *Reconsideration.*
In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of

Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

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

(6) *Appeals of Planning Board Decision*: Any aggrieved party who participated as a party during the proceedings before the Planning Board may take an appeal to Superior Court in accordance with Civil Rule 80 B within forty-five (45) days of the Planning Board decision.

(h) ***Enforcement.***

(1) *Nuisances.* Any violation of this article shall be deemed to be a nuisance.

(2) *Code enforcement officer.*

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

b. The code enforcement officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The code enforcement officer shall also investigate all complaints of alleged violations of this article.

c. The code enforcement officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to

the Director of the Bureau of Land and Water Quality ~~Control~~ within the Department of Environmental Protection.

(3) ***Legal actions.*** When the above action does not result in the correction or abatement of the violation or nuisance condition, the municipal officers, upon notice from the code enforcement officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this article 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 article and recovering fines without court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

(4) ***Fines.*** Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this article shall be penalized in accordance with 30-A M.R.S.A., section 4452.

NOTE: Current penalties include fines of not less than $100 nor more than $2500 per violation for each day that the violation continues. However, in a resource protection district the maximum penalty is increased to $5000 (38 M.R.S.A. section 4452).

(Ord. No. 1-1993, 2-8-93; Ord. No. 6-2005, 10-11-05; Ord. 2-2009, 5-11-09)

Sec. 14-82. Definitions.

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

Aggrieved party. An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this article; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture. The production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green

house products. Agriculture does not include forest management and timber harvesting activities.

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

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

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

Commercial**:** Provisions for services on the premises, or the sale of goods to the general public on a regular basis for a charge or fee or rooms to let.
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.

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

Development. A change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

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

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

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

Essential services*.* 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 the use of more floor area or ground area devoted to a particular use.

Family. One (1) or more persons occupying a premise and living as a single housekeeping unit.

Floor area. The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, with five (5) feet 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 frost walls.

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

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

(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.

Functionally water-dependent uses. Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and which cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aides, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site, and uses which primarily provide general public access to marine or tidal waters.

Great pond*.* Any inland body of water which in a natural state has a surface area in excess of ten (10) acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this article, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

Great pond classified GPA*.* Any great pond classified GPA, pursuant to Title 38 M.R.S.A., Article 4-A, Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

Ground cover. Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Height of a structure*.* The vertical distance between the mean original 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.

Holding Tank**:** A closed, water-tight structure designed and used to receive and store waste water or septic tank effluent. A holding tank does not discharge waste water or septic tank effluent to surface or ground water or onto the surface of the ground. Holding Tanks are designed and constructed to facilitate ultimate disposal of waste water at another site.

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

Individual private campsite*.* An area of land which is not associated with a campground, but which is developed for repeated camping by only one (1) group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fire places, or tent platforms.

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

Local Plumbing Inspector: A person as defined in Title 30-A M.R.S.A., Section 4221 and Title 30-A M.R.S.A., Section 4451.

Lot area*.* The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two (2) lots.

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

facilities.

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

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.

Minimum lot width*.* The closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

Multi-unit residential*.* A residential structure containing three (3) or more residential dwelling units.

Native. Indigenous to the local forests

Non-conforming condition. Non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

Nonconforming lot*.* A single lot of record which, at the effective date of adoption or amendment of this article, does not meet the area, frontage, or width requirements of the district in which it is located.

Nonconforming structure*.* A structure which does not meet any one (1) 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 article or subsequent amendments took effect.

Nonconforming 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 article or subsequent amendments took effect.

Normal high-water line*.* That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

Person*.* An individual, corporation, governmental agency, municipality, trust, estate, partnership,

association, two (2) or more individuals having a joint or common interest, or other legal entity.

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

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

Principal structure*.* A building 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.

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

Recent floodplain soils*.* The following soil series as described and identified by the National Cooperative Soil Survey:

> Alluvial
>
> Charles
>
> Cornish
>
> 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 (1) or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

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

Residential dwelling uni*t.* A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one (1) family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented , ~~but not~~ Recreational vehicles are not residential dwelling units. .

Residual basal area. The average of the basal area of trees remaining on a harvested site.

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

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

Road. A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

Seasonal Conversion Permit: Written authorization issued by the Local Plumbing Inspector to allow the conversion of a seasonal dwelling unit located in a shoreland zone to a year-round use.

Service drop*.* Any utility line extension which does not cross or run beneath any portion of a water

body provided that:

(1) In the case of electric service:

a. The placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and

b. The total length of the extension is less than one thousand (1,000) feet.

(2) In the case of telephone service:

a. The extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or

b. The extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

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

Shore frontage*.* The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water elevation.

Shoreland zone*.* The land area located within two hundred fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river, within two hundred fifty (250) feet horizontal distance of the upland edge of a coastal or freshwater wetland; or within seventy-five (75) feet horizontal distance of the normal high-water line of a stream.

Skid Road or Skid Trail - a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

Slash - the residue, e.g., treetops and branches, left on the ground after a timber harvest.

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

Structure*.* Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such

as decks, patios and satellite dishes.

Substantial start. Completion of thirty (30) per cent 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) and holding tank(s) 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 M.R.S.A., Section 414, any surface wastewater disposal system licensed under Title 38 M.R.S.A., 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 M.R.S.A., Chapter 13, subchapter 1.

Sustained slope. A change in elevation where the referenced per cent grade is substantially maintained or exceeded throughout the measured area.

Timber harvesting. The cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 14-80 (p).

Timber harvesting and related activities - timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

Tributary stream. means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.
This definition does not include the term "stream" as defined elsewhere in this article, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Upland edge. The boundary between upland and wetland.
For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

Vegetation. All live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under four (4) inches in diameter, measured at four and one-half (4 1/2) feet above ground level.

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

***Waste Water*:** Any liquid waste containing animal or vegetable matter in suspension or solution, or the water-carried waste from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or other sources of water-carried wastes of human origin. This term specifically excludes industrial, hazardous, or toxic wastes and materials.

Water body*.* Any great pond, river or stream.

Water crossing*.* Any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Wetland*.* A freshwater wetland.

Wetlands associated with great ponds and rivers*.* Wetlands contiguous with or adjacent to a great pond or river, and which during normal high water are connected by surface water to the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

Woody Vegetation - live trees or woody, non-herbaceous shrubs

(Ord. No. 2-1995, 2-12-96; Ord. No. 7-1996, 10-21-96; Ord. 2-1997, 4-14-97; Ord. No. 7-2005, 10-11-05; Ord. No. 2-2009, 5-11-09)

Article 8- Regulating Commercial Displays of Nudity

Sec. 14-83. Regulating Commercial Displays of Nudity

(a) Findings:

1. The displays of nudity offered by such establishments and regulated by this article are a purely commercial activity, unrelated to free expression and the exchange of ideas.

2. Unlimited commercial exploitation of nudity can induce individuals to engage in prostitution, sexual assaults, breaches of the peace and other criminal activity.

3. Displays of nudity in commercial establishments tend to create a tawdry atmosphere which would adversely affect the quality of life of Winslow's residents.

4. Persons under the age of 18, by reason of their age and inexperience, are especially susceptible to prostitution and other criminal activity if employed by or allowed entrance as patrons of commercial establishments offering displays of nudity.

(b) Purpose:

In view of the foregoing legislative findings, for the purpose of protecting the public health, safety and morals, the Town Council of the Town of Winslow hereby adopts the following regulations of commercial nudity within the Town of Winslow.

(c) Definitions:

1. **Nudity:** The showing of the human male or female genitals, pubic area or the female breast below the top of the nipple or the depiction of covered male genitals in a discernibly turgid state.

2. **Sadomasochistic abuse:** Flagellation or torture by or upon a person clad in undergarments or a mask or bizarre costume or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

3. **Sexual Conduct:** Acts of sodomy, masturbation, homosexuality, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or female breast.

(d) Certificate of occupancy required.

No person operating a commercial establishment in the Town of Winslow shall allow displays of nudity on the premises of the establishment concerned without first obtaining a certificate of occupancy for that purpose from the Town's Code Enforcement Officer and Fire Chief. The application procedure and criteria for issuance of a certificate of occupancy shall be as provided in Chapter 14, Zoning; provided, however, that the following additional requirements shall apply to commercial establishments offering displays of nudity.

(1) The application for a certificate of occupancy under Chapter 14, § 14-25 shall state that the proposed use includes displays of nudity. The application shall describe the displays of nudity to be offered, including the intended frequency and times, and shall indicate the area of the premises where the displays of nudity shall take place.

(2) The application shall disclose the name and current residence address of all principals of the business concerned and shall disclose the name and current residence address of all persons holding a financial interest of 5% or more in the business concerned.

(3) Prior to granting a certificate of occupancy, the Code Enforcement Officer shall

forward the application to the Chief of Police for a criminal information background check on each of the persons named in the application. The Code Enforcement Officer shall deny the application if the applicant, any principal of the business concerned or any holder of a five-percent or greater financial interest in the business concerned has a record of conviction of prostitution, promoting prostitution or of a Class A, B, or C felony under Maine law, or equivalent offenses in other jurisdictions, during the ten-year period ending prior to the application date.

(e) Location and standards.

(1) No certificate of occupancy shall be granted for a commercial establishment offering displays of nudity, unless the premises concerned are located on the west side of US. Route 201 from the North line of property located on the Assessor's Tax Map 4 Lot 8 to the South line of property located on the Assessor's Tax Map 1 Lot 22 in the commercial zoning district and the premises concerned meet all district provisions and development standards contained in Chapter 14, Zoning, plus the following additional requirements:

(a) The premises concerned must not be located within 500 feet of any other such establishment for which a certificate of occupancy, previously issued, remains in force; any establishment licensed to sell alcohol for on-premises or off-premises consumption under M.R.S.A. 28-A § 601 et seq.; a church, chapel, parish house or other place of worship; or a public library, juvenile shelter, orphanage, public or private school grounds, licensed daycare, public playground or public park. The 500 feet measurement is straight line from the nearest property lines.

(b) The premises concerned must not be located within 500 feet of the nearest district boundary of any residential zoning district established under the provisions of Chapter 14, Zoning, of the Town of Winslow, as measured in a straight line from the premises to the boundary of the zoning district.

(2) No certificate of occupancy shall be issued for a commercial establishment displays of nudity unless the premises concerned include changing rooms and toilet facilities that are separated from any area of the premises to which the public will have access.

(3) No certificate of occupancy shall be issued for a commercial establishment offering displays of nudity if any portion of the premises concerned consists of residential apartments or units, whether or not occupied.

(4) The premises concerned, in addition, shall meet all applicable requirements of Chapter 14, International Building Code, and Life Safety Code, as amended.

(5) The subsequent establishment of an establishment licensed to sell alcohol, a public or private school grounds, a church, chapel, parish house or other place of worship, a public library, a juvenile shelter or orphanage, a playground or public park or the rezoning of any property to residential shall not affect the validity of a certificate of occupancy of a legally

existing commercial establishment offering displays of nudity. In the event of the subsequent establishment of any of the foregoing uses, the commercial establishment offering displays of nudity shall be treated as any other use permitted in the zoning district.

(f) Conduct.

(1) No person under the age of 18 years shall be employed in any capacity upon the premises of a commercial establishment that offers displays of nudity. The operator of each such establishment shall be responsible for verifying the age of each employee through photographic identification, including hourly employees, salaried employees and all persons working on the premises for tips, commissions or as independent contractors, contract dancers or contract performers.

(a) Each employer shall maintain records showing the name and date of birth for each employee, including a copy of the photographic identification used to verify age. Prior to any employee's beginning employment, the operator shall bring the records to the Winslow Police Department to verify the age of the prospective employee. These records must be maintained by the employer until six months after the employee ceases to work for the employer. These records are also subject to review by the Winslow police on the business premises during normal operating hours.

(b) In the event that the Winslow police reasonably suspect that any employee listed in the records is under the age of 18 years, the Winslow police may copy the record for investigatory purposes. Any record or information so obtained, and any subsequent information developed there from, is declared to be "intelligence and investigative information" under 16 M.R.S.A. § 611, Subsection 8, the Criminal History Record Information Statute, which, if publicly disclosed, would endanger the life or safety of the individuals named therein. Record information may be disclosed to the person named therein, notwithstanding this declaration.

(2) No person under the age of 18 years shall be admitted to any commercial establishment offering displays of nudity, as a customer or patron. The operator of each such establishment shall be responsible for verifying the age of each person entering the premises, through photographic identification.

(3) No alcoholic beverages shall be sold, served or given away on the premises of any commercial establishment offering displays of nudity, whether for on-premises or off-premises consumption. Operators of any such establishment shall not allow customers or patrons to bring or consume alcoholic beverages on the premises.

(4) There shall be no physical contact on the premises between patrons and those displaying nudity. For the purposes of this subsection, physical contact does not include incidental touching between someone displaying nudity and a patron of a business or social nature, i.e., a handshake or the brief contact that occurs while a patron is giving a tip. In no case shall incidental contact be deemed to include contact barred by the state statutes regarding unlawful sexual contact.

(5) No one who removes any garments during displays of nudity shall toss or throw those garments to any customer or patron.

(6) No one displaying nudity shall engage in any sadomasochistic abuse or sexual conduct.

(7) Displays of nudity in a commercial establishment shall not include any showing of the male or female genitals, pubic area, perineum or anus of any person with less than a fully opaque covering.

(8) There shall be no displays of nudity after the hour of 1:00 a.m. All premises offering displays of nudity shall be closed and cleared of customers and patrons between the hours of 1:15 a.m. and 6:00 a.m. Mondays through Saturdays and 9:00 a.m. Sundays.

(9) No display of nudity shall be visible from any public property or other private property.

(g) Violations and penalties.

(1) Any violation of this article by the owner, lessee, licensee, permittee or operator of a premises shall constitute a land use violation and shall be subject to prosecution and penalties as provided in 30-A M.R.S.A. § 4452 and Chapter 14 Section 14-13, provided that the minimum fine for any violation by such persons shall be $500 for each offense, none of which may be suspended. In addition, the Code Enforcement officer may suspend or revoke the certificate of occupancy for any establishment offering displays of nudity in violation of this article, or in violation of conditions contained in the certificate of occupancy. Suspension or revocation of a certificate of occupancy shall be subject to administrative appeal as provided in Chapter 14, Section 14-14 Right of Appeal.

(2) Any violation of this article by a person other than the owner, lessee, licensee, permittee or operator of a premise shall be punished by a fine of not less than $500 for the first offense, and not less than $1,000 for the second and subsequent offenses, none of which may be suspended.

(3) Any violator shall be responsible for the Town's reasonable attorney's fees in prosecution of a violation.

(4) Each day a violation continues shall be a separate offense.

(h) Existing establishments.

(1) Within 30 days after the effective date of this article, all existing establishments wishing to offer displays of nudity at their existing location shall apply for a new certificate of occupancy as provided in § 14-83 (b) .

(i) Theatrical productions.

(1) The application and location restrictions of § 14-83 (c) above shall not apply to theaters, dinner theaters, licensed movie theaters or similar establishments which are primarily devoted to theatrical performances or the presentation of movies, provided that any displays of live nudity within such theaters, dinner theaters, licensed movie theaters or similar establishments shall be limited to occasional nudity by bona fide stage actors during the course of theatrical performances; provided also that the provisions of §§ 14-83 (d), (4)through (8) shall apply.

(Ord. No. 2-2010, 6-14-10)

ARTICLE 9 – PROPERTY MAINTENANCE

Sec. 14-84 Vacant Buildings

(a) Purpose

1. Vacant or abandoned properties, particularly residential properties, create and pose significant and costly problems for the Town. These properties often become a drain on the Town budget and detract from the quality of life of the neighborhood and the Town as a whole. Vacant buildings are an impediment to neighborhood redevelopment and rehabilitation, decrease property values, and prevent neighborhood stabilization. These structures are unsightly, often structurally unsound or otherwise dangerous, attract criminal activity, and otherwise create a threat to public health, safety, and welfare of neighboring properties and the general public.

2. A significant obstacle in providing effective and prompt enforcement of the current Town Codes, as they relate to vacant buildings, is the inability to contact the owners of abandoned properties. These buildings are often also the subject of foreclosure actions by lien holders, which take considerable time to resolve.

3. Certain categories of vacant properties, such as homes of “snowbirds” or members of the armed forces on active duty deployment, are less likely to cause problems and accompanying Town costs.

4. The purpose of this ordinance is to provide a just, equitable and practicable method for Identifying, managing and responding to the numerous issues associated with vacant buildings. This ordinance is intended to prevent or mitigate dangers to health, safety and welfare, promote responsible management, provide a safe neighborhood for residents, safeguard property values, expedite housing repairs, and provide for prompt contact with owners or managers by Police, Fire, and Code enforcement when issues or emergencies develop.

(b) Applicability

1. This ordinance applies to all vacant buildings located within the Town of Winslow.

2. Notwithstanding subsection (c), (d), and (e) of this ordinance do not apply to primary residences of members of the armed forces on active duty, vacation or resort facilities, or residences of persons on extended vacations or alternative living arrangements with the intention to return to the property and live (e.g."snowbirds"). Owners of vacant buildings qualifying under one of these exemptions are required to provide the Town with a valid emergency contact number for the owner.

(c) Registration required.

1. The owner of a vacant building must obtain a vacant building registration permit for the period during which it is vacant.

2. When a building or structure becomes vacant, the owner of the building must apply b building becoming vacant.

3. Standard vacant building registration permit.

a. The Code Enforcement Officer shall issue a standard vacant building registration permit upon being satisfied the building has been inspected and is in compliance with the vacant building maintenance standards set forth in this article, and is adequately protected from intrusion by trespassers and from deterioration by the weather.

b. A standard vacant building registration permit is valid for one year from the date of approval.

4. Interim vacant building inspection permit.

a. If a vacant building is inspected and determined not to meet one or more of the maintenance standards listed in section (f), the Code Enforcement Officer shall issue an order for any work needed to:

Adequately protect the building from intrusion by trespassers and from deterioration by weather by bringing it into compliance with the vacant building maintenance standards set for in this article; and Ensure that allowing the building to remain will not be detrimental to the public health, safety and welfare, will not unreasonably interfere with the reasonable and lawful use and enjoyment of other premises within the neighborhood, and will not pose an extraordinary hazard to police officers or firefighters entering the premises in times of emergency.

b. When issuing orders under subsection section 4 (a), the Code Enforcement Officer

shall specify the time for completion of the work. The order will act as an interim vacant building registration permit, the duration of which will be for the time set forth in the order. No interim registration permit may be effective for a period of more than ninety (90) days.

c. All work done pursuant to this article must be done in compliance with the applicable building, fire prevention, life safety and zoning codes.

5. After the vacant building registration permit is issued, a placard provided by the Code Enforcement Officer shall be posted on the property by the owner or their agent or property manager. This placard shall be posted on the front door and shall include, but not be limited to, the name, address and phone number of the owner or their agent, and the 24 hour a day contact information of the property management company.

6. Upon the expiration of a vacant building registration permit, if the building or structure is still vacant, the owner must arrange for an inspection of the building and premises with the appropriate code enforcement, police and fire officials, and renew the permit within ten (10) days of expiration. All permit renewals shall be subject to all conditions and obligations imposed by this ordinance and any previous permits unless expressly exempted therefrom.

(d) Permit Application

1. Application by the owner of a vacant building or structure for a vacant building registration permit must be made on a form provided by the Code Enforcement Officer. Applicants must disclose all measures to be taken to ensure that the building will be kept weather-tight and secure from trespassers, safe for entry of police officers and firefighters in times of exigent circumstances or emergency, and together with its premises be free from nuisance and in good order in conformance with vacant building maintenance standards, and other codes adopted by the Town of Winslow.

2. The application shall include a “statement of Intent.” The statement of intent shall include information as to the expected period of vacancy (including the date of vacancy), the plan for regular maintenance during the vacancy to comply with the maintenance safety requirements of this subsection, and a plan and timeline for the lawful occupancy, rehabilitation, or removal or demolition of the structure.

3. The application shall include a list of persons authorized to be present in the building, along with a statement that any persons not listed shall be considered trespassers. The owner shall update the authorized person list as needed.

4. Contact Information. The application shall include the following:

a. The name, street address, telephone number, and email address of a designated individual designated by the owner or owners of the vacant building as their authorized agent for receiving notices of code violations and for receiving process in

any court proceeding or administrative enforcement proceeding in connection with the enforcement of this Code regarding the vacant building.

b. The name of at least one property manager responsible for management and maintenance of the property, along with their 24 hour a day contact information.

c. The name on any bank/lender/lien holder with an interest in the property and their contact information, including the mailing address of the bank/lender/lien holder.

5. A fee of $250.00 or the cost of all materials, staff time, and other expenses of the Town related to administering and enforcing this Article, whichever is greater, shall be charged for a vacant building registration permit or interim permit. This fee shall also be charged upon the renewal of such permits. The fee must be paid at the time of application or renewal. No permit shall be issued prior to payment of the permit or renewal fee. If an owner has secured all the duly required permits to demolish the building or structure, no fee is required if the building or structure is in fact demolished within 180 days of becoming vacant; should this 180 day period expire, the fee becomes due immediately.

(e) Inspection

1. Upon and at the time of application, the owner of a vacant building or structure shall arrange for an inspection of the premises by the Code Enforcement Officer. The purpose of such inspections is to determine and ensure compliance with vacant building maintenance standards. The Code Enforcement Officer may bring on the inspection such other government officials as it deems prudent to ensure compliance with standards and the safety of the building and the Winslow Code Book, including but not limited to police and fire officials.

2. If Code officials have reason to believe that an emergency or imminent danger exists tending to create an immediate danger to the health, welfare, or safety of the general public, Code, police and fire officials have the authority to enter and inspect the vacant building and premises upon which it stands without notification or warrant being required.

(f) Maintenance standards

1. An owner of a vacant building must adequately protect it from intrusion by trespassers and from deterioration by the weather. A vacant building shall be deemed adequately protected from intrusion by trespassers and from deterioration by the weather if it satisfies the following vacant building maintenance standards.

a. Building openings. Doors, windows, areaways and other openings must be weather-tight and secured against entry by birds, vermin and trespassers. Missing or broken doors, windows and other such openings must be covered by glass or other rigid transparent materials which are weather protected and tightly fitted and secured to the opening.

b. Roofs. The roof and flashings shall be sound and tight, admit no moisture and have no defects which might admit moisture, rain or roof drainage, and allow for drainage to prevent dampness or deterioration in the interior walls or interior of the building.

c. Drainage. The building storm drainage system shall be functional and installed in an approved manner, and allow discharge in an approved manner.

d. Building structure and sanitation. The building shall be maintained in good repair, structurally sound and free from debris, rubbish and garbage, including but not limited to any combustible waste and refuse. The building shall be sanitary. The building shall not pose a threat to the public health and safety.

e. Structural members. The structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.

f. Foundation walls. The foundation walls shall be structurally sound and in a sanitary condition so as not to pose a threat to public health and safety, shall be capable of supporting the load which normal use may cause to be placed thereon, and shall be free from open cracks and breaks, free from leaks, and animal and rat-proof.

g. Exterior walls. The exterior walls shall be free of holes, breaks, and loose or rotting materials. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

h. Decorative features. The cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be safe, anchored, and in good repair. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

i. Overhanging extensions. All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar features shall be in good repair, anchored, safe and sound.
Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application or weather-coating materials, such as paint or similar surface treatment.

j. Chimneys and towers. Chimneys, cooling towers smokestacks, and similar appurtenances shall be structurally safe and in good repair. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

k. Walkways. Walkways shall be safe for pedestrian travel.

l. Accessory and appurtenant structures. Accessory and appurtenant structures such as garages, sheds, and fences shall be free from safety, health, and fire hazards and shall comply with these vacant building maintenance standards.

m. Premises. The premises upon which the structure or building is located shall be clean, safe, and sanitary, free from waste, rubbish, debris or excessive vegetation, and shall not pose a threat to the public health or safety.

n. The owner of a vacant building or structure must comply with all building, fire, life safety, zoning and other applicable codes or ordinances and must apply for any building, fire prevention, and zoning permits necessary to perform work required by this Article.

(g) Definitions

If a term is not defined in this article or the land use ordinance, it shall have its customary dictionary meaning.

For the purpose of interpreting this chapter, the following terms, phrases, works and their derivations shall have following meanings:

OWNER:
Any person, agent, firm, corporation or other legal entity having a legal or equitable interest in a vacant building, including but not limited to a mortgage in possession, the beneficiary of a trust, or the holder of a life estate.

PROPERTY MANAGER:
A Maine-based entity, corporation, or individual or the designee of the owner that is responsible for maintaining, securing, and inspecting vacant buildings.

VACANT BUILDING
Any building or other structure that is unoccupied by a person or occupied by unauthorized persons for one hundred eighty (180) days, excepting permitted garages or accessory buildings.

(h) Penalties.

Any person who is found to be in violation of any provision or requirement of this ordinance shall be subject to a civil penalty as set forth in 30-A M.R.S.A ss 4452. Each violation of a separate provision or requirement, and each day of violation, shall constitute a separate offense.

Article 10 – Definitions

Sec. 14-85 Definitions

As used in this chapter:

Accessory Solar Energy Systems (ASES). An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power: (a) primarily; or (b) solely for on-site use. An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted, solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels. ASES's generally occupy 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of less than 10 kW DC). ASES only require an electrical permit.

Accessory use or structure. Use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Addition. An extension or increase in floor area or height of a building or structure.

Agriculture. The production of plant and livestock products and the keeping and maintenance of Livestock for personal use, sale or lease. Plant production includes, but is not limited to, forages, grains, seeds, fruits, vegetables, ornamentals and/or greenhouse plants. The keeping and maintenance of livestock includes, but is not limited to, the keeping of dairy and ruminant animals (cows, beef, sheep, goats, alpacas, llamas); poultry (chickens, turkeys, ducks); and horses. The keeping and maintenance of livestock is limited to lots two or more acres in size. Agriculture does not include forest management and timber harvesting activities.

Alteration. As applied to a building or structure, means a change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

Area. The area included within surrounding exterior walls (or exterior walls and fire walls) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if included within the horizontal projection of the roof or floor area.

Arterial Street .A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways, and parkways.

Automobile Junk Yard, Automobile Graveyard, Salvage Yard. A yard, field or other place of storage for the following items:

a. Three or more unserviceable, discarded, worn-out, or junked motor vehicles as defined by State Law, not including temporary storage, as defined by State Law, by an establishment or place of business engaged primarily in doing auto repair work for the purposes of rendering a motor vehicle serviceable;

b. Discarded, worn-out, or junk plumbing, heating supplies, household appliances, and furniture;

c. Discarded, scrap, junked lumber;

d. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste, and all scrap iron, steel, and other scrap ferrous or non-ferrous material.

Automobile Service and Repair. A business establishment engaged in general repair, engine rebuilding, parts replacement, muffler replacement, oil and lube service, brake service, auto glass, body repair, auto painting, car washing, undercoating, motorcycle repair, recreational vehicle repair such as snowmobiles, ATV's boat engines, and small engine repair such as lawn mowers and similar lawn and garden equipment.

Basement. That portion of any structure located partly below the average adjoining lot grade.

Bed and Breakfast . A house, or portion thereof, where short term lodging rooms and meals are provided. The operator of the bed and breakfast shall live on the premises or in adjacent premises.

Billboard. Either freestanding or attached to a building or the wall of a building, the surface of which is available for hire of advertising purposes.

Boarding and Rooming House. Any residential structure where lodging or lodging and meals are provided for compensation for a period of at least 2 weeks, and where a family residing in the building acts as proprietor or owner. There is no provision for cooking in any individual room.

Building. Any three-dimensional enclosure, of any building materials, of any space, for any use or occupancy. Building includes the word structure unless the context unequivocally indicates otherwise.

Building Height. Vertical measurement from a point on the ground at the mean finish grade adjoining the foundation as calculated by averaging the highest and lowest finished grade around the building or structure, to the highest point of the building or structure. The highest point shall exclude farm buildings components, flagpoles, chimneys, ventilators, skylights, domes, water towers, bell towers, church spires, tanks, or other building accessory features usually erected at a height greater than the main roofs of a building, provided such accessory features are not for human habitation. Maximum building height provisions in this Ordinance shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

Building Site. The area occupied by a building or structure, including yards and courts required for light and ventilation, and such areas that are prescribed for access to the street.

Building Width. The horizontal distance between the outer edges of the living area of the building as measured in a straight line parallel to the lot frontage.

Bulk Oil/Fuel Storage. Structures, buildings, and fuel storage facilities designed for the storage of oil and gas for re-sale to retail fuel distributors.

Camp Site. A place designated to be used for a tent, trailer or recreational vehicle in a campground.

Campground. Land upon which one or more tents, trailers or recreational vehicles are placed for temporary family recreational use on sites arranged specifically for that purpose. Campgrounds include tenting grounds, and trailer and recreational vehicle park sites.

Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums, and mortuaries when

operated in conjunction with and within the boundaries of such cemetery.

Certificate of use or occupancy. The certificate issued by the Code Enforcement Officer which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the building in its several parts together with any special stipulations or conditions of the building permit.

Change of use. An alteration by change of use in a building heretofore existing to a new use group that imposes other special provisions of law governing building construction, equipment or means of egress.

Chemical Manufacturing and Storage. A facility designed and used for the manufacturing and/or storage of hazardous materials and chemicals as defined in Title 37-B, M.R.S.A. Section 791.

Child Care Center. A private establishment providing day care for 8 or more children under the age of 16 which charges for the care of the children and holds all legally required licenses and approvals.

Child Care Home. A private home providing day care for less than 8 children under the age of 16 which charges for the care of children and which holds all legally required licenses and approvals.

Church. A place of religious worship.

Commercial Greenhouse. The structures and land used to raise trees, shrubs, flowers, and other plants for sale or for transplanting which may also include associated retail or wholesale sales structures.

Community Center. A place, structure, area or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

Companion Animal. "Companion animal" means a cat or dog.

Companion Animal Care Center. A residence where one cares for companion animals for an owner, between the hours of 5:00 AM and 9:00 PM in one's home (dwelling unit) or in a building or other structure accessory to one's home (dwelling unit) as one would his/her own companion animal. Keeping companion animals outside during the period from 6:01 PM and 5:59 AM shall be prohibited.

Congregate Housing. A type of dwelling consisting of private living quarters and that provides shared community space and shared dining facilities and might also provide its residents with housekeeping services, personal care and assistance, transportation assistance, recreational activities and/or specialized services such as medical support.

Convenience Store. A retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase only a relatively few items. (“in contrast to a supermarket") It shall not include retail fuel sales.

Corner Lot. A lot abutting 2 or more streets at their intersections provided that the corner of such intersection shall have an angle of 135 degrees or less measured on the lot side.

Dwelling. A building or portion thereof used exclusively for residential occupancy, including one-family, two-family, and multi-family dwellings; not including hotels, motels, lodging houses or boarding homes. Dwelling includes the word "residence".

Dwelling Multi-family. A residence designed for or occupied by 3 or more families with separate housekeeping and cooking facilities for each.

Dwelling Two-family. A residence designed for or occupied by 2 families only, with separate housekeeping and cooking facilities for each.

Dwelling Unit. A room or suite of rooms used by one family as a habitation which is separate from other rooms or suites of rooms and which contains cooking facilities.

Efficiency. A dwelling unit consisting of one principal room with no separate sleeping room.

Essential Services. Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure, and electric power transmission or distribution lines, and related equipment. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewers, storm water drains and accessories thereto such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

Family. Any number of persons related by blood, adoption, or marriage, or not to exceed 4 persons not so related living together in one dwelling as a single housekeeping entity.

Farm Stand .A booth, stall or building located on a farm from which produce and farm products are sold to the general public.

Farmer Market. A public or private entity for farmers to provide a building or open area in which stalls or sales areas are set aside or rented and which are intended for use by its members to sell produce and farm products.

Floor Area Net. For the purpose of determining the number of persons for whom exits are provided, net floor area shall be the actual occupied area, not including accessory unoccupied areas or thickness of walls.

Forestry. Timber management and other forest evaluation or management planning activities, cruising, pesticide or fertilizer application, pruning and other stand improvement, timber harvesting, regeneration of forest stands, and other similar associated activities.

Frontage. The length of a lot bordering on a public or private street, road or right-of-way shall mean the length in a straight line measured between the intersections of the side lot lines.

Funeral Home. A building or part thereof used for human funeral services. Such building may contain space and facilities for the following: embalming and the performance of other services used in the preparation of the dead for burial; the performance of autopsies and other surgical procedures; the storage of caskets, funeral urns, and other related funeral supplies; and the storage of funeral vehicles but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

Garage, Private. Any garage for 4 or less passenger motor vehicles without provision for repairing or servicing such vehicles for profit.

Golf Course. A tract of land for playing golf, improved with tees, greens, fairways, and hazards, and which may include clubhouses and shelters.

Government Buildings. Any structure or building necessary for the administrative and service functions of state and federal government. This does not include utilities which are defined in this section.

Grade. A reference plane representing the average finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plan shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.

Habitable Space. Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet, compartments, closets, halls, storage or utility spaces and similar areas are not considered habitable space.

Heavy industrial. Industrial activity which involves the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or activity involving the storage of, or manufacturing processes using flammable or explosive processes that potentially involve hazardous or commonly recognized offensive conditions. Heavy industrial uses shall include steel fabrication, and paper production.

Height, ***Court*****.** The vertical distance from the lowest level of the court to the mean height of the top of the enclosing walls.

Height, Story. The vertical distance from top to top of 2 successive tiers of beams or finished

floor surfaces; and, the topmost story, from the top of the floor finish to the top of the ceiling joist, or, when there is not a ceiling, to the top of the roof rafters.

Height, Wall. The vertical distance from the foundation wall or other immediate support of such wall to the top of the wall.

Historic and Archeological Sites.
Characteristics: any site, building, group of buildings, structure or object may be designated for preservation as a historic property, landmark or district if it meets one or more of the criteria established for inclusion in the National Register of Historic Places, which are as follows:

The quality of significance in American history, architecture, archeology, engineering and culture on the local, state and national levels is present in district, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

a. That are associated with events that have made a significant contribution to the broad patterns of our history or;

b. Are associated with the lives of persons significant in our past or;

c. That embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction or;

d. That have yielded, or may be likely to yield information important in prehistory or history.

Ordinarily, cemeteries, birthplaces, or graves of historic figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of a district that do not meet the criteria or if they fall within the following categories:

(a) A religious property deriving primary significance from architectural artistic distinction of historic importance or;
(b) A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event or;
(c) A birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with productive life or;
(d) A cemetery that derives its primary significance from graves of persons of

transcendent importance, from age, from distinctive design features or from association with historic events or;

(e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived or;

(f) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance or;

(g) A property achieving significance within the past 50 years if it is of exceptional importance.

Home Occupation. An occupation or profession which is carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; carried on by a member of the family permanently residing in the dwelling unit; clearly incidental and secondary to the use of the dwelling unit for residential purposes; and which does not change the essential residential character of the dwelling unit or neighborhood.

Home Occupation Minor. A type of home occupation that has a low impact on the residential character of a dwelling and neighborhood and conforms to specific performance standards contained in this Chapter.

Hospital. An institution providing health care services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities and staff offices that are an integral part of the facilities.

Hotel/Motel. A building in which lodging or meals and lodging are offered to the general public for compensation on a short term basis. The use may include such accessory services and facilities as newsstands, personal grooming facilities, restaurants, and recreational facilities.

Indoor Recreation. A recreation facility designed and equipped for the conduct of sports, leisure time activities, performances and other customary recreation activities which take place indoors. Activities include but are not limited to amusement arcades, gyms, health clubs, theaters, and bowling alleys. Restaurants that are incidental to the primary recreational use of the structure are also allowed.

Jurisdiction. The governmental unit which has adopted this code under due legislative authority.

Kennel. An establishment, other than a Companion Animal Care center housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

Laboratories. A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale or products, except as incidental to the main purpose of the laboratory.

Large Scale Principal Solar Energy Systems (LSPSES). LSPSES generally occupy more than 19,500 square feet of surface area (equivalent to a rated nameplate capacity of more than 250 kW DC).

Light Manufacturing. A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Living Area. The total living area bounded by the exterior walls of a building at the front levels, but not including unfinished basements, utility rooms, garages, porches, breezeways, and unfinished attics.

Loading Area. A completely off-street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to a public street or alley.

Lot. A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open space as are herein required. The word lot includes the words "plot" or "parcel".

Lot Width. The width of a parcel of land measured at the street right-of-way equal to the specified street yard distance. The lot width shall not include any part of the lot for which a right-of-way has been granted which denies to the owner the right of exclusive use of the ground surface of such right-of-way for pedestrian or motor vehicle use or otherwise, or which interest in such right-of-way the owner has transferred to another, either fully or partially.

Medium Scale Principal Solar Energy Systems (MSPSES). MSPSES generally occupy 19,500 square feet or less of surface area (equivalent to a rated nameplate capacity of between 10 to 250 kW DC).

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

Minor Repairs. Application or notice to the Code Enforcement Officer is not required for ordinary repairs to structures, but such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit requirements, nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas soil, waste, vent or similar piping, electric wiring or mechanical work or other work affecting public health or general safety.

Minor Structure. Any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, arbors, and walls and fences under 6 feet in height.

Mobile Home. A structure transportable in one or more sections, that in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and that are built on a permanent chassis and to be used as a dwelling, with permanent foundations, with tie-downs, when connected to the required utilities including the plumbing, heating, air conditioning, or electrical systems contained in the unit. The structure complies with the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70. Units constructed after June 15, 1976 are deemed to meet these standards. Units constructed prior to June 15, 1976 shall be modified or renovated as necessary in order to comply with these standards.

Mobile Home Park. Mobile Home Park means a parcel of land under unified ownership approved by the municipality for the placement of 3 or more mobile homes.

Municipal Facility. Any land, building, or structure necessary for the administration and service function of the Town of Winslow.

Nightclub. A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing or other entertainment may be provided.

Non-Conforming Lot. A lot which does not meet the requirements of this chapter.

Non-Conforming Uses or Structures. Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this chapter or amendments thereto which does not conform to the regulations of this chapter or amendments thereto. Any such structure conforming in respect to the use but not in respect to frontage, width, height area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

Normal Repairs. Usual or regular maintenance of decayed or damaged property such as: window frame replacement, siding replacement, roofing, re-shingling, etc.

Nursing Home. Any dwelling in which 3 or more aged, chronically ill, or incurable persons are housed and furnished with meals and nursing care for compensation.

Occupancy. The purpose for which a building, or part thereof, is used or intended to be used.

Occupied. As applied to a building, shall be construed as though followed by the words " or intended, arranged or designed to be occupied".

Outdoor Recreation. A commercial recreation facility designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities which take place predominately in the outdoors. Activities include, but are not limited to, golf driving ranges, miniature golf, amusement parks, and swimming pools. This includes any accessory

structures such as rest rooms, storage, and other buildings necessary to operate the facility.

Owner. Any person, agent, firm, or corporation having a legal or equity interest in the property.

Parking Lot. An area or structure where the parking of motor vehicles, trucks, and trailers is the primary use.

Parking Space, Off-Road. An off-street parking space comprises not less than 180 square feet of parking stall plus maneuvering space. Space for maneuvering incidental to parking or un-parking shall not encroach upon any public way. Every off-street parking space shall be accessible from a public way.

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

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

***Permanent Outside Storage*.** The presence of any item of personal property outside of a building more than thirty days after being placed there. The time limitation also applies to items of personal property such as gravel piles or building materials that are removed and then replaced with similar items. The term does not include motor vehicles with current registration and inspection, equipment upon which payment of excise tax is current or items taxed as personal property.

Permit. An official document or certificate issued by the Code Enforcement Officer which authorizes performance of a specified activity.

Person. Includes a corporation or co-partnership as well as individual.

Pharmaceutical. A building or group of buildings used for the manufacture of drugs or medicine and which may also include laboratories.

Piers. Docks, Wharves, Breakwaters. Causeways, Marinas, Bridges over 20 feet in Length and uses projecting into water bodies.

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

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

Posted Use and Occupancy. The posted classification of a building in respect to use, fire grading, floor load and occupant load.

Principal Solar Energy Systems (PSES). An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted, solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers; substations; electrical infrastructure; transmission lines and other appurtenant structures.

Principal Building. The building occupied by the chief use or principal use on the premises.

Printing. A use that provides duplicating services using digital equipment, photocopy, blueprint, and offset printing equipment directly to business and commercial customers and does not include retail sales. Retail printing and photocopy services provided directly to the consumer shall be considered as a service store and business.

Professional Engineer or Surveyor. An individual technically and legally qualified to practice the profession of engineering or surveying.

Professional Office. The place of business of doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate, insurance, doctors, psychiatrists, counselors, engineers and the like, or in which a business conducts its administrative, financial or clerical operations including banks and other financial services and consists of less than 2,000 square feet of floor area.

Professional Office Complex. The place of business of doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate, insurance, doctors, psychiatrists, counselors, engineers and the like, or in which a business conducts its administrative, financial or clerical operations including banks and other financial services and consists of more than 2,000 square feet of floor area.

Public Way. Any street, alley or other parcel of land open to the outside air leading to Public Street; deeded, dedicated, or otherwise permanently appropriated to the public for public use and having a clear width of not less than 10 feet.

Radio and Communication Tower. A structure on which commercial transmitting and/or receiving antenna are located.

Rear yard. A yard extending across the lot width which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. The yard shall be opposite the street yard or one of the street yards on a corner lot. All construction, structures and uses of land including all accessory uses and structures except minor structures, must comply with all yard requirements, including all street, rear and side yard requirements of each zoning district.

Recycling Center. A facility/building where recyclable solid waste material, including tires, are brought for processing (sorting, bailing, densifying, etc.) in return for sale or disposition to a broker or company that will further process the material into a reusable product. Note: A recycling facility does not include a junk yard for automobiles or a composting operation, but it may include a bottle redemption and can redemption center.

Redemption Center. A facility where persons may return bottles and cans or other such containers as identified in the 'Maine Bottle Bill" and for which a deposit on the container may be redeemed in exchange for delivery of the containers. A redemption center may be operated in conjunction with other retail activities.

Re-Use of Agricultural Structures. The use of existing agricultural structures such as barns, dairy barns, chicken barns and other similar structures for low intensity light manufacturing or warehousing.

Repair. The reconstruction or renewal of any part of an existing building for the purposes of its maintenance.
Restaurant. An establishment where food and drink are prepared and served to the public for consumption and compensation. The facility is designed primarily for the consumption of meals on the premises.

Restaurant, Fast Food. A business involving the preparation and serving of meals for consumption on the premises or off the premises, normally requiring short amounts of time between the period of ordering and serving of the meal which is served in edible or disposable containers. Drive-in service is usually but not always offered for the public.

Retail. The sale to the ultimate consumer for direst consumption and not for resale.

Retail Fuel Sales. The buildings, structures and appurtenances, including fuel storage and delivery systems, required for the retail sale of petroleum products, including propane, gasoline and diesel fuel, directly to the consumer; in addition, food and convenience items may be stocked for retail sale.

Retail Store. A retail and/or service store or business that consists of more than 2,000 square feet of floor area.

Road. A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other material constructed for or created by the repeated passage of motorized vehicles.

Road Yard. A clear unoccupied space on the same lot with a building, extending across the entire width of the lot and situated between the front line of the building and the front line of the lot.

Roof. The roof slab or deck with its supporting members, not including vertical supports.

School, Public and Private. Primary and secondary schools or parochial schools, which satisfy either of the following requirements: the school is not operated for profit or as a gainful business; or the school teaches courses of study which are sufficient to qualify attendance in compliance with State Compulsory Education Requirements.

School, Commercial. An institution for education or instruction that does not comply with the definition as a Public and Private School and may include but is not limited to the following: post secondary, dancing, music, driving, business, and correspondence.

Seasonal Use. The occupation of a lot or dwelling for residential purposes only during any time between April 1 and December 1.

Service Store and Business. A commercial use in which the principal source of income is the provision of labor for compensation. The term shall include professional as well as contracted services and shall include, but is not limited to, the following: barbershop, beauty salon, repair, film processing, and printing. The term does not include automobile service and repair, truck and heavy equipment repair, and vehicle sales.
Side yard. A yard lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard.

Sign. Any object, device, fixture, placard, display, or structure, or part thereof, that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Small Store. A retail and/or service store or business consisting of less than 2,000 square feet of floor space but not including retail fuel sales and restaurants.

Solar Energy. Radiant energy (direct, diffuse and/or reflective) received from the sun.

Solar Energy System. A solar photovoltaic cell, module, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

(a) ***Solar Array***. A grouping of multiple solar modules with the purpose of harvesting solar energy.

(b) ***Solar Cell***. The smallest basic solar electric device which generates electricity when exposed to light.
(c) ***Solar Module***. A grouping of solar cells with the purpose of harvesting solar energy.
SOLAR RELATED EQUIPMENT: Items including a solar photovoltaic cell, module, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used or intended to be used for collection of solar energy.

Solar Related Equipment. Items including a solar photovoltaic cell, module, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used or intended to be used for collection of solar energy.

Street. The full width of the right-of-way of a public way or private way open to travel by the general public, or a way shown on a plan of subdivision duly approved by the Planning Board.

Street yard. A clear unoccupied space on the same lot with a building, extending across the entire width of the lot and situated between the front line of the building and the front line of the lot.

Structural Alterations. Any change in the supporting members of a structure such as foundations, bearing walls, columns, beams, or girders.

Structure. Anything built or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind. Structures include buildings, platforms, decks, mobile homes, billboards, carports, garages, swimming pools, and piers. The term structures also includes anything constructed or erected and having an ascertainable stationary location with a fixed location on or in the ground or water. The term also includes walls, fences over 6 feet in height, and dish-type satellite antennas.

Subdivision. The term "subdivision" shall be subject to the statutory definition contained in Title 30-A, M.R.S.A. Section 4401 et. seq.

Timber Harvesting. The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing the land for approved construction. Timber harvesting does not include forest management activities such as timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, regeneration of forest stands, and other similar associated activities.

Tires. A ring or band of rubber, either solid or hollow and inflated, for placing over the rim of a wheel to provide traction, resistance to wear etc.

Truck and Heavy Equipment, Repair, Sales and Service. A business establishment engaged in the sale, repair, or storage of commercial trucks, construction equipment, and/or other industrial vehicles and equipment.

Used or Occupied. Includes the words intended, designed or arranged to be used or occupied.

Utilities. Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power, cable television and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, commercial microwave radio relays, and gas regulation stations, including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

Variance. A relaxation of the terms of this chapter where such variances shall not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Chapter would result in unnecessary and undue hardship. A variance is authorized only for height, area and the size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining district. See section 14-22.

Vehicle Sales. A business establishment engaged in the sales of automobiles, boats, recreational vehicles, and mobile and/or manufactured homes which are stored on the premise for sale.

Veterinary Clinic. A facility where animals or pets are given medical or surgical treatment and the boarding of animals is short term and incidental to the medical care.

Warehouse. The storage, deposit or stocking of goods and materials, but excluding retail or wholesale sales on the premises.

Writing. The term shall be construed to include handwriting, typewriting, printing, photo offset, or any other form of reproduction in legible symbols or characters.

Written Notice. A notification in writing delivered in person to the individual or parties intended; or delivered at, or sent by certified or registered mail to the last residential or business address of legal record.

Yard. An open space on the same lot with a structure, unoccupied and unobstructed from the ground except for vegetation. The street and rear yards extend the lot width. All construction, structures and uses of land, including all accessory uses and structures except minor structures, must comply with all yard requirements, including all street, rear and side yard requirements for each zoning district.

Yard Sale. All general sales open to the public, conducted from or on a residential premise for the purpose of disposing of personal property. Yard sale includes garage sales, porch sales, tag sales, and the like. If they occur on more than 8 days within any 12 month period, they shall be considered to be retail activities and shall conform to the applicable standards contained in this Chapter. Yard sales are allowed in all zoning districts without a permit.

Zoning. The reservation of certain specified areas within a community or city for building and structures, or the use of land for certain purposes with other limitations such as height, lot coverage and other stipulated requirements.

(Ord. No. 1-1994, 4-11-94; Ord. No. 3-1996, 7-8-96; Ord. No. 6-1996, 10-21-96; Ord. No.1-1997, 2-10-97; Ord. No. 2-1997, 4-14-97; Ord. No 3-1998, 3-8-99; Ord. No. 10-2001, 12-10-01; Ord. No. 1-2002, 9-9-02; Ord. No. 5-2004, 9-13-04; Ord. No. 4-2005, 6-13-05; Ord. No. 5-2005, 7-11-05; Ord. No. 6-2005, 10-11-05; Ord. No. 2-2007, 3-12-07; 1-2008, 3-10-08; Ord. No. 11-2007, 9-08-08; Ord. No. 3-2008, 12-8-08; Ord. No. 4-2008, 12-8-08; Ord. No. 1-2010, 12-13-10; Ord. No. 2-2010, 6-14-10; Ord.No.7-2010, 12-13-10; Ord. No 1-2011, 4-11-11; Ord. No. 3-2012, 5-14-12; Ord. 4-2012, 7-9-12; Ord No. 4-2013 1-13-14; Ord. No.5-2013; 1-13-14 Ord. No. 7-2014; 12-8-14; Ord. No 4-2015, 6-8-15; Ord. 5-2015, 10-13-15; Ord. No. 6-2015, 10-13-15); Ord. No. 7-2015, 10-13-15; Ord. No 8-2015, 10-13-15; Ord. No. 11-2015, 11-9-15; Ord. No 13-2015, 1-11-16; Ord. No. 14-2015, 1-11-16; Ord. No 15-2015, 1-11-16; Ord. No. 5-2016, 7-11-16)