TOWN OF CORNISH
Land Use and Development Ordinance

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CHAPTER 1 GENERAL PROVISIONS

Article 1.1 Title

This Ordinance shall be known and may be cited as the "Land Use and Development Ordinance of the Town of Cornish, Maine," and will be referred to herein as "this Ordinance."

Article 1.2 Legal Authority

This Ordinance has been prepared in accordance with the provisions of Title 30-A, Maine Revised Statutes Annotated, Sections 2001, Home Rule; 4401-4407, Subdivision Law; 4352, Land Use Regulation, and 4452, Enforcement of Land Use Laws and Ordinances; and Title 38, M.R.S.A., Section 435-446, Shoreland Zoning; as amended. This Ordinance has also been prepared to be consistent with Cornish's adopted Comprehensive Plan of 1991 as amended, and as revised on June 3, 2009, the Goals and Policies Section.

Article 1.3 Purpose

The purpose of this Ordinance is to promote the health, safety and general welfare of the residents of the Town; to encourage the most appropriate use of land throughout the Town by controlling building sites, placement of structures and land uses; to promote traffic safety and safety from fire and other elements; to provide adequate light and air and prevent overcrowding of real estate; to prevent housing development in unsanitary areas; to provide an adequate street system and public services; to promote the coordinated development of unbuilt areas; to encourage the formation of community units and provide an allotment of land area in new developments sufficient for all requirements of community life; to maintain rural character; to conserve natural resources; to prevent and control water pollution; to protect spawning grounds, fish, aquatic life, bird and other wildlife habitat; and to conserve shore cover and visual as well as actual points of access to inland areas, especially in flood prone areas and shores unsuitable for development.

Article 1.4 Applicability

Notwithstanding the provisions of 1 M.R.S.A. Section 302, this Ordinance shall apply to any and all applications and/or proceedings pending upon the data of adoption of this Ordinance or filed on or after the date of adoption of this Ordinance.

Article 1.5 Repeal of Prior Ordinances

The following ordinances, and any amendments to them, are repealed and essential components replaced herein:

Subdivision Regulation
Zoning Ordinance
Performance Standards
Historic District Guidelines Ordinance & Historic Buildings/Locations
Cornish Sewer System

Article 1.6 Conflict with Other Ordinances

In any case where a provision of this Ordinance is found to be in conflict with a provision of any other Ordinance or Code of the Town existing on the effective date of this Ordinance, or State or Federal regulation,

the provision which establishes the higher standard for the promotion and protection of health and safety shall prevail.

Article 1.7 Validity and Severability

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

Article 1.8 Amendment

Section 1.8.1 Initiation

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

A. The Planning Board, by a favorable majority vote of the entire regular membership of the Board;

B. The Town Selectmen, through a request to the Planning Board;

C An individual or group, through (a) a request to the Planning Board and subsequent favorable majority vote of the Board; or (b) written petition of a number of registered voters in Cornish equal to at least ten percent (10%) of the votes cast for Governor in Cornish in the last gubernatorial election.

Section 1.8.2 Procedure

A. Any proposal for an amendment shall be made to the Planning Board in writing stating the specific changes requested. Amendments initiated by petition shall be presented to the Town Clerk and Board of Selectmen, who shall then transmit them to the Planning Board, with a finding that requirements of Section 10A(3) above have been met within ten (10) working days of having received them. When a change in zoning boundaries is proposed, the application shall state the nature, extent, and location of the proposed boundary change, and shall be accompanied by a scale drawing showing the areas to be changed, with dimensions. When an amendment is proposed by an individual, the individual shall pay a fee to cover the costs of hearings and advertisements which shall be determined by the Board of Selectmen.

B. Within thirty (30) days of receiving a properly initiated amendment, the Planning Board shall hold a public hearing on the proposal. Notice of the hearing shall be posted and advertised in a newspaper of general circulation in the municipality at least seven days prior to the hearing. The notice shall contain the time, date, and place of hearing, and sufficient detail about the proposed changes as to give adequate notice of their content. If the proposed changes are extensive, a brief summary of the changes, together with an indication that a full text is available at the Town Clerk's office shall be adequate notice.

C. Following the public hearing, the Planning Board shall make a written recommendation regarding passage to the Town Officers and Town Meeting prior to any action on the amendment within thirty (30) days from the date of the public hearing.

Section 1.8.3 Adoption

A. Any amendment to this Ordinance shall be adopted by a majority vote of the Town Meeting, if it has a favorable majority vote of the Planning Board.

B. If the proposed amendment has not received a favorable majority vote of the Planning Board, it must be passed by a two-thirds (2/3) majority vote of the Town Meeting.

C. Copies of amendments affecting Shoreland Districts certified by the attested signature of the Chairperson of the Planning Board, shall be submitted to the Commissioner of Environmental Protection within fourteen (14) days of acceptance by the Town Meeting and shall not be effective unless approved by the Commissioner of Environmental Protection. If the Commissioner of Environmental Protection fails to act on any amendment within forty-five (45) days of its receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the Town within this forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner of Environmental Protection.

Section 1.8.4 Repetitive Petitions

No proposed changes to this Ordinance which have been unfavorably acted upon by the Town Meeting shall be considered on its merits by the Town Meeting within two (2) years after the date of such unfavorable action unless adoption of the proposed change is recommended by the vote of eighty percent (80%) of the entire regular membership of the Planning Board. Alternate Planning Board members shall not be counted as regular Planning Board members, but shall vote in the place of regular Planning Board members if the regular member is absent.

Article 1.9 Effective Date

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

Article 1.10 Definitions

Section 1.10.1 Construction of Language

In the interpretation and enforcement of this Ordinance, all words, other than those specifically defined in the Ordinance, shall have their ordinarily accepted meaning. In the case of any difference of meaning or implication between the text of this Ordinance and any map, illustration, or table, the text shall control.

Certain ordinances, such as Chapter VIII Floodplain Management Ordinance, have their own definitions for certain words, terms and phrases.

The word “person” includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity.

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

The words “shall,” “must” and “will” are mandatory; the word “may” is permissive.

The word “lot” includes the words “plot” and “parcel”.

The word “building” includes the word “structure”.

The word “used” or “occupied,” as applied to any land or building, shall be construed to include the words “intended, arranged, or designed to be used or occupied.”

Section 1.10.2 Definitions

In this Ordinance the following terms shall have the following meanings, except where the context clearly indicates a different meaning:

Abutter: The owner of any property with one or more common boundaries or points, or across the road or stream from the property involved in application or appeal. For purpose of notice it also includes any property owner within five hundred (500) feet of the property involved in the application or appeal.

Access Road: All private ways constructed or used to provide motor vehicle access to:

(1) two or more lots, or
(2) to rear lots, or
(3) two or more distinct areas or buildings in unsubdivided developments, usually consisting of a bed of exposed mineral soil, gravel, asphalt or other surfacing material.

Accessory Use or Structure: A use or structure which is customarily both incidental and subordinate to the principal use or structure on the same lot only. The term “incidental” in reference to the principal use or structure shall mean both:

(1) subordinate and minor in significance to the principal use or structure, and
(2) attendant to the principal use or structure.

Such accessory uses, when aggregated, shall not subordinate the alleged principal use of the lot.

Agriculture: The cultivation of soil, producing or raising crops, including gardening, as a commercial operation. The term shall also include greenhouses, orchards, nurseries, and versions thereof when associated with farming or agriculture, but these terms, when used alone, shall refer specifically to a place where flowers, plants, shrubs, fruits, vegetables, and/or trees are grown for sale.

Alteration: Any change, or modification in construction, or change in the structural members of a building or structure, such as bearing walls, columns, beams or girders, . The term shall also include change, modification, or addition of a deck, dormer, staircase, or roof of the building.

Aggrieved Party: A person whose land is directly affected by the grant or denial of a permit or variance under this Ordinance, or a person whose land abuts or is across a road or street or body of water from land for which a permit or variance has been granted, or is within five hundred (500) feet of the property for which a permit or variance has been granted.

Airport Facilities: A tract of land or water with facilities for the landing, take-off, shelter, supply, and repair of aircraft.

Amusement Facility: Any private, commercial premises which are maintained or operated primarily for the amusement, patronage, or recreation of the public, containing four (4) or more table sports, pinball machines, video games, or similar mechanical or electronic games, whether activated by coins, tokens, or discs, or whether activated through remote control by the management.

Animal Husbandry, Breeding or Care: The keeping or raising of four (4) or more animals, including domestic animals and pets, for any commercial use. This definition also includes kennels.

Authorized Agent: An individual or a firm having written authorization to act on behalf of a property owner. The authorization shall be signed by the property owner.

Auto Service Station: A place where gasoline, or any other automobile engine fuel, kerosene, or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on the premises: including the sale of minor accessories and the servicing and minor repair of automobiles, not including storage of unlicensed vehicles and not including body, frame, or fender straightening and repair.

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

Automotive Repair Shop: A business establishment engaged in general repair, engine rebuilding, and/or parts replacement.

Bed and Breakfast: Any dwelling with no more than three (3) individual guest rooms, in which transient lodging or boarding and lodging are provided and offered to the public for compensation for less than one week. This dwelling shall also be the full-time, permanent residence of its owner. There shall be no provisions for cooking in any individual guest room.

Boarding, Lodging Facility: Any residential structure where lodging and/or meals are provided for compensation, for a period of at least one week, and where a family residing in the building acts as proprietor or owner. There shall be no provisions for cooking in any individual guest room.

Bowling Alley: Any building equipped with long narrow wooden lanes or alleys used for the game of ten-pins.

Buffers/Screening: Buffers are fences, vegetation, landscaping, berms, and mounds used to minimize any adverse impacts or nuisance conditions as experienced on the site or from adjacent areas.

Building: Any three (3) dimensional enclosure using any building materials or any space, for any use or occupancy, temporary or permanent, including swimming pools, foundations or piling in the ground, and all parts of any kind of structure above ground including decks, railings, dormers, and stairs, and excluding sidewalks, fences, driveways, parking lots, and field or garden walls or embankment retaining walls.

Building/Structure Height: The vertical distance between the highest point of the roof and the average grade of the existing or original ground adjoining the building or structure, whichever distance is greater.

Business and Professional Offices: The place of business of doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate and insurance businesses, psychiatrists, counselors,

and the like, or in which a business conducts its administrative, financial or clerical operations including banks and other financial services, but not retail sales or activities utilizing trucks as part of the business operation.

Campground: Land on which one or more tents are erected or trailers are parked for a fee for temporary recreational use on sites arranged specifically for that purpose. The word "campground" shall include the words "camping ground," and "tenting grounds."

Cemetery: Property used for the interring of the dead.

Church: A building or structure, or group of buildings or structures, designed and primarily intended and used for the conduct of religious services. This term shall not include buildings primarily used for schools.

Civic, Convention Center: A building or complex of buildings that house Town offices and services, and which may include cultural, recreational, athletic, convention and entertainment facilities owned and/or operated by a governmental agency.

Club: An association or organization dedicated to a certain interest or activity.

Club, Private: Building or use catering primarily to club members and their guests for recreational purposes, and not operated primarily for profit.

Club, Social: A group of people or the place they meet, generally formed around a common interest, occupation, or activity. Such clubs and/or social clubs are welcome within the Town of Cornish, however, new clubs and/ or social clubs are prohibited from the districts of the Village Center and the Historic District overlay. For the purpose of this amendment, a church is not considered a social club.

Cluster Development: A development consisting exclusively of residential dwelling units or commercial uses, planned, developed as a whole, or in a programmed series of developments, and controlled by one developer which contemplates an innovative, more compact grouping of dwelling units or other uses. Cluster developments treat the developed area as an entirety to promote flexibility in design, architectural diversity, the efficient use of land, a reduction in the size of road and utility systems, the creation of permanent, common open space, and the conservation of natural characteristics of the land.

Code Enforcement Officer: A person appointed by the Town Officers to administer and enforce this Ordinance.

Collector Street: A Street whose principal function is to carry traffic between local, residential and commercial/industrial streets and arterial streets, but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly more than one hundred (100) dwelling units and is designed to be used or is used to carry more than eight hundred (800) trips per day.

Commercial Recreation: Any commercial enterprise which receives a fee in return for the provision of some recreational activity including, but not limited to: racquet and tennis clubs, health facilities, amusement parks, golf courses, gymnasiums and swimming pools, etc.

Commercial Use: Any activity carried out for pecuniary gain.

Community Center, Club: A building that houses any voluntary association of persons organized for social, religious, benevolent, literary, scientific, or political purposes; whose facilities, especially a clubhouse, are open to members and guests only, and not the general public; and which association is not engaged in activities customarily carried on by a business or for pecuniary gain.

Conditional Use Permit: A permit issued by the Planning Board that authorizes the recipient to make use, or change of use, of property in accordance with the requirements of this Ordinance as well as any additional requirements imposed by the Planning Board.

Conforming Use: A building, structure, use of land, or portion thereof, which complies to the provisions of this Ordinance.

Congregate Housing: Residential housing consisting of private apartments and central dining facilities and within which a congregate housing supportive services program serves functionally impaired elderly or disabled occupants; the individuals are unable to live independently yet do not require the constant supervision or intensive health care available at intermediate care or skilled nursing facilities. Congregate housing shall include only those facilities which have been certified by the State of Maine as meeting all certification standards and guidelines for congregate housing facilities as promulgated by the Department of Health & Human Services pursuant to the provisions of the Maine State Statutes.

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

Day Care: Homes and Centers licensed as such by the Maine Department of Health & Human Services as defined in Title 22 MRSA, Subtitle 6.

DBH-Trees: "Diameter at Breast Height," usually 4 ½ feet vertically from the base of the tree to the point where the diameter of the tree is measured "Breast Height."

Density: The number of dwelling units per lot of land or unit.

Development: Any man-made changes to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations (*see Multi-Family Development*).

Distribution Terminal-Trucking: Any building or group of buildings used primarily to receive goods and materials and re-transport these goods and materials primarily by truck to other locations.

District: A specified portion of the Town, delineated on the official land use map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Driveway: That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodations area.

Drug Paraphernalia: Means all equipment, products and materials that are defined in Title 17-A Maine Criminal Code Chapter 45 Section 1111-A.

Dwelling: Any building or structure or portion thereof designed or used for residential purposes.

1. Accessory Dwelling: A self-contained dwelling unit located within, attached to, or detached from a single-family dwelling unit (not associated with a duplex) located on the same parcel of land, and that comprises not more than 25% of the gross floor area of the single-family dwelling unit, nor more than a total of six hundred (600) square feet.

2. Single-Family Dwelling: Any structure containing one (1) dwelling unit for occupation by not more than one (1) family.

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

4. Duplex Dwellings: A two-family residential use in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

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

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

Elevations: (Exterior elevation of a structure) a drawing or design that represents a structure as being projected geometrically on a vertical plane parallel to one of its sides.

Essential Services: Facilities for the transmission or distribution of water, gas, electricity, or essential communications, or for the collection or treatment of sewerage wastes including, without limitation: towers, poles, wires, mains, drains, sewers, traffic signals, hydrants and similar accessories but not buildings. Essential services do not include commercial wireless telecommunications facilities.

Excavation: Any breaking of the ground, except common household gardening and ground care.

Extractive Industries: The excavation, processing or storage of soil, topsoil, peat, loam, sand, gravel, rock, or other mineral deposits, not including:

1. The excavation of material incidental to, and at the site of, approved construction of buildings, driveways or parking areas;

2. The excavation of material incidental to, and at the site of, construction or repair of streets; and

3. The excavation, processing or storage of less than ten (10) cubic yards of material on a lot within a one year period.

Family: One or more persons occupying a dwelling unit and living as a single housekeeping unit, whether or not related to each other by birth, adoption, or marriage, but no unrelated group shall consist of more than five (5) persons, as distinguished from a group occupying a bed and breakfast, short-term residential rental, rooming house, hotel, motel, inn or a licensed group home.

Farm Stand: A building or structure used for the retail sale of fruits, vegetables, and other agricultural products, to the public.

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

Firewood Processing: The commercial cutting, splitting, sawing or preparing of forest products to be sold as a solid fuel.

Flood: A temporary rise in stream or river flow that results in water overflowing its banks and inundating adjacent areas.

1. Flood Insurance Rate Map: The official map on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones.
2. Flood Plain: The lands adjacent to a body of water which have been, or may be, covered by the regional flood.
3. Regional Flood: The maximum known flood of a body of water; either the one-hundred (100) year frequency flood, where calculated, or the flood of record.
4. Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood (100 Year Flood) without cumulatively increasing the water surface elevation more than one foot.

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

Frontage, Road: The horizontal, straight-line distance between the intersections of the side lot lines with the road right-of-way.

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

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

Gasoline Service Station: Any place of business at which gasoline, other motor fuels or motor oil are sold to the public for use in a motor vehicle, regardless of any other business on the premises.

Group Home: Six (6) or more unrelated individuals occupying a dwelling unit and living as a single housekeeping unit, usually associated with an agency or organization that provides staff for management or supervision of the individuals in the group home.

Hazardous Material: Any gaseous, liquid or solid materials, either in pure form or incorporated into other materials, according to current guidelines of the U.S. Environmental Protection Agency, or substances designated as hazardous by the United States Environmental Protection Agency and/or the Maine Department of Environmental Protection.

Head Shop: A building or place where drug paraphernalia is sold or offered for sale or where merchandise is displayed for the purpose of sale and/or the purpose of promoting sales and where either the nature of the merchandise or the nature of some of the merchandise and the context in which it is displayed would indicate to a reasonably knowledgeable person that

some of the merchandise is equipment, products or materials designed or marketed for use as drug paraphernalia. An establishment that meets this definition is considered a head shop, notwithstanding that it may also sell or display other types of merchandise.

Home Occupation: An occupation or profession which is carried on in no more than five-hundred (500) square feet or twenty-five percent (25%) of the floor area of a residential dwelling unit by one or more occupants of the dwelling unit and no more than two (2) non-occupant employees on site at any time, which is clearly incidental and secondary to the use of the dwelling for residential purposes and which does not change that character of the neighborhood. The term "home occupation" shall include both professional and personal services. This shall not be interpreted to include telecommuting. [Telecommuting shall mean an arrangement in which a worker works at home rather than the primary place of work, and communicates with the workplace and conducts work via wireless or telephone lines or cable, using modems, fax machines or other electronic devices in conjunction with computers. This shall also include sporadic office-type work that was not completed at the primary workplace (bringing work home from the office). This definition does not apply to farming and agriculture. A structure, use or activity not otherwise permitted within a district by Chapter II, Article 6 shall not be permitted as a home occupation. A lodging business shall not be considered a home occupation.

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

Hotel/Motel/Inn: A commercial building or group of buildings built to accommodate, for a fee, travelers and other transient guests who are staying for a limited duration with sleeping rooms without cooking facilities, each rental unit having its own private bathroom and its own separate entrance leading either to the outdoors or to a common corridor or hallway. A hotel may include restaurant facilities where food is prepared and meals served to its guests and other customers.

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

Industrial Uses: Industrial uses shall have the following definitions:

1. Light Manufacturing: Industrial uses that, generally, do not have nuisance characteristics and can be conducted entirely within enclosed buildings. These may include: industrial processes such as printing, manufacturing of products from component parts, food packaging, or warehousing.

2. Heavy Manufacturing: Industrial uses, such as the manufacture or processing of chemicals, cement or rubber products, stockyards, steel mills, or distilleries, that generally produce nuisances. These nuisances may be in the form of air pollutants, excessive noise, traffic, glare or vibrations, noxious odors, danger of explosion, or unsightly appearance.

Junkyards: A lot, or part thereof, exposed to the elements, which is used for the sale or for the storage for sale of second-hand products or materials, or for the storage of any two (2) or more automobiles or trucks, which cannot pass the State inspection test in their existing condition.

Kennel: An establishment in which more than four (4) dogs or four (4) cats are sold, housed, bred, boarded, or trained for a fee.

Landfill: A tract of land that is used to dispose of waste material that has been discarded, refuse or the like, usually by burying the material, as per Title 38 MRSA, Chapter 13, §1303-C.

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

Lot Area: The total horizontal square feet within the lot lines.

Lot, Minimum Area: The minimum required lot area within a district for a single use.

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

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

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

1. Front Lot Line: On an Interior lot, the front line shall be the line separating the lot from a street or right-of-way. On a corner lot or through lot, the front lot line shall be the line separating the lot from either street or right-of-way.
2. Rear Lot Line: The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite from the front lot line of least dimension.
3. Side Lot Line: Any lot line other than the front lot line or the rear lot line.

Lot of Record: A parcel of land, a legal description of which, or the dimension of which, are recorded on a document or map on file with the County Register of Deeds.

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

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

Lot Width: The distance between the side boundaries of the lot measured at the front setback line.

Manufactured Housing: A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site.

Mobile Home Park: A plot of land laid out to accommodate at least three (3) manufactured homes.

Mobile Signs: Any sign on the front, sides or back of any vehicle whose primary purpose is the transporting of individuals and/or material from place to place.

Multi-Family Development: a building or portion principally designed, adapted, or used for occupancy by three or more families, each living in its own separate quarters. Each individual unit which functions as a separate living quarters shall be deemed to be a dwelling unit.

Neighborhood "Convenience" Stores: A store of less than 1,500 square feet of floor space intended to service the convenience of a residential neighborhood primarily with the sale of merchandise, including such items as, but not limited to, basic food, newspapers, emergency home repair articles, and other household items, but not to include "sit-down" dining or "eat-in" foods or take out windows or the sale of petroleum products like gasoline and diesel fuel.

Net Residential Acreage: The gross available acreage less the area required for streets or access and less the areas of any portions of the site which are unsuitable for development because of topography, natural drainage or subsoil conditions.

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

Non-Conforming Use: A building, structure, lot, use of land, or portion thereof, legally existing at the effective date of adoption or amendment of this Ordinance which thereafter fails to conform to all applicable provisions of this Ordinance.

Nursing Home: A privately operated, State licensed establishment where maintenance and personal or nursing care are provided for persons who are unable to care for themselves.

Open Space: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

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

Permitted Uses: Uses which are listed as permitted uses in the various districts set forth in this Ordinance. The term shall not include prohibited uses.

Photocopying Facility: A commercial facility where documents, images, pictures, printed material or the like are copied or duplicated using photocopying equipment, for a fee.

Planning Board: The Planning Board of the Town of Cornish.

Portable Signs: A sign not designed or intended to be permanently affixed into the ground or on a structure. Moveable identification signs are not considered to be portable signs.

Principal Structure: The structure in which the principal use of the lot is conducted.

Principal Use: The primary use to which the premises are devoted.

Printing Facility: A commercial facility where for a fee documents, text, pictures, designs, or images, etc. are reproduced or represented on a surface or surfaces through the transfer by machinery of ink, dye, pigment, etc.

Public and Private Schools: Primary and secondary schools, or parochial schools, which satisfy either of the following requirements: the school is not operated for a 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.

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

Recreational Activity: An activity, past-time, hobby, sport, or the like that is done by an individual(s) for relaxation and enjoyment.

Recreational Vehicle: A self-propelled or drawn vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer, or motor home.

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

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

Retail Fuel Distributor: A commercial enterprise that stores and/or delivers gaseous liquid or solid energy products, like petroleum products, gas, oil, kerosene, propane, coal, wood, etc. to retail customers for a fee, which is used and consumed as an energy source for space heating, in combustion engines or furnaces, etc.

Right-of-way: All public or private roads and streets, state and federal highways, private ways (now called public easements), and public land reservations for the purpose of public access, including utility rights-of way.

Road: An existing state, county, or town way or a street dedicated for public use and shown upon a plan duly approved by the Planning Board and recorded in the County Registry of Deeds or a road dedicated for public use and shown on a plan duly recorded in the County Registry of Deeds prior to the establishment of the Planning Board and the grant to the Planning Board of its power to approve plans. The term "road" shall not include those ways which have been discontinued or abandoned.

Setback: The minimum horizontal distance from a lot line to the nearest part of a building, including porches, steps, and railings. (See Chapter II, Article 2.7)

Shopping Center: Any concentration of two or more retail stores or service establishments under one ownership or management containing 15,000 sq. ft. or more of gross floor space.

Short-term Residential Rental: A dwelling unit, other than a hotel/motel, Bed and Breakfast, Inn, Boarding House, Tourist Home, Accessory Dwelling Unit etc., that is rented by the owner or the owner's agent for transient occupancy.

Sign: Any structure, or part thereof, attached thereto or painted or represented thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction, or advertisement.

Sludge: Means any deposit of sediment like, but not limited to sewerage sediment, that contains a heavy growth of micro-organisms resulting from vigorous aeration, per Title 38 MRSA, Chapter 13, §1303-C.

Stable: A building or structure for the lodging and feeding of horses.

Structure: Anything constructed or erected, the use of which requires a fixed location on or in the ground or in the water, or an attachment to something having a fixed location on the ground, including buildings, billboards, signs, commercial park rides and games, carports, porches, and other building features, including stacks and antennas, but not including sidewalks, fences, driveways, parking lots, and field or garden walls or embankment retaining walls. For purposes of this Ordinance, utility poles are not considered structures.

Subdivision: Subdivision means subdivision (1) as defined in Title 30-A M.R.S.A., 4401, as amended (i.e. generally a division of a tract or parcel of land into three (3) or more lots within a five year period (see statute for full definition) and (2) as such definition is augmented by the following:

1. Such division may be accomplished by sale, lease, development, building or otherwise, including informal arrangements which result in the functional division of a tract or parcel. The term subdivision may, at the Planning Board's discretion, also include cluster housing, shopping centers, lodging places (e.g. motels, inns, etc.) and apartment, condominium, or cooperative housing units, when any of these items contain three or more units.

2. Under such definition, lots of forty (40) or more acres each shall be counted as lots if the lots are wholly or partly within the Shoreland District and the average lot-depth-to-shore-frontage ratio is greater than three to one.

Swale: A low place in the tract of land, usually wetter and often having ranker vegetation than the adjacent higher land.

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

Tavern: A place where liquors are sold to be consumed on the premises.

Temporary Signs: Signs that are not permanently fixed.

Timber Harvesting: Means the cutting or removal of at least fifty (50) cords of timber for the primary purpose of selling or processing forest products.

Transmission Tower: Any structure whose principal use is to support electric power lines used primarily to transport electrical power and not used to primarily provide service to local customers.

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

Variance: A variance is a relaxation of the terms of this code, where such variance will not be contrary to the public interest, and where, owning to conditions peculiar to the property and not the results of the actions of the applicant, a literal enforcement of the code will result in unnecessary or undue hardship.

Vendor, Mobile or Temporary: A commercial activity conducted by person(s) whose location is not permanent and who engages in the sale of goods or merchandise to the public.

Waste Disposal: The process by which waste, garbage, refuse, discarded material, and the like are collected, processed and disposed of.

Wetlands: All freshwater wetlands. Fresh-water wetlands are all lands identified by the Department of Inland Fisheries and Wildlife in accordance with Title 38 M.S.R.A. Section 407A, or areas identified by the United States Environmental Protection Agency having jurisdiction under Section 404 of the Clean Water Act, as depicted on the Town of Cornish's Beginning With Habitat maps.

Wholesale Business: On-premises sales of goods primarily to customers engaged in the business of reselling the goods.

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

CHAPTER 2 LAND USE DISTRICTS AND USES

Article 2.1 Establishment of Districts

To implement the provisions of this Ordinance, the Town of Cornish is hereby divided into the following land use districts which are depicted on the Cornish Land Use District Map:

Section 2.1.1 Village Center District (VC)

A. The purpose of this District is to maintain and re-create the village atmosphere in Cornish, which is traditional to New England towns. The area designated as the Village Center District includes the entire downtown area, all the publicly sewered area on Main Street, and additional areas along Main, Maple, Thompson and High Streets. The entire district is within the area of the public water supply and encompasses the historic area of Cornish Village.

B. The District allows mixed residential and light commercial uses including retail and professional offices in order to support revitalization of older multi-story buildings. Upstairs apartments or commercial uses will be allowed in historic buildings under a system of flexible density requirements, so long as wastewater can be properly managed. The District as a whole will allow higher densities for new in-fill developments or rehabilitation of existing buildings.

C. The District is designed to work with a Historic District designation to the area with respect to supporting façade improvements to historic buildings and full use of available floor space. Also, full use of existing buildings is supported by not requiring that all off-street parking be provided on site, so long as alternative parking nearby is available.

Section 2.1.2 Historic District (Overlay) (HD)

A. This District is an overlay district covering the historic Village Center of Main, Maple and High Streets. The general purpose of the Historic District is to protect the historic character of the District.

B. The uses of the buildings and the setbacks are controlled by the underlying district. This District, while protecting the historic character of the Village, recognizes the need to make these buildings economically sustainable by allowing mixed uses, permitting full use of all floor space, waiving density requirements and allowing alternative off-site parking arrangements, as long as they are nearby.

Section 2.1.3 Residential District (RD)

This District consists of primarily single-family residential housing, and is located adjacent to the Village Center District and the Ossipee and Saco River corridors. The District provides for a higher density of housing in and around the Village, particularly where public water is provided. The purpose is to promote Village-scale housing around the Village Center, and to encourage more densely-settled residential neighborhoods near community and village services.

Section 2.1.4 Commercial District (CD) (Amended 04/17/96)

The purpose of the Commercial District is to accommodate commercial business development in Cornish. The primary, but not exclusive, focus of the Commercial District is retail businesses, services, lodging and restaurant establishments, office buildings for professional, business and medical uses, and recreational uses. This District is located along Route 25 in the areas east and west of the Village Center.

Section 2.1.5 Rural Residential District (RR)

The purpose of the Rural Residential District is to allow low-density residential housing opportunities along many of the existing rural roads in Cornish, many of which are characterized by established and traditional neighborhoods. Larger minimum lot sizes are required to maintain the rural character of these areas and limited low-intensity commercial uses compatible with the rural character, such as home occupations, country stores, etc., as well as agricultural, forestry, recreational and other natural resource dependent uses that will not impair existing uses and resources.

Section 2.1.6 Agricultural District (AD)

The largest district is the Agricultural District which includes all the areas not included in any of the other districts. This District is primarily designated for agricultural and resource-based use and some single-family residential use. More than fifty percent (50%) of this District is characterized by tree growth land and resource protection area.

Section 2.1.7 Resource Protection District (RP)

The Resource Protection District includes wetlands, the 100-year floodplains, other sensitive Shoreland, and identified critical, natural habitats including those habitats identified by the Maine Natural Heritage Program.

Section 2.1.8 Shoreland District (SD)

The Shoreland District includes designated Shoreland in conformance with the State Shoreland Zoning Regulations along the Ossipee and Saco Rivers, and ponds and wetlands in Cornish. All applicable State Shoreland zoning regulations apply to this district.

Section 2.1.9 Aquifer Protection District (Overlay) (AP)

The Aquifer Protection District is an overlay district whose purpose is to protect existing and potential future municipal water well sites. The Aquifer Protection areas are identified on the Land Use District Map. These areas are protected through a combination of restrictions regarding uses, densities, setbacks and performance standards within an area which recharges the well-head sites.

Section 2.1.10 Industrial Park District (IP) (amended 03/19/07)

The purpose of the Industrial Park District is to accommodate and encourage the development of quality industrial/business uses in this district. The primary, but not exclusive, focus of the Industrial Park District is manufacturing and assembly industries. The intended purpose of this district is to accommodate the needs of manufacturing and industrial businesses. The objective is to provide more job opportunities in Cornish and to promote a vibrant local economy as well as broadening the local property tax base. (added 04/17/96).

Article 2.2 Location of Districts

The land use districts are located and bounded as shown on the official Land Use District Map of the Town of Cornish, Maine, dated and on file in the Town Office. The official Land Use District Map shall be signed by the Town Clerk and Chairperson of the Planning Board following the adoption or amendment of this Ordinance certifying the date of such adoption or amendment.

Article 2.3 Interpretation of District Boundaries

Section 2.3.1 Uncertainty of Boundaries

Where uncertainty exists with respect to the boundaries of various districts as shown on the official Land Use District Map, the following rules shall apply:

A. Boundaries indicated as approximately following the center lines of streets, highways, or rights-of-way shall be construed to follow the center lines of such streets, highways, or rights-of-way;

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

C. Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits;

D. Boundaries indicated as following shorelines shall be construed to follow the normal high-water line, and in the event of natural changes in the shoreline shall be construed as moving with the actual shoreline;

E. Boundaries indicated as approximately following the center line of streams and other water bodies shall be construed to follow such center lines and in the event of natural change in the location of the water body, shall be construed as moving with the actual center line;

F. Boundaries indicated as parallel to or extensions of features indicated in paragraphs 1 through 5 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

G. Boundaries indicated as approximately following natural features such as flood plains, wetlands, aquifers or watershed boundaries shall be construed to follow said natural features. The location of said natural features shall be determined by reference to appropriate natural resource maps and their actual location on the ground.

H. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections 1 through 7 above, the Board of Appeals shall interpret the district boundaries.

Section 2.3.2 Division of Lots by District Boundaries

When a lot is divided by a land use district boundary other than the boundary to an overlay zone, the following rules shall apply:

A. On lots 80,000 square feet or less in area, the lot shall be used as if the entire lot were in the district which comprises the larger portion.

B. On lots larger than 80,000 square feet, the district regulations shall be followed in each portion.

Article 2.4 Conformity Required

No building hereafter erected, moved, added to or structurally altered; no existing building or structure; and no land shall be used except in conformance with the provisions, regulations and restrictions of this Ordinance. All construction or moving of buildings and structures, or the alteration of the land, or change of uses shall be in conformance with this Ordinance.

Article 2.5 Non-Conformance

It is the intent of this Ordinance to promote land use compatibility and to encourage the elimination of nonconforming uses. This Ordinance intends to be realistic so that: nonconforming lots and buildings may reasonably be used; and nonconforming uses may be changed to equally nonconforming or more conforming uses.

Section 2.5.1 General Requirements

A. <u>Continuance, Enlargement, Reconstruction</u>

Any use of land, or any building, structure, or parts thereof, legally existing at the time of adoption of this Ordinance or at the time of adoption of an applicable amendment to this Ordinance, which does not conform to the requirements of this Ordinance or its amendments, may continue, but nothing may be repaired, extended, reconstructed, replaced, enlarged or structurally altered, except as specified below.

B. <u>Transfer of Ownership</u>

Ownership of lots, structures and uses which remain lawful but become nonconforming by the adoption or amendment of this Ordinance may be transferred, and the new owner may continue the non-conforming structure, lot or use subject to the provisions of this Ordinance.

C. <u>Repairs, Restoration or Replacement</u>

i. This Ordinance allows: the normal upkeep and maintenance of nonconforming uses and structures; repairs; replacement; renovations and structural alterations which do not entail the expansion of a nonconforming use or structure without a permit; and such other changes in nonconforming

uses or structures as Federal, State or local building or safety codes may require.

ii. Any nonconforming use or structure which is hereafter damaged or destroyed by fire or cause other than the willful act of the owner or his/her agent may be restored, replaced or reconstructed within one (1) year of the date of said damage or destruction provided that: (1) a nonconforming structure shall not be enlarged except in conformity with this Ordinance and the Maine State Plumbing Code; and (2) a nonconforming use shall not be expanded in area.

iii. Nothing in this Ordinance shall prevent the strengthening or restoration to safe condition any part of any building or structure declared unsafe by the Code Enforcement Officer.

D. Vested Rights

i. Rights to nonconforming use cannot arise by the mere filing of a notice on intent to build, an application for building or use permit, or an application for required State permits and approvals. Such rights arise when actual construction has begun. Such construction must be legal at the time it is commenced and the owner must be in possession of and in compliance with all applicable State and local land use laws and permits.

ii. Notwithstanding the provisions of 1 M.R.S.A. Section 302, this Ordinance shall apply to any and all applications and/or proceedings pending upon the date of adoption of this Ordinance or filed on or after the date of adoption of this Ordinance.

iii. Within all zoning districts, vested rights to nonconforming uses shall not be valid if they arise after September 1, 1992 even if they have met the other requirements set forth in this section.

Section 2.5.2 Non-Conforming Uses

A. Resumption Prohibited

A structure in which a nonconforming use is discontinued for a period of eighteen (18) consecutive months or more, or which is superseded by a conforming use, may not again be devoted to a nonconforming use, even if the owner has not intended to abandon the use. A use shall not be deemed to have been discontinued for the purposes of this subsection if the building or structure is not being used due to pending probate proceedings.

B. Expansions

i. A structure which contains a nonconforming use shall not be enlarged unless a conditional use permit is obtained from the Planning Board.

ii. A nonconforming use of part of a structure shall not be extended throughout other parts of the structure unless those parts of the structure were manifestly arranged or designed for such use prior to the adoption of this Ordinance, or of any amendment making such use nonconforming.

C. Change of Use

An existing nonconforming use may not be changed to another nonconforming use unless the proposed use is equally or more appropriate in the district than the existing use and the proposed use is reviewed and approved by the Planning Board according to the standards for review contained in Article IV of this Ordinance.

D. Use of Land

i. A nonconforming use of land may not be extended into any part of the remainder of a lot unless a conditional use permit is obtained from the Planning Board.

ii. A nonconforming use of land which is incidental to or accessory to a nonconforming use of building shall be discontinued at the same time the nonconforming use of the building is discontinued.

Section 2.5.3 Nonconforming Structures

A. Enlargements Controlled

i. A nonconforming structure or use shall not be added to or enlarged unless such addition or enlargement conforms to all the regulations of the land use district in which it is located or unless a conditional use permit is obtained from the Planning Board.

ii. No structure or portion thereof located in the Shoreland District which is nonconforming with respect to setback from the normal high-water mark shall be expanded toward the water. No portion of a structure which is less than the required setback from the normal high-water mark shall be expanded in floor areas or volume by more than thirty percent (30%) during the lifetime of the structure. No structure or portion thereof located in a Shoreland District shall be expanded so as to become more nonconforming with respect to the required setback from the normal high-water mark. These provisions shall apply to the addition of porches, patios, decks and similar features as well as to the addition of one set of unenclosed steps or one unenclosed wheelchair ramp.

iii. In all other land use districts, the addition of one set of unenclosed steps or one unenclosed wheelchair ramp, provided no roof is involved, shall not constitute the expansion of a nonconforming use. The addition of a deck, porch or open patio does constitute the expansion of a nonconforming use and therefore shall meet all applicable dimensional requirements.

iv. In all land use districts, the placing of a foundation below a lawfully existing nonconforming structure shall not constitute the expansion of the structure, provided that the first floor area or total living area of the structure is not increased.

B. Lack of Required Parking or Loading Space

A structure or use which is nonconforming as to the requirements for off-street parking and/or loading space shall not be enlarged, added to, or altered unless off-street parking and/or loading space is provided to bring parking and/or loading space into conformance with the requirements of this Ordinance for both the addition or alteration and for the original building or structure.

Section 2.5.4 Nonconforming Lots of Record

A. Vacant Lots

i. Nonconforming vacant lots of record which are part of a land subdivision approved by the Cornish Planning Board, recorded in the York County Registry of Deeds at the time of the enactment of this Ordinance, and not located in a Shoreland District, may be built upon provided that dimensional requirements governing the placement of structures are met and that all other requirements of this Ordinance and State law are met.

ii. Any other nonconforming vacant lot of record may be built upon provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of the Ordinance except lot size, lot width or lot frontage can be met. Variance of yard or other requirements not involving area, width or frontage shall be obtained only by action of the Board of Appeals.

iii. If two (2) or more contiguous lots or parcels of record are in the same single or joint ownership on or after the effective date of this Ordinance or applicable amendment, and if any of these lots do not individually meet the dimensional requirements of this Ordinance or amendments, and one or more of the lots are vacant or contain only an accessory structure, the lots shall be combined to the extent necessary to meet all dimensional standards for all lots created, except where rights have been vested.

B. Built Lots

i. A nonconforming lot of record that was built upon prior to the enactment of this Ordinance or the applicable amendment to this Ordinance is subject to the following restrictions. The structure(s) may be repaired, maintained, or improved, and may be enlarged in conformity with all dimensional requirements of this Ordinance except lot area, lot width, or lot frontage. If the proposed enlargement of the structure(s) cannot meet the dimensional requirements of this Ordinance, a variance must be obtained from the Board of Appeals.

ii. If two (2) or more contiguous lots or parcels of record are in the same single or joint ownership on or after the enactment or applicable amendment of this Ordinance and if either or both of these lots do not meet the dimensional requirements of this Ordinance, *and* if a principal use exists on each lot, the nonconforming lots may be conveyed separately or together in accordance with the State Minimum Lot Size Law and State Plumbing Code.

C. Rear Lots

A rear lot (lacks frontage) that meets size requirements but is accessible only by a right-of-way that does not meet the width requirements may be used for a single dwelling or other single permitted use provided that the right-of-way existed at the effective date of this Ordinance, a wider right-of-way cannot be negotiated with abutting landowners, and all other relevant provisions of this Ordinance can be met.

Section 2.5.5 Exceptions for Utilities

The Planning Board may grant an exception for public utility installation and accessory structures, including substations and pumping stations, occupying lots not meeting the size and dimensional requirements otherwise applicable, provided that no attendant is regularly on the premises. The usual setback requirements still apply. Such exemptions shall be subject to Site Plan Review.

Article 2.6 Land Uses

Section 2.6.1 Permissible Uses

Land uses permitted in Cornish are shown on Table 1 (Table of Permissible Uses) by the type of permit required or not required within each Land Use District under Article I of this Ordinance (General Provisions).

Key to Table 1

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

P — Allowed use requires building or use permit from CEO.

P* — Allowed use requires a building or use permit from the CEO with Planning Board Authorization.

C — Use requires conditional use permit from Planning Board following site plan review (may be a minor or major review).

S — Use requires special exception permit from Planning Board following site plan review, provided that the applicant shows by substantial evidence:

a. there is no alternate site which is both suitable to the proposed use and reasonably available to the applicant;

b. that an environmental neighborhood impact report shows that there will be no adverse impacts on neighboring uses; and

c. to be consistent with the intent of the Village Center District, the Historic Overlay District and the Comprehensive Plan.

N — Prohibited use.

Table 1

Table of Permissible Uses[1, 4]

LAND USE DISTRICT

USE/STRUCTURE	IP	VC	HD	RD	CD	RR	AD	RP	SD	AP
RESIDENTIAL Accessory Structure	N	P	P	P	P	P	P	S	P	P*
Group Homes	N	C	C	C	C	C	C	N	C	C
Duplex/Two-Family Dwelling	N	P*	P*	P	P	P	P	N	P	P*
Home Occupation	N	P	P	P	P	P	P	P	P	P*
Manufactured Housing	N	P*	P*	P	P	P	P	N	P	P*
Mobile Home Park	N	N	N	N	N	C	C	N	N	N
Multi-Family Dwelling	N	C	C	C	C	C	C	N	N	S
Single-Family Dwelling	N	P*	P*	P	P	P	P	N	P	P*
Subdivision	N	C	C	C	C	C	C	N	C	S
COMMERCIAL Accessory Structure (< 100 sq. ft.)	C	C	C	3	C	3	3	3	3	C[2]
Accessory Structure (> 100 sq. ft.)	C	C	C	3	C	3	3	3	3	C[2]

Legend

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[1] For any land use not listed in this Table, the Code Enforcement Officer and/or the Planning Board will determine the appropriate permit and procedure (if any).
[2] If a commercial use is allowed in the underlying district.
[3] Requires the same permits as the primary structure or if the primary structure is a nonconforming use it requires a conditional use permit.
[4] See definition of Conditional Use Permit in Chapter 1, Article 10 Definitions.

Table 1 (cont.)
Table of Permissible Uses

LAND USE DISTRICT

USE/STRUCTURE	IP	VC	HD	RD	CD	RR	AD	RP	SD	AP
COMMERCIAL(cont.) Airport Facilities	N	N	N	N	N	S	S	N	N	N
Amusement Facilities	N	C	C	N	C	N	N	N	N	N
Automobile, Rec.Vehicle, Small Engine Repair Shop	N	C	N	N	C	C	N	N	N	N
Automotive Body Shop	N	N	N	N	C	N	N	N	N	N
Automotive Service Station	N	N	N	N	C	N	N	N	N	N
Automobile, Rec.Vehicle, Small Engine Sales	N	C	N	N	C	C	N	N	N	N
Banks	N	C	C	N	C	N	N	N	N	N
Bed and Breakfast	N	C	C	C	C	C	C	N	C	N
Beverage Container Redemption Facilities	N	N	N	N	C	C	C	N	N	C[1]
Boarding, Lodging	N	C	C	C	C	C	N	N	N	N
Bus Station	N	C	N	N	C	N	N	N	N	N
Car Wash	N	N	N	N	C	N	N	N	N	N
Contractor Services [2]	C	C	C	C	C	C	C	N	N	N
Dry Cleaners; Laundromat	N	C	C	N	C	N	N	N	N	N

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[1] If use is allowed in underlying district.
[2]Contractor Services: Trade Specific Services (Electrician, Plumber, Mason, Excavator, etc.) (amend. 7/2/08)

Table 1 (cont.)
Table of Permissible Uses

LAND USE DISTRICT

USE/STRUCTURE	IP	VC	HD	RD	CD	RR	AD	RP	SD	AP
COMMERCIAL(cont.) Firewood Processing	N	N	N	N	C	C	C	N	N	N
Funeral Home	N	C	C	N	C	N	N	N	N	N
Gasoline Service Station	N	N	N	N	C	N	N	N	N	N
General Contractor Companies	N	N	N	N	C	S	C	N	N	N
Head Shops	C[1]	N	N	N	C	N	N	N	N	N
Hotels/Motels/Inns	N	C	C	N	C	N	N	N	N	N
Junkyard, Minor	N	N	N	N	N	N	C	N	N	N
Junkyard, Major	N	N	N	N	N	N	C	N	N	N
Midways/Fairs (Temporary)	N	N	N	N	P*	P*	P*	N	N	N
Mobile/Temporary Vendors	N	P	P	P	P	P	P	N	N	N
Neighborhood "Convenience" Store	N	C	C	N	C	C	N	N	N	N
Offices; Business, Professional, Medical	C	C	C	N	C	S	N	N	N	S
Printing/Photocopying; (Retail)	N	C	C	N	C	N	N	N	N	N
Printers; Commercial	C	N	N	N	C	N	N	N	N	N
Recreational (Indoors - bowling, skating, tennis, squash, racquetball, billiards, exercise, etc.)	N	C	C	N	C	S	N	N	N	N

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[1] Retail sales in an Industrial Park District are allowed if it is an accessory use to the primary permitted Industrial Park District use and the retail sales are related to the primary permitted Industrial Park District use.

Table 1 (cont.)
Table of Permissible Uses

LAND USE DISTRICT

USE/STRUCTURE	IP	VC	HD	RD	CD	RR	AD	RP	SD	AP
COMMERCIAL(cont.) Recreational (Outdoors – golf driving ranges, miniature golf, water slides, etc.)	N	N	N	N	C	S	C	N	N	N
Restaurant	N	C	C	N	C	N	S	N	N	N
Retail Fuel Distributor (Petroleum Products)	N	N	N	N	C	N	N	N	N	N
Retail Business (less than 2000 sq. ft.)	C[1]	C	C	N	C	C	C	N	N	N
Retail Business (2000 sq. ft. or more) (up to a 15,000 sq. ft. GBA maximum)	C[1]	C	C	N	C	N	N	N	N	N
Self Storage Facilities	N	N	N	N	C	N	C	N	N	C[2]
Solar Energy Systems, Ground Mounted, Medium & Large Scale	C	C	C	C	C	C	C	N	C	N
Shopping Center	N	N	N	N	C	N	N	N	N	N
Taverns	N	C	C	N	C	N	N	N	N	N
Transmission Tower	N	N	N	N	N	S	S	S	N	N
Veterinary Hospital	N	C	N	N	C	C	C	N	N	N
Wholesale Business	C	C	N	N	C	S	N	N	N	N
Wireless Telecommunications Facilities[3]	C	N	N	N	N	N	C	N	N	N
INDUSTRIAL Manufacturing – Light	C	S	S	N	C	N	N	N	N	N
Manufacturing – Heavy	C	N	N	N	N	N	N	N	N	N
Sawmill and Related Operations	N	N	N	N	C	C	C	N	N	S

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[1] Retail sales in an Industrial Park District are allowed if it is an accessory use to the primary permitted Industrial Park District use and the retail sales are related to the primary permitted Industrial Park District use.
[2] If use is allowed in underlying district.
[3] See Chapter 9 Wireless Telecommunications Facilities Ordinance

Table 1 (cont.)
Table of Permissible Uses

LAND USE DISTRICT

USE/STRUCTURE	IP	VC	HD	RD	CD	RR	AD	RP	SD	AP
INDUSTRIAL(cont.) Sludge and Ash Spreading and Disposal	N	N	N	N	N	N	C	N	N	N
Terminal for Bulk Oil and Gas	N	N	N	N	C	N	N	N	N	N
Trucking, Distribution Terminal	C	N	N	N	C	N	N	N	N	N
Trucking & Hauling Companies	N	N	N	N	C	N	C	N	N	N
Warehousing and Storage	C	N	N	N	C	N	N	N	N	N
Waste Disposal/Landfill	N	N	N	N	N	N	S	N	N	N
EDUCATION, INSTITUTIONAL, PUBLIC Accessory Structure	1	C	C	C	C	C	1	N	N	S
Church, Synagogue, Parish House	N	C	C	C	C	C	C	N	N	S
Civic, Convention Centers	N	C	C	N	C	N	N	N	N	N
Community Centers, Clubs	N	C	C	N	C	C	N	N	N	N
Day Care Facility	N	C	C	C	C	C	C	N	N	S
Essential Services	N	C	C	C	C	C	C	C	C	C
Fire, Police Station	N	C	C	C	C	C	C	N	C	C

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[1] Requires the same permits as the primary structure or if the primary structure is a non-conforming use it requires a conditional use permit.

Table 1 (cont.)
Table of Permissible Uses

LAND USE DISTRICT

USE/STRUCTURE	IP	VC	HD	RD	CD	RR	AD	RP	SD	AP
EDUCATION, INSTITUTIONAL, PUBLIC (cont.) Government Office	C	C	C	N	C	C	C	N	C	C
Congregate Housing/Nursing Home	N	C	C	S	C	S	S	N	N	N
Hospital, Medical Center	N	C	C	N	C	N	N	N	N	N
Museum, Library	N	C	C	C	C	S	S	N	N	S
Nursery School	N	C	C	C	C	C	N	N	N	N
Public, Private School	N	C	C	C	C	C	S	N	N	N
Public Utility Facility	N	C	C	C	C	C	C	N	C	C
OUTDOOR, RESOURCE BASED USES Accessory Structure	C	C	C	C	1	C	C	C	C	C
Agriculture	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
Agricultural Packaging and Storage	C	N	N	N	C	C	C	N	N	S
Agricultural Products Processing[2]	C	N	N	N	C	C	C	N	N	N
Animal Breeding or Care and Kennels	N	N	N	N	C	C	C	N	N	N

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[1] Requires the same permits as the primary structure or if the primary structure is a non-conforming use it requires a conditional use permit.
[2] This activity or use is intended to apply to the commercial processing of agricultural products for sale and distribution, not the processing of agricultural products primarily intended for the use of the residents on the lot.

Table 1 (cont.)
Table of Permissible Uses

LAND USE DISTRICT

USE/STRUCTURE	IP	VC	HD	RD	CD	RR	AD	RP	SD	AP
OUTDOOR, RESOURCE BASED USES (cont.) Campground	N	N	N	N	C	C	C	N	C	S
Cemetery	N	N	N	S	C	C	C	N	N	S
Extractive Industry	N	N	N	N	S	C	C	N	N	S
Farm Stands	N	C	C	C	C	C	C	N	C	C
Forestry (meet applicable requirements)	N	Y	Y	Y	Y	Y	Y	Y	Y[1]	Y
Golf Course (excluding miniature golf)	N	N	N	C	C	C	C	N	S	C
Stables	N	N	N	N	C	C	C	N	S	S
Parks	N	C	C	C	C	C	C	C	C	C
Mass Gathering (more than 1,000 persons for more than 4 consecutive hours)	N	N	N	N	C	C	C	N	N	N

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[1] Special requirement for Shoreland District.

Article 2.7 Dimensional Requirements

Unless otherwise permitted by this Ordinance, lots and structures shall meet or exceed the requirements as set forth below in Table 2. Any lot created by any means must have a minimum lot width and minimum lot depth so that a rectangle the size of the minimum lot frontage by the minimum lot depth as specified in Table 2 can be enclosed within the lot boundaries. (Amended 03/20/95).

Table 2
Dimensional Requirements

LAND USE DISTRICT

DIMENSIONS	IP	VC	HD[1]	RD	CD	RR	AD	RP	SD	AP
MINIUM LOT AREA (sq. ft. in thousands)										
with public water	80	20	20	30	40	40	n/a	n/a	n/a	UD[3]
w/o public water/sewer	120	40	40	40	60	80	3 acres	n/a	40	UD[3]
MINIMUM ROAD FRONTAGE (ft.) (public or private)										
with public water	150’	100’	75’	120’	150’	150’	250’	n/a	n/a	UD[3]
w/o public water/sewer	200’	125’	125’	175’	200’	200’	250’	n/a	n/a	UD[3]
Route 25	200’	-	-	175’	200’	n/a	250’	n/a	n/a	UD[3]
Minimum Shore Frontage	n/a	n/a	n/a	n/a	n/a	n/a	n/a	200’	200’	n/a
Minimum Lot Depth	150’	100’	100’	125’	150’	200’	250’	n/a	200’	UD[3]
MINIMUM SETBACKS (principal and accessory structure) Front setback (from centerlines)										
Route 25	100’	30’	30’	50’	100’	100’	n/a	n/a	n/a	UD[3]
Other State Road	100’	30’	30’	50’	n/a	75’	75’	75’	n/a	UD[3]
Town or private road	100’	30’	30’	50’	50’	75’	75’	75’	50’	UD[3]
Side Setback	50’	15’	15’	20’	20’	30’	30’	50’	40’	UD[3]
Rear Setback	50’	25’	25’	20’	25’	25’	30’	50’	n/a	UD[3]

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[1] Utility transmission towers are exempted from height requirements. Exception: VC, HD, RD.
[2] UD = Underlying district dimensions apply.
[3]-Whichever is less in the underlying district.
[4]-Excepting rear lots. (Amend 03/20/95)

Table 2 (cont.)
Dimensional Requirements

LAND USE DISTRICT

DIMENSIONS	IP	VC	HD[1]	RD	CD	RR	AD	RP	SD	AP
MAXIMUM LOT COVERAGE (%)										
Building Coverage	40%	25%	25%	20%	40%	20%	10%	10%	20%	UD[3]
Impervious Area	60%	70%	70%	30%	60%	20%	20%	10%	20%	UD[3]
Maximum Height of Structure[2]	35’	35’	35’	35’	35’	35’	35’	35’	35’	35’
Minimum floor area for Residential Structure (sq. ft.)	n/a	500	500	500	500	500	500	500	500	500
Maximum floor area for Commercial Use (sq. ft.)	n/a	15,000	15,000	N	15,000	15,000	15,000	N	N	N
Minimum Waterfront Setback (all structures)	n/a	n/a	n/a	250’	n/a	n/a	n/a	250’	250’	n/a

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[1] Utility transmission towers are exempted from height requirements. Exception: VC, HD, RD.
[2] UD = Underlying district dimensions apply.
[3]-Whichever is less in the underlying district.
[4]-Excepting rear lots. (Amend 03/20/95)

Article 2.8 General Performance Requirements and Standards

The following standards apply to all lots created and all land use activities undertaken, where applicable.

Section 2.8.1 Access to Lots

A. Each lot shall be provided with right of access to the property by public or private ways.

B. No building permit shall be issued to erect any principal structure on a newly formed lot which does not have frontage on a public way unless an access road meeting criteria in subsection 3 below has been constructed within a deeded right-of-way, which is a minimum width of fifty (50) feet. The access road shall be constructed to within 300' of the principal structure. (Amended 03/20/95).

C. All access roads (new and existing) shall be constructed to a minimum width of twelve (12) feet if serving one dwelling unit, and fifteen (15) feet if serving two or more dwelling units. The access road shall contain a minimum depth of twelve (12) inches of bank-run gravel for the gravel base course and two (2) inches of crushed surface gravel for the surface gravel course, shall have drainage ditches and culverts at all appropriate points and shall provide sufficient area to allow a fire truck or other emergency vehicle to maneuver.

D. As a minimum, existing access roads shall be upgraded to meet criteria in subsection 3 above for any new lot created. (Amended 03/20/95).

Section 2.8.2 Agriculture

Agricultural activities in the Shoreland and Resource Protection Districts shall conform to the following land use standards. In other land use districts, such activities must comply with applicable State and Federal regulations.

A. All spreading or disposal of manure shall be accomplished in conformance with the "*Maine Guidelines for Manure and Manure Sludge Disposal on Land,*" published by the University of Maine and the Maine Soil and Water Conservation Commission in July, 1972.

B. There shall be no tilling of soil within fifty (50) feet of the normal high-water mark of any stream, lake or pond whose Shoreland are covered by this Ordinance.

C. Where soil is tilled in a Resource Protection District, or where soil in excess of 20,000 square feet is tilled in any other Land Use district, and the tilled area lies either wholly or partially within the Shoreland areas covered by this Ordinance, such tillage shall be carried out in conformance with the provisions of a Conservation Plan which meets the standards of the regional Soil and Water Conservation District. The number of the plan shall be filed with the Planning Board. Non-conformance with the provisions of such Conservation Plan shall be considered to be a violation of this Ordinance.

Section 2.8.3 Air Emissions

All uses, regardless of size, shall meet the air emission standards set by the Maine Department of Environmental Protection.

Section 2.8.4 Beach Construction

Beach construction on any great pond, or any river, stream or brook capable of floating watercraft shall require a permit from the Department of Environmental Protection, under State law.

Section 2.8.5 Buffers/Screening

The following regulations regarding buffers apply to multi-family residential, commercial, industrial, institutional or other non-residential structures or uses:

A. No such buildings or uses shall be established or abut a residential, agricultural, institutional, public or recreational use, unless natural vegetation or a landscaped buffer strip at least twenty-five (25) feet wide is provided to visually screen the uses to the extent practical. Where no natural vegetation can be maintained or due to varying site conditions, the landscaping may consist of fences, walls, tree plantings, hedges or combinations thereof.

B. Natural landscape features shall be maintained wherever possible to provide a buffer between the proposed development and incompatible abutting properties. When natural features such as topography, gullies, stands of trees, shrubbery or rock outcrops do not exist or are insufficient to provide a buffer, other kinds of buffers shall be utilized. The buffering shall minimize the adverse impacts on adjacent properties (including public roads) and shall meet the following standards:

   i. Outdoor off-street parking and loading spaces shall be effectively screened from view by a continuously landscaped area not less than six (6) feet in height and fifteen (15) feet in width along exterior lot lines adjacent to single family residential properties, except that driveways shall be kept open to provide visibility for entering and leaving.

   ii. Buffers shall be provided along interior roads running parallel to roads exterior to the site, to prevent confusion, particularly at night.

   iii. Exposed storage and waste disposal areas, sand and gravel extraction operations, and areas used for the storage or collection of any articles of salvage or refuse shall have sufficient setbacks and screening (such as a stockade fence, a wooden or masonry screen or a dense evergreen hedge six (6) feet or more in height) so that they do not adversely affect other land uses and properties in the area.

   iv. For any use or area presenting a potential safety hazard to children, physical screening and/or barriers sufficient to deter small children from entering the hazardous area shall be provided and maintained in good condition.

C. All buffer area shall be maintained in a neat and sanitary condition by the owner. Fencing and screening shall be durable and properly maintained and shall be so

located within the property lines to allow access for maintenance on both sides without intruding upon abutting properties.

D. All plantings required under this Ordinance shall be of a type and species appropriate for the soil types and conditions of the site.

Section 2.8.6 Clearing of Vegetation for Development within the Shoreland District

A. Within a Shoreland district, also designated for Resource Protection, abutting a great pond, there shall be no cutting of vegetation within the strip of land extending seventy-five (75) feet, horizontal distance, and inland from the normal high-water line, except to remove safety hazards.

B. Except in areas as described in Section 2.8.6 part A., 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, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of streams, the rivers, or upland edge of those wetlands designated on the official Cornish Land Use Map, a buffer strip of vegetation shall be preserved as follows:

i. Adjacent to a great pond or streams as described in Section 2.8.6 part C, the rivers, or upland edge of those wetlands designated on the official Cornish Land Use Map, the width of a foot path shall be limited to six (6) feet.

ii. Selective cutting of trees within the buffer strip is permitted provided that a well distributed stand of trees and other vegetation is maintained so long as no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 ½ feet above the ground level may be removed in any ten (10) year period.

iii. In order to protect water quality and wildlife habitat adjacent to great ponds and streams as described in Section 3, the rivers, or upland edge of those wetlands designated on the official Cornish Land Use Map, existing vegetation under three (3) feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described in paragraphs 2 and 2a above.

iv. Pruning of tree branches, on the bottom 1/3 of the trees is permitted.

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

The provisions contained in Section 2.8.6 part B above shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the minimum area necessary.

C. At distances greater than one-hundred (100) feet, horizontal distance, from a great pond, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other streams, or the upland edge of those wetlands designated on the official Cornish Land Use Map, except to allow for the development of permitted uses, there

shall be permitted on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 ½ feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

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

D. Cleared openings legally in existence on the effective date of this Ordinance may be maintained, but shall not be enlarged, except as permitted by this Ordinance.

E. Fields which have reverted to primarily shrubs, or trees measuring two (2) inches DBH, shall be regulated under the provisions of this section.

F. In any other land use district, the clearing of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

Section 2.8.7 Emergency Vehicle Access

Provisions shall be made for convenient and safe emergency vehicle access to all principal structures at all times.

Section 2.8.8 Glare and Illumination

All exterior lighting and all reflective properties of the proposed development shall be designed to minimize adverse impact on neighboring properties. Specifically, lighting fixtures shall be focused, shielded, or hooded so that the lighting does not have an adverse impact on motorists, pedestrians, adjacent dwellings or public places. Direct or indirect illumination emanating from any land use activity on one lot shall not exceed 0.5 foot candles upon abutting residential properties.

Section 2.8.9 Height of Structures or Buildings

No structure or building shall exceed those heights specified in Table 2, unless specifically exempted by this Ordinance. Nonflammable features of buildings and structures, such as chimneys, towers, ventilators and spires may exceed the Ordinance's maximum building height, but shall be set back from the nearest lot line a distance not less than the height of such feature or structure, unless a greater setback is required by other provisions of this Ordinance. Chimneys on residential structures shall be exempt from the requirements of this paragraph.

Section 2.8.10 Historic Building

Approval is required from the Planning Board before the Code Enforcement Officer can issue a permit to demolish, move or alter the exterior elevations of a designated historic building (see Appendix A for a list of designated historic buildings and locations).

Section 2.8.11 Landscaping

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

A. General Requirement

All uses will maintain the first fifteen (15) feet from the edge of the right-of-way to all buildings and structures as a green strip (excluding driveways). The green strip shall consist of a maintained vegetated area (e.g., lawn, garden, landscaped shrubbery) or natural growth.

B. Commercial and Industrial Uses

Active, non-residential uses will maintain the first fifteen (15) feet from the edge of the right-of-way to all buildings, structures and designed impervious areas as a green strip (excluding driveways). The green strip shall consist of a maintained vegetated area (e.g., lawn, garden, landscaped shrubbery), with a minimum 2-1/2" DBH or larger deciduous shade tree, spaced every twenty-five (25) feet or a shrub at least three (3) feet in height placed at least every ten (10) feet, along the green strip and parallel to the right-of-way. In order to ensure proper visibility for entering and departing vehicles, all driveway entrances and exits shall be kept free from visual obstructions higher than three (3) feet above street level for a distance of twenty-five (25) feet measured along the intersecting driveway and street lines.

C. All plantings required under this Ordinance must be of a type and species appropriate for the soil types and climate conditions in Cornish.

Section 2.8.12 Noise Abatement

A. Excessive noise at unreasonable hours must be muffled, so as not to be objectionable due to intermittence, beat frequency, shrillness or volume.

B. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any activity regulated by this ordinance is established by the time period and type of land use district listed below. Sound pressure levels must be measured at all lot lines, at a height of at least four (4) feet above the ground surface.

Sound from any source controlled by this ordinance must not exceed the following limits at the property line of said source:

Sound Pressure Level Limits Measured in Db(A)'s:

Industrial Park District	**65** (also see Performance Requirements and Standards for Industrial Park District) (Applies 24 hours per day)
Commercial Districts	**65** (Applicable Hours: 10:00p.m. – 7:00a.m.)
Residential, Village Center and all Other districts	**55** (Applicable Hours: 10:00p.m. – 7:00a.m.)

i. Where the emitting and receiving actors are in different land use districts, the noise limits governing the more restrictive district apply to any regulated noise.

ii. The levels specified may be exceeded by 10 Db(A) for a single period, no longer than fifteen (15) minutes in any one day.

iii. Noise shall be measured with a sound-level meter meeting the standards of the American National Standards Institute, ANSI S1.2-1962 *American Standards Meter for the Physical Measurements of Sound*.

iv. These noise regulations are enforceable by law enforcement officers and by the Code Enforcement Officer (who may measure noise levels and who shall report documented violations to the police).

Section 2.8.13 Off-Street Parking and Loading

A. Basic Design

Off-street parking shall be required for all new, expanded, or remodeled uses in Town, including change of uses, unless otherwise approved by the Planning Board. No parking space shall serve more than one use, unless joint use parking has been approved by the Planning Board in accordance with subsection 2(e) below. Spaces shall be arranged so that vehicles can be turned around within such area and are not required to back into the street or road.

B. Multi-Family Residential, Commercial, Industrial and Institutional Development

Development in any district shall not be extended, and no structure shall be constructed or enlarged, unless off-street automobile parking space is provided in accordance with the following requirements:

i. Access points from a public road to commercial and industrial operations shall be so located as to minimize traffic congestion and to avoid generating traffic on local access streets of a primarily residential character.

ii. All parking areas and driveways shall have a gravel sub-base at least twelve (12) inches in thickness and two (2) inches of finish gravel or bituminous concrete, and shall have appropriate bumper or wheel guards where needed.

iii. Required off-street parking for all land uses shall be located on the same lot as the principal building or facility, unless otherwise approved by the Planning Board.

iv. Loading facilities shall be located entirely on the same lot as the building or use to be served. Trucks, trailers, and containers for loading or storage shall not be located upon any Town way. Loading facilities shall also be designed so that they do not interfere with customer traffic flows and parking.

v. The joint use of a parking facility by two or more principal buildings or uses may be approved by the Planning Board where it is clearly demonstrated that said parking facilities will substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees of such establishments.

C. Parking Lot Design Criteria (Not applicable to single or two-family dwellings)

i. Vehicular Entrance and Exit

a. Entrances and exits shall be clearly identified by the use of entrance and exit signs, curb cuts, and landscaping.

b. Entrance/Exit design shall be in conformance with the standards of Section 2.8.21.

ii. Interior Vehicular Circulation

a. Major interior travel lanes shall be designed to allow continuous and uninterrupted traffic movement.

b. Enclosures, such as guardrails, curbs, fences, walls, and landscaping, shall be used to identify circulation patterns of parking areas and to restrict driving movements diagonally across parking aisles, but not to reduce visibility of on-coming pedestrians and vehicles.

c. Entrance/Exits shall be designed to allow adequate stacking of vehicles without restricting interior vehicle circulation lanes.

iii. Minimum Parking Requirements

a. Access to parking stalls shall not be provided from any public way or from major interior travel lanes serving fifty (50) or more vehicles.

b. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other vehicles.

c. All parking spaces and access drives shall be at least ten (10) feet from any side or rear lot line, except for the additional requirements regarding residential buffering yards in Section 2.8.5 B (i).

d. Parking stalls and aisle layout shall conform to the design standards in Table 3:

TABLE 3
Parking Design Standards

Parking Angle	Stall Width	Skew Width	Stall Depth	Aisle Width	Notes
90º	9’0”	NA	18’5”	24’0”	
60º	8’6”	10’5”	10’0”	16’0”	One way only
45º	8’6”	12’9”	17’5”	12’0”	One way only
30º	8’6”	19’0”	17’0”	12’0”	One way only

e. In paved parking areas, painted stripes shall be used to delineate parking stalls. Stripes should be a minimum of four (4) inches in width. Where double lines are used, they should be separated a minimum of one (1) foot on center.

f. In unpaved parking areas, provisions shall be made to delineate the parking spaces.

g. In aisles utilizing diagonal parking, arrows shall be painted on the pavement to indicate proper traffic flow.

h. Bumpers and/or wheel stops shall be provided where overhang of parked cars might restrict traffic flow on adjacent through roads, restrict pedestrian movement on adjacent walkways, or damage landscape materials.

i. All non-residential uses shall provide at least one (1) parking space for each employee on the largest work shift. In addition, parking spaces shall be provided to conform to the number required in Table 4:

TABLE 4
Parking Requirement Schedule

ACTIVITY	MINIMUM REQUIRED PARKING
Residential Units With 2 or more bedrooms With 1 bedroom Elderly Housing	 2 spaces per dwelling unit 1-1/2 spaces per dwelling unit 1-1/4 spaces per dwelling unit
Bed and Breakfast, Boarding and Lodging Houses, Motels, Hotels and Inns	1 space per room/unit rental
Campgrounds	1 space per site rental
Churches	1 space per three (3) seats based upon maximum seating capacity
Schools Primary Secondary Post-Secondary	 1.5 spaces per classroom 8 spaces per classroom 1 space for each student and 1 space for each faculty and staff member
Child Care Facility	1 space for every four (4) children for whom facility is licensed to care
Private Clubs or Lodges	1 space for every fifty (50) square foot of floor space
Theaters, Auditoria, Public Assembly Areas	1 space per three (3) seats based upon maximum seating capacity
Libraries, Museums, Art Galleries	1 space for each 200 square foot of floor area
Commercial Recreation Facilities	1 space for each 100 square foot of floor area
Funeral Homes	1 space per three (3) seats based upon maximum seating capacity
Medical Care Facilities	1 space for every two (2) beds
Professional Services such as Accountants, Barbers, Hair Dressers, Doctors, Lawyers, Insurance Agents, Real Estate Agents, Veterinarians	1 space for each 250 square foot of floor area
Retail and Service Business	1 space for every 150 square foot of sales area
Automobile Repair Garages	5 spaces for each bay or area used for repair work
Motor Vehicle Sales	1 space reserved for customers per twenty-five (25) vehicles displayed on the lot
Restaurants	1 space per three (3) seats based upon maximum seating capacity
Drive-In and Take-Out Restaurants	1 space per fifty (50) square feet of floor area
Industrial Businesses, Warehouses, and Wholesalers	1 space for each vehicle parked overnight on the premises
Flea Markets	2 spaces per eight (8) linear feet of table
Mixed Uses	Total of individual uses

NOTES:

1. Where the calculation of the aforementioned parking spaces results in a fractional part of a complete parking space, the parking spaces required shall be construed to be the next highest number.
2. The above are minimum standards, and additional parking spaces may be required if these prove to be inadequate.
3. Where floor space is used in calculating the number of required parking stalls, gross floor area shall be used unless otherwise noted.
4. The Planning Board may permit shared parking where it can be demonstrated that adequate parking will be provided.

Section 2.8.14 Piers, Docks, Wharfs, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line of a Water Body or Within a Wetland

A. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

B. The location shall not unduly interfere with existing developed or natural beach areas.

i. The structure shall be located so as to minimize adverse effects on water quality.

ii. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use and character of the area.

iii. No new structures shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland.

iv. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units.

Section 2.8.15 Road Construction and/or Acceptance

A. Waiver and Modification

A variation in the strict application of the standards outlined in this Ordinance may be permitted when in the opinion of the Planning Board and Road Commissioner, topography, soil conditions, and/or special project design features warrant such variation provided that public convenience, safety, health and welfare will not be affected adversely and the general intent of the standards are not violated.

B. Applicability

This Section applies to the construction and/or acceptance of new Town roads, streets, ways and/or the relocation or major alteration thereof.

It applies to roads, streets or ways predominantly serving permanent year-round residences or businesses. It does not preclude, but neither does it contemplate or imply, the acceptance of ways serving property predominantly occupied or used only on a seasonal basis.

Streets or ways dedicated, partially constructed, or used for public travel prior to the passage of this Ordinance shall comply with the requirements of this Ordinance before formal acceptance by the Town, except that in such cases, the Town may, by vote at a legal Town Meeting, modify certain of these requirements upon concurrent recommendation of the Board of Selectmen, the Planning Board, and the Road Commissioner.

C. Application for Proposed Construction

i. Information on Application

Application for acceptance of a new street or way must file a plan showing the following:

a. Plan and profile of roadway drawn to a scale of 1” = 50’ Horizontal and 1” = 5’ Vertical, showing the contours of the proposed street.

b. The direction of magnetic North.

c. The starting and ending points with relation to established roads, streets or ways.

d. The street lines, with relation to existing buildings and landmarks.

e. Dimensions, both lineal and angular, necessary for locating boundaries, and necessary for locating subdivision, lots, easements and building lines.

f. The lots as laid out on said street, and showing the names of all owners of abutting property.

g. All natural water ways and water courses that will be impacted or affected by said streets or ways.

h. If the street is part of a subdivision, the name of the sub divider, date of Planning Board approval and date of recording in the Registry of Deeds shall be provided.

j. Any streets or right-of-way adjacent to the proposed street shall be located on the plan and any existing or proposed names shall be given.

k. Proposed street names shall be noted on the proposed plan.

l. Profile shall show center line of finish grade at minimum fifty (50) foot intervals.

m. All necessary horizontal and vertical contours shall be shown on the plan.

n. The plan shall show typical road sections.

o. With the plan, the applicant shall submit a written application for the construction and/or acceptance, giving the following information:

(1) The name of the owner or owners of the land containing the street or way to be accepted.

(2) The name or names of the developers.

(3) A statement of any legal encumbrances on the property.

p. All applications shall be made to the Selectmen and Planning Board of the Town of Cornish. Approval for acceptance must be obtained before the plans are filed with the York County Registry of Deeds.

q. A representative of the Cornish Water District and any other utilities which are proposed to have or do have installations in the proposed street shall be invited to comment on the plan and/or application.

ii. Permits

A permit for the construction shall be obtained from the Selectmen. Assurance of the Ordinance requirements shall be provided to the Board of Selectmen prior to issuance of the permit.

a. Provision for a bond, letter of credit or acceptable cash equivalent covering the cost of the construction for the proposed road shall be supplied to the Town prior to beginning construction. Such bond shall run for two (2) years or until the road is accepted by the Town.

b. Permits for the construction of roads shall be obtained for streets proposed as part of new subdivisions.

c. Permit is only valid for two (2) consecutive construction seasons.

iii. Construction Inspection

The developer shall pay the Town of Cornish, before any construction begins, a Construction Inspection Fee to cover the costs by the Town to have the road inspected during the construction. The dollar amount of the inspection fee shall be determined by the Selectmen. In the event the actual cost to the Town is less than the estimated amount, the Town will reimburse the developer that difference. In the event the actual cost to the Town is greater than the estimated amount, the developer will pay the Town the difference. Neither party shall be entitled to interest on any amount due upon completion or the amount advanced by the developer.

D. Street Design Standards

i. These design standards shall be met by all streets within subdivisions, and shall control the roadway, shoulders, curbs, drainage systems, culverts, and other appurtenances.

ii. Streets shall be designed to discourage through-traffic on minor streets within a residential subdivision.

iii. The standards shown in Table 5 apply according to street classification (both private and Town owned).

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

v. Dead-end streets shall be provided with an adequate turn around (T-shaped, L-shaped or cul de sac) and shall be approved by the Planning Board.

vi. Adequate provisions shall be made for the disposal of surface water through ditches, culverts and/or other similar means. Culverts shall be not less than fifteen inches (15”) in size.

vii. Grades, Intersections and Sight Distances

a. Grades of all streets shall conform, in general, to the terrain, so that the cuts and fills are minimized while maintaining the grade standards in Table 5.

b. All changes in grade shall be connected by vertical curves in order to provide the following minimum stopping sight distances based on the street design speed:

Design Speed (mph)	25	30	35	40	50
Stopping Sight Dist.	150’	200’	250’	325’	400’

TABLE 5
Type of Street

DESCRIPTION	**COLL.**	**RESIDENTIAL & RURAL**	**INDUSTRIAL & COMMERCIAL**
Minimum Right-of-Way Width	50’	50’	60’
Minimum Pavement Width	24’	20’	30’
Minimum Shoulder Width	4’	3’	9’
Minimum Grade	1%	1%	1%
Maximum Grade	8%	8%	5%
Minimum Center Line Radius Without super elevation (Banks) With super elevation (Banks)	 280’ 175’	 280’ 175’	 400’ 300’
Minimum Tangent Between Reverse Curves	100’	100’	200’
Roadway Crown	¼”/ft.	¼”/ft.	¼”/ft.
Shoulder Crown	¾”/ft.	¾”/ft.	¾”/ft.
Minimum Angle of Street Intersections[1]	75°	75°	90°
Maximum Grade within 75’ of Intersection	3%	3%	3%
Maximum Negative Grade at Cul-De-Sac	4%	4%	3%
Minimum Turning Radii at Intersections	25’	25’	30’
Minimum Sidewalk Width	5’	5’	8’

1. Street intersection angles shall be as close to ninety degrees (90°) as feasible, but no less than the listed angle.
2. Stopping sight distances shall be calculated with a height of eye at 3.5 feet and the height of object of 0.5 feet.

c. Where new streets, intersections or driveways are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the standards below. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of ten (10) feet behind the curb line or edge of the shoulder, with the height of the eye 3-1/2 feet, to the top of an 4-1/2 inch object above the pavement. Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

Posted Speed Limit (mph)	25	30	35	40	45	50	55
Sight Distance	250'	300'	350'	400'	450'	500'	550'

d. Cross (four-cornered) street intersections shall be avoided insofar as possible. A minimum distance of two-hundred feet (200) shall be maintained between center lines of side streets.

E. Street Construction Standards

i. The minimum thickness of materials after compaction is in Table 6.

ii. Preparation

a. Before any clearing has started on the right-of-way, the center line and side lines of the new road shall be staked or flagged at fifty (50') foot intervals.

b. Before grading is started, the entire right-of-way shall be cleared of all stumps, roots, brush, and other objectionable material. All ledge, large boulders, and tree stumps shall be removed from the right-of-way.

TABLE 6
Minimum Requirements – Street Materials

STREET MATERIALS	**COLL.**	**RESIDENTIAL & RURAL**	**INDUSTRIAL & COMMERCIAL**
Gravel Base Course (Maximum size stone 6")	21"	21"	24"
Crushed Surface Gravel Course	3"	3"	3"
Hot Bituminous Pavement			
Total Thickness	3"	3"	4"
Surface Course	1-1/4"	1-1/4"	1-1/4"
Base Course	1-3/4"	1-3/4"	2-3/4"

c. All organic and unsuitable materials shall be removed from the roadway subgrade to a depth of two feet. All rocks and boulders visible at the sub grade and exceeding six (6) inches in size shall also be removed. All sub soils which have been identified by the Town as not suitable for roadways shall be removed from the road site and

replaced with material meeting the specifications for gravel base course or a MDOT approved stabilization geotextile may be used.

d. Except in a ledge cut, side slopes shall be no greater than a slope of three (3) feet horizontal to one (1) foot vertical, and shall be graded, loamed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan. Where a cut results in exposed ledge, a side slope no steeper than four (4) feet vertical to one (1) foot horizontal is permitted.

e. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

iii. Base and Pavement

a. Bases

(1) The Gravel Base Course shall be gravel of durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes the three (3) inch square sieve shall meet the grading requirements shown in Table 7.

(2) The Surface Gravel Course shall be crushed gravel of hard durable particles free from vegetative matter, lumps or ball of clay and other deleterious substances. The gradation of the part that passes a three (3) inch square mesh sieve shall meet the grading requirements shown in Table 8.

b. Pavement Joints

Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line to form a neat, even, vertical joint.

c. Pavements

(1) Minimum standards for the base layer of pavement shall be the MDOT's specifications for plant mix grade "B" with an aggregate size no more than 1" maximum.

(2) Minimum standards for the surface layer of pavement shall meet the MDOT's specifications for plant mix grade "C" or "D" with an aggregate size no more than ¾" maximum.

(3) Placement of hot bituminous pavements shall meet the MDOT's specifications 401.07 through 401.20, or as revised.

TABLE 7
Gravel Base Material - Streets

Sieve Designation	Percent by Weight Passing Square Mesh Sieve
¼ inch	25-70%
No. 40	0-30%
No. 200	0-5%

Aggregate for the Gravel Base shall contain no particles of rock which will not pass the six (6) inch square mesh sieve.

TABLE 8
Crushed Surface Gravel - Streets

Sieve Designation	Percent by Weight Passing Square Mesh Sieve
½ inch	45-70%
¼ inch	30-55%
No. 40	0-20%
No. 200	0-5%

Aggregate for the surface gravel shall contain no particles of rock which will not pass the two (2) inch square mesh sieve.

F. Erosion Control

i. Erosion and sediment shall be controlled through appropriate management practices to prevent any adverse downstream water quality impacts.

ii. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

iii. 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.

iv. The developer shall maintain all components of the erosion and sediment control and storm water management system.

v. Stabilization Timelines

a. In general, all activities regulated by these standards shall be conducted after March 1st and before October 30th. All other times will require special permission from the Town.

b. Disturbed soil shall be stabilized within one (1) week from the time it was last actively worked using temporary or permanent measures such as placement of rip-rap, sod, mulch or erosion control blankets or other comparable measures.

c. In all cases within the Shoreland zones, permanent stabilization shall occur within nine (9) months of the initial date of exposure.

d. Permanent revegetation of all disturbed areas, using native plant material wherever possible, shall:

(1) Occur within thirty (30) days from the time when last actively worked;

(2) For Spring and Summer activities, by Oct. 21st;

(3) For Fall and Winter activities, by June 15th;

(4) Except where precluded by type of disturbance (e.g. rip-rap, road surfaces, etc.) the vegetation cover shall be maintained.

vi. If mulch is likely to be moved because of steep slopes or wind exposure, it shall be anchored with netting, peg and twine or other suitable method and shall be maintained until a catch of vegetation is established over the entire disturbed area.

vii. Mulch or other temporary erosion control measures shall be maintained until the site is permanently stabilized with vegetation or other permanent control measures.

G. Driveway Entrances

Each abutting property owner or developer, as the case may be, shall not obstruct the flow or drainage of any ditch existing on any road or street within the jurisdiction of the Town by the construction of a driveway or entrance to his property. To comply with this, all culverts that may be necessary shall be furnished by the owner or developer. On accepted streets, the culverts furnished will be installed and maintained by the Town. Prior to acceptance of any street, such culverts shall be installed in accordance with this Ordinance by the property owner or developer, but will be maintained by the Town following acceptance of the street. Culverts shall be not less than fifteen (15) inches in size. Lengths shall be a minimum of thirty (30) feet.

H. Sidewalks

The Planning Board shall have the authority to designate whether sidewalks shall be required or not, and whether sidewalks shall be constructed on both sides of the street or way, or only on one (1) designated side. When determining if sidewalks will be required, the Planning Board shall be guided by, but not limited to, the following guidelines: existing sidewalks adjacent to proposed development, density of area, traffic volume and speed, potential growth of the area, pedestrian usage, location of schools or other public facilities, and public safety.

I. Application for Acceptance

Whenever an application for accepting any street or way is presented to the Board of Selectmen, it shall refer the same to the Planning Board and Town Road

Commissioner, which shall proceed to examine the application and the site. No street or way shall be presented to the Town for acceptance until the Planning Board and Road Commissioner shall have made a careful investigation and shall have reported to the Board of Selectmen that the provisions of this Ordinance have been complied with.

The Planning Board and Road Commissioner shall make its report to the Board of Selectmen within sixty (60) days of receipt of an application.

J. Recommendation for Acceptance

At such time as the developer has complied with the above specifications and provided for the road to the satisfaction of the Board of Selectmen, the Road Commissioner, and the Planning Board, the Board of Selectmen may give such developer written statement that he has complied with the specifications of the Ordinance, and that such Board will recommend the acceptance of such street or way at the next regular Town Meeting, or a Special Town Meeting called for that purpose or other purposes within a reasonable and feasible time. The Owner of the road prior to acceptance by the Town shall supply the Town with a warranty deed for the road right-of-way at the time of formal acceptance by the Town.

K. Roads in Shoreland District

In addition to the above, road is the Shoreland District shall be located, constructed and maintained in such a manner that minimal erosion hazard results. Adequate provision shall be made to prevent soil erosion and sedimentation of surface waters. All roads shall be located, constructed and maintained in conformance with the erosion prevention provisions of "*Permanent Logging Roads for Better Woodlot Management*" published by the Division of State and Private Forestry, Forest Service Northeastern Area, Department of Agriculture in 1973, or as revised.

Additionally, all roads constructed in the Shoreland District shall conform to the following standards:

i. Road crossings of watercourses shall be kept to a minimum number necessary;

ii. Bottom of culverts shall be installed at stream bed elevation;

iii. All cut or fill banks and areas of exposed mineral soil shall be revegetated or otherwise stabilized as soon as possible; and

iv. Bridges or culverts of adequate size and design shall be provided for all road crossings of watercourses. The requirement for a bridge or culvert may be waived for winter use forest management only by obtaining a permit from the Planning Board.

Section 2.8.16 Sanitary Standards

A. All subsurface sewage disposal facilities shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, Chapter 241, as revised.

B. When two or more lots or buildings in different ownership share a common subsurface disposal system, the system shall be owned and maintained in common by an owner's association. Covenants in the deeds for each lot shall require mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system.

Section 2.8.17 Sewer System – Municipal

The Cornish Municipal Sewer System has been constructed to serve a specific and limited capacity. Because the system was designed for a maximum capacity, no new structures may be added to the system and no change in use as of November 1995 may be made which increases the assigned capacity to each structure. See Appendix D "Cornish Sewer System" for further information. Also refer to the "Operation and Maintenance Manual - Cornish Wastewater Collection and Treatment System" and the "Downtown Sanitary Sewer System Advisory Committee By-Laws," Section V, Adding Additional Users.

Section 2.8.18 Signs

A. Location and Illumination of Signs

i. No sign shall be located in, or extend over, any public right-of-way, except temporary banners and signs in the Village Center District that are attached to buildings and have zero (0) lot setbacks to the public right-of-way. In addition, no sign shall be erected adjacent to any public way in such a manner as to obstruct clear and free vision or where, by reason of its position, shape, color, illumination or wording, the sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or otherwise constitute a hazard to pedestrian or vehicular traffic.

ii. No exterior signs or interior signs visible from the outside, except traditional barber poles for licensed barber shops, shall be illuminated with flashing, moving, or animated lights nor shall signs move or have moving parts, or have moving parts attached to them like pennants, ribbons, streamers, etc.

iii. All signs, if illuminated, shall be lighted by light of such intensity and in such manner that it will not result in hazards to motorists. Only signs that are indirectly lit will be allowed in the Village Center District. Signs that are directly lit in the Village Center District at the time of adoption of this Ordinance may continue to be used, but can not be changed or altered without coming into conformance with this Ordinance. Illumination of signs shall be permitted only between the hours of 7:00am and 11:00pm, except that this time restriction shall not apply to illumination signs of emergency facilities and retail, commercial and industrial establishments during such hours as the establishments are lawfully open to the public or work hours are regularly in effect.

iv. No sign shall be located off the site of the lot on which the related service or occupant is located, except for MDOT approved directional signs or other off-premise signs permitted by State Statute.

v. No free standing sign shall be located closer than one hundred (100) feet to any other free standing sign, except where necessary to allow each business one sign.

vi. All signs shall conform with the provisions of Title 23, M.R.S.A., Sections 1901-1925 (Maine Traveler Information Act), and Title 29 M.R.S.A., 4296 (Maine Transportation Act), or as amended.

B. The following signs shall be permitted signs in Residential, Rural Residential, Shoreland, Resource Protection and Agricultural Districts:

i. The sale or rental of real estate may be advertised by temporary signs, no larger than twelve (12) square feet in area. Each broker or person advertising the sale shall be permitted only one (1) sign on any premises. All such signs shall be removed within two (2) days of closing on the sale of the real estate.

ii. There may not be more than one (1) sign at any entrance to a residential subdivision or multi-family development, identifying the subdivision or development. A single side of any such sign may not exceed eighteen (18) square feet for sign face.

iii. Non-residential uses (including home occupations) may display one sign, not exceeding twelve (12) square feet in area, per sign face, per use, not to exceed ten (10) feet in height. Said sign may be either a wall sign or a free-standing sign. A permit is required from the Code Enforcement Officer.

iv. Signs related to trespassing and hunting shall be permitted without restrictions as to number provided that no such sign shall exceed two (2) square feet in area.

C. In the Village Center, Historic, and Commercial Districts only the following signs shall be permitted:

i. All non-business signs allowed in the Residential, Rural Residential, Resource Protection, Agricultural and Shoreland Districts.

ii. Business signs, which relate to the premises on which they are located, identify the occupant of such premises or advertise the services or products available within the premises, are permitted in accordance with the design standards for signs in Subsection D (xiii) below.

iii. Except as otherwise herein provided, no person shall erect, modify or move any signs regulated under part ii above and visible from the public way without first applying for and obtaining from the Code Enforcement Officer a permit setting forth such information as may be required by the Code Enforcement Officer to implement the provisions of this section.

D. <u>Design Standards for Signs</u>

i. Free-Standing Signs

Unless otherwise provided, all free-standing signs shall conform to the following:

a. The maximum gross display area of each sign face shall not exceed one-hundred fifty (150) square feet, measured from the top of the topmost display elements to the bottom of the lowest display element, including any blank space between the elements.

b. Maximum height is twenty-five (25) feet.

c. Maximum side dimension is sixteen (16) feet.

d. Minimum height is three (3) feet above grade.

ii. The total number of signs displayed on the premises shall not exceed four (4) in number, not including window signs that occupy less than thirty percent (30%) of the total available window space. However, if more than one (1) business or establishment exists on the premises, each business or establishment permitted on the premises may have one (1) name sign. The name sign may be a sign with two (2) sign faces and which shall be counted as one (1) sign. The name sign shall not be greater than eight (8) square feet on each sign surface.

iii. The total maximum combined signs, including ground, wall, projecting, attached, window and roof signs on one premise shall be in proportion with the building housing the activity or business. No one premises may exceed one-hundred fifty (150) square feet of sign area except as noted in Subsection D, below, regardless of the size of the building. A building shall be sized according to the height and width of its façade. Where more than one side of a building directly faces a public roadway, the size of its façade shall be determined by the height and width of its largest side that directly fronts on a public roadway. A building which is in excess of 1,500 square feet of facade shall be allowed a maximum of 150 square feet of sign area; a building with between 600 and 1,499 square feet of facade is limited to a total sign area of 100 square feet; a building with less than 600 square feet of facade shall not exceed fifty (50) square feet of sign area.

iv. A business or activity set back from the public way a minimum of one-hundred (100) feet shall be permitted an additional fifty (50) square feet of sign area over and above the limits established in Subsection c. above. Such additional sign area may be window display or an attached sign, but shall only exceed the maximum of four (4) signs established in Subsection b. above, when the total number of businesses exceed three (3), and then only one (1) additional sign per business or activity will be permitted. If there are more than three (3) businesses on the premises, each business may have one sign that is no greater than 10% of its façade (even if the sum of all signs is greater than the maximum square footage of signage allowed).

v. Only businesses that provide a product or service that traditionally has depended on public recognition of a particular brand name as a basis for patronage are permitted to have signs which specifically advertise that brand name. Examples of such products or services would be automotive gasoline products, automobile dealerships, franchise names, etc. Signs with permanent letters or figures, other than window displays, that are intended to advertise

one (1) or more products' brand name, whether in conjunction with conveying other information or not, are not allowed. Signs which use removable letters to convey temporary messages may use the letters to state a brand name as part of the temporary message.

vi. No portable signs shall be permitted.

vii. Mobile signs must be moved a minimum of fifty (50) feet at least once a week to qualify for exemption under the regulations for a number of signs allowed and maximum square footage portions of this Ordinance, specifically Sections a through e, above.

viii. Temporary commercial signs are permitted with a permit from the Code Enforcement Officer, provided that such signs shall be displayed no longer than twenty-one (21) consecutive days. A permit for each such sign must be obtained, and no permit shall be issued for subsequent display of the same sign, unless a period of seven (7) days has elapsed since the previous display. In no case shall more than two (2) permits be issued for the same sign, or portion thereof, in any calendar year. Such temporary signs must comply with the requirements of Subsections a through g, above.

ix. In addition to the maximum number and size of signs permitted, directional signs solely indicating ingress and egress placed at driveway locations, containing no advertising material, having a display area not exceeding five (5) square feet, and not extending higher than seven (7) feet above ground level, are permitted with permission of the Code Enforcement Officer.

x. District setback requirements shall not apply to signs; however, no sign shall project over the public right-of-way if it is located in a district which has a front setback building requirement. No free-standing signs are permitted in the public right-of-way.

xi. In addition to the maximum number and size of permitted signs, identification signs may be erected over or by the doorway or entrance to such portion of the building. The sign area shall not exceed ten percent (10%) of the area of such doorway or entrance to such portion of the building.

xii. Any sign which no longer advertises a bona fide business conducted, product sold, activity being conducted, or public notice, shall be taken down and removed be the owner, agent, or person having the beneficial use of the building or premises upon which such sign may be found within ten (10) days after the activity has ceased.

xiii. Any existing non-conforming signs except directly lit signs in the Village Center District must be removed within three (3) years from the date of enactment. At the beginning of the second year, any non-conforming sign must be issued a permit by the Code Enforcement Officer. Such permit may be renewed at the end of the second year for one (1) final year. The fee for such a permit shall be $150 for the second year, and the third year will be charged at a rate of $300. Non-conforming signs may not be altered, rebuilt or relocated on the same premises, unless such construction brings the sign into conformance with this Ordinance. However, non-conforming signs on

land which is acquired for governmental purposes by governmental action may be relocated on the same premises. Normal maintenance and repairs are permitted. Signs in the Village Center District that are directly lit may continue to be used, but cannot be changed or altered without coming into conformance with this Ordinance.

xiv. Head Shop Signs - No signs containing Head Shop, Bongs, Ice chillers, water pipes, Chillums, pipes, roach clips, Air driven pipes or those defined as drug paraphernalia found in Title 17A Maine Criminal Code Chapter 45 Section 1111-A shall be erected, posted or in any way displayed on the outside property of any establishment.

E. Temporary Signs

i. Temporary signs for non-commercial special events, such as charitable functions, notices of meetings, etc. may be posted in any district upon a written permit from the Code Enforcement Officer. The Code Enforcement Officer shall only grant such a permit after presentation of evidence that the authorities controlling the proposed location of the sign have approved its posting. A temporary sign shall be posted for a period not to exceed twenty-one (21) consecutive days. The applicant shall remove said signs within forty-eight (48) hours of termination of the activity. Street banners shall be no larger than fifty (50) square feet in area. Temporary signs shall not be attached to utility poles, trees, fences, other natural features, etc.

ii. No temporary sign, other than a street banner, shall be larger than twenty-four (24) square feet in area. Complete liability for any damage resulting from the placement of a banner across the public way shall be provided, in writing, by the person, firm, or corporation hanging the banner before the issuance of a permit for such banner. Such liability shall be acknowledged upon the application for the permit.

iii. Construction Signs - A contractor engaged in the business of performing his trade is permitted to display his company name on a sign that does not exceed one-hundred (100) square feet of sign area, provided that all contractors and/or subcontractors working on a construction site cannot exceed the total of one-hundred (100) square feet of sign area, cumulatively. Such signs shall be removed within seven (7) days upon completion of the work, or if an interval of more than seven (7) days shall elapse between the performance of substantive work.

iv. Temporary Political Signs - Temporary political signs shall be permitted for a period of thirty (30) days before the election date to which the sign refers and must be removed within seven (7) days after the election has occurred. The maximum size of temporary political signs shall be sixteen (16) square feet. Political signs must comply with State laws governing such signs.

F. Exemptions. The preceding regulations shall not apply to the following:

i. Flags and insignia of any government,

ii. Legal notices, identification, information, or directional signs erected or required by governmental bodies,

iii. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter or commercial identification,

iv. Signs indicating gasoline prices as required by State law,

v. Advertisements and sales in windows,

vi. Yard and garage sale signs posted for no more than three (3) days and no more than ten (10) square feet in area,

vii. A bulletin board or similar sign in connection with any church, museum, library, school or similar public structure not exceeding twelve (12) square feet.

G. Fees

A fee schedule may be adopted and amended by a majority vote of the Board of Selectmen.

H. Minimum Requirements

The provisions of this Ordinance are minimum requirements. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted statute, rule, regulation, ordinance, deed restriction or covenant, the most restrictive, or that imposing the higher standard, shall govern.

Section 2.8.19 Soil and Water Quality Protection

A. Soils

i. No construction activity shall be permitted in the Shoreland District in any area where slopes exceed twenty percent (20%), depth to groundwater is less than twelve (12) inches, depth to bedrock is less than twelve (12) inches, the K factor for soils exceeds four-tenths (0.4) or the soils fall in hydrologic soils group D, unless satisfactory evidence is presented to the Code Enforcement Officer, within the application for a permit, or to the Planning Board, within the application for site plan review that construction methods will overcome any pertinent soil inadequacies.

a. All development projects within an Aquifer Protection Overlay District shall have a suitable alternative site for wastewater disposal.

B. Soil Erosion Control

Erosion of soil and sedimentation of drainage ways, wetlands and surface water shall be minimized by employing the following “best-management” practices:

i. The least possible amount of disturbance shall occur during site development in regards to tree removal, de-vegetation, and soil disturbance. In particular,

strips of naturally vegetated areas existing on the down slope side of the construction site shall be maintained as undisturbed buffer areas.

ii. All exposed soils during construction shall be stabilized (i.e., mulched, covered, or re-seeded) within fifteen (15) calendar days of disturbance or at the completion of work, whichever is sooner. Mulch in drainage ways, on slopes over 20% and in areas exposed to wind shall be stabilized by mulch netting.

The mulch rate shall be as follows:

Method of Stabilization	**Rate of Application**
Hay mulch/Straw	2 tons/acre
Wood chips/Bark	4" thick
Re-seeding (only between April 30 and September 30)	In accordance with application rates the S.C.S. Environmental Quality Handbook, Revised 3/86

iii. All drainage ways, swales, wetlands and surface water shall be protected from sedimentation by the installation of silt-fence barriers and/or hay-bale barriers. Such barriers shall be installed prior to any digging, soil removal, the stripping of vegetation, scarification, or soil disturbance of any kind. The barriers shall be installed at all points immediately down-slope of all soil exposing activities.

In addition, in areas where slopes exceed fifteen percent (15%), all drainage ways, swales, wetlands and surface water shall be protected from sedimentation by the maintenance of a one-hundred (100) foot wide vegetative buffer.

iv. Permanent (final) vegetation and mechanical erosion control measures shall be installed by the time construction is completed.

v. Whenever any portion of a designed impervious area over 10,000 square feet falls within the Aquifer Protection Overlay, Shoreland District, or within five-hundred (500) feet of a drainage way, wetland, or surface water, the Planning Board shall initiate a review in conjunction with the York County Soil and Water Conservation District, or other qualified professionals as appropriate. If it is determined that because of the slope, soil erodibility, designed impervious area, and site location there is a need for temporary or permanent sedimentation control mechanisms, the Planning Board, in consultation with the reviewing professionals and in accordance with the guidelines established in the S.C.S. Environmental Quality Control Handbook, Revised March 1986, as applicable, shall require the use of debris basins, sediment basins, silt traps, or other acceptable methods to trap sediment in run-off water.

vi. Erosion control measures shall be effectively maintained at all times.

vii. It is the responsibility of any person doing any act on or across a communal stream, watercourse or swale or upon the floodway or right-of-way thereof to maintain as nearly as possible in its present state the stream, watercourse, swale, floodway or right-of-way during the duration of such activity and to

return it to its original or equal condition after such activity is completed. Whenever sedimentation is caused by stripping vegetation, regarding or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surface, drainage systems and watercourses and to repair any damage at this expense as quickly as possible.

viii. When a proposed project is within the direct watershed of a great pond, the applicant shall make provisions to limit the export of phosphorus from the site following completion of the project, consistent with the maximum allowable phosphorous standard of 0.0405 lbs./acre (per the Cornish Comprehensive Plan, 1991), or as established by the Planning Board, consistent with DEP requirements for specific water bodies.

At a minimum, vegetative buffer strips shall be provided on the downhill side of all lots, along all tributaries to great ponds and along the great pond. The minimum required width of buffer strips are designated in Table 9 and depend on the size of the lot, the hydrologic soil group, and whether deed restrictions are proposed to limit the area which may be cleared on each lot.

C. Stormwater Management

The following standards shall apply to all development activities that require site plan review:

i. All new construction and development, whether or not served by a stormwater collection and transportation system, shall be designed to reflect or resemble, as nearly as possible, natural runoff conditions in terms of volume, velocity and location of runoff.

ii. Prior to the initiation of any construction or development, an evaluation must be made of pre-development and post-development peak stormwater runoff rates. Such evaluations shall be based on a 24-hour for 2-year, 10-year, and 25-year recurrence interval storm, and estimates of peak stormwater discharge and volume must be completed using Urban Hydrology for Small Watersheds, TR-55, Soil Conservation Service, June 1986 Edition, or the most current edition.

TABLE 9
Buffer Requirements

	Hydrologic Soil Group	**Buffer Width (ft.) per lot Clearing Restricted to 12,500 sq. ft.**	**No Clearance Restrictions**
< 1 Acre	A	75	85
	B	130	150
	C	NA	NA
	D	NA	NA
1-1.99 Acres	A	25	25
	B	25	25
	C	55	190

	Hydrologic Soil Group	Buffer Width per lot Clearing Restricted 12,500 sq. ft.	No Clearance Restrictions
2-2.99 Acres	A	25	25
	B	25	25
	C	25	50
	D	25	200

All lots three (3) acres and larger shall provide a minimum twenty-five (25) feet buffer.

iii. If run off after development will exceed pre-development runoff conditions, all appropriate controls as presented in the S.C.S. Environmental Quality Handbook, as revised, shall be utilized to eliminate such off-site impacts as soil erosion and sedimentation, reduced drainage capacity, and impaired land use or land cover characteristics.

iv. When two or more lots or buildings in different ownership will share a common, non-municipal, stormwater runoff control system requiring maintenance, the system shall be owned and maintained in common by an owner's association. Covenants in the deeds for each lot shall require mandatory membership in the association and provide for adequate funding of the association, or other terms, to ensure adequate maintenance of the system.

v. Stormwater runoff systems shall be designed to facilitate aquifer recharge when it is advantageous to compensate for groundwater withdrawals or reductions in infiltration. Conversely, designs shall avoid recharge where groundwater effects might be harmful. Design of permanent storage facilities shall avoid recharge where groundwater effects might be harmful. Design of permanent storage facilities shall consider safety, appearance, recreational use, and cost and effectiveness of maintenance operations, in addition to the primary storage function. Natural overland flows, and open drainage channel and swale locations shall be the preferred alignments for major components of a residential drainage system. The use of enclosed components (such as underground piping) shall be minimized where the existing natural systems are able to accommodate storm runoff. Energy dissipators (to reduce high-flow velocities), rip rap, and other forms of outfall protection shall be employed where enclosed drains discharge onto erodible soils.

D. Water Quality Degradation

To the extent necessary to protect water quality, no activity shall locate, store, discharge, or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous, or solid materials of such nature, quality, obnoxiousness, toxicity, or temperature that runoff, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness, or be harmful to human, animal, plant, or aquatic life. All above ground storage facilities for fuel, chemicals, or chemical or industrial wastes shall be located on impervious pavement, and shall be completely enclosed by an impervious dike which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a twenty-five (25) year

storm, so that such liquid shall not be able to spill onto or seep into the ground surrounding the paved storage area. Storage tanks for "home heating oil" and diesel fuel, not exceeding 275 gallons in size, shall be exempted from this requirement, in situations where neither a high seasonal water table (within fifteen (15) inches of the surface) nor rapidly permeable sandy soils are involved.

Section 2.8.20 Storage of Materials

A. Outdoor Storage

All materials stored outdoors, except agricultural materials, shall be stored in such a manner as to prevent the breeding and harboring of insects, rats or other vermin. This shall be accomplished by: enclosing the material in containers; raising the material above ground; separating the material, preventing stagnant water; extermination procedures or by other means.

Section 2.8.21 Street Access and Driveways

A. Street Access

Provision shall be made for vehicular access to the development and circulation upon the parcel in such a manner as to safeguard against hazards to traffic and pedestrians in the street within the development, to avoid traffic congestion on any street and to provide safe and convenient circulation on public streets and within the development. More specifically, access and circulation shall also conform to the following standards and design criteria:

i. The vehicular access to the development shall be arranged to avoid through traffic use of local residential streets, unless planned, laid out and constructed to accommodate such use.

ii. Where the entire parcel and individual lots have frontage on two or more streets, the access to the parcel or lots shall be provided across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.

iii. The street giving access to the parcel and neighboring streets which can be expected to carry traffic to and from the development shall have traffic carrying capacity and be suitably improved to accommodate the amount and types of traffic generated by the proposed use.

iv. Where necessary to safeguard against hazard to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, driveways and traffic controls within public streets.

v. Access ways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street.

vi. Where topographic and other conditions allow, provisions shall be made for circulation driveway connections to adjoining lots of similar existing or potential use:

a. When such driveway connection will facilitate fire protection services as approved by the Fire Chief and/or,

b. When such driveway will enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a street.

B. Driveways

i. The number of driveways accessing off-site public streets shall be kept to a minimum.

ii. The appropriate use of common driveways is encouraged. Where lots will access an off-site public street, common driveways shall be used where appropriate to minimize the number of curb cuts required.

a. The maximum number of units served by a common driveway shall be four (4).

b. The Minimum common driveway width shall be fifteen (15) feet. The common driveway shall contain a minimum depth of twelve (12) inches of bank-run gravel for the gravel base course and two (2) inches of crushed surface for the surface gravel course; and shall have drainage ditches and culverts at all appropriate points and shall provide sufficient area to allow a fire truck or other emergency vehicle to maneuver.

c. Maximum length of common driveway: 1,000 feet.

d. All lots using common driveways shall provide a driveway maintenance agreement to be reviewed and approved by the Town attorney at the expense of the applicant.

iii. Paving shall be required in areas where driveway grade is in excess of six percent (6%) per one-hundred (100) feet and meet standards for common driveway construction.

iv. All driveways in excess of 500 feet shall provide a 10’ x 30’ turnout. The exact location of the turnout shall be determined by the Planning Board with the review of the Fire Department.

v. All the driveway areas shall be included in the total lot disturbance calculation for the lot on which the driveway is located.

C. Driveway Design

The following standards shall apply to major and minor arterials in the Town of Cornish:

i. Sight Distances

Driveways shall meet the requirements set forth in Section 2.8.15, part D. vii.

ii. Driveway Intersections

a. Skew Angle

Driveways shall intersect the road at an angle as nearly ninety (90) degrees as site conditions permit, but in no case less than sixty (60) degrees.

b. Driveway Location and Spacing

Curb radii will vary depending if the driveway is one-way or two-way operation. On a two-way driveway, the curb radii shall be between twenty-five (25) feet and forty (40) feet, with a preferred radius of thirty (30) feet. On one-way driveways, the curb radii shall be thirty (30) feet for right turns into and out of the site, with a five (5) foot radius on the opposite curb.

iii. Driveway Location and Spacing

a. Minimum Corner Clearance

Corner clearance shall be measured from the point of tangency (PT) for the corner to the point of tangency for the driveway. In general, the maximum corner clearance should be provided as practical based on site constraints. Special case driveways are one-way and two-way drives with partial access (right turn only) permitted.

Minimum Corner Clearance (feet)

Driveway Type	**Intersection Signalized**	**Intersection Unsignalized**
Full Access	150	50
Special Case	50	50
Right Turn Out Only	100	50
Right Turn In or Out	100	50

b. Driveway Spacing

Driveways shall be located at least fifty (50) feet from adjacent driveways and fifteen (15) feet from property lines (except in the case of shared drives between adjacent parcels or lots), in order to allow major through routes to effectively serve their primary arterial function of conducting through traffic. This distance shall be measured from the driveway point of tangency to the next driveway point of tangency for spacing between driveways and from the driveway point of tangency to a projection of the property line at the edge of the roadway for driveway spacing to the property line.

c. Special Case Drives

Where the minimum standard for a full access drive cannot be met, only a special case driveway shall be permitted. If based on the criteria in paragraphs a. and b. above, full access to the site cannot be provided on either the major or minor streets, the site shall be restricted to partial access. Alternately, construction of a shared access drive with an adjacent parcel is recommended.

iv. Number of Driveways

The maximum number of driveways onto a single street is controlled by the available site frontage and the above driveway spacing. In addition, no traffic generator, except agricultural uses or timber harvesting activities, shall have more than two driveways in total onto a single roadway.

v. Construction Materials/Paving

a. All driveways entering a curbed street shall be curbed at the entrance. Curbing is required around all raised channelization islands or medians.

b. All commercial driveways regardless of driveway volume may be required by the Planning Board to be paved with bituminous concrete pavement within thirty (30) feet of the street right-of-way.

Section 2.8.22 Structure Elevation

The first floor elevation or openings of all buildings and structures shall be elevated at least two (2) feet above the elevation of the 100-year flood, the flood of record, or, in the absence of these, the flood as defined by soil types identifiable as recent flood plain soils.

Section 2.8.23 Water Supply

Prior to the issuance of any occupancy permit for any structure with a private water supply system, a complete analysis of water quality in accordance with Appendix A of the "Rules Relating to Testing of Private Water Supplies," effective Dec. 1, 1984, Department of Human Services shall be conducted and the results shall be submitted to the Code Enforcement Officer.

Article 2.9 Performance Requirements and Standards for Specific Activities

The following requirements and standards apply in addition to those specified in Sections 6 and 7, above.

Section 2.9.1 Industrial Parks (amend 3/19/07)

A. <u>Buffer/Screening Requirements</u>

i. Around the perimeter of the Industrial Park District a buffer strip at least twenty-five (25) feet wide from all lot lines must be maintained. A ten (10) foot wide buffer strip must be maintained from lot lines of abutting lots within the Industrial Park. No structures, roads or utilities may be placed in the buffer

strips except the roads and utilities may cross the buffer strip to serve the lot. The twenty-five (25) foot wide buffer strip must have natural screening (trees, other vegetation, terrain, etc.) to provide a visual and sound buffer between the lot and adjacent properties.

ii. The Planning Board may require the lot owner/developer to plant trees or other vegetation, or do landscaping, so that there is adequate buffering and screening when natural screening is insufficient.

B. Groundwater Protection Requirements

i. All underground tanks must meet Federal, State and local standards to prevent the contamination of groundwater and to prevent leakage from the tanks. At a minimum, the tanks must be non-corrodible and of double wall construction. The location and design detail of each tank must be provided to the Planning Board on the Site Plan. This requirement does not apply to tanks used solely for the storage of water for fire safety systems or septic tanks used for sanitary waste water disposal.

ii. Petroleum products, or other substances that could contaminate surface or ground water, must be stored in accordance with a spill prevention, control and containment plan. Refueling operations, oil changes, and maintenance activities involving the use of products which if spilled, could contaminate subsurface water, must be conducted in accordance with the spill prevention, control and containment plan. The spill prevention control and containment plan must be submitted to the Planning Board during site plan review.

C. Storage of Materials

No materials or products may be stored outside without being secured to prevent injury to children and screened from public view. Details of the screening plan must be shown on the site plan and submitted during site plan review.

D. Solid Waste

The owner of each lot shall be responsible for the disposal of all solid waste. A solid waste disposal plan must be submitted to the Planning Board. All solid waste containers and storage structures must be screened from public view. The screening may be of natural or man-made materials. The screening must be sufficient to completely screen the solid waste containers and storage structures from public view.

E. Signage

In addition to the General Performance Requirements for Signs in Article II, Section 6, the following requirements apply to the Industrial Park District. One free standing sign per lot is allowed. The sign may not be larger than four (4) feet by eight (8) feet in size. The maximum height of the sign above ground is ten (10) feet. Additionally, there may be a sign at the entrance of the Industrial Park which contains the names of the businesses in the park. The sign may be no larger than eighty (80) square feet or ten (10) feet by eight (8) feet in size. The maximum height of the sign is twelve (12) feet. Where requirements conflict the more restrictive requirements will apply.

F. Air Emissions

No substance may be released into the air that creates a nuisance or produces objectionable odors to any abutting property owners. Also all uses must meet air emission standards established by the Maine Dept. of Environmental Protection.

G. Noise

i. Excess noise must be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness or volume.

ii. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any business activity must not exceed 65 Db(A)'s.

iii. The noise standard applies 24 hours per day seven (7) days per week.

iv. The levels specified may be exceeded by 10Db(A) for a single period, no longer than fifteen (15) minutes in any one day.

v. Noise must be measured with a sound-level meter meeting the standards of the American National Standard Institute, ANSI SI.2 – 1962 *(American Standards Meter for the Physical Measurement of Sound)*

vi. These noise regulations are enforceable by the Code Enforcement Officer.

vii. Sound pressure levels must be measured at lot lines at a height of at least four (4) feet above the ground surface.

Section 2.9.2 Campgrounds

Campgrounds in the Shoreland District shall conform to the minimum requirements imposed under State licensing procedure and the following:

A. 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.

B. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet from the normal high-water line of a great pond, and seventy-five (75) feet from the normal high-water line of the rivers, streams, or upland edge of the wetlands designated on the official Cornish Land Use Map.

Section 2.9.3 Individual Private Campsites

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

A. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the Shoreland District, whichever is less, may be permitted.

B. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet from the normal high-water line of a great pond or brook and seventy-five (75) feet from the normal high-water line of streams, the rivers, or upland edge of those wetlands designated on the official Cornish Land Use Map.

C. Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle.

D. 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.

E. A written sewage disposal plan describing the proposed method and location of a sewage disposal shall be required for each campsite; shall be submitted to the local Plumbing Inspector; 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.

F. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

Section 2.9.4 Density Bonuses

The Planning Board may grant a density bonus to an applicant who proposes a clustered concept as a component of the project, in accordance with the following criteria. A bonus of up to 20% may be granted for a project that meets the cluster criteria set forth in Chapter 4, Section 4.3.4.

Section 2.9.5 Home Occupations

A. Permitted home occupations must be carried out without: offending custom or disturbing neighbors; altering the residential character of the structure or neighborhood; or changing the character of the lot from its principal use as a residence. A home occupation shall be permitted if it complies with all of the requirements of this Section.

B. A home occupation shall be carried on by permanent residents of the dwelling unit, shall not exceed five hundred (500) square feet or twenty-five percent (25%) of the total floor area of the dwelling unit, whichever is greater, and shall not employ more than two (2) full-time equivalent, non-resident employees.

C. The home occupation shall be carried on wholly within the principal or accessory structures. There shall be no outside storage or display of materials or products or equipment or vehicles.

D. The General Performance Standards and Building Code of this Ordinance shall also apply.

E. 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/day.

F. The sale of products not wholly crafted, assembled, or substantially altered on the premises, may be permitted by the Planning Board. Also the sale of items ordered off the premises by customers and items which are accessory and incidental to a service provided on the premises may be allowed by the Planning Board.

Section 2.9.6 Hotels, Motels and Inns

For traffic safety on and immediately adjoining each motel, hotel or inn and to assure health, safety and welfare of occupants and of the neighborhood generally, the following land, space, building, traffic, utility, and service design requirements shall be met. For the purposes of this section, the terms hotel, motel and inn are used interchangeably.

A. No part of any building on a motel lot shall be closer than fifty (50) feet to the front lot line, rear lot line or either side line of such lot. A green space, not less than twenty-five (25) feet wide, shall be maintained open and green with grass, bushes, flowers or trees all along each side lot line, the rear lot line, the front line of such lot, except for entrance and exit driveways. The green space shall not be used for automobile parking.

B. Buildings on a lot shall not cover more than twenty percent (20%) of the area of the lot.

C. If cooking or eating facilities are provided in hotel rental units, each rental unit shall be considered a dwelling unit and the hotel shall be required to meet all the standards for multi-family developments in this Ordinance, including the residential density requirements of the appropriate district. On each hotel lot, only one apartment may be provided for a resident owner, manager or other responsible staff person without meeting the requirements of this paragraph.

D. Each motel rental unit shall contain not less than two-hundred (200) square feet habitable floor area enclosed by walls and roof, exclusive of any adjoining portions of roofed or covered walkways. Each motel rental sleeping room shall not be less than twelve (12) by fifteen (15) feet horizontal dimensions, exclusive of bath. Each rental unit shall include private bathroom facilities.

E. Hotel building construction plans shall be reviewed and approved by the State Fire Marshall's Office.

F. All hotels and motels shall be connected to the public sewer and water systems, if available.

Section 2.9.7 Mineral Exploration and Extraction

A. <u>Groundwater Protection</u>

i. No excavation may occur between five (5) and two (2) feet of the seasonal high-water table unless sufficiently detailed information is submitted,

documenting the position of the seasonal high-water table, to allow the Planning Board to determine that the groundwater will not be adversely affected. No excavation may occur within two (2) feet of the seasonal high-water table.

ii. Petroleum products, or other substances that could contaminate groundwater, must be stored on the affected land in accordance with a spill prevention, control and containment plan. Refueling operations, oil changes and maintenance activities requiring the handling of hydraulic fluids, as well as any other on-site activity involving the use of products which, if spilled, could contaminate groundwater, must also be conducted in accordance with such plan.

iii. A three-hundred (300) foot separation must be maintained between the limit of excavation and any predevelopment private drinking water supply. A one-thousand (1,000) foot separation must be maintained between the limit of excavation, and any well or spring which qualifies as a public drinking water supply.

iv. The mining operation must not withdraw more than five-thousand (5,000) gallons of groundwater per day.

B. Surface Water Protection/Storm Water Management

i. If the estimated peak rate of storm water runoff from the affected land is calculated, at any time, to be greater than the predevelopment runoff peak rate in any watershed within the boundaries of the affected land, a detention basin must be designed and constructed to maintain the predevelopment runoff peak rate.

ii. The outlet structures of each detention basin must be designed to control 24-hour storms of 2-year, 10-year and 25-year frequency. Each detention basin must be constructed with an emergency spillway designed to independently convey the runoff from a 25-year, 24-hour storm event if the primary spillway is blocked or its capacity exceeded.

iii. All processing water must be discharged to a sedimentation basin. No chemicals may be used to process burrowed material.

iv. Petroleum products, or other substances that could contaminate surface water, must be stored on the affected land in accordance with a spill prevention, control and containment plan. Refueling operations, oil changes, and maintenance activities requiring the handling of hydraulic fluids, as well as any other on-site activity involving the use of products which, if spilled, could contaminate surface water, must be conducted in accordance with the applicant's spill prevention, control and containment plan.

C. Erosion and Sedimentation Control

i. The working pit may not exceed ten (10) acres, at any one time, in order to limit the potential for erosion and sedimentation damage.

ii. Ditches, sedimentation basins, dikes, and other control measures must be used as necessary to prevent sediments from being washed or deposited into classified bodies of water. Each sedimentation basin must be designed and constructed with capacity to detain runoff from a storm of 10-year frequency and 24-hour duration for a minimum of ten (10) hours. Each sedimentation basin must be inspected, and accumulated sediments removed as necessary, to ensure that the design limit for accumulated sediments is not exceeded.

iii. Topsoil stockpiles must be seeded, mulched, anchored, or otherwise temporarily stabilized.

D. Natural Buffer Strips

i. A natural buffer strip at least fifty (50) feet from the normal high water line of any water body, tributary, stream, or the upland edge of a Wetland must be maintained between the affected land and the body of water.

ii. A natural buffer strip at least one-hundred and fifty (150) feet wide must be maintained between the burrow pit (affected land) and a public road. A natural buffer strip at least twenty-five (25) feet wide must be maintained between the topsoil mining operation (affected land) and a public road.

iii. A natural buffer strip at least one-hundred and fifty (150) feet wide must be maintained between the affected area and the property boundary. This buffer may be reduced to twenty-five (25) feet with written permission of the abutting property owner. It may be eliminated between abutting properties containing burrow pits or topsoil mining operations with written permission of the abutting property owner.

E. Air Quality

Any dust generated, including dust associated with traffic to and from the working pit, must be controlled by sweeping, paving, watering or other best management practices for control of fugitive emissions so that the particulate standards set forth in 38 M.R.S.A. 584-A(1), or as amended are not exceeded. Additionally, the access road to the working pit must be paved for at least fifty (50) feet from the point where it meets the public road or street.

F. Noise

i. A mining operation may only be operated or reclaimed between the hours of seven o'clock (7:00) a.m. and seven o'clock (7:00) p.m., Monday through Saturday, unless waived by the Planning Board.

ii. Hourly sound levels must not exceed the sound level limits set forth in 06-096 CMR 375.10 (CMR=Code of Maine Regulations at DEP) as measured at the property lot lines.

G. Solid Waste

Refuse spoils; unused soil stockpiles; stumps and associated debris; and other solid waste generated must be disposed of in accordance with 06-096 CMR 400-409.

H. Reclamation

The affected land must be restored to a condition or physical state which either is similar to and compatible with that which existed prior to any development, or encourages the future productive use of the land.

i. The mining operation must be reclaimed in phases so that:

a. The working pit (operation phase) does not exceed ten (10) acres at any time; and.

b. The area being actively reclaimed (reclamation phase) does not exceed ten (10) acres at any time.

A single stockpile area, not to exceed five (5) acres, is allowed in addition to the ten (10) acre working pit.

ii. Upon the completion of excavation, the side slopes of the burrow pit or topsoil mining operation must be regraded within thirty (30) days to a slope no steeper than two and one-half (2.5) horizontal to one (1) vertical. Slopes up to two (2) to one (1) vertical may be allowed, if a slope stability analysis is submitted showing that there will be no major failure or sloughing of slopes under construction loads.

iii. Haul roads must be reclaimed.

iv. Vegetative cover must be established on all affected land. Top soil must be placed, seeded and mulched within thirty (30) days of final grading.

a. A minimum of four (4) inches of topsoil must be placed on the excavated slopes and surfaces. Two (2) inches of the loam must be mixed or harrowed into the substrate and two (2) inches of the loam must be placed on top. The topsoil must be mixed into the original material to provide a gradual transition between soil layers, and to avoid distinct plains resulting in slope failure. The topsoil must have a soil compaction sufficient to sustain vegetative growth.

b. Vegetative material used in reclamation must consist of grasses, legumes, herbaceous or woody plants, shrubs, trees or a mixture thereof. Plant material, except material for dormant seedlings, must be planted during the first growing season following the beginning of the reclamation phase. Selection and use of vegetative cover must take into account soil and site characteristics such as drainage, pH, nutrient availability, and climate.

c. The vegetative cover is acceptable if:

(1) The planting of trees and shrubs results in a permanent stand, or stand capable of regeneration and succession, sufficient to assure a seventy-five percent (75%) survival rate; and

(2) The planting of all materials results in ninety percent (90%) survival rate.

NOTE: Dormant seeding is defined as seeding done at twice the permanent or temporary seeding rate, and mulched at a rate of two (2) tons per acre. The seed and mulch are applied to bare earth between November 10th and April 15th, before snow cover occurs.

I. The Planning Board shall require performance guarantees as prescribed in Chapter 3, Article 3.9.

Section 2.9.8 Mobile Home Parks.

Mobile home parks shall be developed in accordance with the following requirements:

A. Lot Area and Lot Width Requirements:

Lots in a mobile home park shall meet the following lot area and lot width requirements:

i. Lots served by individual subsurface wastewater disposal systems:

Minimum lot area: 20,000 square feet
Minimum lot width: 100 feet

ii. Lots served by a central subsurface wastewater disposal system approved by the Maine Department of Health & Human Services:

Minimum lot area: 12,000 square feet
Minimum lot width: 85 feet

iii. The overall density of any park served by any subsurface wastewater disposal system shall not exceed one unit per 20,000 square feet of total park area.

B. Unit Setback Requirements:

Each manufactured home within a mobile home park shall be set back a minimum of:

i. Twenty (20) feet from the boundaries of the lot on which the mobile home is placed; and

ii. Fifty (50) feet from all mobile home park boundary lines.

C. Buffer/Screening Requirements

i. Each mobile home park shall retain or have a buffer strip at least fifty (50) feet wide around the perimeter of the park parcel. No structures, roads or utilities may be placed in the strip except that roads and utilities may cross the strip to serve the park. The outer twenty-five (25) foot wide portion of the strip shall have natural screening (trees, other vegetation, terrain, etc.) to provide a visual and sound buffer between the park and adjacent properties.

ii. The Planning Board may require the developer to plant trees or other vegetation, or do landscaping, so that there is adequate buffering and screening where the natural screening is insufficient.

D. Groundwater Protection Requirements

i. No mobile home park shall increase any contaminant concentration in the groundwater to more than one-half (1/2) of the Primary Drinking Water Standards or more than the Secondary Drinking Water Standards. (According to the State Mobile Home Park Law as developed by DEP standards)

ii. If groundwater contains contaminants in excess of the primary standards, and the mobile home park is to be served by on-site groundwater supplies, the applicant shall demonstrate how water quality will be improved or treated.

iii. If groundwater contains contaminants in excess of the secondary standards, the mobile home park shall not cause the concentration of the parameters in question to exceed one-hundred fifty percent (150%) of the ambient concentration. (According to the State Mobile Home Park Law as developed by the DEP)

iv. Subsurface wastewater disposal systems and drinking-water wells shall be constructed as shown on the map submitted with the application for the park and plumbing permits.

E. Road Design, Circulation and Traffic Requirements

i. All mobile home parks shall have safe and convenient vehicular access from abutting public streets or roads.

ii. All roads within a mobile home park shall be designed by a professional engineer, registered in the State of Maine.

iii. Roads which the applicant proposes to be accepted as public ways by the Town shall be designed and constructed in accordance with Article II, Section 6 (O).

iv. Private roads within the Mobile Home Park, which the applicant or owner does not intend to offer to the Town for acceptance as a Town way, shall:

a. Have a minimum right-of-way of twenty-three (23) feet in width, twenty (20) feet of which must be the travel way.

b. Conform to reasonable safety standards applicable to intersection with public ways adjacent to the mobile home park.

v. Such roads, as the Planning Board determines, shall have a designated four (4) foot wide minimum walkway along its boundary. The walkway shall be marked or built so that its bounds and function are clearly distinguishable from the road.

vi. Any dead-end roads shall be no longer than five-hundred (500) feet. The closed end shall have an adequate turnaround (T-Shaped, L-Shaped, or cul de sac) and shall be approved by the Planning Board.

vii. Off-road parking for at least two cars shall be furnished for each mobile home. Parking spaces shall only be located within the individual mobile home lots that they are intended to serve.

viii. Any mobile home park expected to generate average daily traffic of two-hundred (200) trips per day or more shall have at least two (2) road connections with existing public roads, other roads within the park, or other roads shown on an approved subdivision plan.

ix No individual lot within a park shall have direct vehicular access onto an existing public road.

x. The intersection of any road within a park and an existing public road shall meet the following standards:

a. Angle of intersection. The desired angle of intersection shall be ninety (90) degrees. The minimum angle of intersection shall be seventy-five (75) degrees.

b. Maximum Grade. The maximum grade within seventy-five (75) feet of the intersection shall be two (2) percent.

c. Minimum Sight Distance. A minimum sight distance of ten (10) feet for every mile per hour of posted speed limit on the existing road shall be provided. Sight distances shall be measured from the drivers seat of a vehicle that is ten (10) feet behind the curb or edge of shoulder line with the height of the eye three and one-half (3 ½) feet above ground level and the height of object four and one-quarter (4 ¼) feet above ground level.

d. Distance from other intersections. The centerline of any road within a park intersecting an existing public road shall be no less than one-hundred twenty-five (125) feet from the centerline of any other road intersecting that public road.

F. Conversion of Mobile Home Parks

No development which is approved under this section as a mobile home park may be converted to another use without the approval of the Planning Board, and meeting the appropriate lot size, lot width, setback and other requirements.

G. General Requirements

i. The land within the park shall remain in a unified ownership and the fee to lots or portions of lots shall not be transferred.

ii. No dwelling unit other than a manufactured housing unit shall be located within the park.

iii. Each mobile home park owner shall establish and enforce regulations governing the conduct of the internal affairs of the park.

Section 2.9.9 Multi-Family Development

A. Design Standards

i. An adequate water supply shall be provided to the development for fire fighting purposes. Wet or dry fire hydrants or fire ponds shall be located so that they are not more than five-hundred (500) feet from any building, as fire hose is laid on the street. The adequacy of the water supply for fire fighting purposes shall be determined by the Planning Board, in conjunction with the Fire Chief.

ii. No structures shall be located on land unsuitable for development under the net buildable acreage calculation.

iii. All developments containing fifteen (15) or more dwelling units may be required by the Planning Board to have more than one street access for emergency and safety purposes. No more than two (2) accesses shall be allowed on any single street or roadway.

iv. A fifteen (15) foot landscaped buffer shall be provided along all property boundaries.

v. All multi-family developments of ten (10) dwelling units or more shall provide a developed open recreation area of no less than five-hundred (500) square feet per dwelling unit. The developer must prepare a plan along with legal documents, that demonstrate how the recreation area will be maintained and repaired.

vi. The owner(s) shall be responsible for rubbish disposal, snow removal, and site maintenance.

Section 2.9.10 Timber Harvesting within the Shoreland District

A. Within the strip of land extending seventy-five (75) feet inland from the normal high-water line in a Shoreland District designated for Resource Protection abutting a great pond, there shall be no timber harvesting, except to remove safety hazards.

B. Except in areas as described in Paragraph 1 above, timber harvesting in the Shoreland District shall conform with the following provisions:

i. Selective cutting of no more than forty percent (40%) of the total volume of trees four (4) inches or more in diameter measured at four and one-half (4 ½) feet above ground level on any lot in any ten (10) year period is permitted. In addition:

a. Within one-hundred (100) feet, horizontal distance of the normal high-water line of a great pond and within seventy-five (75) feet horizontal distance, of the normal high-water line of streams, or upland edge of those wetlands designated on the official Cornish Land Use Map, there shall be no clear-cut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

b. At distances greater than one-hundred (100) feet, horizontal distance, of a great pond or brook, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of streams or upland edge of those wetlands designated on the official Cornish Land Use Map 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.

ii. No accumulation of slash shall be left within fifty (50) feet of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above ground. Any debris that falls below the normal high-water line of a water body shall be removed.

iii. Timber harvesting equipment shall not use stream channels as travel routes except when:

a. Surface waters are frozen; and

b. The activity will not result in any ground disturbance.

iv. All crossing 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 surfaces which would not be eroded or otherwise damaged.

v. 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 revegetated.

vi. Except for water crossing, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet in width for slopes up to ten (10) percent 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 percent (10) increase in slope, the unscarified strip shall be increased by twenty (20) feet. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such 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.

vii. Timber harvesting in all other land use districts shall conform to applicable State requirements.

Section 2.9.11 Waste Disposal

No solid, liquid, industrial, petroleum, chemical or hazardous wastes shall be disposed of in the Town of Cornish except for slash resulting from timber harvesting operations, which must be disposed of in accordance with the State Forest Practices Act, as amended.

Section 2.9.12 Head Shops

A. Approval Process

Any proposal to establish a Head Shop shall require approval of the Planning Board as a conditional use permit as defined by Article IV (Administration, Enforcement and Penalties) of The Town of Cornish Land Use and Development Ordinance and procedures to give notice to public and abutters as defined in Article VII of the Town of Cornish Planning Board by Laws and Rules of Conduct.

B. Prohibited Locations

Head Shops are prohibited from operating within 1000 feet of a church, school or park. Head shops are also prohibited from operating in the Rural Residential, Residential District, Historic District Overlay Aquifer Protection, along with the Shoreland District, Agricultural District, and Resource Protection District.

THEY ARE ONLY PERMITTED TO OPERATE IN THE INDUSTRIAL PARK DISTRICT AND COMMERCIAL DISTRICT. (AS APPROVED BY UNANIMOUS VOTE OF THE PLANNING BOARD MEETING ON 04/03/20170

C. Outside Appearance

No signs containing Head Shop, Bongs, Ice chillers, water pipes, Chillums, pipes, roach clips, Air driven pipes or those defined as drug paraphernalia found in Title 17A Maine Criminal Code Chapter 45 Section 1111-A shall be erected, posted or in any way displayed on the outside property of any establishment.

D. Validity and Severability

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

CHAPTER 3 SITE PLAN REVIEW

Article 3.1 Purpose

The purposes of Site Plan Review are to:

A. Provide a level of municipal review that would not otherwise occur for projects that could adversely impact the surrounding Community as a whole:

B. Maintain/protect the Town's rural character and natural resources, including scenic and historic resources, by requiring that structures, signs and other alterations on, or to the land, are sited and developed in accordance with certain standards.

C. Promote and protect the health, safety and welfare of the Townspeople.

Article 3.2 Applicability

This Article shall apply to any proposed use, listed in the Table of Permissible Uses (Article II. Sec. 4), which is marked as requiring Site Plan Review.

Article 3.3 Classification of Projects

Projects subject to Site Plan Review shall be divided into two (2) classes: minor developments and major developments.

Minor developments shall include:

A. Projects involving the construction, addition or conversion of less than five-thousand (5,000) square feet of gross floor area;

B. Projects involving the construction or installation of less than five-thousand (5,000) square feet of impervious surfaces; or

C. Projects involving the construction or establishment of less than ten (10) lots or dwelling units,
.

Except for any of the above projects which are deemed by the Planning Board to require review as a major development in order to protect the health, safety and welfare of the citizens of Cornish.

Major developments shall include all other projects or uses requiring Site Plan Review.

Article 3.4 Administration

Section 3.4.1 Pre-Application Meeting

A. Applicants are required to schedule a meeting with the Planning Board, prior to a formal submission for review, so as to discuss their plans and gain an understanding of the review procedures, requirements and standards.

B. During this pre-application meeting, the Planning Board will determine the appropriate procedural and administrative process for the proposed development. In addition, the Planning Board may waive specific application requirements when an applicant can show that such requirements are not relevant to the proposed project.

Section 3.4.2 Application in Writing

A. All applications for Site Plan Review shall be made in writing to the Code Enforcement Officer on the forms provided for this purpose. Applications shall be made by the owner of the property, or his agent, if so authorized in writing by the owner.

B. The Code Enforcement Officer shall make an initial determination of the completeness of the application, which shall then be subject to the determination of the Planning Board. If an application is not complete, it shall be held by the Code Enforcement Officer and returned to the applicant to inform the applicant in writing the additional information required. When an application is determined to be complete, including all documentation required by this Article, the Planning Board, at its next regular meeting shall issue a dated receipt to the applicant. Unless the applicant and Board agree to an extension, the Board shall within sixty (60) days of the dated receipt act to approve or disapprove the Site Plan Application in accordance with this Article.

C. For major development activities, applications for Site Plan Review shall not be submitted until a Site Inventory and Environmental Assessment is first submitted to the Code Enforcement Officer and reviewed by the Planning Board. The Planning Board shall act on the completeness of the Site Inventory and Environmental Assessment within thirty (30) days of its receipt.

Section 3.4.3 Notice to Abutters

The Planning Board shall mail all property owners within five hundred (500) feet of the lot notice of a pending application for Site Plan Review. This notice shall indicate the time, date, and place of Planning Board consideration of the application.

Section 3.4.4 Independent Review and Advice

A. <u>Professional Services</u>

The Planning Board may require that a consultant or other appropriate professional advisor review one or more aspects of an application for compliance, or noncompliance with this Ordinance and to advise the Board. The consultant or other advisors shall first estimate the cost of the review and the applicant shall deposit, with the Town, the full estimated cost, which the Town shall place in an escrow account. The Town shall pay the consultants or advisors from the escrow account and reimburse the applicant if funds remain after payment.

B. <u>Additional Studies</u>

The Planning Board may require the applicant to undertake any study which it deems reasonable and necessary to demonstrate and ensure that the requirements of this Ordinance are met. The costs of such studies shall be borne by the applicant.

Section 3.4.5 Public Hearing

Prior to taking final action on any Site Plan Review Application, the Planning Board may hold a hearing to afford the public an opportunity to comment on the application.

Section 3.4.6 Financial Guarantee

Prior to final approval of any plan, the Planning Board may require the applicant to provide a financial guarantee, in such amount as is reasonably necessary, to ensure completion of all improvements in accordance with Section 9 of this Article.

Section 3.4.7 Conditions

The Planning Board may attach reasonable conditions to Conditional Use or Special Exception Permits to ensure compliance with the standards and criteria of this Article.

Section 3.4.8 Expiration of Permits

All permits issued by the Planning Board shall expire within eighteen (18) months of the date of issuance, unless work there under is commenced within this year. If work is not completed according to the schedule, if any, set forth in the approval, a new or amended application must be filed with the Board.

Section 3.4.9 Access

The Town shall have access to the site at all times to review the progress of the work and have the authority to review all records and documents related to the project.

Section 3.4.10 Responsibility

The applicant shall be responsible for all expenses to the Town for the costs of notification, mailings, printing, advertising, public notices, etc. to administer the provisions of this Ordinance. The Planning Board may require the applicant to deposit adequate funds in an escrow account to meet these anticipated expenses before they are incurred. Any funds that remain in the escrow account after all expenses are paid shall be returned to the applicant without interest.

Article 3.5 Contents of Site Inventory and Environmental Assessment for Major Development Activities

The Site Inventory and Environmental Assessment for major developments is intended to provide both the applicant and the Planning Board with an understanding of the site and the opportunities of and constraints on its potential use.

The Site Inventory and Environmental Assessment shall contain, at least, the following information:

A. The name(s), address(es) and phone number(s) of the owner(s) of record and the applicant, if different.

B. The name(s), address(es) and phone number(s) of all consultants working on the project.

C. An accurate scale plan of the parcel, at a scale of not more than one-hundred (100) feet to the inch, showing at least:

i. the name of the development, north arrow, date and scale,

ii. the boundaries of the parcel;

iii. the topography of the site at an appropriate contour interval (2' to 5') depending on the proposed use and the character of the site;

iv. manmade and natural features of the site and within one-thousand (1,000) feet of the site, including dwellings, farms, roads, wetlands, streams, ponds, flood plains, groundwater aquifers, scenic resources, and significant wildlife habitats;

v. any legal restrictions or benefits (e.g. easements) attached to the site;

vi. the location and size of existing utilities or improvements servicing the site;

vii. if on-site sewage disposal is proposed, soils information to identify those portions of the site which are suitable and those which are unsuitable for on-site disposal systems, and

viii. areas of potential off-site conflicts or concerns (e.g., noise, lighting, traffic)

D. A narrative describing the existing conditions of the site and surrounding area, the proposed use, and the constraints and opportunities of the site and surrounding area, including: any traffic studies, utility studies, market studies or other preliminary work that will assist the Planning Board in understanding the site and surrounding area, and the proposed use.

E. Where a major development consists of a subdivision, the applicant must submit two preliminary sketch plans to include a clustered development approach, as well as a conventional subdivision.

F. Two (2) copies of the Site Inventory and Environmental Assessment shall be submitted.

Article 3.6 Review of Site Inventory and Environmental Assessment for Major Development Activities

The Planning Board shall review the Site Inventory and Environmental Assessment to determine if it provides a clear statement of the opportunities and constraints of the site for the proposed use. If additional information or analysis is required, the Planning Board shall advise the applicant in writing.

Based on its review of a complete Site Inventory and Environmental Assessment, the Board shall advise the applicant in writing of the issues and constraints that must be addressed in the formal Site Plan Review Application.

Article 3.7 Site Plan Review Application

Applications for Site Plan Review shall be submitted on application forms provided by the Town. The complete application form, required fees, and the required plans and related information shall be submitted to the Code Enforcement Officer, who shall make a record of its receipt and forward the application to the Chairman of the Planning Board.

The Planning Board may modify or waive any of the following submission requirements if it determines that, because of the size of the project or circumstances of the site such requirement(s) would not be applicable or would be an unnecessary burden upon the applicant and would not adversely affect the abutting landowners or the health, safety, and welfare of the Town.

The submission shall contain at least the following exhibits and information:

Six (6) copies of the completed and signed application form (with any attachments) and six (6) sets of maps or drawings, all of which shall contain the information listed below, unless additional copies are requested by the Board. The maps or drawings shall be at a scale sufficient to allow review of the items listed under approved criteria, but in no case shall be more than fifty (50) feet to the inch for that portion of the tract of land being proposed for development.

Section 3.7.1 General Submission Information

A. Name(s), address(es) and phone number(s) of record owner(s) and of applicant, if different.

B. The name of the proposed development.

C. Name(s) and address(es) of all property owners within five hundred (500) feet of the edge of the property lines of the proposed development.

D. Sketch may showing general location of the site within the Town.

E. Boundaries of all contiguous property under the control of the owner or applicant, regardless of whether all or part is being developed at this time.

F. The tax map and lot number of the parcel or parcels.

G. 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.

H. The name, registration number and seal of the land surveyor, architect, engineer and/or similar professional who prepared any plan.

Section 3.7.2 Existing Conditions

A. The bearings and distances of all property lines of the property to be developed and the source of this information.

B. Location and size of any existing sewer and water mains, culverts and drains that will serve the development whether on or off the property, along with the direction of existing surface water drainage across the site.

C. Location, names, and present widths of existing streets and rights-of-way within or adjacent to the proposed development.

D. The location, dimensions and ground floor elevations Above Ground Level (AGL) of all existing buildings on the site.

E. The location and dimensions of existing driveways, streets, parking and loading areas and walkways on the site.

F. Location of intersecting roads or driveways within two hundred (200) feet of the site.

G. The location of open drainage courses, wetlands, stands of trees, and other important natural features, with a description of such features being retained.

H. The location, front view and dimensions of existing signs.

I. The location and dimensions of any existing easements and copies of existing covenants or deed restrictions.

Section 3.7.3 Proposed Development Activity.

A. The location of all building setbacks, yards and buffers, required by this or other Town Ordinances.

B. The location, dimension, and ground floor elevations (AGL) of all proposed buildings.

C. The location and dimensions of proposed driveways, parking and loading areas, and walkways.

D. The location and dimensions of all provisions for water supply and wastewater disposal.

E. The direction and route of proposed surface water drainage.

F. The location, front view, and dimensions of proposed signs.

G. The location and type of exterior lighting.

H. The proposed landscaping and buffering.

I. Demonstration of any applicable State applications, or permits which have been or may be issued.

J. A schedule of construction, including anticipated beginning and completion dates.

K. Space shall be provided on the plan for the signatures of the Planning Board and date, together with the following words, “Approved: Town of Cornish Planning Board.”

Section 3.7.4 Applications for Major Developments

Applications for major developments shall include the following additional information:

A. Existing and proposed topography of the site at two (2) foot contour intervals, or such other intervals as the Planning Board may determine.

B. A stormwater drainage and erosion control program showing:

   i. The existing and proposed method of handling storm-water run-offs.

   ii. The direction of flow of the run-off.

   iii. The location, elevation, and size of all catch basins, drywells, drainage ditches, swales, retention basins, and storm sewers.

   iv. Engineering calculations used to determine drainage requirements based upon the 25-year, 24-hour storm frequency, but only if the project will significantly alter the existing drainage pattern, due to such factors as increased impervious surfaces from paving and building.

   v. Methods of controlling erosion and sedimentation during and after construction.

C. A groundwater impact analysis prepared by a groundwater hydrologist for projects located within the Aquifer Protection Overlay District, or involving common on-site water supply or sewage disposal facilities with a capacity of two-thousand (2,000) gallons per day, or at the discretion of the Planning Board.

D. A utility plan showing the location and nature of electrical, telephone, and any other utility services to be installed on the site.

E. A planting schedule, keyed to the Site Plan, indicating the varieties and sizes of trees, shrubs, and other plants to be planted.

F. Analysis of the solid or hazardous waste to be generated and a plan for its recycling and disposal, along with evidence of disposal arrangements.

G. A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent streets.

H. Construction drawings for streets, sanitary sewers, water and storm drainage systems, which are designed and prepared by a professional engineer who is registered in the State of Maine.

I. The location of any pedestrian ways, lots, easements, open spaces and other areas to be reserved for, or dedicated to, common or public use and/or ownership. For any proposed easement, the developer shall submit the proposed easement language with a signed statement certifying that the easement will be executed upon approval of the development. The location, width, typical cross-section, grades and profiles of all proposed streets and sidewalks.

J. A copy of any covenants or deed restrictions intended to cover all, or part of, the property. Such covenants or deed restrictions shall be referenced on the plan.

K. If any legal interest in land is to be dedicated to the Town for public use, then a copy of a written offer of dedication or conveyance to the Town, in a form satisfactory to the Town Attorney, for all such land shall be included.

L. Evidence of adequate provision for maintenance of the development.

M. Cost estimates of the proposed development and evidence of financial capacity to complete it. This evidence should include a letter from a bank, or other source of financing, indicating the name of the project, amount of financing proposed, and the means of financing the project.

N. A narrative and/or plan describing how the proposed development scheme relates to the Site Inventory and Environmental Assessment.

Section 3.7.5 Applications for Special Exception Permits.

In addition to the foregoing requirements, applications for Special Exception Permits shall include:

A. An alternative sites analysis identifying and analyzing other reasonable alternative sites and justification of how the proposed site is the most suitable; and

B. A neighborhood environmental impact report evaluating the potential impacts on neighboring properties and environs and presenting mitigating measures that alleviate adverse effects.

Article 3.8 Criteria for Review and Approval of Site Plans and Subdivisions

In approving site plans and subdivisions within the Town of Cornish, the Planning Board shall consider the following criteria and before granting approval shall make findings of fact that the provisions of this Ordinance have been met and that the proposed development will meet the guidelines of Title 30-A, M.R.S.A., Section 4404, as amended, which includes the following:

Section 3.8.1 Aesthetic, Cultural and Natural Values

The proposed activity will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

Section 3.8.2 Conformity with Ordinances and Plans

The proposed activity conforms with this Ordinance, other duly adopted ordinances and the Cornish Comprehensive Plan.

Section 3.8.3 Erosion

The proposed activity will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;

Section 3.8.4 Financial Burden on Town

The proposed activity will not cause an unreasonable financial burden on the Town for provision of public services and facilities.

Section 3.8.5 Financial and Technical Ability

A. Financial Capacity

The applicant has adequate financial resources to construct the proposed improvements and meet the criteria of the statute and the standards of these regulations. When the applicant proposes to construct the building as well as any subdivision improvements, the applicant shall have adequate financial resources to construct the total development. In making the above determinations, the Planning Board shall consider the proposed time frame for construction and the effects of inflation.

B. Technical Ability

In determining the applicant's technical ability, the Planning Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations of previous approvals granted to the applicant.

Section 3.8.6 Flood Areas

Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the application whether the activity is in a flood-prone area. If the activity, or any part of it, is in such an area, the sub divider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed project plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

Section 3.8.7 Freshwater Wetlands

All freshwater wetlands within the proposed site have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

Section 3.8.8 Groundwater

The proposed activity will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

Section 3.8.9 Municipal Solid Waste Disposal

The proposed activity will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized.

Section 3.8.10 Municipal Water Supply

The proposed activity will not cause an unreasonable burden on an existing water supply, if one is to be used;

Section 3.8.11 Neighborhood Compatibility

A. The proposed activity will be compatible and sensitive to the character of the site and neighborhood relative to land uses; scale, bulk and building height; neighborhood identity and historical character; and orientation on lot.

B. The proposed activity maximizes the opportunity for privacy by the residents of the immediate area.

C. The proposed activity ensures safe and healthful conditions within the neighborhood.

D. The proposed activity will minimize any detrimental effects on the value of adjacent properties.

Section 3.8.12 Pollution

The proposed activity will not result in undue water or air pollution. In making this determination, the Planning Board shall at least consider:

A. The elevation of the land above sea level and its relation to the flood plains;

B. The nature of soils and sub soils and their ability to adequately support waste disposal;

C. The slope of the land and its effect on effluents;

D. The availability of streams for disposal of effluents;

E. The applicable State and local health and water resource rules and regulations; and

F. The impact of phosphorous export, and other pollutants, on water bodies.

Section 3.8.13 River, Stream or Brook

Any river, stream or brook within or abutting the proposed project has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, Section 480-B, Subsection 9, or as amended.

Section 3.8.14 Sewage Disposal

The proposed activity will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.

Section 3.8.15 Stormwater

The proposed activity will provide for adequate stormwater management.

Section 3.8.16 Sufficient Water

The proposed activity has sufficient water available for the reasonably foreseeable needs of the project.

Section 3.8.17 Traffic

The proposed activity will not cause unreasonable highway or public roads either existing or proposed.

Article 3.9 Performance Guarantees

Section 3.9.1 Types of Guarantees

As required by the Planning Board, the development shall provide one of the following Performance Guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time span of the construction schedule and the inflation rate for construction costs. Following, in order of preference, are the three types of Performance Guarantees acceptable to the Town;

A. A certified check, payable to the Town, or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account;

B. An irrevocable letter of credit from a financial institution establishing funding for the construction of the project, from which the Town may draw if construction is inadequate; or

C. A Performance Bond, payable to the Town, issued by a surety company, and acceptable to the Town.

The form, time periods, conditions and amount of the Performance Guarantee shall be determined by the Planning Board.

Section 3.9.2 Contents of Guarantee

The Performance Guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspection of each phase of construction, provisions for the release of part or all of the Performance Guarantee to the developer, and a date after which the developer will be in default and the Town shall have access to the funds to finish construction. The performance guarantee shall contain a provision requiring the selectmen be notified at least sixty (60) days before the termination of the guarantee of its determination date.

Section 3.9.3 Escrow Account

A cash contribution to the establishment of an escrow ac-count shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the developer, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal, but the consent of the sub divider shall not be required for a withdrawal. Any interest earned on the escrow account shall be returned to the developer unless the Town has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the sub divider and the amount withdrawn to complete the required improvements.

Any certified check shall be deposited in the name of the Town by the Treasurer, in an interest bearing account and shall bear the name of the Developer and of the proposed project, and withdrawals shall be made after a designated Engineer has certified the work as completed. The Planning Board shall be duly notified prior to any withdrawal. Any work which has not been completed, shall be performed at the discretion of the Town and such work shall be paid from the escrow account. The Planning Board will recommend to the Selectmen such disbursements from the escrow account as will pay for completed work in accordance with an approved disbursement schedule.

Section 3.9.4 Letter of Credit

An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the project and may not be used for any other project or loan. The Letter of Credit or Performance Bond shall contain a provision that the institution providing the LOC or Bond must notify the Selectmen at least sixty (60) days before the LOC or Bond terminates of their termination date.

Section 3.9.5 Performance Bond

A Performance Bond shall detail the conditions of the bond the method for release of the bond or portions of the bond to the sub divider, and the procedures for collection by the municipality. The bond documents shall specifically reference the development activity for which approval is sought.

Section 3.9.6 Phasing of Development

The Planning Board may approve plans to develop a Major Subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that Section of the proposed project street which is covered by a Performance Guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

Section 3.9.7 Release of Guarantee

Prior to the release of any part of the Performance Guarantee, the Planning Board shall determine to its satisfaction, in part upon the report of a qualified engineer designated by the Planning Board and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

Section 3.9.8 Default

If, upon inspection, the Code Enforcement Officer finds that any of the required improvements have not been constructed in accordance with the Plans and specifications filed as part of the application, he shall so report in writing to the Selectmen, the Planning Board, and the subdivider or builder. The Selectmen shall retain the authority to take any steps necessary to preserve the Town's rights.

CHAPTER 4 SUBDIVISIONS

Article 4.1 Purpose

The purpose of these provisions is:

A. to provide for efficient use of land and the preservation of open space, prime farmland, and rural character;

B. to provide for development in harmony with the natural features of the land;

C. to allow for innovative concepts of housing development;

D. to encourage efficient use of infrastructure;

E. to encourage the construction of affordable owner-occupied homes in the community.

Section 4.1.1 Compliance with State Law

All subdivisions shall meet the requirements of Title 30A M.R.S.A. Chapter 187, Subchapter 4.

Article 4.2 Subdivision Plat Plans

All subdivisions must comply with the applicable requirements of Chapter 3, Article 3.8, Criteria of Review and Approval of Site Plans and Subdivisions.

Section 4.2.1 Submission and Contents of a Final Subdivision Plat Plan.

A. Within six (6) months of the date of Planning Board action on the site plan review of the subdivision, the subdivider shall submit the Final Plat Plan to the Planning Board with a payment of the appropriate fee, as established in the Cornish Fee Schedule, adopted by the Board of Selectmen. The check shall be made payable to the Town of Cornish. Failure to submit the Final Plat Plan within the designated time period shall require the submission of a new subdivision application, except that the Planning Board may waive this requirement for good cause.

B. The Final Plat Plan shall consist of one (1) original transparency (mylar) and four (4) copies with the embossed seal.

C. In addition to all of the items required in the site approval plan and unless otherwise indicated by the Planning Board, the following items shall be required as part of the Final Plat Plan submission.

i. Registered Land Surveyor. The name, registration number, and seal of the registered land surveyor and/or professional engineer who prepared the Final Plat (show on Plat).

ii. Streets. The names and lines, lengths of all straight lines, the deflection of angles, radii, length of curves, and central angles of all curves, and tangent distances and bearings (show on Plat).

iii. Open Spaces. The designation of all easements, areas reserved for, or dedication to, public use or the common use of lot owners, and areas reserved by the sub divider.

iv. Lots. The location, bearing and length of every lot line, with all lots to be numbered in accordance with local practices.

v. Permanent Reference Monuments. The location of permanent markers set at all lot corners, as shown on the plat.

vi. Financial Guarantee. A financial guarantee to secure completion of all public improvements if required by the Planning Board and written evidence that the selectmen are satisfied with the legal sufficiency of such guarantee.

vii. Land Dedication. Written copies of any documents of land dedication, and written evidence that the selectmen are satisfied with the legal sufficiency of any documents accomplishing such land dedication.

viii. Approval Space. Suitable space to record on the approved plat plan the date and conditions of approval, if any. This space shall be similar to the following example:

Approved: Town of Cornish Planning Board

Signed: _____ Chairman
_____ Member
_____ Member
_____ Member
_____ Member

Date: _____

Conditions: ___(or reference to separate text
__or document with conditions)

Section 4.2.2 Notification of Completed Subdivision Application

After the Planning Board has received the Final Plat Plan and all of the information required to be submitted with it, the Planning Board shall notify the sub divider in writing that a completed subdivision application has been filed, and shall begin its final evaluation. Any preliminary approval shall not limit the Planning Board in its final review.

Section 4.2.3 Recording of Final Plat Plans

All final plat plans, upon final approval of the Planning Board, shall be duly recorded by the applicant in the York County Registry of Deeds.

Article 4.3 Performance Requirements and Standards

Section 4.3.1 Basic Requirements

A. All subdivisions shall meet the requirements of this chapter, except Section 4.3.4. Any cluster development which must be a minimum of five (5) lots, shall meet all requirements of Section 4.3.4. Subdivisions including cluster developments shall also meet the Town's road standards and all other applicable ordinances, including the General Performance Standards of this Ordinance and State laws and regulations.

B. Lots

i. Wherever possible, side lot lines shall be perpendicular to the street.

a. The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future division. Deed restrictions and notes on the plan shall either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the plan and shall require approval from the Planning Board, subject to the criteria of the Subdivision Statute, the standards of these regulations and conditions placed on the original approval.

iii. If a lot on one side of a stream, road or other similar barrier fails to meet the minimum requirements for a lot size, it may not be combined with a lot on the other side of the stream, or road to meet the minimum lot size.

ii. The ratio of lot length to width shall not be more than three to one. Flag lots and other odd-shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited.

iii. No more than two lots in any subdivision may access directly onto an existing State or Town road.

vi. If any lots in a proposed subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in M.R.S.A. Title 38, Section 480-B, as amended none of the lots created within the subdivision may have a lot depth to shore frontage ratio greater than 5 to 1.

vii. In accordance with Article 4.2, the final recorded plot plan for subdivisions will include a standard condition that if at least twenty-five percent (25%) of the lots or units that make up the subdivision are not sold within five (5) years, then the subdivision must be re-reviewed and approved in accordance with current ordinances by the Planning Board. This provision shall also apply to any and all subdivisions approved before the date of adoption of this Ordinance. For subdivisions approved before the date of adoption of this Ordinance the five (5) year period at the end of which the subdivision must be re-reviewed and approved in accordance with current ordinances by the Planning Board, will begin on the date of adoption of this Ordinance.

C. The applicant shall illustrate the treatment of open spaces, paths, roads, utility services and parking taking into consideration all requirements of this section and of other relevant sections of this Ordinance.

D. The location of each building shall be an element of a comprehensive plan in the development of the site.

E. The land uses in the development shall be consistent with permitted land uses in the district in which it is located.

F. The overall development shall not exceed the open space and net density requirements of the parcel of land within the Land Use District it occupies, in accordance with Table 10, unless a density bonus is granted by the Planning Board or otherwise provided by this Ordinance.

TABLE 10
OPEN SPACE AND NET DENSITY REQUIREMENTS

	Open Space Ratio	**Net Density/ Unit (Sq. Ft.)**
Village Center	30%	20,000[1]
		40,000[2]
Historic District	30%	20,000[1]
		40,000[2]
Residential District	50%	30,000[1]
		40,000[2]
Commercial/Industrial Park District	40%	40,000[1]
		60,000[2]
Rural Residential District	60%	80,000[2]
Agricultural District	70%	3 acres[2]
Shoreland District	60%	40,000[2]

[1] Net density requirement with public water
[2] Net density requirement without public water/sewer service

G. For cluster developments, attached dwellings shall include no more than four (4) such dwellings attached in any single series.

H. Multi-family dwellings shall include no more than four (4) dwelling units per structure nor more than two (2) dwelling units arranged one above the other.

I. The location of subsurface wastewater disposal systems and an equivalent reserve area for replacement systems shall be shown on the plan. The reserve areas shall be restricted so as not to be built upon. The report of a licensed Site Evaluator shall accompany the plan. If the subsurface disposal system is an engineered system, approval from the Department of Health & Human Services, Division of Health Engineering, shall be obtained prior to Planning Board approval.

J. Buildings shall be oriented to preserve and/or take maximum advantage of scenic vistas, natural landscape features, topography, solar energy, and natural drainage areas, in so far as is possible.

K. The applicant shall demonstrate the availability of water adequate for domestic purposes as well as for fire safety. The Planning Board may require the construction

of storage ponds and dry hydrants. The location of all wells shall be shown on the plan.

L. Phosphorous Export

When a proposed project is within the direct watershed of a great pond, the applicant shall make provisions to limit the export of phosphorous from the site following completion of the project, consistent with the maximum allowable phosphorous standard consistent with DEP requirements for specific waterbodies or as established by the Planning Board.

At a minimum, vegetative buffer strips shall be provided on the downhill side of all lots, along all tributaries to great ponds. The minimum required width of buffer strips are designated in Table 9 and depend on the size of the lot, the hydrologic soil group, and whether deed restrictions are proposed to limit the area which may be cleared on each lot.

M. Shoreland Buffer Strips

Notwithstanding L. above, in a Shoreland District, within a strip of land extending one-hundred (100) feet inland from the normal high-water line of a great pond or any tributary to a great pond, and seventy-five (75) feet from any other water body or the upland edge of a wetland, a buffer strip of vegetation shall be preserved. The deeds to any lots which include such land shall contain the following restrictions:

i. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed ten (10) feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created. Adjacent to a tributary to a great pond, the width of the foot path shall be limited to six (6) feet.

ii. Selective cutting of trees within the buffer strip is permitted provided that a well distributed stand of trees and other vegetation is maintained. No more than forty percent (40%) of the total volume of trees four (4) inches or more in diameter, measured at four and one-half (4 ½) feet above ground level may be removed in any ten (10) year period.

iii. In order to protect water quality and wildlife habitat, adjacent to tributaries to great ponds, existing vegetation under three (3) feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described above.

iv. Pruning of tree branches on the bottom 1/3 of the tree is permitted.

N. Access from public ways, internal circulation, and parking shall be designed to provide for vehicular and pedestrian safety and convenience, emergency and fire equipment, snow clearance, street maintenance, and delivery and collection services. Any streets which may be offered to the Town shall be constructed in accordance with Town Road Standards, Chapter 2, Section 2.8.15.

O. Adequate provision shall be made for stormwater runoff, particularly effluent draining from the site. Erosion that could result from any changes on the site shall be prevented by landscaping or other means of maintenance.

P. All utilities shall be installed underground unless specifically waived by the Planning Board. Transformer boxes, pumping stations and meters shall be located so as not to be unsightly or hazardous to the public.

Q. Every building lot that is reduced in area below the amount normally required should abut the open space for a distance of fifty (50) feet, or be within one-thousand five hundred (1,500) feet walking distance of such land, as measured along public ways.

R. In no case shall shore frontage and setback be reduced below the minimum normally required by the State Shoreland Zoning requirements.

S. Where a cluster development abuts a body of water, a usable portion of the land along the water, as well as reasonable access to it, shall be a part of the common land. This open space land shall have a minimum depth of one hundred (100) feet.

T. Common Open Space. The common open space created by the subdivision:

i. Shall be shown on the plat plan with appropriate notation that it is restricted and shall not be used for future building lots.

ii. Shall be accessible to the owners or residents of the development, subject to any necessary limitations in connection with the uses of this land.

iii. Shall be usable for low-intensity recreation, agriculture, or other passive outdoor living purposes and for preserving the natural features of the site. Potential uses may be by the owners or residents. Such uses shall not include above-ground rights-of-way or parking areas, or tennis courts, swimming pools, or similar recreation development. The use of any open space may be further limited or controlled at the time of final subdivision approval as necessary to protect adjacent properties.

iv. Shall be adequately maintained into the future. The developer shall provide a plan and related documentation sufficient to insure this. Such plan may provide for common ownership, directly or through a homeowner's association, dedication of the common areas to the Town or other appropriate representative of the public, a perpetual trust fund, or other means. The maintenance of open space may include provision for cutting or planting of vegetation, tilling of soil, or other means of maintenance.

v. Shall be owned, preserved, and maintained as required by this section by any of the following mechanisms or combinations thereof:

a. Dedication of open space to the Town or a suitable land trust, if either is willing to accept the dedication.

b. Dedication of development rights of open space to a suitable land trust with ownership remaining with the developer or homeowners

association. Maintenance responsibilities shall remain with the property owner.

c. Common ownership of the open space by a homeowners' association which assumes full responsibility for its maintenance.

Section 4.3.2 Net Buildable Acreage Calculation

The net buildable acreage for all subdivisions shall be calculated by taking the total area of the lot and subtracting, in order, the following:

A. Portions of the lot which are unsuitable for development in the natural state due to wetland soils.

B. Portions of the lot subject to travel rights-of-way.

C. Portions of the lot located in the Resource Protection District.

D. Portions of the lot covered by surface waters.

E. Portions of the lot utilized for stormwater management facilities.

F. Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for use in common with the remainder of the lot, as determined by the Planning Board.

G. Fifteen percent (15%) of the area of the lot to account for roads and parking.

Section 4.3.3 Clustering

A. Notwithstanding provisions of this and other ordinances relating to dimensional requirements, the Planning Board, in reviewing and approving proposed clustered developments meeting standards in Section 4.3.4, may modify said provisions related to dimensional requirements and grant a density bonus of up to 20% to permit innovative approaches to housing and environmental design in accordance with the objectives below.

B. To permit the preservation of environmentally significant areas for the use of future generations the Planning Board may require that subdivisions be laid out as a clustered development according to standards in Section 4.3.4 and in a manner consistent with this ordinance as a whole.

i. The Planning Board, in making its determination whether or not a clustered development may require the developer to inventory and catalogue the significant, individual environmental attributes of the parcel, including, but not limited to, prime agricultural soils, moderate to high yield wildlife and waterfowl areas, moderate to high yield aquifers, open fields, heavily wooded areas, scenic views or areas, etc. Clustered development may be required if a standard "unclustered" subdivision would result in the elimination or permanent alteration of at least fifty percent (50%) of one or more of the catalogued attributes.

C. <u>Application Procedures</u>

i. At the application stage of the site plan review process, the applicant shall submit a map showing the significant natural features including the land cover, water bodies and wetlands, soil types from York County Soils Survey, and the elevation based on the USGS 7.5 Minute Topographic Quadrangle. In addition, two sketch plans shall be submitted with one showing the proposed layout as a cluster subdivision, indicating the appropriate common open space and significant natural features. Each lot, or combination of lots, shall have an area suitable for subsurface waste water disposal according to the Maine Subsurface Disposal rules, unless it is serviced by public sewer. The number of buildable lots or dwelling units in the open space development shall not exceed the number of lots or dwelling units in the standard subdivision at this stage.

ii. A written statement shall describe the natural features which will be preserved or enhanced by the cluster approach. Natural features include, but are not limited to, moderate to high value wildlife and waterfowl habitats, moderate to high yield aquifers, prime agricultural soils, scenic areas, and other important natural and historic sites.

Section 4.3.4 Siting and Buffering Standards for Cluster Development

A. Lots shall be laid out to the greatest extent feasible to achieve the following objectives:

i. on most suitable soils for subsurface septic disposal.

ii. avoiding moderate to high value wildlife and waterfowl habitat, moderate to high yield aquifers and natural drainage ways.

iii. in locations least likely to block or interrupt scenic views from public roadways.

iv. in locations minimizing negative impacts upon mature woodlands and forestry.

v. in locations where greatest number of units could be designed to take maximum advantage of solar heating opportunities provided there is no or minimal conflict with other criteria in this section.

vi. in locations where linkage with nearby open space on other properties is not blocked, and when possible, where continuous corridors of natural vegetation are protected.

vii. so that stone walls and tree lines are preserved.

viii. so that structures are not placed on top of ridgelines or on slopes exceeding 35%.

ix. so that existing farmhouses and barns are preserved, where feasible.

B. The distance between any two principal buildings shall be no less than the height of the taller of the two buildings and no less than twenty-five (25) feet.

C. No individual lots shall have frontage on a road which existed prior to the time of development.

D. Buildings shall be designed and laid out to protect bedroom windows from light invasions by vehicle headlights or glare from existing outdoor lighting or illuminated signs where allowed, insofar as practicable.

E. Where parking spaces or storage areas are located in areas abutting existing residential properties, a permanent wood or masonry screen at least four (4) feet high shall be erected along the property line in addition to the green perimeter strip described below.

F. A green perimeter strip, not less than twenty (20) feet wide shall be maintained with grass, bushes, flowers, or trees along all lot lines except for entrance and exit driveways. Such green strip shall not be built on or paved or used for parking or storage. There shall be no removal of trees over four (4) inches in diameter within this buffer. Vegetation shall be retained in its natural state, although tree planting shall be permitted as a matter of right.

G. Buffer zones at least seventy-five (75) feet in width shall be required between residential and agricultural uses, and shall be thickly planted with fast-growing native shrubs and trees.

H. Where practicable, when homes can be seen from a public road, landscaping shall be provided. The visual screening may consist of fences, berms, landscaping (such as shrubs and trees) and/or natural existing vegetation. This screening shall effectively screen at least eighty percent (80%) of the homes from view from the existing road and shall be maintained throughout the life of the project.

I. Where appropriate, internal buffers shall be maintained between groups of residences to insure proper site design and site plan development. In all buffer areas, the conservation of land in its natural or forested condition is essential.

Section 4.3.5 Preservation and Maintenance of Open Space and Facilities

A. There shall be no further subdivision of open space. Open space shall be used only for non-commercial recreation, forestry or conservation. However, easements for public utilities, but no structure, may be permitted in the open space area.

B. The open space(s) shall be shown on the open space plan and with appropriate notation on the face thereof to indicate that:

i. the open space shall not be used for future building lots; and

ii. a part or all of the open space may be dedicated for acceptance by the Town or a suitable land trust.

C. If any or all of the open space is to be reserved as common open space for use by the residents, the by-laws of the proposed neighborhood association shall be submitted to

the Planning Board prior to approval. Such by-laws shall, at a minimum, include mandatory membership of all lot owners, responsibility for maintenance of common areas, taxes and insurance, etc. The developer or sub divider shall maintain control of such open space(s) and be responsible for their maintenance until development sufficient to support the association has taken place. Such determination shall be made by the Board of Appeals upon request of the neighborhood association or the developer or sub divider.

D. Open space land may be sold or leased to a third party for agriculture or forestry purposes, provided that development rights are held by the Town, a conservation organization, or other public or semi-public entity. The legal instruments for conveying such land and retaining development rights shall first be submitted to and approved by the Planning Board.

Article 4.4 Permits

Following the issuance of a conditional use permit by the Planning Board, if no substantial start is made in construction, or in use of the property for which such permit has been issued, within eighteen (18) months of the date of the permit, the permit shall lapse and become void. The final recorded plat plan for subdivisions will include a standard condition that if at least twenty-five percent (25%) of the lots or units that make up the subdivision are not sold within five (5) years, then the subdivision must be re-reviewed by the Planning Board. This provision shall also apply to any and all subdivisions approved before the date of adoption of this Ordinance. For subdivisions approved before the date of adoption of this Ordinance the five (5) year period at the end of which the subdivision must be re-reviewed and approved in accordance with current ordinances by the Planning Board, will begin on the date of adoption of this Ordinance.

Article 4.5 Performance Guarantees

Section 4. 5.1 Types of Guarantees

As required by the Planning Board, the development shall provide one of the following Performance Guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time span of the construction schedule and the inflation rate for construction costs. Following, in order of preference, are the three types of Performance Guarantees acceptable to the Town;

a. A certified check, payable to the Town, or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account;
b. An irrevocable letter of credit from a financial institution establishing funding for the construction of the project, from which the Town may draw if construction is inadequate; or
c. A Performance Bond, payable to the Town, issued by a surety company, and acceptable to the Town.
The form, time periods, conditions and amount of the Performance Guarantee shall be determined by the Planning Board.

A. Escrow Account
A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings

account, or the purchase of a certificate of deposit. For any account opened by the developer, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal, but the consent of the sub divider shall not be required for a withdrawal. Any interest earned on the escrow account shall be returned to the developer unless the Town has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the sub divider and the amount withdrawn to complete the required improvements. Any certified check shall be deposited in the name of the Town by the Treasurer, in an interest bearing account and shall bear the name of the Developer and of the proposed project, and withdrawals shall be made after a designated Engineer has certified the work as completed. The Planning Board shall be duly notified prior to any withdrawal. Any work which has not been completed, shall be performed at the discretion of the Town and such work shall be paid from the escrow account. The Planning Board will recommend to the Selectmen such disbursements from the escrow account as will pay for completed work in accordance with an approved disbursement schedule.

B. Letter of Credit

An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the project and may not be used for any other project or loan. The Letter of Credit or Performance Bond shall contain a provision that the institution providing the LOC or Bond must notify the Selectmen at least sixty (60) days before the LOC or bond terminates of their termination date.

C. Performance Bond

A Performance Bond shall detail the conditions of the bond the method for release of the bond or portions of the bond to the sub divider, and the procedures for collection by the municipality. The bond documents shall specifically reference the development activity for which approval is sought.

Section 4.5.2 Contents of Guarantee

The Performance Guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspection of each phase of construction, provisions for the release of part or all of the Performance Guarantee to the developer, and a date after which the developer will be in default and the Town shall have access to the funds to finish construction. The performance guarantee shall contain a provision requiring the Selectmen be notified at least sixty (60) days before the termination of the guarantee of its determination date.

Section 4.5.3 Phasing of Development

The Planning Board may approve plans to develop a Major Subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed project street which is covered by a Performance Guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

Section 4.5.4 Release of Guarantee

Prior to the release of any part of the Performance Guarantee, the Planning Board shall determine to its satisfaction, in part upon the report of a qualified engineer designated by the

Planning Board and whatever other agencies and departments may be involved, and at the expense of the applicant, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

Section 4.5.5 Default

If, upon inspection, the Code Enforcement Officer finds that any of the required improvements have not been constructed in accordance with the Plans and specifications filed as part of the application, he shall so report in writing to the Selectmen, the Planning Board, and the subdivider or builder. The Selectmen shall retain the authority to take any steps necessary to preserve the Town's rights.

CHAPTER 5 ADMINISTRATION, ENFORCEMENT, AND PENALTIES

Article 5.1 Administering Bodies and Agents

Section 5.1.1 Code Enforcement Officer

A. Appointment

A Code Enforcement Officer (CEO) shall be appointed or reappointed annually by the Selectmen.

B. Powers and Duties

The CEO shall have the following powers and duties:

i. Enforce the provisions of this Ordinance and any others which call for CEO action.
ii. Act upon building applications, refer permits requiring Site Plan Approval to the Planning Board, and refer requests for variances and administrative appeals to the Board of Appeals.
iii. Enter any property at reasonable hours, with the consent of the property owner, occupant or agent, to inspect the property or structure for compliance with pertinent laws or ordinances.
iv. Investigate complaints and reported violations.
v. Make and keep written inspection reports and records of other activities.
vi. Collect application fees and fines.
vii. Issue violation notices.
viii. Participate in appeals procedures.
ix. Appear in court, when authorized by Selectmen.
x. Attend such meetings of the Board of Appeals and of the Planning Board, as necessary or desirable.
xi. Revoke any permits issued in error or which are based on erroneous information.
xii. Exercise any additional powers or duties authorized by the statutes.

Section 5.1.2 Planning Board

The Planning Board shall be responsible for reviewing and acting upon applications for Site Plan Review Approval and uses requiring building or use permits from the Planning Board (See Chapter 7 Establishment of the Town of Cornish Planning Board).

Section 5.1.3 Board of Appeals

The Board of Appeals shall be created in accordance with the provisions of Title 30-A, Section 2691, or as amended. It shall conduct its affairs in accordance with State Law and pertinent ordinance provisions.

Article 5.2 Permits Required

After the effective date of this Ordinance, no person shall engage in, or expand, any land use activity, which requires a permit, without first obtaining a permit for such activity.

P A building or use permit shall be obtained from the Code Enforcement Officer for the uses so marked in Table 1 of Chapter 2.

P* A building or use permit shall be obtained from the Code Enforcement Officer, with Planning Board authorization, for the uses so marked in Table 1 of Chapter 2.

C A conditional use permit shall be obtained from the Planning Board after site plan review for the uses so marked in Table 1 of Chapter 2.

S A special exception permit shall be obtained from the Planning Board for the uses so marked in Table 1 of Chapter 2.

Article 5.3 Permit Application

A. Every permit applicant shall submit, on a form provided by the Town to the appropriate official(s), a written application.

B. All applications shall be signed by the owner(s) or lessee(s) of the property, or other person with a letter of authorization from the owner(s) or lessee(s), and such signature shall certify that the information in the application is complete and correct.

C. 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.

D. A septic permit or a completed application for a septic permit, including any site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed use or structure would require the subsurface disposal design.

Article 5.4 Procedure for Administering Permits

A. Within thirty (30) days of the date of receiving a written application:

i. The Planning Board or CEO, as indicated in Article V, shall notify the applicant in writing, either that the application is a complete application, or

ii. If the application is incomplete, that specified additional material is needed to make the application complete.

B. The Planning Board or the CEO, as appropriate, shall approve or deny all permit applications in writing, within sixty (60) days of receiving a completed application.

C. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance. Permits may be made subject to reasonable conditions to ensure conformity with the purposes and provisions of this Ordinance, and the permittee shall comply with such conditions which may include, but are not limited to, specifications for:

i. type of vegetation;

ii. increased setbacks and yards;

iii. specified sewage disposal and water supply facilities;

iv. landscaping and planting screens;

v. periods of operations;

vi. operational controls;

vii. professional inspection and maintenance;

viii. sureties;

ix. deed restrictions;

x. restrictive covenants;

xi. location of piers, docks, parking and signs;

xii. types of construction;

xiii. or any other conditions necessary to fulfill the purpose of this Ordinance.

D. If a permit is either denied or approved with conditions, the reasons shall be stated in writing.

E. No approval shall be granted for an application involving a structure, if the structure would be located in an unapproved subdivision, or would violate any other local ordinance or regulation, or any State law for which the Town has responsibility.

F. The burden of proof that a proposed land use activity is in conformity with the purpose and provisions of this Ordinance lies with the applicant.

Article 5.5 Fees

All fees must be paid to the Town Clerk or Code Enforcement Officer before a permit is issued or upon submittal of any required applications in accordance with the Cornish Fee Schedule. The Cornish Fee Schedule shall be approved and may be amended by a majority vote of the Cornish Town Selectmen.

CORNISH FEE SCHEDULE

Fee may be changed by the Selectmen

Revised 4/20/11

Name of Fee	Brief Description	Fee
Building Permit	Minimum Permit Fee (After Fact Doubled)	$25.00
Building Permit	Single Family Residence & Additions (i.e. Garage, Deck, Shed, etc.)	$.25 per S/F
Building Permit	Slabs	$.10 per S/F
Building Permit	Two- Family/Multi-Family	$.25 per S/F
Building Permit	Condominiums	$.25 per S/F
Building Permit	New Commercial	$.25 per S/F
Building Permit	New Industrial	$.25 per S/F
Building Permit	Renovations Renovations From Fire Damage	$5.00 per $1,000 $25.00
Building Permit	Structures Other Than Buildings	$8.00 per $1,000
Sign Permit	Erect New or Replace 15 Sq. Ft. or Less Over 15 Sq. Ft.	Min. $25.00 $2.00 per S/F
Occupancy Permit	Residential Commercial/Industrial Home Occupation	$25.00 $50.00 $30.00
Relocation Permit	To Relocate A Structure	$25.00
Demolition Permit	To Demolish A Building or Structure	$25.00
Sprinkler System	To Install A New Sprinkler System	$8.00 per $1,000
Air Conditioning	To Install Central Air Conditioning	$8.00 per $1,000
Swimming Pool	To Install an In-Ground or Above-Ground	$25.00
Mobile Home	To Locate A Mobile Home	$.25 per S/F
ZBA	Zoning Board of Appeals Request	$50.00
Requested Letters	Letters Requested To Needlessly Restate What Is Already Stated In The Ordinance	$15.00
Sub Surface Wastewater Fees	Engineered System Non-Engineered System Primitive System (includes one alternative toilet) Separate Grey Waste Disposal Field Seasonal Conversion First Time Variance Alternative Toilet Only Disposal Field Only (engineered system) Disposal Field Only (non-engineered system) Treatment Tank (engineered system) Treatment Tank (non-engineered system) Holding Tank Other Components	$200.00 $265.00 $100.00 $35.00 $50.00 $20.00 $50.00 $150.00 $150.00 $150.00 $80.00 $100.00 $30.00
Re-Inspection Fee	Following Failed Inspection Or Inspection Scheduled Pre-Maturely	$25.00

CORNISH FEE SCHEDULE

Fee may be changed by the Selectmen

Revised 4/20/11 (cont.)

Name of Fee	Brief Description	Fee
Subdivisions	Pre-Application Meeting	$50.00
Subdivisions	All sizes – Application Submission	$150.00
Subdivisions	Minor Subdivision (up to 5,000sq. ft): Site Plan Review	$200.00
Subdivisions	Major Subdivision (greater than 5,000sq. ft): Site Plan Review	$400.00
Subdivisions	Add – 4 Lots or Less	$200.00 per lot
Subdivisions	Add – 5 Lots or More	$250.00 per lot
Subdivisions	Add – After 4 Meetings	$50.00 per meeting
Subdivisions	Plan Change/Modification	$100.00
Site Plan	Commercial/Retail/Industrial (less than 1,000sq. ft.)	$400.00
Site Plan	Commercial/Retail/Industrial (greater than 1,000sq. ft. but less than 2,000sq. ft.)	$600.00
Site Plan	Commercial/Retail/Industrial (>2,000sq. ft.)	$600.00 plus $0.15/sq. ft. greater than 2,000 sq. ft.
Site Plan	Application for Proposed Public Road Construction (Serving 3 or more lots)	$300.00
Site Plan	Private Way (Serving 3 or more lots)	$300.00
Site Plan	Permit for Construction: Bond/Letter of Credit/ Cash: Assurance of Ordinance – Plan Change/Modification	$100.00
Site Plan	Zone Change/Modification	$1,000.00 Plus All Legal & Engineering Review Fees
Site Plan	Conditional/Change of Use	$150.00
Shoreland District (Applicable to Site Plan Subdivision)	Up to 2,000sq. ft.	$300.00
Shoreland District (Applicable to Site Plan Subdivision)	Over 2,000sq. ft.	$300.00 plus $0.25/sq. ft. >2,000sq. ft.

Article 5.6 Expiration of Permits

Following the issuance of a permit, if no substantial start is made in construction, or in use of the property for which such permit has been issued, within eighteen (18) months of the date of the permit, the permit shall lapse and become void. In accordance with Chapter 4 Section 4.3.1 B vii and Article 4.2, the final recorded plot plan for subdivisions will include a standard condition that if at least twenty-five percent (25%) of the lots or units that make up the subdivision are not sold within five (5) years, then the subdivision must be re-reviewed by the Planning Board.

Article 5.7 Installation of Public Utility Service

No public utility, water district, or any other utility company may install, or connect services to, any new use or structure requiring a permit under this ordinance, unless written authorization attesting to the validity and currency of all permits required under this Ordinance has been issued by the appropriate Town official(s). Following installation of service, the company or district shall forward a copy of the written authorization to the Town official(s) and indicate that installation has been completed.

Article 5.8 Enforcement

Section 5.8.1 Enforcement Procedure

A. It shall be the duty of the CEO to enforce the provisions of this Ordinance. If the CEO finds that any provision is being violated, he or she shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it.

   i. These orders may include 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 notice(s) shall be submitted to the Selectmen and be maintained as a permanent record.

B. The CEO shall conduct on-site inspections to insure compliance with all applicable laws and any conditions attached to permit approvals. The CEO shall also investigate all complaints of alleged violations of this Ordinance.

C. The CEO shall keep a complete record of all essential transactions of the office including: applications submitted, fees collected, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fines collected. In the case of violations in the Shoreland District, the CEO shall, as required submit a summary of this record to the Director of the Bureau of Land Quality Control within the Department of Environmental Protection.

Section 5.8.2 Legal Actions

A. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Selectmen upon notice from the CEO, are directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions and the imposition of fines, as may be appropriate or necessary to enforce the provisions of this Ordinance.

B. The Selectmen, or their authorized agent, may enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and imposing fines without Court action. Such agreements should not allow an illegal structure or use to continue, unless there is clear and convincing evidence that the illegality was a direct result of erroneous information or advice given by an authorized Town Official, and there is no evidence that the owner/violator acted in bad faith.

Section 5.8.3 Fines

Any person including, but not limited to, a landowner, a landowner's agent or a contractor, who is responsible for a violation of this Ordinance is liable for the penalties in Title 30-A, MRSA, Section 4452, as amended.

CHAPTER 6. APPEALS

Article 6.1 Establishment of Board of Appeals.

The Town shall have a Board of Appeals, in accordance with the provision of Title 30-A, MRSA, Section 2691, as amended.

Article 6.2 Powers and Duties

The Board of Appeals shall have the following powers:

Section 6.2.1 Administrative Appeals

A. To consider appeals in which an aggrieved party alleges that there was:

i. An error or omission in any action taken by the Code Enforcement Officer in the administration or enforcement of this Ordinance; or

ii. A procedural error or omission by the Planning Board. When errors of administrative procedures or interpretation are found, the case may be remanded back to the Code Enforcement Officer or Planning Board for correction.

Section 6.2.2 Variance Appeals

To consider variance appeals, within the limitations set forth in this Ordinance.

A. Dimensional variances may be granted only from dimensional requirements including, but not limited to, frontage (including shore frontage), lot area, lot width, structure height, percent of lot coverage, and setback requirements (except waterfront setbacks).

B. Use variances shall not be granted to allow a use otherwise prohibited by this Ordinance.

C. The Board of Appeals shall <u>not</u> grant a variance <u>unless</u> it finds that both:

i. The proposed structure or use would meet the requirements of this Ordinance, except for the specific provision which has created the non-conformity and for which relief is sought; *and*

ii. The strict application of the terms of this Ordinance would result in undue hardship.

The term "undue hardship" shall mean <u>*all*</u> of the following:

a. That the land in question cannot yield a reasonable return, unless a variance is granted;

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

c. That the granting of a variance will not alter the essential character of the locality; and

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

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

E. A copy of any such variances granted by the Board of Appeals shall be submitted to the Planning Board and the Department of Environmental Protection as required.

Article 6.3 Appeal Procedure

Section 6.3.1 Time Limit

An administrative or variance appeal shall be filed within sixty (60) days of the date of the decision is being appealed.

Section 6.3.2 Written Notice

Such appeal shall be made by filing with the Board of Appeals a written notice which includes:

A. A concise written statement indicating what relief is requested and why it should be granted.

B. 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 requested.

Section 6.3.3 Record of Case

Upon being notified of an appeal, the Code Enforcement Officer shall transmit to the Board of Appeals all of the papers constituting the record of the decision being appealed.

Section 6.3.4 Public Hearing

The Board of Appeals shall hold a hearing on the appeal within thirty-five (35) days of its receipt of an appeal request. Interested parties and the public shall be given an opportunity to be heard.

Section 6.3.5 Decision by Board of Appeals

A. <u>Quorum</u>

A majority of the full Board of Appeals shall constitute a Quorum for the purpose of deciding an appeal.

B. <u>Majority Vote</u>

The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to make a decision.

C. Burden of Proof

The person filing the appeal shall have the burden of proof.

D. Time Frame; Written Decision

i. The Board of Appeals shall decide each appeal within thirty-five (35) days after the close of the hearing, shall issue a dated written decision on each appeal, and shall send a copy of the decision to the applicant, CEO and the Planning Board.

ii. All decisions shall become a part of the record, shall include a statement of findings of fact and of conclusions along with the reasons therefore and shall include an appropriate order.

Section 6.3.6 Reconsideration

Upon good cause shown to the Board of Appeals, within twenty (20) days of its decision, the Board of Appeals may vote to reconsider its decision. The Board of Appeals may conduct an additional hearing to receive additional evidence and testimony. The Board shall then follow the procedures for decisions as set forth above.

Section 6.3.7 Appeal to Superior Court

Any party aggrieved by the decision of the Board of Appeals or the Planning Board may appeal to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure within thirty (30) days of the Board's final decision.

CHAPTER 7 ESTABLISHMENT OF THE TOWN OF CORNISH PLANNING BOARD

Article 7.1 Establishment

Establishment pursuant to Art. VIII, Pt. 2Sec.1 of the Maine Constitution and 30-A M.R.S.A. 3001, the Town of Cornish hereby establishes a planning board. The board, which has been acting as a planning board for the Town of Cornish, is hereby established as the legal planning board for the purposes of this ordinance. The actions which the board took prior to the adoption of this ordinance are hereby declared to be the acts of the legally constituted planning board of the Town of Cornish.

Article 7.2 Appointment

A. Board members shall be full time legal residents of the Town of Cornish, appointed by the municipal officers and sworn in by the clerk or other person authorized to administer oaths.

B. The board shall consist of five (5) full members and two (2) associate members.

C. The term of each full member shall be three (3) years. The term of the associate members shall be three (3) years.

D. When there is a permanent vacancy, the municipal officers shall, within 60 days of its occurrence, appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, or when a member ceases to be a legal resident of the town, or when a member fails to attend four (4) consecutive regular meetings, or fails to attend at least 60% of all meetings during the preceding twelve (12) month period. When a vacancy occurs, the chairperson of the board shall immediately so advise the municipal officers in writing. The board may recommend to the municipal officers that the attendance provision be waived for the cause, in which case no vacancy will then exist until the municipal officers disapprove the recommendation. The municipal officers may remove members of the planning board by unanimous vote, for cause, after notice and hearing.

E. An elected municipal officer may not be a member or associate member.

Article 7.3 Organization and Rules

A. The board shall elect a chairperson and a vice chairperson from among its members at the first regular planning board meeting following the annual town meeting. The board may either elect a secretary from among its members or hire a non-board member to serve as secretary. The term of all offices shall be two (2) years with eligibility for re-election.

B. When a member is unable to act because of interest, physical incapacity, absence or any other reason satisfactory to the chairperson, the chairperson shall designate an associate member to sit in that member’s stead.

C. An associate member may attend all meetings of the board and participate in its proceedings, but may vote only when he or she has been designated by the chairperson to site for a member.

D. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of all members except the person who is being challenged.

E. The chairperson shall call at least one regular meeting of the board each month.

F. No meeting of the board shall be held without a quorum consisting of 3 members or associate members authorized to vote. The board shall act by majority vote of the members present and voting.

G. The board shall adopt rules for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings, and determinations. All records shall be deemed public and may be inspected at reasonable times.

Article 7.4 Duties/Powers

A. The board shall perform duties and exercise such powers as are provided by the Town of Cornish Land Use Ordinance and the laws of the State of Maine.

B. The board may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.

FLOODPLAIN MANAGEMENT ORDINANCE

FOR THE

TOWN OF CORNISH, MAINE

ENACTED: March 21, 2001
Date

CERTIFIED BY : Charlene D Humphrey
Name

Town Clerk
Title

Affix Seal

60.3 (d)
Printed 1/16/01

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60.3 (d) Rev. 6/00

ARTICLE I – PURPOSE AND ESTABLISHMENT

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

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

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

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

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

The areas of special flood hazard, Zones A and A1-3O, are identified by the Federal Emergency Management Agency in a report entitled "*Flood Insurance Study – Town of Cornish, Maine, York County*," dated September, 1979 with accompanying "*Flood Insurance Rate Map*" dated March 18, 1980 and "*Flood Boundary and Floodway Map*" dated March 18, 1980, which are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II – PERMIT REQUIRED

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

ARTICLE III – APPLICATION FOR PERMIT

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

A. The name, address and phone number of the applicant, owner, and contractor;

B. An address and a map indicating the location of the construction site;

C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;

D. A statement of the intended use of the structure and/or development;

E. A statement of the cost of the development including all materials and labor;

F. A statement as to the type of sewage system proposed;

G. Specification of dimensions of the proposed structure and/or development;

[Items H-K.2 apply only to new construction and substantial improvements.]

H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), or to a locally established datum in Zone A only, of the;

1. Base flood at the proposed site of all new or substantially improved structures, which is determined:

a. In Zones A1-30, from data contained in the "*Flood Insurance Study – Town of Cornish, Maine,* " as described in Article I; or,

b. In Zone A:

1) From any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265/July 1995), including information obtained pursuant to Article VI.K. and VIII.D.;

(2) From the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,

(3) To be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.

2. Highest and lowest grades at the site adjacent to the walls of the proposed building;

3. Lowest floor, including basement; and whether or not such structures contain a basement; and,

4. Level, in the case of non-residential structures only, to which the structure will be flood proofed;

I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;

J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;

K. The following certifications as required in Article VI by a registered professional engineer or architect:

1. A Flood proofing Certificate (FEMA Form 81-65, 08/99, as amended), to verify that the flood proofing methods for any non-residential structures will meet the flood proofing criteria of Article III.H.4; Article VI.G; and other applicable standards in Article VI;

2. A Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a;

3. A certified statement that bridges will meet the standards of Article VI.M.;

4. A certified statement that containment walls will meet the standards of Article VI.N.;

L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,

M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV – APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of $_____ shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

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

ARTICLE V – REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;

B. Utilize, in the review of all Flood Hazard Development Permit applications:

1. The base floor data contained in the "*Flood Insurance Study-Town of Cornish, Maine*," as described in Article I;

2. In special flood hazard areas where base flood elevation data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b; Article VI.K.; and Article VIII.D., in order to administer Article VI of this Ordinance; and,

3. When the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b, the community shall submit that data to the Maine Floodplain Management Program in the State Planning Office.

C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;

D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;

E Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a water course and submit copies of such notification to the Federal Emergency Management Agency;

F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:

1. A two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with a second Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, "as built", for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, or H. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,

2. A Flood Hazard Development Permit for Flood proofing of Non-Residential Structure that are new construction or substantially improved non-residential structures that are not being elevated but that meet the flood proofing standards of Article VI.G.1.a.b., and c. The application for this permit shall include a Flood proofing Certificate signed by a registered professional engineer or architect; or,

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

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

ARTICLE VI – DEVELOPMENT STANDARDS

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

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

1. Be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. Use construction materials that are resistant to flood damage;

3. Use construction methods and practices that will minimize flood damage; and,

4. Use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

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

C. **Sanitary Sewage Systems** – All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

D. **On Site Waste Disposal Systems** – On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

E. **Watercourse Carrying Capacity** – All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.

F. **Residential** – New construction or substantial improvement of any residential structure located within:

1. Zones A1-30 shall have the lowest floor (including basement) elevated to at least two feet above the base flood elevation.

2. Zone A shall have the lowest floor (including basement) elevated to at least two feet above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D.

G. **Non Residential** – New construction or substantial improvement of any non-residential structure located within:

1. Zones A1-30 shall have the lowest floor (including basement) elevated to at least two feet above the base flood elevation, or together with attendant utility and sanitary facilities shall:

   a. Be flood proofed to at least two feet above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;

   b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

   c. Be certified by a registered professional engineer or architect that the flood proofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is flood proofed.

2. Zone A shall have the lowest floor (including basement) elevated to at least two feet above the base flood elevation utilizing information obtained pursuant to Article III. H.1.b.; Article V.B; or Article VIII.D.; or

a. Together with attendant utility and sanitary facilities meet the flood proofing standards of Article VI.G.1.

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

1. Zones A1-30 shall:

a. Be elevated such that the lowest floor (including basement) of the manufactured home is at least two feet above the base flood elevation;

b. Be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,

c. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

(1) Over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than fifty (50) feet long require one additional tie per side); or by,

(2) Frame ties at each corner of the home, plus five (5) additional ties along each side at intermediate points (manufactured homes less than fifty (50) feet long require four (4) additional ties per side).

(3) All components of the anchoring system described in Article VI.H.1.c. (1) & (2) shall be capable of carrying a force of 4,800 pounds.

2. Zones A shall:

a. Be elevated on a permanent foundation, as described in Article VI.H.1.b., such that the lowest floor (including basement) of the manufactured home is at least two (2) feet above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D.; and

b. Meet the anchoring requirement of Article VI.H.1.c.

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

1. Zones A1-30 shall:

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

b. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,

c. Be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article VI.H.1.

J. **Accessory Structures** – Accessory Structures, as defined in Article XIII, located within Zones A1-30 and A, shall be exempt from the elevation criteria required in Article VI.F. & G. above, if all other requirements of Article VI and all the following requirements are met. Accessory Structures shall:

1. Be 500 square feet or less and have a value less than $3,000;

2. Have unfinished interiors and not be used for human habitation;

3. Have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;

4. Be located outside the floodway;

5. When possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,

6. Have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

K. **Floodways** –

1. In Zones A1-30 riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Boundary and Floodway Map, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. In Zones A1-30 and A riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3., unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

   a. Will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,

   b. Is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," *Flood Insurance Study – Guidelines and Specifications for Study Contractors*, (FEMA 37/January 1995, as amended)

3. In Zones A1-30 and A riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

L. Enclosed Areas Below the Lowest Floor – New construction or substantial improvements of any structure in Zones A1-30 and A that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts,"

or crawlspaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

1. Enclosed areas are not "basements" as defined in Article XIII;

2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:

   a. Be engineered and certified by a registered professional engineer or architect; or,

   b. Meet or exceed the following minimum criteria;

      (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;

      (2) The bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,

      (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;

3. The enclosed area shall not be used for human habitation; and,

4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

M. Bridges – New construction or substantial improvements of any bridge in Zones A1-30 and A shall be designed such that:

1. When possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least two feet above the base flood elevation; and

2. A registered professional engineer shall certify that:

   a. The structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K.;

   b. The foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

N. Containment Walls – New construction or substantial improvements of any containment wall located within;

1. Zones A1-30 and A shall:

   a. Have the containment wall elevated to at least two feet above the base flood elevation;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.

O. Wharves, Piers and Docks – New construction or substantial improvements of wharves, piers, and docks are permitted in Zones A1-30 and A, in and over water and seaward of the mean high tide if the following requirements are met:

1. Wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and

2. For commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

ARTICLE VII – CERTIFICATE OF COMPLIANCE

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

A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer, an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Article VI, paragraphs F, G, or H.

B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.

C. Within 10 working days, the Code Enforcement Officer shall:

1. Review the Elevation Certificate and the applicant's written notification: and,

2. Upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

ARTICLE VIII – REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law or local ordinances or regulations and all projects on five (5) or more disturbed acres, or in the case of manufactured home parks divided into two (2) or more lots, assure that:

A All such properties are consistent with the need to minimize flood drainage.

B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.

C. Adequate drainage is provided so as to reduce exposure to flood hazards.

D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.

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

ARTICLE IX – APPEALS AND VARIANCES

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

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

A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

B. Variances shall be granted only upon:

1. A showing of good and sufficient cause; and,

2. A determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,

3. A showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,

4. A determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:

a. That the land in question cannot yield a reasonable return unless a variance is granted; and,

b. That the need for a variance is due to the unique circumstances of the property and not to the general conclusions in the neighborhood; and,

c. That the granting of a variance will not alter the essential character of the locality; and,

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

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.

D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:

1. Other criteria of Article IX and Article VI.K. are met; and,

2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

E. Variances may be issued for repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:

1. The development meets the criteria of Article IX, paragraph A. through D. above; and

2. The proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

F. Any applicant who meets the criteria of Article IX, paragraph A, through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:

1. The issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25 per $100 of insurance coverage;

2. Such construction below the base flood level increases the risks to life and property; and,

3. The applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against all claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

G. Appeal Procedure for Administrative and Variance Appeals:

1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty (30) days after receipt of a written decision of the Code Enforcement Officer or Planning Board.

2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

4. The person filing the appeal shall have the burden of proof.

5. The Board of Appeals shall decide all appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

ARTICLE X – ENFORCEMENT AND PENALTIES

A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA 4452.

B. The penalties contained in Title 30-A MRSA 4452 shall apply to any violation of this Ordinance.

C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of;

1. The name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
2. A clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;

3. A clear statement that the public body making the declaration has authority to do so and a citation to that authority;

4. Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,

5. A clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XI – VALIDITY AND SEVERABILITY

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

ARTICLE XII – CONFLICT WITH OTHER ORDINANCES

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

ARTICLE XIII – DEFINITIONS

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense

include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

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

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

Area of Special Flood Hazard – Means the land in the floodplain having a one percent (1%) or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article I of this Ordinance.

Base Flood – Means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, commonly called the 100-Year Flood.

Basement – Means any area of the building having its floor sub grade (below ground level) on all sides.

Building – see **Structure**.

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

Code Enforcement Officer – Any person or board responsible for performing the inspection, licensing, and enforcement duties required by a particular statute or ordinance.

Development – Means any change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or excavation of materials, public or private sewage disposal systems or water supply facilities.

Elevated Building – Means a non-basement building.

a. Built, in the case of a building in Zones A1-30 or A, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, post, piers, or "stilts," and,

b. Adequately anchored so as not to impair the structural integrity of the building during a flood of up to two (2) feet above the magnitude of the base flood.

In the case of Zones A1-30 or A, **Elevated Building** also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.L.

Elevation Certificate – An official form (FEMA Form 81-31, 08/99, as amended) that:

a. Is used to verify compliance with floodplain management regulations of the National Flood Insurance Program; and,

b. Is required for purchasing flood insurance.

Flood or Flooding – Means:

a. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

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

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

Flood Insurance Study – See **Flood Elevation Study**.

Floodplain or Flood-prone Area – Means any land area susceptible to being inundated by water from any source (see **Flooding**).

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

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

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

Floodway– See **Regulatory Floodway**.

Floodplain Encroachment Lines – Means the lines marking the limits of floodways on federal, state, and local floodplain maps.

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

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

Historic Structure – Means any structure that is:

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

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either;

    1. By an approved state program as determined by the Secretary of the Interior, or

    2. Directly by the Secretary of the Interior in states without approved programs.

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

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

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

Manufactured Home Park or Subdivision – Means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

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

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

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

New Construction – Means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

100-Year Flood – See **Base Flood**.

Recreational Vehicle – Means a vehicle which is:

a. Build on a single chassis;

b. Four hundred (400) square feet or less when measured at the largest horizontal projection, not including slide outs;

c. Designed to be self-propelled or permanently towable by a motor vehicle; and

d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway –

a. Means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot, and

b. When not designated on the community's Flood Boundary and Floodway Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half (1/2) the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

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

Special Flood Hazard Area – See **Area of Special Flood Hazard**.

Start of Construction – Means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

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

Substantial Damage – Means, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

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

a. Any project for improvement of a structure to correct existing violation of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or,

b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the community's Board of Appeals.

Variance – Means a grant of relief by a community from the terms of a floodplain management regulation.

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

ARTICLE XIV – ABROGATION

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

60.3(d)

CHAPTER 9 WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE

(to replace Section D. Commercial Communications Towers on pgs. 63&64 and Appendix F: Telecommunication Facilities and Towers Ordinance adopted at Special Town Meeting on July 9, 2001)

MAY 2008
Amended December 2, 2020, Special Town Meeting

Town of Cornish
York County, Maine 04020

Special Town Meeting
May 31, 2008

Article 2 – To see if the Town will vote to approve the following 'Wireless Telecommunications Facilities Ordinance'

Voted to approve the above article and accept the attached document on May 31, 2008.

Amended by Special Town Meeting, December 2, 2020

A True Attested Copy:

Diane Harrington
Town Clerk, Cornish

Article 9.1 Purpose

The purpose of this ordinance is to provide a process and set of standards for the construction of wireless telecommunications facilities in order to: Implement a municipal policy concerning the provision of wireless telecommunications services, and the siting of their facilities;

Establish clear guidelines, standards and time frames for the exercise of municipal authority to regulate wireless telecommunications facilities;

Allow competition in telecommunications service;

Encourage the provision of advance telecommunications services to the largest number of businesses, institutions and residents of Cornish;

Permit and manage reasonable access to the public rights of way of the Town of Cornish for telecommunications purposes on a competitively neutral basis;

Ensure that all telecommunications carriers providing facilities or services within the Town of Cornish comply with the ordinances of the Town of Cornish;

Ensure that the Town of Cornish can continue to fairly and responsibly protect the public health, safety and welfare;

Encourage the colocation of wireless telecommunications facilities, thus helping to minimize adverse visual impacts on the community;

Enable the Town of Cornish to discharge its public trust consistent with rapidly evolving federal and state regulatory policies, industry competition and technological development;

Further the goals and policies of the comprehensive plan, while promoting orderly development of the town with minimal impacts on existing uses; and

Protect the scenic and visual character of the community.

Article 9.2 Authority

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

Article 9.3 Applicability

This local land use ordinance applies to all construction and expansion of wireless telecommunications facilities, except as provided in Section 9.3.1 Exemptions

Section 9.3.1 The following are exempt from the provisions of this ordinance but must comply with all safety standards:

A. Emergency Wireless Telecommunications Facility. Temporary wireless communication facilities for emergency communications by public officials.

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

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

D. Maintenance or repair. Maintenance, repair or reconstruction of a wireless telecommunications facility and related equipment, provided that there is no change in the height or any other dimension of the facility.

E. Temporary wireless telecommunications facility. Temporary wireless telecommunications facility, in operation for a maximum period of one hundred eighty (180) days.

F. Antennas as Accessory Uses. An antenna that is an accessory use to a residential dwelling unit.

G. Essential Wireless Telecommunications Facility. Essential Wireless Telecommunications Facility (Permanent) are essential services for transmission of essential communication and are limited to a maximum height of 199 feet including antenna.

Article 9.4 Review and Approval Authority

Section 9.4.1 Approval Required

No person shall construct or expand a wireless telecommunication facility without approval of the Planning Board as follows:

A. Expansion or reconstruction of an Existing Facility and Colocation.

Approval is required for any expansion of an existing wireless telecommunications facility that increases the height of the facility by no more than 20 feet; accessory use of an existing wireless telecommunications facility; or colocation on an existing wireless telecommunications facility

B. New Construction.

Approval/ permit of the Planning Board is required for construction of a new wireless telecommunications facility; and any expansion of an existing wireless telecommunications facility that increases the height of the facility by more than 20 feet.

Section 9.4.2 Approval Authority

In accordance with Section 9.4.1 above, the Planning Board shall review applications for wireless telecommunications facilities, and make written findings on whether the proposed facility complies with this Ordinance.

Article 9.5 Approval Process

Section 9.5.1 Pre-Application Conference

All persons seeking approval of the CEO under this ordinance shall meet with the CEO no less than thirty (30) days before filing an application. At this meeting, the CEO shall explain to the applicant the ordinance provisions, as well as application forms and submissions that will be required under this ordinance.

Section 9.5.2 Application

All persons seeking approval of the Planning Board under this ordinance shall submit an application as provided below. The Planning Board shall be responsible for ensuring that notice of the application has been published in a newspaper of general circulation in the community.

A. Application for Planning Board Approval.

An application for approval by the Planning Board must be submitted to the Code Enforcement Officer. The application must include the following information:

i. Documentation of the applicant's right, title search, or interest in the property on which the facility is to be sited, including name and physical address of the property owner and the applicant.

ii. A copy of the FCC license for the facility, or a signed statement from the owner or operator of the facility attesting that the facility complies with current FCC regulations.

iii. A USGS 7.5 minute topographic map showing the location and identification of all structures and wireless telecommunications facilities above 150 feet in height above ground level, except antennas located on roof tops, within a five (5) mile radius of the proposed facility, unless this information has been previously made available to the municipality. This requirement may be met by submitting current information (within thirty days of the date the application is filed) from the FCC Tower Registration Database.

iv. A Site plan:

a. Prepared and certified by a professional engineer registered in Maine indicating the location, type, and height of the proposed facility, antenna capacity, on-site and abutting off-site land uses, means of access, setbacks from property lines, and all applicable American National Standards Institute (ANSI) technical and structural codes;

b. Certification by the applicant that the proposed facility complies with all FCC standards for radio emissions is required; and

c. A boundary survey for the project performed by a land surveyor licensed by the State of Maine.

v. A scenic assessment, consisting of the following:

a. Elevation drawings of the proposed facility, and any other proposed structures, showing height above ground level.

b. A landscaping plan indicating the proposed placement of the facility on the site; location of existing structures, trees, and other significant site features; the type and location of plants proposed to screen the facility; the method of fencing, the color of the structure, and the proposed lighting method.

c. Photo simulations and aerial photos of the proposed facility taken from perspectives determined by the Planning Board, or their designee, during the pre-application conference. Each photo must be labeled with the line of sight, elevation, and with the date taken imprinted on the photograph. The photos must show the color of the facility and method of screening.

d. A narrative discussing:

(1) The extent to which the proposed facility would be visible from or within a designated scenic resource,

(2) The tree line elevation of vegetation within 100 feet of the facility, and

(3) The distance to the proposed facility from the designated scenic resources noted viewpoints.

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

vii. Evidence demonstrating that no existing building, site, or structure can accommodate the applicant's proposed facility, the evidence for which may consist of any one or more of the following:

a. Evidence that no existing facilities are located within the targeted market coverage area as required to meet the applicant's engineering requirements.

b. Evidence that existing facilities do not have sufficient height or cannot be increased in height at a reasonable cost to meet the applicant's engineering requirements.

c. Evidence that existing facilities do not have sufficient structural strength to support applicant's proposed antenna and related equipment. Specifically:

(1) Planned, necessary equipment would exceed the structural capacity of the existing facility, considering the existing and planned use of those facilities, and these existing facilities cannot be reinforced to accommodate the new equipment.

(2) The applicant's proposed antenna or equipment would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna or equipment on the existing facility would cause interference with the applicant's proposed antenna.

(3) Existing or approved facilities do not have space on which planned equipment can be placed so it can function effectively.

d. For facilities existing prior to the effective date of this ordinance, the fees, costs, or contractual provisions required by the owner in order to share or adapt an existing facility are unreasonable. Costs exceeding the pro rata share of a new facility development are presumed to be unreasonable. This evidence shall also be satisfactory for a tower built after the passage of this ordinance;

e. Evidence that the applicant has made diligent good faith efforts to negotiate colocation on an existing facility, building, or structure, and has been denied access.

viii. Identification of districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed, or eligible for listing, in the National Register of Historic Places (see 16 U.S.C. 470w(5); 36 CFR 60 and 800).

ix. A signed statement stating that the owner of the wireless telecommunications facility and his or her successors and assigns agree to:

a. Respond in a timely, comprehensive manner to a request for information from a potential colocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

b. Negotiate in good faith for shared use of the wireless telecommunications facility by third parties;

c. Allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for colocation;

d. Require no more than a reasonable charge for shared use, based on community rates and generally accepted accounting principles. This charge may include but is not limited to a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the useful life span of the facility.

x. A form of surety for the life of the facility approved by the Planning Board to pay for the costs of removing the facility if it is abandoned.

xi. Evidence that a notice of the application has been published in a local newspaper of general circulation in the community.

Section 9.5.3 Submission Waiver

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

Section 9.5.4 Fees

A. Planning Board Application Fee

An application for Planning Board approval shall include payment of an application fee of $___TBD____. The application shall not be considered complete until this fee is paid. An applicant is entitled to a refund of the application portion of fee if the application is withdrawn within fifteen (15) days of date of filing, less all expenses incurred by the Town of Cornish to review the application.

B. Planning Board Review Fee

An applicant for approval by the Planning Board shall pay all reasonable and customary fees incurred by the municipality that are necessary to review the application. The review fee shall be paid in full prior to the start of construction. That portion of the review fee not used shall be returned to the applicant within thirty (30) days of the Planning Board's decision.

Section 9.5.5 Notice of Complete Application

A. Upon receipt of an application, the Town shall provide the applicant with a dated receipt. Within ten (10) working days of the next Planning Board meeting or workshop meeting, the Planning Board shall review the application and determine if the application meets the

submission requirements. The Planning Board shall review any requests for a waiver from the submission requirements and shall act on these requests prior to determining the completeness of the application.

B. If the application is complete, the Planning Board shall notify the applicant in writing of this determination and require the applicant to provide a sufficient number of copies of the application to the Planning Board.

C. If the application is incomplete, the Planning Board shall notify the applicant in writing specifying the additional materials or information required to complete the application.

D. If the application is deemed to be complete, and requires Planning Board review, the Planning Board shall notify all abutters to the site as shown on the Assessor's records, by first-class mail, that an application has been accepted. This notice shall contain a brief description of the proposed activity and the name of the applicant, give the location of a copy of the application available for inspection, and provide the date, time, and place of the Planning Board meeting at which the application will be considered. Failure on the part of any abutter to receive such notice shall not be grounds for delay of any consideration of the application nor denial of the project.

Section 9.5.6 Public Hearing

For application for Planning Board approval under Section 9.4.1.B, a public hearing shall be held within 30 days of the notice of the complete application.

Section 9.5.7 Approval

A. Planning Board Approval. Within ninety (90) days of receiving a complete application for approval under Section 9.5.2.A, the Planning Board shall approve, approve with conditions, or deny the application in writing, together with the findings on which that decision is based. However, if the Planning Board has a waiting list of applications that would prevent the Planning Board from making a decision within the required ninety (90) day time period, then a decision on the application shall be issued within sixty (60) days of the public hearing, if necessary, or within sixty (60) days of the completed Planning Board review. This time period may be extended upon agreement between the applicant and the planning board.

Article 9.6 Standards of Review

To obtain approval from the Planning Board, an application must comply with the standards in this Article.

Section 9.6.1 Planning Board Approval Standards

An application for approval by the Planning Board under Section 9.4.1.B must meet the following standards:

A. <u>Priority of Locations</u>

New wireless telecommunications facilities must be located according to the priorities below. The applicant shall demonstrate that a facility of a higher priority cannot reasonably accommodate the applicant's proposed facility.

i. Location

a. Priority of location: Existing structures. In Cornish: Hessian Hill, High Road, F.R. Carroll on Hosac Mt., York Tower. In surrounding town: Porter, Hiram, Limerick.

b. New Wireless telecommunications facilities may be permitted only in the following districts as designated in the Town of Cornish zoning ordinance: Industrial Park and the Agricultural District.

B. Siting on Municipal Property

If an applicant proposes to locate a new wireless telecommunications facility, or expand an existing facility on municipal property, the applicant must show the following:

i. The proposed location complies with applicable municipal policies and ordinances.

ii. The proposed facility will not interfere with the intended purpose of the property.

iii. The applicant has adequate liability insurance and a lease agreement with the municipality that includes reasonable compensation for the use of the property and other provisions to safeguard the public rights and interests in the property.

C. Design for colocation

A new wireless telecommunications facility and related equipment must be designed and constructed to accommodate expansion for future colocation of at least three additional wireless telecommunications facilities or providers. However, the Planning Board may waive or modify this standard where the district height limitation affectively prevents future colocation.

D. Height

A new wireless telecommunications facility must be no more than 150 feet in height

E. Setbacks

A new or expanded wireless telecommunications facility must comply with the setback requirements for the zoning district in which it is located, or be set back one hundred five percent (105%) of its height from all property lines, whichever is greater. The setback may be satisfied by including the areas outside the property boundaries if secured by an easement.

F. Landscaping

A new wireless telecommunications facility and related equipment must be screened with plants from view by abutting properties, to the maximum extent practicable. Existing plants and natural land forms on the site shall also be preserved to the maximum extent practicable.

G. Fencing

A new wireless telecommunications facility must be fenced to a height of eight (8) feet minimum to discourage trespass on the facility and to discourage climbing on any structure by trespassers.

H. Lighting

A new wireless telecommunications facility must be illuminated only as necessary to comply with FAA or other applicable state and federal requirements. However, security lighting may be used as long as it is shielded to be down-directional to retain light within the boundaries of the site, to the maximum extent practicable.

I. Color and Materials

A new wireless telecommunications facility must be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable. Unless otherwise required, muted colors, earth tones, and subdued hues shall be used.

J. Structural Standards

A new wireless telecommunications facility must comply with the current Electronic Industries Association / Telecommunications Industries Association (EIA/TIA) 222 Revision Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures." A stand alone tower must be of a monopole structure to minimize visual impact.

K. Visual Impact

The proposed wireless telecommunications facility will have no unreasonable adverse impact upon designated scenic resources within the Town, as identified either in the municipally adopted comprehensive plan, or by a State or federal agency.

i. In determining the potential unreasonable adverse impact of the proposed facility upon the designated scenic resources, the Planning Board shall consider the following factors:

a. The extent to which the proposed wireless telecommunications facility is visible above the tree line, from the viewpoint(s) of the impacted designated scenic resource;

b. The type, number, height, and proximity of existing structures and features, and background features within the same line of sight as the proposed facility;

c. The extent to which the proposed wireless telecommunications facility would be visible from the viewpoint(s);

d. The amount of vegetative screening;

e. The distance of the proposed facility from the viewpoint and the facility's location within the designated scenic resource; and

f. The presence of reasonable alternatives that allow the facility to function consistently with its purpose.

ii. All utilities will be underground in any scenic impact area.

L. Noise

During construction, repair, or replacement, operation of back-up power generator at any time during a power failure, and testing of a back-up generator between 8 a.m. an 5 p.m. Mon. – Fri. is exempt from existing municipal noise standards.

M. Historic and Archaeological Properties

The proposed facility, to the greatest degree practicable, will have no unreasonable adverse impact upon a historic district, site or structure which is currently listed on or eligible for listing on the National Register of Historic Places

Section 9.6.2 Standard Conditions of Approval

The following standard conditions of approval shall be a part of any approval or conditional approval issued by the Planning Board. Where necessary to ensure that an approved project meets the criteria of this ordinance, the Planning Board can impose additional conditions of approval. Reference to the conditions of approval shall be clearly noted on the final approved site plan, and shall include:

A. The owner of the wireless telecommunications facility and his or her successors and assigns agree to:

i. Respond in a timely, comprehensive manner to a request for information from a potential colocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

ii. Negotiate in good faith for shared use of the wireless telecommunications facility by third parties;

iii. Allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for colocation;

iv. Require no more than a reasonable charge for shared use of the wireless telecommunications facility, based on community rates and generally accepted accounting principles. This charge may include, but is not limited to, a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction and maintenance, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the lifespan of the useful life of the wireless telecommunications facility.

B. Upon request by the municipality, the applicant shall certify compliance with all applicable FCC radio frequency emissions regulations.

Article 9.7 Amendment to an Approved Application

Any changes to an approved application must be approved by the Planning Board, in accordance with article 9.4.

Article 9.8 Abandonment

Section 9.8.1 A wireless Telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The CEO shall notify the owner of abandoned facility in writing and order the removal of the facility within ninety (90) days of receipt of the written notice the owner of the facility shall have thirty (30) days from the receipt of the notice to demonstrate to the CEO that the facility has not been abandoned.

Section 9.8.2 If the owner fails to show that the facility is in active operation, the owner shall have sixty (60) days to remove the facility. If the facility is not removed within this time period, the municipality may remove the facility at the owner's expense. The owner of the facility 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.

Section 9.8.3 If a surety has been given to the municipality for removal of the facility, the owner of the facility may apply to the Planning Board for release of the surety when the facility and related equipment are removed to the satisfaction of the Planning Board.

Article 9.9 Appeals

Any person aggrieved by a decision of the Planning Board under this ordinance may appeal the decision to the Board of Appeals, as provided by the Town of Cornish Land Use and Development Ordinance. Written notice of an appeal must be filed with the Board of Appeals within thirty (30) days of the decision. The notice of appeal shall clearly state the reason for the appeal.

Article 9.10 Administration and Enforcement

Section 9.10.1 The CEO, as appointed by the Board of Selectmen, shall enforce this ordinance. If the CEO finds that any provision of this ordinance has been violated, the CEO shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. The CEO shall order correction of the violation and may take any other legal action to ensure compliance with this ordinance.

Section 9.10.2 The Selectman of Cornish are authorized to enter into administrative consent agreements for the purpose of eliminating violations of this ordinance and recovering fines without court action. Such agreements shall not allow a violation of this ordinance to continue unless: there is clear and convincing evidence that the violation occurred as a direct result of erroneous advice given by an authorized municipal official upon which the applicant reasonably relied to its detriment and there is no evidence that the owner acted in bad faith; the removal of the violation will result in a threat to public health and safety or substantial environmental damage.

Article 9.11 Penalties

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

Article 9.12 Conflict and Severability

Section 9.12.1 Conflicts with other Ordinances

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

Section 9.12.2 Severability

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

Article 9.13 Definitions

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

"Antenna" means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

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

"Colocation" means the use of a wireless telecommunications facility by more than one wireless telecommunications provider.

“Essential Communication” means communication by public officials which include but are not limited to fire, police, ambulance and rescue.

“Essential Services” as defined in Section 1.10.2, Definitions of the Land Use Ordinances.

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

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

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

“Height" means the vertical measurement from a point on the ground at the mean finish grade adjoining the foundation as calculated by averaging the highest and lowest finished grade around the building or structure, to the highest point of the building or structure. The highest point shall exclude farm building components, flagpoles, chimneys, ventilators, skylights, domes, water towers, bell towers, church spires, processing towers, tanks, bulkheads, or other building accessory features usually erected at a height greater than the main roofs of buildings.

"Historic or Archaeological Resources" means resources that are:

1. Listed individually in the National Register of Historic Places or eligible for listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs approved by the Secretary of the Interior;
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by Secretary of the Interior through the Maine Historic Preservation Commission; or
5. Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource and any areas identified in the municipality's comprehensive plan, which have been listed or are eligible to be listed on the National Register of Historic Places.

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

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

“Line of Sight” means the direct view of the object from the designated scenic resource.

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

“Principal Use” means the use of other than one which is wholly incidental or accessory to another use on the same premises.

“Public Recreational Facility” means a regionally or locally significant facility, as defined and identified either by State statute or in the municipality’s adopted comprehensive plan, designed to serve the recreational needs of municipal property owners.

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

1. A three-dimensional area extending out from a particular viewpoint on a public way or within a public recreational area, focusing on a single object, such as a mountain, resulting in a narrow corridor, or a group of objects such as a downtown skyline or mountain range, resulting in a panoramic view corridor, or

2. Lateral terrain features such as valley sides or woodland as observed to either side of the observer, constraining the view into a narrow or particular field, as seen from a viewpoint on a public way or within a public recreational area.

“Targeted Market Coverage Area” means the area which is targeted to be served by the proposed telecommunications facility.

“Unreasonable Adverse Impact” means that the proposed project would produce an end result which is:

1. Excessively out-of-character with the designated scenic resources affected, including existing buildings, structures and features within the designated scenic resource, and

2. Would significantly diminish the scenic value of the designated scenic resource.

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

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

Article 9.14 Effective Date

This ordinance became effective on May 31, 2008.

CHAPTER 10 BUILDING CODE

The following standards apply to all buildings and structures constructed, after the effective date of this Ordinance.

A. Minimum Construction Standards

All building material used and practices followed in the construction of buildings shall conform to the generally accepted standards of good practice and other State and Federal regulations and any building codes or standards adopted by the Town.

B. Exterior Finish

The exterior walls shall be finished after the outside studding is in place with a covering of clapboards, wood siding, wood shingles, masonry, brick, stone, vinyl, aluminum or other approved material. Such covering shall be completed within twelve (12) months or before the expiration of the original permit. Tarred paper or tarred felt or similar substances shall not be used unless completely hidden from view by the finished exterior wall covering within the twelve (12) month time limit as required above.

C. Roof Covering

The roof shall be covered with materials which are non-combustible or fire-resistant, and which will remain so during their useful life. Fire-resistant materials must have at least a Class C fire-resistance rating as determined in accordance with ASTM test standard E108-75, NFPA test standard 256, or other equivalent standard.

D. Chimneys

Chimneys shall be constructed of solid masonry units or reinforced concrete with walls not less than four (4) inches thick, or other approved materials.

1. Chimney Liners. Chimneys shall be lined with approved fire clay or tile flue liners, or other approved material.

2. Chimney Supports. Chimneys shall be supported on foundations of masonry or reinforced concrete which, if on the exterior of the building, shall extend to one (1) foot below the normal frost line.

3. Chimney Height. Chimneys shall extend at least three (3) feet above the highest point of roof penetration, and at least two (2) feet above the highest point of the roof within ten (10) feet horizontally of the chimney.

4. Chimney Cleanout Doors. Every chimney shall be provided with a cleanout opening at or near the base equipped with a metal door and frame arranged to remain tightly closed when not in use.

E. Wood burning Stoves and Stovepipe

Wood burning stoves and stovepipe shall be installed safely, in a manner consistent with the manufacturer's recommendations and the "*Recommended Standards for the Installation of Wood burning Stoves*" (Nov. 1979 and amendments thereto) prepared by the State Fire Marshall's Office.

F. Fireplaces

The back and sides of a fireplace shall be of solid masonry and reinforced concrete not less than eight (8) inches of thickness and lined with firebrick at least two (2) inches thick. A fireplace shall have a hearth of non-combustible material that is supported by a fire-proof slab or brick trimmer-arch and shall extend at least twenty (20) inches beyond the sides of the fireplace opening. The minimum combined thickness of the hearth and its supporting constructions shall be not less than six (6) inches. This section shall not prohibit the use of "heatilator"-type fireplaces.

G. Electrical Installations

Any building having electricity shall have a safe and adequate electrical service, all work throughout is to be done in accordance with the State of Maine Electrical Code. No electrical wiring shall be covered or concealed until it has been inspected and permission to conceal it have been given by the CEO.

H. Plumbing

All plumbing and sewage disposal shall be in strict conformance with the State of Maine Law and the State Plumbing Code.

I. Means of Exit

Buildings built or used for human occupancy shall have at least two (2) suitable means of exit or egress.

J. Certificate of Occupancy

No building shall be occupied after its construction or relocation until a certificate of occupancy has been issued by the CEO. The CEO shall issue said certificate after proper examination shows that all work performed is in compliance with the provisions of this code.

K. Size of Dwelling

Each dwelling, constructed or located within Cornish, shall have a minimum ground floor area of 500 square feet calculated from the exterior dimensions of the dwelling's structure.

L. Use of Camping Trailers

The use of camping trailers and campers, so called, shall be permitted without a permit only in properly authorized and licensed camping grounds, or on private land if the landowner has granted written permission for the occupancy and:

i. The occupancy is for less than thirty (30) days within a calendar year, or;

iii. If the occupancy is for more than thirty (30) days, there is adequate provision for proper disposal of sewage and other wastes associated with the parked vehicle.

M. Foundations

All buildings shall be connected to the ground in a manner which will avoid damage and injury due to frost action and which will safely support and/or resist all anticipated vertical and lateral loads. In applying these standards, the CEO shall take into account the use to which the building will be put.

Any design which will meet this standard may be used, including a reinforced concrete slab at least six (6) inches thick, or walls, posts, piers, or other supports extending one (1) foot below frost line and made of materials designed to provide a safe and permanent foundation.

Masonry walls and concrete slabs shall rest upon solid ground or leveled rock, or in piles or ranging timbers when solid rock or earth is not found. The CEO may require an engineering report to certify that the foundation design will meet the standards of this Ordinance at the applicant's expense.

N. Manufactured Homes

c. The minimum horizontal dimension of the manufactured home as installed on the site shall be eleven feet, six inches (11'6").

d. All manufactured housing units must comply with the safety standards in the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70, as amended.

e. The exterior wall surface shall be covered with materials similar to conventional residential siding.

f. Each manufactured home shall have a foundation that meets the following requirements.

S. All manufactured homes shall be connected to the ground or supported in a manner which will avoid damage and injury due to frost action and which will safely support and/or resist all anticipated vertical and lateral loads. In applying these requirements the CEO shall take into account the use to which the building will be put.

T. Any designs which meet these requirements may be used, including a reinforced concrete slab at least six (6) inches thick, or walls or other supports extending one (1) foot below the frost line and made of materials designed to provide a safe and permanent foundation.

g. Each manufactured home shall have either a permanent, continuous connection with its foundation (around its perimeter), or shall have continuous skirting or some other type of enclosure which completely encloses the area between the manufactured home and the ground.

CHAPTER 11. LARGE SCALE WATER EXTRACTION ORDINANCE

Amendment to the Town Ordinance

Large Scale Water Extraction Ordinance

March 2006

Town of Cornish
York County, Maine 04020

Adopted at Annual Town Meeting
March 20, 2006

Article 19 – Voted to accept the Large Scale Water Extraction Ordinance.

A True Copy Attest:

Diane Harrington
Town Clerk, Cornish

TOWN OF CORNISH
LARGE SCALE WATER EXTRACTION ORDINANCE
March 4, 2006

Section. 1 TITLE

This ordinance shall be known and cited as "the Large Scale Water Extraction Ordinance" of the Town of Cornish, Maine.

Section II. PURPOSE

The purpose of this ordinance is to protect the quality and quantity of all sources of water including ground water, spring water and/or water in aquifers and their recharge areas located wholly or partially within the Town of Cornish.

Section III. AUTHORITY

This ordinance is adopted and enacted pursuant to:
Title 38 M.R.S.A. s401
Maine Constitution, Article VIII, Part 30 A MRSA 2101 et seq ("Municipal Home Rule")
30A MRSA 3001-3006 ("Ordinance Power").
Title 30-A MRSA Section 4311 (Growth Management), Title 22 MRSA
Chapter 601 Sec. 2611 et seq. (Drinking Water Regulations)

Section IV. EFFECTIVE DATE

This ordinance shall take effect upon its enactment by the Town of Cornish. This ordinance shall become effective immediately upon its adoption and enactment by vote of the legislative body of the town at a town meeting.

Enacted: March 20, 2006

Section V. LARGE SCALE WATER EXTRACTION

A. Permit Required

The daily (meaning on any given day) extraction of more than ten thousand (10,000) gallons of ground water, spring water and/or water from an aquifer by any one entity or person, or consortium or association of entities or persons acting in concert, regardless of the number of extraction facilities utilized, shall require a written permit issued by the Planning Board, after public hearing and opportunity for public comment. The fee will be $30.

B. Inapplicability

The requirement of review and approval shall not apply to extraction of ground water which is to be used within the Town of Cornish for standard agricultural purposes; as part of a community non-transient public drinking water supply as defined under Maine Drinking Water Program rules or domestic water supplies to private residences within the Town of Cornish; water supply for public facilities such as schools within the Town of Cornish; fire suppression; or for existing residential, commercial, agricultural, or industrial use and consumption within the Town of Cornish. Note: The ordinance does apply to all proposed

future residential, commercial, agricultural or industrial ground water extraction at the rate of ten thousand (10,000) gallons/day or more.

C. Application Requirements

1. The application shall be submitted in writing and stamped and certified by a Maine Registered Professional Engineer or Maine-Certified Geologist, and be accompanied by site plans and stamped by a Maine-licensed surveyor.

2. The application shall include:

(a) Evidence of applicant's right, title and interest in and to the property(ies) from which the water is to be extracted. If such evidence is other than outright ownership and title as evidenced by a deed duly recorded in the York County Registry of Deeds, the entire document/documentation (other than reference(s) to purchase price and financing terms, which may be redacted) whether by lease, option, contract or otherwise establishing right, title and interest shall be submitted with the application.

(b) A statement of the total maximum daily quantity of water to be extracted, from all extraction points operated by the same individual or entity, or consortium or association of individuals or entities.

(c) The location(s) of the points of extraction.

(d) The method(s) of extraction.

(e) The proposed use for which the water is to be extracted, including the identity of any end user of the extracted water whose facilities for use, processing, transporting, storage, bottling, shipping, piping, sales or other similar activities are located outside the Town of Cornish.

(f) A copy of any related application and exhibits, reports, and public correspondence for such extraction and related facilities filed or to be filed with any other municipal authority or any agency or department of the State of Maine or Federal government, including as required by 38 MRSA 481-490 (Site Location of Development), 38 MRSA 480-A to 480-Z (Natural Resources Protection Act), 22 MRSA 2660 et seq. (transportation of water for commercial purposes,) or under other applicable Department of Environmental Protection (DEP) or Department of Health and Human Services rules and regulations.

(g) A copy of any related permit, approval, or denial for such extraction or related facilities as may have been issued by any agency referred to in (f) above including but not limited to DHHS bulk Water Transport Permit, DHHS Public Water Supply approval, DEP Site Location License, or DEP Wetlands Alteration Permits.

(h) A written report, certified to the Cornish Planning Board, procured and paid for by the applicant, of a hydrogeologic investigation and study; conducted, prepared and stamped and certified by a Maine Registered Professional Engineer or Maine-Certified Geologist. The report shall be based on a

hydrogeologic investigation of sufficient detail to provide but not be limited to the following information:

A map of the entire topographic drainage basin up gradient of the water extraction site(s) showing the basin boundaries, sub basin boundaries that may be of significance to the recharge of the water extraction site(s), and the location of the extraction site(s).

Two maps of the aquifer as specified below showing the spring(s), well(s), or excavation(s) from which water is to be extracted; and wetlands, and surface water bodies within two thousand (2,000) feet of the extraction site(s). These maps shall be at a scale of one hundred (100) feet to an inch and shall depict topographic contours at an interval of twenty (20) feet or less. The two maps shall show the following information, respectively:

1) Water Table contours under ambient conditions, and

2) Water Table contours under actual pumping conditions at the completion of a five day constant rate pumping test at a rate at or above that proposed for operation. These maps shall be based on Water Table elevation measurements from monitoring wells and surface water bodies in the vicinity of the extraction site(s), and must include estimated surface water elevations for more distant locations. The applicant shall take reasonable measures to obtain such data from land not owned by the applicant but not required to include such data if other land owners do not allow access.

A map showing the long-term zone of contribution to the extraction site(s) based on maximum proposed extraction rates, and a quantitative water budget analysis that includes precipitation input, evapotranspiration losses, surface water runoff, ground water flux, and discharge-recharge relationships between surface water and ground water.

Two scaled geologic cross-sections showing ground water and surface water elevations at and adjacent to the water extraction site(s).

Predictions of the affects of long-term water extraction on a local regional ground water level, wetlands; ponds or lakes levels; base flow in streams; and any water quality changes in ground water and surface water bodies due to the proposed use.

The aquifer characteristics including hydraulic conductivity and transmissivity, average daily, monthly, and annual extraction rates.

3. The applicant shall provide:

(a). Written notification of the application and an explanation of the intent, scope and location of the proposed water extraction in terms readily understandable to a layman to be addressed and mailed to, via certified mail, return receipt requested, to the following:

(1) The owners of record of all parcels of land in the Town of Cornish lying on the aquifer within one thousand (1,000) feet of the extraction point(s) as identified in the application.

(2) The owners of record of all parcels of land in the Town of Cornish lying within the zone of contribution as identified in application.

(3) The owners of record of all parcels of land in the Town of Cornish having frontage on any body of water whether lake, pond, river, stream or wetland within the zone of contribution as identified in the application.

(4) For purposes of these notification requirements, an applicant is entitled to rely on information on file at the Cornish Town Office as represented by its most recent assessors' maps and the mailing addresses maintained by the Town as to the owners of the affected parcels shown thereon. Actual posting of the certified mail notices is not required until the application is declared or deemed to be complete. See D (6) below.

(b) A small-scale site plan depicting at least the following:

(1) The existing network of public or private roads leading to or by the extraction point(s).

(2) Any proposed new roads or driveways to be constructed for access to and egress from the extraction point(s), and the point(s) of intersection of such proposed roads or driveways with existing roads.

(3) The location and type of monitoring and test wells. Refer to Section VI, paragraph A6 under geologic and hydrologic standards.

(4) Any existing or proposed pipes, pipelines, aqueducts or similar that are intended to facilitate transport of the extracted water from the extraction point(s) towards the intended end user.

(5) Any other relevant and material detail(s) bearing on the proposed extraction process the omission of which would tend to hinder the ability of the reviewing authority, affected land owners or the public from developing a full understanding of the scope and impact of the proposal.

(6) Any existing or proposed utility lines to be used in the extraction operation(s).

(c) A large scale site plan depicting at least the following:

(1) A detailed plan of the extraction point(s) including without limitation: well heads, pumping facilities, monitoring or test wells, lighting, all structures including but not limited to buildings, sheds, tanks and silos, paving, vehicular drives, parking and turn around, utility lines, fencing, pipelines, access roads or driveways, elevation and contour lines.

(2) Any other relevant and material detail(s) bearing on the proposed extraction process the omission of which would tend to hinder the ability of the reviewing authority, affected landowners or the public from developing a full understanding of the scope and impact of the proposal.

D. Application Process

1. Ten copies of the entire application, including studies, reports, site plans and all other items referred to in Section V (C) above shall be submitted to the Planning Board.
2. The Planning Board shall have thirty (30) days from the date of submission to conduct a preliminary review of the application solely for the purpose of determining whether the application is complete as required by this ordinance.

3. If within said thirty (30) day period the Planning Board deems the application incomplete in any material or relevant respect it shall so inform the applicant, either by writing or verbally at a regularly scheduled meeting of the Board at which the applicant or its duly authorized representative is present after which the applicant shall have a reasonable period of time, not to exceed sixty (60) days to complete its application in accordance with this ordinance, upon failure of which the application shall be deemed withdrawn.

4. If by the end of said thirty (30) day period for review for completeness the Planning Board has not informed the applicant the application is incomplete it shall as a result be deemed complete, in which case the Board shall schedule a public hearing on the application at a date not later then sixty (60) days from the date of the application was originally submitted, or not later then sixty (60) days from the date a supplemented application originally deemed incomplete, was reviewed for completeness and declared (or deemed by the passage of a thirty (30) day period) complete.

5. Any review of the application by the Planning Board or its agents for completeness is preliminary only and is not to be deemed a substantive review, and confers no vested rights upon the applicant or under the application. Substantive review shall not be deemed to occur until the convening of a public hearing on the application under the ordinance.

6. Applicant's obligations of written notification via certified mail of property owners as set forth in Section V (C) (3) above shall not accrue until the application is declared or deemed complete under this ordinance.

7. Any independent technical evaluation shall be at the applicant's expense.

E. Review Process: Hearing Process

1. The completed application shall be reviewed by the Planning Board at a public hearing convened for that purpose, pursuant to fifteen (15) days published notice in newspaper of general circulation within the Town of Cornish and posting of notice at three conspicuous public places within the Town, and upon confirmation on the hearing date that certified mail notice has been sent to all affected landowners as previously set forth in this ordinance.

2. The Planning Board shall be entitled to adopt whatever procedural rules for the hearing, including the imposition of reasonable time limits for the presentations of the applicants, opponents if any, and the general public, it deems appropriate, fair and reasonably calculated to afford a full consideration of the issues pertaining to the application.

F. Decisions: Performance Standards

1. Upon the adjournment of the public hearing the Planning Board shall schedule a public session of the board, to occur not later than thirty (30) days from the final adjournment of the public hearing, to deliberate and render a decision.

2. The Planning Board's decision may be:

   (a) To approve the application;

   (b) To deny the application; or

   (c) To approve the application conditionally, with conditions or stipulations upon the satisfactory completion of which the application will be finally approved. Provided, however, any approval shall require the Board's determination that the applicant has satisfied all of the performance standards set forth below.

   (d) Any approval shall specify that it is only for a daily extraction total not exceeding the maximum daily quantity set forth in the application, and any increase in such daily total shall require further application and review in accordance with this ordinance.

3. The Board shall issue a written decision with findings of fact and rulings and conclusions not later than thirty (30) days from the date on which it votes at a public session to approve, deny or approve with conditions, and a copy of such written decision shall thereupon promptly be provided to applicant, and otherwise be available publicly.

4. Any extraction authority granted hereunder shall be for a period not to exceed eighteen (18) months, but may be renewed subject to the same criteria contained herein.

   With respect to an application for a permit renewal if, after notice and hearing as referred to in Section V (E) above, the reviewing authority finds the following, a renewal permit for another eighteen (18) month period may be issued if:

   (a) There is no increase in the permit holder's extraction activities in terms of quantity of water to be extracted; and

   (b) There is no change in the location or configuration of the extraction facility; and

   (c) There has been no failure by the permit holder to comply with any conditions of the expiring permit; and

   (d) There has been no failure by the permit holder to meet the performance standards applicable to the expiring permit; and

   (e) There is no negative impact on the town resulting from continuing withdrawal;

   (f) There is no significant, credible evidence that the permit holder's continuing operations would be unable to meet the performance standards of the ordinance during any renewal period.

Any application for a renewal permit must be filed with the reviewing authority not less than sixty (60) days prior to the expiration of the existing permit.

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Section VI. PERFORMANCE STANDARDS

No approval shall be granted any application until and unless the Planning Board will have affirmatively found that each consideration of the impact of a single application shall be made a part of the already existing cumulative impact on the aquifer and that each of the following performance standards has been or will be met, the burden of establishing and demonstrating compliance with which is solely the applicants.

A. Geological and Hydrologic Standards

1. The quantity of ground water to be extracted will not have negative impact on ground water flow patterns relating to the aquifer, its recharge areas, or other ground water sources within the Town.

2. The quantity of ground water to be extracted will not negatively impact, diminish or alter any surface waters within the Town, including during any periods of drought.

3. The quantity of ground water to be extracted will not cause any ground subsidence beyond the property lines of applicant's property.

4. The quantity of water to be extracted will not adversely affect the long-term sustainability of the aquifer, or its recharge areas, including during periods of drought.

5. The quantity of ground water to be extracted will not negatively impact the quality of the ground water in the aquifer.

6. Every extraction well site shall be provided with a minimum of three (3) monitoring test wells; the location of these monitoring test wells must first be approved by the Town of Cornish and these wells must monitor the same geologic unit that is producing the ground water for the extraction well. Any private wells within the zone of contribution shall be monitored.

7. The approved applicant shall provide the Town of Cornish with quarterly hydrogeologic status reports documenting compliance with their permit, the effects of the extraction on the local and regional ground water system, and confirmation that the extraction is not degrading water quality. The report shall include but not be limited to a tabulation of ground water extraction volumes on a daily and monthly basis; monthly ground water level trends from each monitoring well set associated with the extraction well, and a discussion of any variation in the effects of extraction compared to predicted hydrogeologic response.

8. Representative(s) of the Town of Cornish shall have access to all wells and facilities for oversight purposes.

9. Extraction well(s) shall not have a negative impact on the water quality or quantity of any public well for spring in the Town of Cornish, Maine.

10. Ground water samples shall be collected on an annual basis in August and analyzed for an appropriate suite of water quality parameters. Samples shall be collected from at least two hydraulically upgradient and two hydraulically downgradient locations. The water quality parameters and sample locations shall be approved beforehand by the Town of Cornish or its representative.

B. Impacts on the General Vicinity

1. The applicant assumes any and all liability for the loss, interruption, degradation or interference with the pre-existing beneficial domestic use of groundwater by a landowner or lawful land occupant, or other public or private water supply, caused by applicant's withdrawal or extraction of water. The Planning Board may require the furnishing of a bond or other performance guaranty it deems of equivalent security to secure the applicant's obligation under this section and made payable to the town.

   Liability for harmful ground water withdrawal shall be governed by 38 MRSA 404.

   Also, the liability of applicant shall be for compensatory damages only, and shall be limited to the following:

   (a) All costs necessary to restore the landowner or lawful land occupant to a status which is reasonably equivalent in terms of quantity and quality of ground water, made available on a similarly accessible and economic basis;

   (b) Compensatory damages for loss or damage to property, including, without limitation, the loss of habitability of residence, caused to the landowner or lawful land occupant by reason of the interference prior to restoration of the status provided for a subparagraph (a); and

   (c) Reasonable costs, including expert witness and attorney fees incurred in initiating and prosecuting an action when necessary to secure a judgment granting the relief provided for under this section.

2. Provision shall be made for vehicular access to extraction facility(ies) and for circulation, loading and unloading upon the lot in such manner as to safeguard against hazards to traffic and pedestrians on adjacent streets or roads, to avoid traffic congestion and traffic safety hazards, or other safety risks.

3. Any driveways or access roads to the extraction facility (ies) shall be designed in profile and grading and located so as to provide sight distances as set out in the Cornish Zoning Ordinance Section 6 Part 04 Industrial.

4. Driveways or access roads to the extraction facility (ies) shall conform to the standards set out in the Cornish Zoning Ordinance Section 6 Part 04 Industrial.

5. Any vehicular demand on existing town roads or public easements occasioned by the operation of the extraction and related storage and transfer facility(ies) shall not exceed the capacity of those roads as determined by the Cornish Road Commissioner, or cause the premature failure, aging or diminished utility of those roads.

6. To the extent the extraction facility(ies) will be served by pipes, pipelines, aqueducts or similar, such installations shall be sited and constructed in a manner which shall not interrupt the public's use of any existing roadway, interrupt the public's access to any private facility, great pond or similar; interrupt private access to private property; or pose the risk of damage to any property along or through which such installation traverses as a result of any failure or malfunction which might cause ponding, erosion, run off or similar.

7. The proposed extraction and activities incident to such extraction such as increased traffic (volume and type), parking, noise, glare from lights, or similar potential for nuisances shall not cause a negative impact on adjacent properties, and the nearby vicinity as a whole. Hours of operation may not be before six (6) a.m. or after nine (9) p.m.

8. All water extraction meters must be calibrated, certified and sealed annually by the Maine State Department of Weights and Measures with all costs to be born by the applicant or the extractor.

C. General Requirements:

1. In addition to the requirements of this ordinance, all applicants must meet all requirements of the Cornish Land Use and Development Ordinance.

Section VII. INDEPENDENT EXPERT ASSISTANCE

If the Planning Board determines that it requires independent expert assistance to assist it in its preliminary review of the application, or in evaluating the substance of the application at a public hearing, or in developing appropriate conditions of approval, it may engage the services of such expert assistance, to serve as its own expert. If any cost, the applicant shall be required to pay to the Town, in advance of the scheduling of any public hearing, a sum equal to said projected or estimated cost, the failure of which payment shall excuse the Planning Board from scheduling any public hearing until such payment is made in full.

Section VIII. CONCURRENT JURISDICTION

As applicable, jurisdiction of the Planning Board under this ordinance is concurrent with such jurisdiction as may presently be vested in and/or the Cornish Board of Appeals (under the Cornish Zoning Ordinance) and the Cornish Code Enforcement Officer/Local Plumbing Inspector (under the Cornish Zoning Ordinance/State Plumbing Code) and is not intended to divest them of existing jurisdiction as applicable, but rather establishes and imposes additional requirements and procedures as set forth herein.

Section IX. ENFORCEMENT AND SEVERABILITY

This ordinance shall be enforced by the Planning Board of the Town of Cornish under 30 A MRSA 4452, the fines and penalties set forth therein to apply hereto. Should any section or provisions of this ordinance be declared by a court of competent jurisdiction to be invalid such decision shall not invalidate or affect the enforcement of any other section or provision of this ordinance.

Nothing in this ordinance and no decision by the Planning Board under this ordinance shall be deemed to create ground water rights other then those rights which the applicant may have under Maine law.

As an additional means of enforcement, the Planning Board may suspend or revoke any permit issued hereunder if it determines, after notice and hearing, that it was issued in error or upon incomplete or false information, or that the applicant has failed to comply with any conditions of approval, and upon such suspension or revocation all water extraction addressed by said permit shall cease until a new approval or permit is obtained under this ordinance by the applicant.

Any appeal of any suspension or revocation of a permit shall be to the Board of Appeals, as an administrative appeal under Article V of the Cornish Zoning Ordinance.

Whether denied or approved, an appeal process can occur.

Section X. DEFINITIONS

Words and phrases, unless their context requires otherwise, shall be defined as follows: first as set forth below, second in accordance with their generally accepted technical meaning within the involved scientific disciplines, third as defined by Maine Statutes, and fourth their common dictionary definition.

Appropriate suite or water quality parameters refer to all in organic primary and secondary Federal Drinking Water Standards including bacteria.

Aquifer: means a saturated permeable geologic unit consisting of unconsolidated sediment or bedrock that can yield economically valuable quantities of water. The term "aquifer" as used in this Ordinance includes all areas specifically mapped as such by the Maine Geological Survey or as mapped by a Maine-0certified geologist.

Extraction or ("water extraction" or "extraction of water") means withdrawal, removal, diversion, taking, or collection by any means of water from ground water sources, aquifers, springs, wells, pumps, pipes or similar.

Extraction point or Extraction facility means the physical location where water is extracted, whether by well, pump, pipeline, catchment, or other similar method.

Ground water means underground water located in unconsolidated sediment or bedrock below the Water Table and includes ground water emanating to the surface in the form of springs.

Large scale water extraction means extraction of water from ground water sources, aquifers, springs, wells or similar in a total daily amount on any given day of 10,000 (ten thousand) gallons or more, as extracted by the same individual or entity, or consortium or association of individuals or entities, regardless of the number of extraction facilities utilized.

Reviewing authority, reviewing agency, Board of Selectmen, and Planning Board are used interchangeably in this ordinance and have the same meaning.

Structure – means for the purpose of this ordinance a walled and roofed building or liquid storage tank.

Water bodies or surface water(s) means lakes, ponds, river, streams, wetlands and similar.

Water table means the underground water surface at which the pressure is equal to that of the atmosphere. The water table elevation changes throughout the year in response to precipitation recharge and the level of nearby surface water.

Zone of Contribution means the area of an aquifer that contributes water to a well or other extraction point under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at approved yield with no recharge from precipitation). It is bounded by the ground water divides that result from pumping the well and by the contact of the aquifer with less permeable materials such as till or bedrock. In some cases, streams or lakes may act as recharge boundaries. In all cases the zone of contribution shall extend upgradient to its point of intersection with prevailing hydrogeologic boundaries (a ground water flow divide, a contract with till or bedrock, or a recharge boundary).

CERTIFCATION OF ORDINANCE BY PLANNING BOARD MEMBERS

This certifies to the municipal clerk of Cornish, Maine that the within ordinance is a true copy of an ordinance entitled "The Large Scale Water Extraction Ordinance" for the Municipality of Cornish, Maine, to be acted upon by the voters at a town meeting to be held on March 20, 2006.

Planning Board Members of Cornish, Maine

Dated: March 6, 2006

James MacMaster
PLANNING BOARD

Daniel Vaillancour
PLANNING BOARD

Sheena-Jo Randall
PLANNING BOARD

Brad Perkins
PLANNING BOARD

Attest: A true copy of an ordinance entitled "Large Scale Water Extraction Ordinance of the Town of Cornish," as certified to me by the Planning Board of Cornish on the 6th day of March, 2006.

Diane Harrington, Town Clerk of Cornish

Special Town Meeting
June 22, 2011

Article 2- To see if the town will vote to approve the following "Shall an ordinance entitled Town of Cornish, Maine Ordinance Prohibiting Obscenity be enacted?"

Voted to approve the above article and accept the attached document on June 22, 2011.

A True Attested Copy:

Diane Harrington
Town Clerk

ARTICLE I – PURPOSE

The purpose of this ordinance is to prohibit any commercial enterprise from presenting or engaging in any obscene exhibitions. It is not intended to suppress or inhibit the free exchange of ideas or artistic expression. The purpose of this ordinance is to promote and protect the general welfare, public safety, public order, and morals. The conduct prohibited is that which~~,~~ the citizens of Cornish have clearly found to be offensive to the general welfare, public welfare, public safety, order, and morals of the town and its citizens.

ARTICLE II – DEFINITIONS

Section 1. "Commercial Use" means any business, corporation, association or natural person established for pecuniary gains and any club as defined in the Cornish Land Use Ordinance.

Section 2. "Present" means to show, reveal, display or expose to any person.

Section 3. "Engage" means to solicit, produce, direct, finance, physically partake in, compensate others for, further the interest of, or be otherwise involved with, the proscribed conduct.

Section 4. "Obscene" means any conduct that:

a. Presents actual or simulated sexual acts, sodomy, beastiality, excretory functions, masturbation, direct physical stimulation of clothed or unclothed genitals, flagellation or torture in context of sexual acts, exhibitions of the human male or female genitals, pubic area, buttocks, or the female breast at or below the top of the areola; and

b. Considered as a whole, lacks serious literary, artistic, political or scientific value.

Section 5. "Exhibition" means any aural, visual or tactile performance, dramatization, show or display which includes any amount of human, animal or animated conduct, whether presented live or by way of mechanical or digital reproduction, sound recording, audio-visual cassette or tape, silhouette depiction, or by any other means.

ARTICLE III – PROHIBITION

Section 1. It shall be unlawful for any commercial enterprise to present any obscene exhibitions within the Town of Cornish, Maine.

Section 2. It shall be unlawful for any commercial enterprise to engage in any obscene exhibition within the Town of Cornish, Maine.

Section 3. It shall be unlawful for any commercial enterprise to solicit, permit, promote, or assist any commercial enterprise or person to present or engage in any obscene exhibition within the Town of Cornish, Maine.

Section 4. It is unlawful for any business establishment to display or cause to be displayed for sale: photographs, covers of magazines, newspapers, periodicals or other printed matter, visual representation or sound recording, including but not limited to magazines, motion pictures, (digital, video, DVD), photographs, figures, statues or other types of representation or embodiment, which expose or show genitals, pubic hair, buttocks, perineum, anus or female breasts at or below the areola thereof, unless displayed in a specially designated adult area in the rear of the business establishment and not visible to children or disinterested adults entering such business establishment. It shall be unlawful to sell, offer for sale or procure for a minor any magazine, newspaper, periodical or other printed matter which is labeled as adult reading material.

Section 5. Material: Any aural, visual or tactile performance, dramatization, simulation of, show or display which includes any amount of human, animal or animated conduct presented by a live performance or by silhouette of obscene nature.

ARTICLE IV – ENFORCEMENT

This ordinance may be enforced by the Code Enforcement Officer. Upon witnessing an act prohibited by Article III, the enforcing officer shall notify in writing the individual conducting the prohibited act, the owner and manager of the business, and the owner of the property of the violation and order an immediate cessation of the prohibited act. Any person, including, but not limited to, the operator, manager, tenant, landowner, or owner of a commercial enterprise and a landowner who violates or permits a violation of this ordinance is liable for the penalties set forth in Article V.

ARTICLE V – PENALTY

Section 1. Any conduct made unlawful by this ordinance and any violation of this ordinance shall be punishable by a fine of one thousand dollars ($1,000.00) for each offense. Each day that such unlawful act or violation continues shall be considered a separate offense.

Section 2. In addition to any other penalty provided by law, commission of acts prohibited by this ordinance shall constitute a nuisance and may be abated by the Town, seeking an injunction to prohibit further and continued violations.

Section 3. Any and all fines collected shall be recovered for the use of the Town of Cornish, Maine.

Section 4. If the commercial enterprise convicted of violating this ordinance benefits from the issuance of a license for serving alcoholic beverages, such license shall be revoked upon conviction for a violation of this ordinance and may not be subsequently issued to the owner, operator, or manager of any commercial enterprise found in violation of this ordinance for a period of 3 years.

ARTICLE VI – SEVERABILITY

If any section, subsection, sentence, clause or phrase of the Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

ARTICLE VII – NURSING WOMEN

Notwithstanding any ordinance to the contrary, no Town ordinance shall prohibit, or be interpreted or construed to prohibit or regulate, women from nursing or breast-feeding in public or private.

TOWN OF CORNISH
State of Maine

SHORELAND ZONING ORDINANCES

Municipal Shoreland Zoning Ordinances
For use by inland communities with no tidal waters
CORNISH, MAINE

Attest: A true copy of an ordinance entitled
"Town of Cornish Shoreland Zoning Ordinance"
as certified to me by the Planning Board
and enacted at Special Town Meeting
on August 24, 2010.

____***Diane Harrington***_____
Town Clerk of Cornish

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CORNISH, MAINE

1. **Purposes.** The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect 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.

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

3. **Applicability.** This Ordinance applies to all land areas within 250 feet, horizontal distance, of the

   - normal high-water line of any great pond or river, or
   - upland edge of a freshwater wetland,

   and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

   This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

4. **Effective Date**

   A. **Effective Date of Ordinance and Ordinance Amendments.** This Ordinance, which was adopted by the municipal legislative body on August 24, 2010, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be 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 this Ordinance, or Ordinance Amendment, if the Ordinance, or Ordinance Amendment, is approved by the Commissioner.

   B. **Sections 15(O) and 15(O-1).** Section 15(O) is repealed on the statutory date established under 38 M.R.S.A. section 438-B (5), at which time Section 15(O-1) shall become effective. Until such time as Section 15(O) is repealed, Section 15(O-1) is not in effect.

   C.

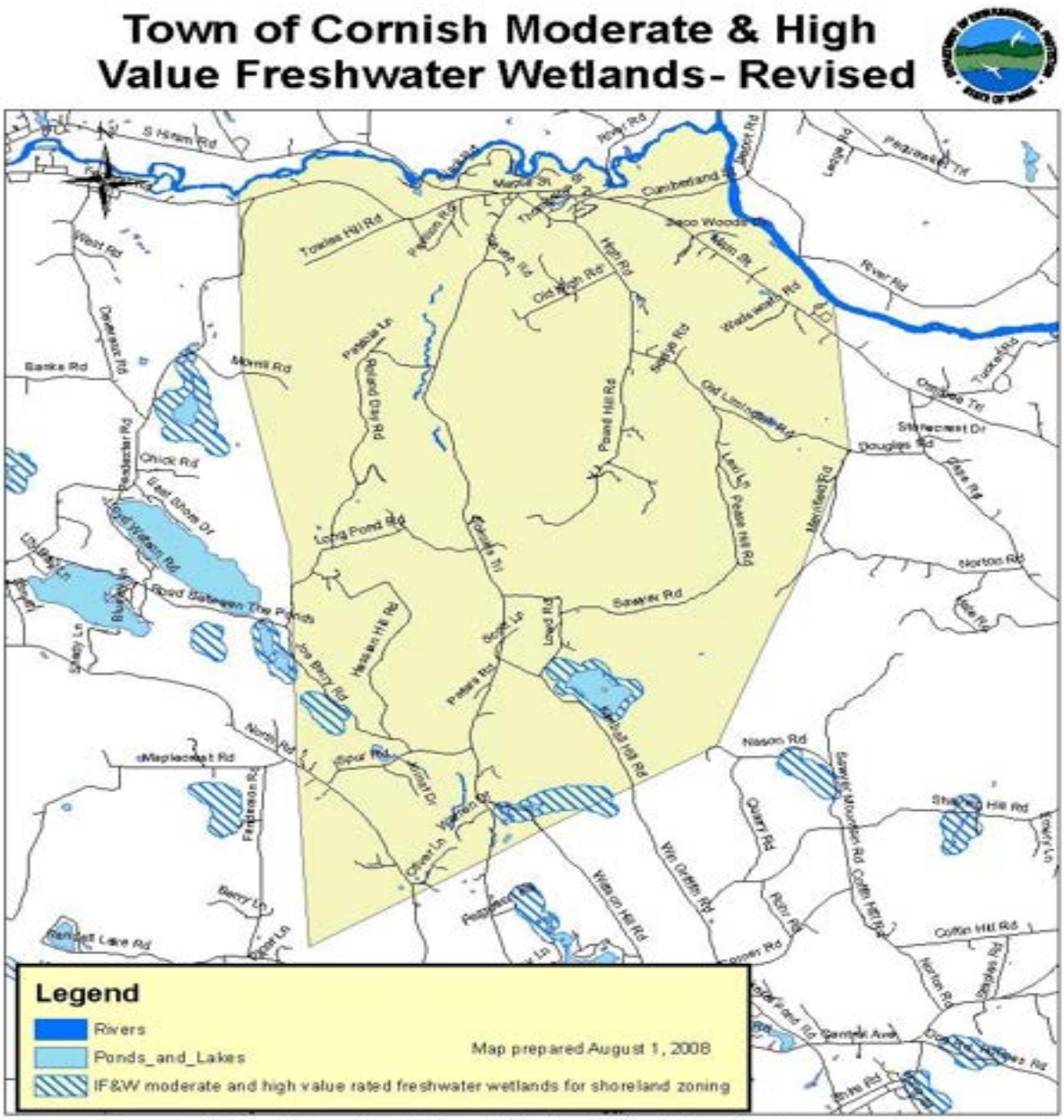
NOTE: The statutory date established under 38 M.R.S.A. section 438-B (5) is the effective date of state-wide timber harvesting standards. That date is "the first day of January of the 2nd year following the year in which the Commissioner of Conservation determines that at least 252 of the 336 municipalities identified by the Commissioner of Conservation as the municipalities with the highest acreage of timber harvesting activity on an annual basis for the period 1992-2003 have either accepted the state-wide standards or have adopted an ordinance identical to the state-wide standards." 38 M.R.S.A. section 438-B (5) further provides that "the Commissioner of Conservation shall notify the Secretary of State in writing and advise the Secretary of the effective date of the state-wide standards."

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

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

7. **Conflicts with Other Ordinances.** Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control.

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



This map shows only moderate and high value rated freshwater wetlands.
Please note that low value and non-rated freshwater wetlands are still required to be zoned, as they have been since 1989.

A. Shoreland Zoning Map. PLEASE REFER TO APPENDIX "A"
The areas to which this Ordinance is applicable are hereby

(1) Resource Protection
(2) Limited Residential
(3) Limited Commercial
(4) General Development I
(5) General Development II
(6) Stream Protection

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

NOTE: Because of map scale or other reason, a municipality may have a series of maps depicting its Shoreland zone.

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

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

11. Land Use Requirements. Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

12. Non-conformance.

A. Purpose. It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. General

(1) Transfer of Ownership. Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.

(2) Repair and Maintenance. This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

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

C. Non-conforming Structures

(1) Expansions. A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (a) and (b) below.

(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. If a replacement structure conforms with the requirements of Section 12(C) (3), and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be

expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.

(b) Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12(C) (2) Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 12(C) (1) (a) above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

(2) Relocation. A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of 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 replanting 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.

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.

(b) 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 a water body, tributary stream, or 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 eighteen (18) months 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 12(C)(1) above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the 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 12(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 a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Section 12(C)(2) above, the physical condition and type of foundation present, if any.

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

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

D. Non-conforming Uses

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

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

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

E. Non-conforming Lots

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

(2) Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

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

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

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on the effective date of this Ordinance 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 100 feet of shore frontage and at least 20,000 square feet of lot area; or

(b) Any lots that do not meet the frontage and lot size requirements of Section 12(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

13. Establishment of Districts

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

(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, 2008. 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. Also refer to Appendix “A”. The wetlands identified on the map included as Appendix “A” of this ordinance shall be regulated with a resource protection district beginning at the upland edge of these wetlands and extending landward 250 feet.

NOTE: The Natural Resources Protection Act, 38 M.S.R.A. sections 480-A through 480-Z, requires the Department of Environmental Protection to designate areas of "significant wildlife habitat". Significant wildlife habitat includes:

Habitat for species appearing on the official state or federal lists of endangered or threatened species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas as defined by the Department of Inland Fisheries and Wildlife; critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission; and shorebird nesting, feeding and staging areas and seabird nesting islands as defined by the Department of Inland Fisheries and Wildlife.

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(2) Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain 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 floodplain soils.

(3) Areas of two or more contiguous acres with sustained slopes of 20% or greater.

(4) Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water.

NOTE: These areas usually consist of forested wetlands abutting water bodies and non-forested wetlands.

(5) 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 Districts.

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 Districts. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

D. General Development I District. The General Development I District includes the following types of existing, intensively developed areas:

(1) Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:

(a) Areas devoted to manufacturing, fabricating or other industrial activities;

(b) Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and

(c) Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.

(2) Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

E. General Development II District. The General Development II District includes the same types of areas as those listed for the General Development I District. The General Development II District, however, shall be applied to newly established General Development Districts where the pattern of development at the time of adoption is undeveloped or not as intensively developed as that of the General Development I District.

Portions of the General Development District I or II may also include residential development. However, no area shall be designated as a General Development I or II District based solely on residential use.

In areas adjacent to great ponds classified GPA and adjacent to rivers flowing to great ponds classified GPA, the designation of an area as a General Development District shall be based upon uses existing at the time of adoption of this Ordinance. There shall be no newly established General Development Districts or expansions in area of existing General Development Districts adjacent to great ponds classified GPA, and adjacent to rivers that flow to great ponds classified GPA.

F. Stream Protection District. The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a wetland. Where a stream and its associated

Shoreland area are 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.

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

Key to Table 1:

Yes - Allowed (no permit required but the use must comply with all applicable land use standards)
No - Prohibited
PB - Allowed with permit issued by the Planning Board.
CEO - Allowed with permit issued by the Code Enforcement Officer
LPI - Allowed with permit issued by the Local Plumbing Inspector

Abbreviations:

RP - Resource Protection
LR - Limited Residential
SP - Stream Protection
GD - General Development I and General Development II
LC - Limited Commercial

TABLE 1. LAND USES IN THE SHORELAND ZONE

LAND USES	DISTRICT				
	SP	RP	LR	LC	GD
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes
3. Forest management activities except for timber harvesting & land management roads	yes	yes	yes	yes	yes
4.Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO[1]	yes	yes	yes
5. Fire prevention activities	yes	yes	yes	yes	yes
6. Wildlife management practices	yes	yes	yes	yes	yes
7. Soil and water conservation practices	yes	yes	yes	yes	yes
8. Mineral exploration	no	yes[2]	yes[2]	yes[2]	yes[2]
9. Mineral extraction including sand and gravel extraction	no	PB[3]	PB	PB	PB
10. Surveying and resource analysis	yes	yes	yes	yes	yes
11. Emergency operations	yes	yes	yes	yes	yes
12. Agriculture	yes	PB	yes	yes	yes
13. Aquaculture	PB	PB	PB	yes	yes
14. Principal structures and uses					
A. One and two family residential, including driveways	PB[4]	PB[9]	CEO	CEO	CEO
B. Multi-unit residential	no	no	PB	PB	PB
C. Commercial	no	no[10]	no[10]	PB	PB
D. Industrial	no	no	no	no	PB
E. Governmental and institutional	no	no	PB	PB	PB
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB[4]	PB	CEO	CEO	CEO
15. Structures accessory to allowed uses	PB[4]	PB	CEO	CEO	yes
16. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland					
a. Temporary	CEO[11]	CEO[11]	CEO[11]	CEO[11]	CEO[11]
b. Permanent	PB	PB	PB	PB	PB
17. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI
18. Home occupations	PB	PB	PB	CEO	yes
19. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI
20. Essential services	PB[6]	PB[6]	PB	PB	PB
A. Roadside distribution lines (34.5kV and lower)	CEO[6]	CEO[6]	yes[12]	yes[12]	yes[12]
B. Non-roadside or cross-country distribution lines involving ten poles or less in the Shoreland zone	PB[6]	PB[6]	CEO	CEO	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the Shoreland zone	PB[6]	PB[6]	PB	PB	PB
D. Other essential services	PB[6]	PB[6]	PB	PB	PB
21. Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes
22. Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO
23. Individual, private campsites	CEO	CEO	CEO	CEO	CEO
24. Campgrounds	no	no[7]	PB	PB	PB
25. Road construction	PB	no[8]	PB	PB	PB
26. Land Management Roads	Yes	PB	Yes	Yes	Yes
27. Parking facilities	no	no[7]	PB	PB	PB
28. Marinas	PB	no	PB	PB	PB
29. Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes	yes
30. Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO
31. Signs	yes	yes	yes	yes	yes
32. Uses similar to allowed uses	CEO	CEO	CEO	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 allowed within 75 feet horizontal distance, 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 allowed in areas so designated because of wildlife value.

[4]Provided that a variance from the setback requirement is obtained from the Board of Appeals.

[6]See further restrictions in Section 15(L) (2).

[7]Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.

[8]Except as provided in Section 15(H) (4).

[9]Single family residential structures may be allowed by special exception only according to the provisions of Section 16(E), Special Exceptions. Two-family residential structures are prohibited.

[10]Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.

[11]Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

12Permit not required but must file a written "notice of intent to construct" with *CEO*.

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A. section 480-C, if the activity occurs in, on, over or adjacent to any freshwater 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.

15. Land Use Standards. All land use activities within the Shoreland zone shall conform with the following provisions, if applicable.

A. Minimum Lot Standards

	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)
(1)		
(a) Residential per dwelling unit	40,000	200
(b) Governmental, Institutional, Commercial or Industrial per principal structure	60,000	300
(c) Public and Private Recreational Facilities	40,000	200

NOTE: In a district equivalent to a General Development District that is served by municipal water and sewer systems the Department may approve a municipal Shoreland zoning ordinance that provides for greater residential densities than set forth in Section 15(A)(1) above.

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

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

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

(4) If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

B. Principal and Accessory Structures

(1) All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet, 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 I 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 shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall 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.

NOTE: A tributary stream may be perennial or intermittent. Where a tributary stream is present within the Shoreland zone, setback standards from that tributary stream are applicable.

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(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 foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.

(4) The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the Shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the Shoreland zone, including land area previously developed, except in the General Development District adjacent to rivers that do not flow to great ponds classified GPA, where lot coverage shall not exceed seventy (70) percent.

(5) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:

(a) The site has been previously altered and an effective vegetated buffer does not exist;

(b) The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;

(c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;

(d) The total height of the wall(s), in the aggregate, are no more than 24 inches;

(e) Retaining walls are located outside of the 100-year floodplain on rivers, streams, wetlands, and tributary streams, 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.

(f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and

(g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:

(i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;

(ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of storm water runoff;

(iii) Only native species may be used to establish the buffer area;

(iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;

(iv) A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer;

(6) 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. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland.

(1) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

(2) The location shall not interfere with existing developed or natural beach areas.

(3) The facility shall be located so as to minimize adverse effects on fisheries.

(4) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf shall not be wider than six feet for non-commercial uses.

(5) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

(6) New permanent piers and docks shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

(7) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

(8) Except in the General Development Districts, 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 or a river flowing 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.

E. Individual Private Campsites. Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

(1) One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the Shoreland zone, whichever is less, may be permitted.

(2) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, 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 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 sitting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.

(5) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

(6) When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. 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. The setback requirement for parking areas serving public boat launching facilities in Districts other than the General Development I District shall be 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. The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

(1) Roads and driveways shall be set back at least one-hundred (100) feet, 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 road and/or driveway setback requirement shall be 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) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

Section 15 (H)(1) does not apply to approaches to water crossings or 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 15(H) (1) except for that portion of the road or driveway necessary for direct access to the structure.

(2) Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream or wetland.

(3) New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon 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 banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(Q).

(5) Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

(6) 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 (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

(7) Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

(a) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, 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) percent or less.

(c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.

(d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

(8) Ditches, culverts, bridges, dips, water turnouts and other stormwater runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

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

(1) Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the Limited Commercial District, however, such signs shall not exceed sixteen (16) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

(2) Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.

(3) Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.

(4) Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

(5) Signs relating to public safety shall be allowed without restriction.

(6) No sign shall extend higher than twenty (20) feet above the ground.

(7) Signs may be illuminated only by shielded, non-flashing lights.

J. Storm Water Runoff

(1) All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of storm waters.

(2) Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

NOTE: The Storm water Management Law (38 M.R.S.A. section 420-D) requires a full permit to be obtained from the DEP prior to construction of a project consisting of 20,000 square feet or more of impervious area or 5 acres or more of a developed area in an urban impaired stream watershed or most-at-risk lake watershed, or a project with 1 acre or more of developed area in any other stream or wetland watershed. A permit-by-rule is necessary for a project with one acre or more of disturbed area but less than 1 acre impervious area (20,000 square feet for most-at-risk lakes and urban impaired streams) and less than 5 acres of developed area. Furthermore, a Maine Construction General Permit is required if the construction will result in one acre or more of disturbed area.

K. Septic Waste Disposal

(1) All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following: a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and b) a holding tank is not allowed for a first-time residential use in the Shoreland zone.

L. Essential Services

(1) Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

(2) The installation of essential services, 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 allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

(3) Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

M. Mineral Exploration and Extraction. Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes, shall be immediately capped, filled or secured by other equally effective measures 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 Section 15 (M) (4) 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 or a river flowing to 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 fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.

(3) Developers of new gravel pits along Significant River Segments shall demonstrate that no reasonable mining site outside the Shoreland zone exists. When gravel pits must be located within the zone, they shall be set back as far as practicable from the normal high-water line and no less than seventy-five (75) feet and screened from the river by existing vegetation.

(3) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:

(a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

(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 Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

N. Agriculture

(1) All spreading 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 storm water.

(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. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

NOTE: Assistance in preparing a Conservation Plan may be available through the local Soil and Water Conservation District office.

(4) There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.

(5) Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, of other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with
a Conservation Plan.

O. Timber Harvesting

(1) In a 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 Section 15(O) (1) (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 Section 15(O) (1) above, timber harvesting shall conform with the following provisions:

(a) Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:

(i) Within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, 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.

(ii) At distances greater than one-hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to 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 (5000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clear-cut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.

(b) 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.

(c) Timber harvesting equipment shall not use stream channels as travel routes except when:

(i) Surface waters are frozen; and

(ii) The activity will not result in any ground disturbance.

(d) All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.

(e) Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

(f) Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. 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, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

O-1. Timber Harvesting – Statewide Standards [Effective on effective date established in Section 4(B)]

(1) Shoreline integrity and sedimentation. Persons conducting timber harvesting and related activities must take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands occur, such conditions must be corrected.

(2) Slash treatment. Timber harvesting and related activities shall be conducted such that slash or debris is not left below the normal high-water line of any water body or tributary stream, or the upland edge of a wetland. Section 15(O-1)(2) does not apply to minor, incidental amounts of slash that result from timber harvesting and related activities otherwise conducted in compliance with this section.

(a) Slash actively used to protect soil from disturbance by equipment or to stabilize exposed soil, may be left in place, provided that no part thereof extends more than 4 feet above the ground.

(b) Adjacent to great ponds, rivers and wetlands:

(i) No accumulation of slash shall be left within 50 feet, horizontal distance, of the normal high-water line or upland edge of a wetland; and

(ii) Between 50 feet and 250 feet, horizontal distance, of the normal high-water line or upland edge of a wetland, all slash larger than 3 inches in diameter must be disposed of in such a manner that no part thereof extends more than 4 feet above the ground.

(3) Timber harvesting and related activities must leave adequate tree cover and shall be conducted so that a well-distributed stand of trees is retained. This requirement may be satisfied by following one of the following three options:

(a) Option 1 (40% volume removal), as follows:

(i) Harvesting of no more than 40 percent of the total volume on each acre of trees 4.5 inches DBH or greater in any 10 year period is allowed. Volume may be considered to be equivalent to basal area;

(ii) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,

(iii) Within 75 feet, horizontal distance, of the normal high-water line of rivers, streams, and great ponds, and within 75 feet, horizontal distance, of the upland edge of a wetland, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or great pond or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of total volume removal. Volume may be considered equivalent to basal area.

(b) Option 2 (60 square foot basal area retention), as follows:

(i) The residual stand must contain an average basal area of at least 60 square feet per acre of woody vegetation greater than or equal to 1.0 inch DBH, of which 40 square feet per acre must be greater than or equal to 4.5 inches DBH;

(ii) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,

(iii)Within 75 feet, horizontal distance, of the normal high-water line of water bodies and within 75 feet, horizontal distance, of the upland edge of wetlands, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or great pond, or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of the average basal area. Volume may be considered equivalent to basal area.

(c) Option 3 (Outcome based), which requires: An alternative method proposed in an application, signed by a Licensed Forester or certified wildlife professional, submitted by the landowner or designated agent to the State of Maine Department of Conservation's Bureau of Forestry (Bureau) for review and approval, which provides equal or better protection of the Shoreland area than this rule.

Landowners must designate on the Forest Operations Notification form required by 12 M.R.S.A. chapter 805, subchapter 5 which option they choose to use. If landowners choose Option 1 or Option 2, compliance will be determined solely on the criteria for the option chosen. If landowners choose Option 3, timber harvesting and related activities may not begin until the Bureau has approved the alternative method.

The Bureau may verify that adequate tree cover and a well-distributed stand of trees is retained through a field procedure that uses sample plots that are located randomly or systematically to provide a fair representation of the harvest area.

(4) Skid trails, yards, and equipment operation. This requirement applies to the construction, maintenance, and use of skid trails and yards in Shoreland areas.

(a) Equipment used in timber harvesting and related activities shall not use river, stream or tributary stream channels as travel routes except when surface waters are frozen and snow covered, and the activity will not result in any ground disturbance.

(b) Skid trails and yards must be designed and constructed to prevent sediment and concentrated water runoff from entering a water body, tributary stream, or wetland. Upon termination of their use, skid trails and yards must be stabilized.

(c) Setbacks:

(i) Equipment must be operated to avoid the exposure of mineral soil within 25 feet, horizontal distance, of any water body, tributary stream, or wetland. On slopes of 10 percent or greater, the setback for equipment operation must be increased by 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent. Where slopes fall away from the resource, no increase in the 25-foot setback is required.

(ii) Where such setbacks are impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(5) Land Management Roads. Land management roads, including approaches to crossings of water bodies, tributary stream channels, and wetlands, ditches and other related structures, must be designed, constructed, and maintained to prevent sediment and concentrated water runoff from directly entering the water body, tributary stream or wetland. Surface water on or adjacent to water crossing approaches must be diverted through vegetative filter strips to avoid sedimentation of the watercourse or wetland. Because roadside ditches may not extend to the resource being crossed, vegetative filter strips must be established in accordance with the setback requirements in Section 15(O-1)(7) of this rule.

(a) Land management roads and associated ditches, excavation, and fill must be set back at least:

(i) 100 feet, horizontal distance, from the normal high-water line of a great pond, river or wetland;

(ii) 50 feet, horizontal distance, from the normal high-water line of streams; and

(iii) 25 feet, horizontal distance, from the normal high-water line of tributary streams

(b) The minimum 100 foot setback specified in Section 15(O-1)(5)(a)(i) above may be reduced to no less than 50 feet, horizontal distance, and the 50 foot setback specified in Section 15(O-1)(5)(a)(ii) above may be reduced to no less than 25 feet, horizontal distance, if, prior to construction, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and 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 to avoid sedimentation of the water body, tributary stream or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(c) On slopes of 10 percent or greater, the land management road setback must be increased by at least 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent.

(d) New land management roads are not allowed within the Shoreland area along Significant River Segments as identified in 38 M.R.S.A. section 437, nor in a Resource Protection District, unless, prior to construction, the landowner or the landowner's designated agent makes a clear demonstration to the Planning Board's satisfaction that no reasonable alternative route exists outside the Shoreland zone, and that the new road must be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.

(e) Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads must be maintained on a regular basis to assure effective functioning. Drainage structures shall deliver a dispersed flow of water into an unscarified filter strip no less than the width indicated in the setback requirements in Section 15(O-1)(7). Where such a filter strip is impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream, or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(f) Road closeout and discontinuance. Maintenance of the water control installations required in Section 15(O-1) (5) (e) must continue until use of the road is discontinued and the road is put to bed by effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to avoid surface water flowing over or under the water bar, and extending a sufficient distance beyond the traveled way so that water does not reenter the road surface.

(g) Upgrading existing roads. Extension or enlargement of presently existing roads must conform to the provisions of Section 15(O-1). Any nonconforming existing

road may continue to exist and to be maintained, as long as the nonconforming conditions are not made more nonconforming.

(h) Exception. Extension or enlargement of presently existing roads need not conform to the setback requirements of Section 15(O-1)(5)(a) if, prior to extension or enlargement, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and 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 to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(i) Additional measures. In addition to the foregoing minimum requirements, persons undertaking construction and maintenance of roads and river, stream and tributary stream crossings must take reasonable measures to avoid sedimentation of surface waters.

(6) Crossings of water bodies. Crossings of rivers, streams, and tributary streams must allow for fish passage at all times of the year, must not impound water, and must allow for the maintenance of normal flows.

(a) Determination of flow. Provided they are properly applied and used for the circumstances for which they are designed, methods including but not limited to the following are acceptable as a means of calculating the 10 year and 25 year frequency water flows and thereby determining water crossing sizes as required in Section 15(O-1): The United States Geological Survey (USGS) Methods; specifically: Hodgkins, G. 1999. Estimating the Magnitude of Peak Flows for Streams in Maine for Selected Recurrence Intervals. U.S. Geological Survey. Water Resources Investigations Report 99-4008. 45 pp.

(b) Upgrading existing water crossings. Extension or enlargement of presently existing water crossings must conform to the provisions of Section 15(O-1). Any nonconforming existing water crossing may continue to exist and be maintained, as long as the nonconforming conditions are not made more nonconforming; however, any maintenance or repair work done below the normal high-water line must conform to the provisions of Section 15(O-1).

(c) Other Agency Permits. Any timber harvesting and related activities involving the design, construction, and maintenance of crossings on water bodies other than a river, stream or tributary stream may require a permit from the Land Use Regulation Commission, the Department of Environmental Protection, or the US Army Corps of Engineers.

(d) Any timber harvesting and related activities involving the design, construction, and maintenance of crossings of wetlands identified by the Department of Inland Fisheries and Wildlife as essential wildlife habitat require prior consultation with the Department of Inland Fisheries and Wildlife.

(e) Notice to Bureau of Forestry. Written notice of all water crossing construction maintenance, alteration and replacement activities in Shoreland areas must be given to the Bureau prior to the commencement of such activities. Such notice must contain all information required by the Bureau, including:

(i) a map showing the location of all proposed permanent crossings;
(ii) the GPS location of all proposed permanent crossings;
(iii) for any temporary or permanent crossing that requires a permit from state or federal agencies, a copy of the approved permit or permits; and
(iv) a statement signed by the responsible party that all temporary and permanent crossings will be constructed, maintained, and closed out in accordance with the requirements of this Section.

(f) Water crossing standards. All crossings of rivers require a bridge or culvert sized according to the requirements of Section 15(O-1) (6) (g)) below. Streams and tributary streams may be crossed using temporary structures that are not bridges or culverts provided:

(i) concentrated water runoff does not enter the stream or tributary stream;
(ii) sedimentation of surface waters is reasonably avoided;
(iii) there is no substantial disturbance of the bank, or stream or tributary stream channel;
(iv) fish passage is not impeded; and,
(v) water flow is not unreasonably impeded.

Subject to Section 15(O-1)(6)(f)(i-v) above, skid trail crossings of streams and tributary streams when channels of such streams and tributary streams are frozen and snow-covered or are composed of a hard surface which will not be eroded or otherwise damaged are not required to use permanent or temporary structures.

(g) Bridge and Culvert Sizing. For crossings of river, stream and tributary stream channels with a bridge or culvert, the following requirements apply:

(i) Bridges and culverts must be installed and maintained to provide an opening sufficient in size and structure to accommodate 10 year frequency water flows or with a cross-sectional area at least equal to 2 1/2 times the cross-sectional area of the river, stream, or tributary stream channel.

(ii) Temporary bridge and culvert sizes may be smaller than provided in Section 15(O-1) (6)(g)(i) if techniques are effectively employed such that in the event of culvert or bridge failure, the natural course of water flow is maintained and sedimentation of the water body or tributary stream is avoided. Such crossing structures must be at least as wide as the channel and placed above the normal high-water line. Techniques may include, but are not limited to, the effective use of any, a combination of, or all of the following:

1. use of temporary skidder bridges;
2. removing culverts prior to the onset of frozen ground conditions;
3. using water bars in conjunction with culverts;
4. using road dips in conjunction with culverts.

(iii) Culverts utilized in river, stream and tributary stream crossings must:

1. be installed at or below river, stream or tributary stream bed elevation;
2. be seated on firm ground;
3. have soil compacted at least halfway up the side of the culvert;
4. be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater; and
5. have a headwall at the inlet end which is adequately stabilized by riprap or other suitable means to reasonably avoid erosion of material around the culvert.

(iv) River, stream and tributary stream crossings allowed under Section 15(O-1), but located in flood hazard areas (i.e. A zones) as identified on a community's Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps (FHBM), must be designed and constructed under the stricter standards contained in that community's National Flood Insurance Program (NFIP). For example, a water crossing may be required to pass a 100-year flood event.

(v) Exception. Skid trail crossings of tributary streams within Shoreland areas and wetlands adjacent to such streams may be undertaken in a manner not in conformity with the requirements of the foregoing subsections provided persons conducting such activities take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands occur, such conditions must be corrected.

(h) Skid trail closeout. Upon completion of timber harvesting and related activities, or upon the expiration of a Forest Operations Notification, whichever is earlier, the following requirements apply:

(i) Bridges and culverts installed for river, stream and tributary stream crossings by skid trails must either be removed and areas of exposed soil stabilized, or upgraded to comply with the closeout standards for land management roads in Section15(O-1)(6)(i) below.

(ii) Water crossing structures that are not bridges or culverts must either be removed immediately following timber harvesting and related activities, or, if frozen into the river, stream or tributary stream bed or bank, as soon as practical after snowmelt.

(iii) River, stream and tributary stream channels, banks and approaches to crossings of water bodies and tributary streams must be immediately stabilized on completion of harvest, or if the ground is frozen and/or snow-covered, as soon as practical after snowmelt. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(i) Land management road closeout. Maintenance of the water control features must continue until use of the road is discontinued and the road is put to bed by taking the following actions:

(i) Effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to reasonably avoid surface water flowing over or under the water bar, and extending sufficient distance beyond the traveled way so that water does not reenter the road surface.

(ii) Water crossing structures must be appropriately sized or dismantled and removed in a manner that reasonably avoids sedimentation of the water body or tributary stream.

(iii) Any bridge or water crossing culvert in roads to be discontinued shall satisfy one of the following requirements:

1. it shall be designed to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows;
2. it shall be designed to provide an opening with a cross-sectional area at least 3 1/2 times the cross-sectional area of the river, stream or tributary stream channel; or
3. it shall be dismantled and removed in a fashion to reasonably avoid sedimentation of the river, stream or tributary stream.

If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(7) Slope Table

Filter strips, skid trail setbacks, and land management road setbacks must be maintained as specified in Section 15(O-1), but in no case shall be less than shown in the following table.

Average slope of land between exposed mineral soil and the shoreline (percent)	Width of strip between exposed mineral soil and shoreline (feet along surface of the ground)
0	**25**
10	**45**
20	**65**
30	**85**
40	**105**
50	**125**
60	**145**
70	**165**

P. 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 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 Section P(1), above, and except to allow for the development of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

(a) There shall be no cleared opening greater than 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 Section 15(P)(2)(b) a "well-distributed stand of trees" 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 25-foot by 50-foot rectangular (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 in.	1
4 – <8 in.	2
8 - < 12 in.	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 25-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 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is:

$$(4x1)+(2x2) + (3x4) + (2x8) = 36 \text{ points}$$

Thus, the 25-foot by 50-foot plot contains trees worth 36 points. Trees totaling 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 15(P)(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 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

(c) In order to protect water quality and wildlife habitat, 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 Section 15(P) paragraphs (2) and (2)(a) above.

(d) Pruning of tree branches, on the bottom 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.

Section 15(P)(2) does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

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

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the Shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision shall not apply to the General Development Districts.

(4) Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.

(5) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15(P).

Q. Erosion and Sedimentation Control

(1) All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

(a) Mulching and revegetation of disturbed soil.

(b) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.

(c) Permanent stabilization structures such as retaining walls or 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 (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

R. 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.

S. 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.

T. Archaeological Site. 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.

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

16. 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 30-A M.R.S.A. section 2691.

(3) Planning Board. A Planning Board shall be created in accordance with the provisions of State law.

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

(1) A permit is not required for the replacement of an existing road culvert as long as:

(a) The replacement culvert is not more than 25% longer than the culvert being replaced;

(b) The replacement culvert is not longer than 75 feet; and

(c) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.

(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.

(2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property 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.

D. Procedure for Administering Permits. Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified

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

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

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

(1) Will maintain safe and healthful conditions;

(2) Will not result in water pollution, erosion, or sedimentation to surface waters;

(3) Will adequately provide for the disposal of all wastewater;

(4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

(5) Will conserve shore cover and visual, as well as actual, points of access to inland waters;

(6) Will protect archaeological and historic resources as designated in the comprehensive plan;

(7) Will avoid problems associated with floodplain development and use; and

(8) Is in conformance with the provisions of Section 15, Land Use Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or 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) 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, 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 shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

G. Installation of Public Utility Service. A public utility, water district, sanitary district or any utility company of any kind may not 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 or other written arrangements have been made between the municipal officials and the utility.

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 an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

(b) Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.

(2) Variance Appeals. Variances may be granted only under the following conditions:

(a) Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.

(b) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

(c) The Board shall not grant a variance unless it finds that:

(i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and

(ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

a. That the land in question cannot yield a reasonable return unless a variance is granted;

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

c. That the granting of a variance will not alter the essential character of the locality; and

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

(d) Notwithstanding Section 16(H)(2)(c)(ii) above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

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

(f) A copy of 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) Administrative Appeals

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a "de novo" hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

(4) Appeal Procedure

(a) Making an Appeal

(i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not

otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

(ii) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:

a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.

b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

(iii) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

(iv) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

(b) Decision by Board of Appeals

(i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.

(ii) The person filing the appeal shall have the burden of proof.

(iii) The Board shall decide all administrative appeals and variance appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

(iv) 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.

(5) Appeal to Superior Court. 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 State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

(6) 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.

I. Enforcement

(1) Nuisances. Any violation of this Ordinance shall be deemed to be a nuisance.

(2) Code Enforcement Officer

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

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

(c) The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.

(3) Legal Actions. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines 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 Ordinance shall be penalized in accordance with 30-A, M.R.S.A. section 4452.

NOTE: Current penalties include fines of not less than $100 nor more than $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).

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17. Definitions.

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

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

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.

Basal Area - the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

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

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.

Bureau – State of Maine Department of Conservation's Bureau of Forestry

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

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

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.

Cross-sectional area – the cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

DBH – the diameter of a standing tree measured 4.5 feet from ground level.

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

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

Disruption of shoreline integrity - the alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions.

Driveway - a vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, 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 one or more months to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

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

Floodway - the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

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

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

Forested wetland - a freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

Forest Stand - a contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

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

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

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

2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Functionally water-dependent uses - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and that can not 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 aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to inland waters.

Great pond - any inland body of water which in a natural state has a surface area in excess of ten 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 Ordinance, 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 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.

Harvest Area - the area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest.

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

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

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

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

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

Institutional – a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

Land Management Road - a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

Licensed Forester - a forester licensed under 32 M.R.S.A. Chapter 76.

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

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

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

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

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

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 or more individuals having a joint or common interest, or other legal entity.

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

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

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

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:

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

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

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

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

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.

Residual Stand - a stand of trees remaining in the forest following timber harvesting and related activities

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

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, excluding a driveway as defined.

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.

Shoreland zone - the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

Shoreline – the normal high-water line, or upland edge of a wetland.

Significant River Segments - See Appendix B or 38 M.R.S.A. section 437.

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 area.

Structure - anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

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

Subsurface sewage disposal system – any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system..

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

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

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 Ordinance, and only applies to that portion of the tributary stream located within the Shoreland zone of the receiving water body or wetland.

NOTE: Water setback requirements apply to tributary streams within the Shoreland zone.

Upland edge of a wetland - 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, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

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

Water body - any great pond, river or stream.

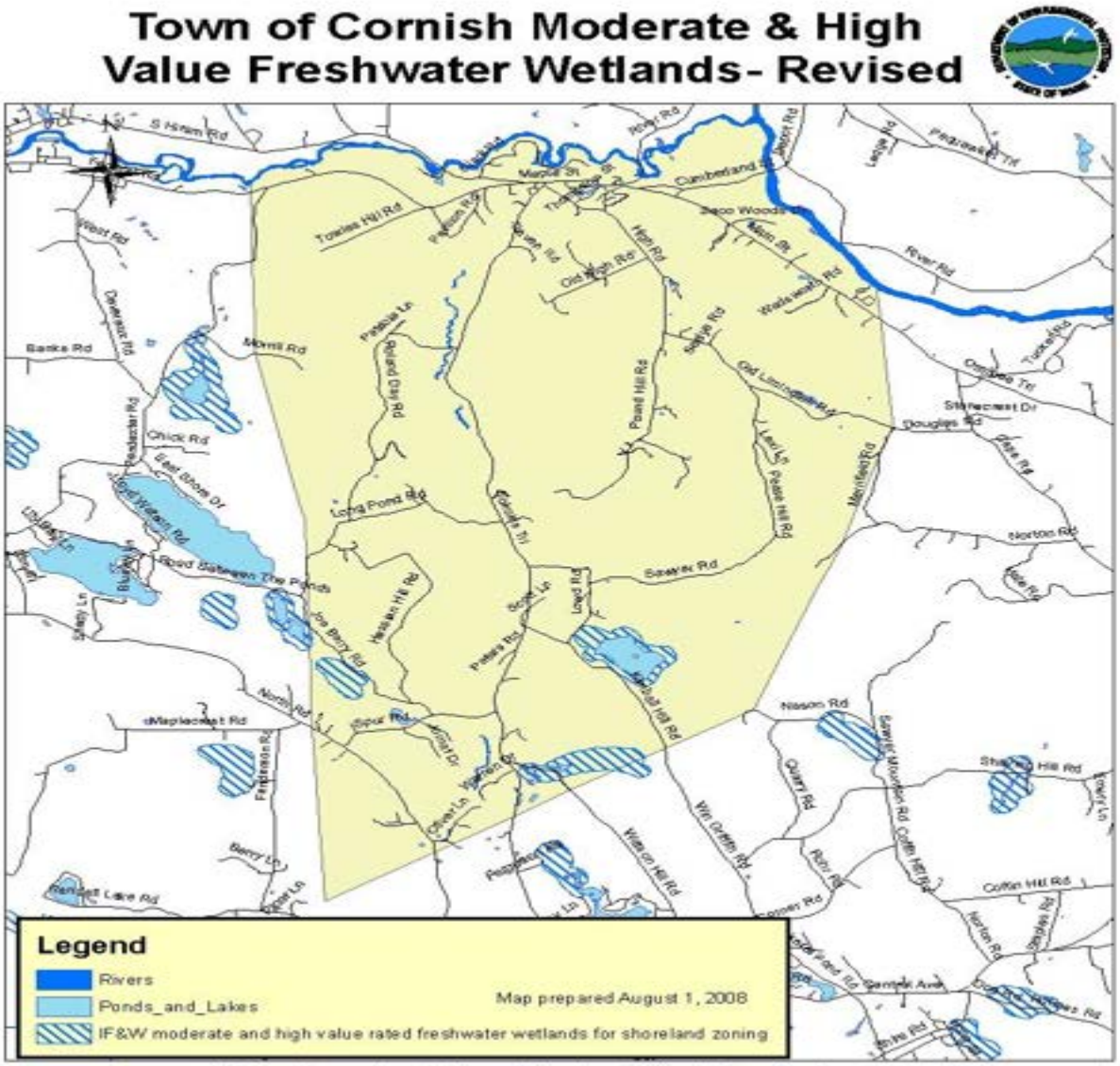
Water crossing - any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Wetland - a freshwater wetland.

Wind firm - the ability of a forest stand to withstand strong winds and resist wind throw, wind rocking, and major breakage.

Woody Vegetation - live trees or woody, non-herbaceous shrubs.

Appendix A: IF & W moderate and high value rated freshwater wetlands for Shoreland zoning. The wetlands identified on this map shall be regulated as a Resource Protection District beginning at the upland edge of these wetlands and extending landward 250 feet.



This map shows only moderate and high value rated freshwater wetlands.
Please note that low value and non-rated freshwater wetlands are still required to be zoned, as they have been since 1989.

CHAPTER 14 DOG CONTROL ORDINANCE

SECTION 1. PURPOSE

The purpose of this ordinance is to control dogs throughout the Town of Cornish in the interest of health, safety and general welfare of its residents.

SECTION 2. DEFINITIONS AS USED IN THIS ORDINANCE UNLESS THE CONTEXT OTHERWISE INDICATES

A. "DOG" shall mean both male and female whether neutered or not.

B. "OWNER" shall mean any person, firm, association or corporation owning, keeping or harboring a dog.

C. "AT LARGE" shall mean off the premises of the owner and not being under the control of any person by means of personal presence and attention, or ability to manipulate and command the conduct of the dog.

D. "DANGEROUS DOG" shall mean a dog which has bitten a person who was not a trespasser on the owners premises at the time of the incident; or a dog which causes a reasonable person acting in a peaceable manner outside the owners premises, to be put in apprehension of eminent bodily harm.

SECTION 3. LICENSE REQUIRED

All dogs kept, harbored or maintained by their respective owners in the Town of Cornish shall be licensed and tagged in accordance with the appropriate laws of the State of Maine, M.R.S.A. 3921.

SECTION 4. DISTURBING THE PEACE

It shall be unlawful for anyone owning, possessing or harboring a dog to cause or permit such dog to disturb the peace of any person. Any owner or keeper causing or permitting a dog to bark, howl, or yelp continuously for twenty (20) minutes or intermittently for one (1) hour or more shall be in violation of this section.

It shall be unlawful for any dog owner or keeper to cause or permit such dog to disturb the peace by biting, chasing or damaging the property of any person.

SECTION 5. RUNNING AT LARGE

It shall be unlawful for any dog, licensed or unlicensed, to run at large, except when used for hunting purposes.

SECTION 6. CONFINEMENT OF CERTAIN DOGS

A. It shall be unlawful for the owner or keeper of a female dog to cause or permit such dog to be beyond the owner's premises at any time while the dog is in heat unless such dog is restrained with a lease, cord or chain which shall not be more than eight (8) feet long by the owner or agent.

B. Any person who is assaulted by a dog without provocation or any person witnessing an unprovoked assault against a person or domesticated animal may file a written complaint with a Police Officer or Animal Control Officer that the dog is dangerous or vicious.

Procedures regarding the complaints of dangerous dogs and the method of restraint, confinement or disposal shall be prescribed and required by Maine Statutes Annotated, Title 7, Section 3952 and succeeding amendments.

SECTION 7. IMPOUNDING

Any Police Officer, Animal Control Officer or Constable with the Town of Cornish shall seize, impound, or restrain any dog violating this ordinance or State law. A dog found in violation of Section 5 shall be delivered to the owner when possible if the owner or keeper can be determined, and is readily available to take possession of the dog.

When the dog of known ownership is found in violation of Section 5 three (3) or more times in a six (6) month period, an Animal Control Officer or person acting in that capacity, may take the dog to the animal shelter and notify the Owner in accordance with Section 8.

SECTION 8. IMPOUNDMENT

When impounding any dog, the Animal Control Officer or Police Officer shall at the time of such impoundment list a number and description of violation(s), make a complete registry of the date of impoundment, breed, color, sex and general condition of the dog as can be reasonably ascertained.

A copy of this registry shall be furnished to a shelter designed by the Town of Cornish with written instructions setting forth conditions under which the dog may be released.

When a dog is impounded under the provisions of this Article, the Animal Control Officer, Police Officer, or person in control of the Animal Shelter shall when possible, notify the owner or keeper if can be ascertained. Failure to give such notice shall in no way impose any liability upon the Town of Cornish or its designated animal shelter for the destruction or transfer to another of any dog so impounded and not reclaimed.

If the owner does not claim the dog within six (6) days following impoundment then the animal shelter may dispose of the animal by adoption or otherwise in a proper and humane manner consistent with State laws.

SECTION 9. IMPOUNDMENT FEES

Owners may reclaim their dog by first licensing, if applicable, according to Town regulation and by paying the town a fee of thirty dollars ($30) for each offense. The owner will also be responsible for any additional costs incurred by the Animal Shelter prior to reclamation. Fees must be paid and a receipt of same presented to the shelter prior to the release of dog. All fees to be deposited in the separate account as required by M.R.S.A. 7, Section 3945.

SECTION 10. ENFORCEMENT

It shall be the duty of all Law Enforcement to enforce all the provisions of this Ordinance. Further, there shall be appointed an Animal Control Officer(s) who shall have the prime responsibility of enforcing this Ordinance.

SECTION 11. PENALTIES

Any person found in violation of any of the provisions of this Ordinance shall be guilty of a civil violation and upon conviction thereof shall be fined not less than fifty dollars ($50) nor more than two hundred dollars ($200) to be recovered by a complaint before the **Maine District Court, York County, Springvale, ME** subject to the rights of exception and appeal as are provided by law. All fines collected shall be recovered to the use of the Town of Cornish and deposited in a separate account as required by M.R.S.A. Section 3945 (Used and License Fees Retained by Municipalities).

SECTION 12. SEVERABILITY CLAUSE

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

SECTION 13. AMENDMENTS

This Ordinance may be amended by a majority vote of any legal Town Meeting when such amendment is published in the warrant calling for the meeting.

SECTION 14. EFFECTIVE DATE

This Ordinance shall be in full force and effect when enacted.

A true attested copy of ordinance adopted
at Special Town Meeting on June 22, 2011
***Diane Harrington*, Town Clerk**

CHAPTER 15 CORNISH PARKING ORDINANCE

Parking Ordinance Authority: This Parking Ordinance (hereinafter "the Ordinance") is adopted pursuant to 30-A M.R.S.A. § 3009.
This ordinance applies to all state and local roads within the borders of the Town of Cornish.

Section 1: Words and Phrases Defined

Any words or phrases used in this Ordinance shall have the same meaning as those given to them in Title 29A, Section 1, of the Maine Revised Statutes Annotated as amended. Any words or phrases not defined therein and used in this Ordinance shall be given ordinary accepted meanings unless the context otherwise indicates.

Section 2: Parking

Parked vehicles must be within the confines of parking spaces designated by painted lines when applicable and in compliance with Maine state statue Title 29A, Chapter 19, Section 2068, 1B.
It shall be unlawful for any person to park or leave unattended a motor vehicle other than an authorized emergency response vehicle in the following places:

A. Restrictions

1. On a sidewalk
2. In front of a public or private driveway
3. Within an intersection
4. Upon any place where official signs or markings prohibit stopping or parking
5. Within 20 feet of a fire hydrant
6. Upon any bridge or elevated structure upon a highway.
7. No person shall park any vehicle in the travel lane of a street in a manner to obstruct traffic.

B. Emergency Parking

1. If, in the judgment of the Selectmen or their authorized designee(s), there exists within the town of Cornish a snow emergency, the acting official shall have the authority to declare a snow emergency and place such restrictions on parking in Town ways as deemed necessary for the protection of the health and safety of the public.

2. The acting official shall direct the Road Commissioner to post designated roadside signs giving notice of the snow emergency parking restrictions and to so announce on TV.

3. Any vehicle parked in violation of the restrictions imposed in Sections 2A and 2B of this ordinance shall be towed at the owner's and/or operator's expense to unauthorized location.

4. Authorized law enforcement from Maine State Police and York County Sheriff's Office and the fire chief or his designees are authorized to enter or relocate by any means necessary any parked vehicle(s) that violate this ordinance during a town declared emergency for the purpose of facilitating emergency operations. The town and its agents shall not be liable for any damages incurred to any such vehicle.

C. Other prohibited parking.

1. The Selectmen are hereby authorized to have signs posted indicating no parking upon any street when the parking site is considered to represent a hazard to public safety.

2. In the event of a planned parking ban, public notification will be made available prior to the event through means to include added signage.

D. Handicapped parking

1. It shall be unlawful for any vehicle to park in a parking space(s) designated as a handicapped parking space without first displaying a special registration plate or placard issued under Title 29A, Section 521 of M.R.S.A. or a similar plate issued by another state, providing that such area(s) after being designated as a handicapped parking space(s) are signed and posted adjacent to and visible for each handicapped parking space a sign consisting of a profile view of a wheelchair with occupant in white on a blue background, and bearing the following warning: Handicapped Parking.

Section 3: Validity and Severability

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

A True Attested Copy of Ordinance adopted at
Special Town Meeting on January 23, 2014
Diane Harrington
Town Clerk

CHAPTER 16 MEDICAL CANNABIS ORDINANCE

The purpose of this ordinance and related guidelines is to regulate the cultivation, processing, storage, and distribution of medical cannabis consistent with the Town of Cornish Land Use and Development Ordinance and the Maine Medical Use of Marijuana Act (Maine Revised Statutes Title 22, Chapter 558-C).

(a) Approval Process

Any proposal to establish a new, or alter existing, medical cannabis registered dispensary or medical cannabis production facility shall require approval of the Planning Board as a conditional use. The Planning Board and applicant shall follow: the application process, the review process, performance standards of this ordinance, and the inherent authority of the Planning Board as defined by Article IV (Administration, Enforcement and Penalties) of the Town of Cornish Land Use and Development Ordinance. Notification of site walks and public hearings shall include all property owners within 500 linear feet, measured in a straight line from the property boundary of the proposed dispensary or facility. Notification of property owners shall be mailed at least ten days before the scheduled site walk and public hearing. The Planning Board shall be responsible for mailing notifications to property owners to the address identified on a mailing list provided by the town. In addition to other public notification requirements, the town shall notify the York County Sheriff's Office, the Maine Department of Health and Human Services – Center For Disease Control and Prevention (or its successors), and the Maine Revenue Services prior to the public hearing on any application.

(b) State Authorization

Before submission of a conditional use application, the applicant must demonstrate to the Planning Board their authorization to cultivate process, store and distribute medical cannabis pursuant to the Maine Medical Use of Marijuana Act (Maine Revised Statutes Title 22, Chapter 558-C).

(c) Exemptions

As an accessory use, medical cannabis home production shall be allowed in any qualifying patient's primary year-round residence (as defined by Maine Revenue Services) or any registered medical cannabis caregiver's primary year-round residence (as defined by Maine Revenue Services) in every Land Use District and Overlay District, without any requirements for land use permitting. This exemption shall also extend to registered medical cannabis caregivers who cultivate process or store medical cannabis in a qualifying patient's primary year-round residence (as defined by Maine Revenue Services) for that qualifying patient's sole use.

(d) Performance Standards

In addition to other requirements of this section and related provisions of the Town of Cornish Land Use and Development Ordinance, the following shall apply to any application for a new or amended medical cannabis registered dispensary or a medical cannabis production facility:

(1) Medical Cannabis Registered Dispensary Limit

There shall be no more than one medical cannabis registered dispensary in the Town of Cornish.

(2) Medical Cannabis Production Facility Limit

There shall be no more than four registered medical cannabis caregivers allowed to operate within a single medical cannabis production facility.

(3) Density Limit

Only one medical cannabis production facility shall be permitted per lot. This separation requirement will prevent a concentration of these facilities and helps to ensure compliance with the State prohibition against collectives.

(4) Proximity Location to Other Uses

No medical cannabis registered dispensary or medical cannabis production facility shall be closer than 500 linear feet, measured in a straight line from the dispensary or facility building entrance, to the nearest point on the boundary of any property which is occupied by an existing medical cannabis production facility, licensed day care facility, school, church or town owned property (excluding town owned roads).

(5) Security

Before granting a Conditional Use permit, the Planning Board shall require that the applicant has reviewed the applicant's property and building security plans with the York County Sheriff's Department and the Sheriff's Department finds the security measures are consistent with state requirements.

(6) Outside Appearance

No signs containing the word "marijuana", "cannabis", "420", "710" or any other terms to indicate medical cannabis presence, or any graphics/images such as a green cross or any portion of a marijuana plant or otherwise identifying medical cannabis shall be erected, posted or in any way displayed on the outside of a medical cannabis registered dispensary or a medical cannabis production facility. Interior advertisements, displays of merchandise or signs depicting the activities of a medical cannabis registered dispensary or a medical cannabis production facility shall be screened to prevent public viewing from outside such facility.

(7) Odorous Air Contaminants

It shall be an unlawful nuisance for any person to cause or permit the emission of odorous air contaminants from any source so as to result in detectable odors that leave the premises upon which they originate and interfere with the reasonable and comfortable use and enjoyment of property. Upon the following occurrence, any odor will be deemed to interfere with reasonable and comfortable use and enjoyment of property:

(I) If odorous air contaminants are detected when one volume of the odorous air has been diluted with seven or more volumes of odor-free air, as measured by any instrument, device or method designed to be used in the determination of the intensity of an odor. Measurement shall be taken at property boundary lines.

(8) Approved Locations

All medical cannabis registered dispensaries and medical cannabis production facilities will be subject to the Conditional Use Permit process used by the Planning Board. Medical cannabis registered dispensaries shall only be permitted in the Industrial Park District. Medical cannabis production facilities shall only be permitted in the Industrial Park, Commercial, Rural Residential, and Agricultural

districts. Further, medical cannabis production facilities shall be prohibited from operating in the Historic District Overlay and the Aquifer Protection Overlay.

(e) Validity and Severability

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

DEFINITIONS

Marijuana: As defined in State Administrative Rules (10-144 CMR Chapter 122), §1.17, "Marijuana."

Medical Cannabis: Cannabis that is acquired, possessed, cultivated, manufactured, used, delivered, transferred or transported to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition.

Medical Cannabis Caregiver: A person, licensed hospice provider or licensed nursing facility that is designated by a qualifying patient to assist the qualifying patient with the medical use of cannabis in accordance with state law. A person who is a registered medical cannabis caregiver must be at least twenty-one (21) years of age and may not have been convicted of a disqualifying drug offense.

Medical Cannabis Land Uses: Any of three (3) types of land uses, defined below, that cover the full range of options for lawful cultivating, processing, storing and distributing medical cannabis.

1. *Medical Cannabis Home Production (Land Use):* Cultivating, processing and/or storing of medical cannabis by a qualifying patient at their own primary year-round residence or a registered medical cannabis caregiver at their own primary year-round residence for use by a qualifying patient. This definition shall also extend to registered medical cannabis caregivers who cultivate, process or store medical cannabis in a qualifying patient's primary year-round residence for that qualifying patient's sole use. This shall be considered an accessory use.
2. *Medical Cannabis Production Facility (Land Use):* A facility used for cultivating, processing, and/or storing medical cannabis by one or more registered medical cannabis caregiver(s) at a location which is not the registered medical cannabis caregiver's primary year-round residence or their patient's primary year-round residence. This shall be considered a commercial use.
3. *Medical Cannabis Registered Dispensary (Land Use):* A not-for-profit entity registered pursuant to state law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses cannabis, paraphernalia or related supplies and educational materials to qualifying patients. Note that a dispensary may be either a single facility, or it may be divided into two separate but related facilities where growing is done at only one of the facilities. This shall be considered a commercial use.

A true attested copy of ordinance adopted at
Special Town Meeting on November 2, 2016
Katherine Blake
Town Clerk

CHAPTER 17 ORDINANCE PROHIBITING RETAIL MARIJUANA ESTABLISHMENTS AND RETAIL MARIJUANA SOCIAL CLUBS IN THE MUNICIPALITY OF CORNISH, MAINE

Purpose is to adopt a prohibition ordinance preventing Retail Marijuana Establishments and Retail Marijuana Social Clubs pursuant to chapter 417 the MARIJUANA LEGALIZATION ACT, 7 M.R.S.A.; and Municipal Home Rule Authority, Me, Const., art VIII, pt. 2; and 30-A M.R.S.A. §3001

Such a prohibition would not affect personal use and possession of marijuana or existing medical marijuana permitted uses.

Section 1. Authority.

This ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S.A. c. 417; and Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; and 30-A M.R.S.A. §3001.

Section 2. Definitions.

For the purposes of this ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S.A. §2442 as enacted by CHAPTER 417 "MARIJUANA LEGALIZATION ACT" which statute is incorporated by reference as it exists at the time that this ordinance was enacted.

Section 3. Prohibition on Retail Marijuana Establishments and Retail Marijuana Social Clubs.

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

No person or organization shall develop or operate a business that engages in retail or wholesale sales of a retail marijuana product, as defined by 7 M.R.S.A. §2442 as enacted by CHAPTER 417 'MARIJUANA LEGALIZATION ACT'.

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

Section 4. Effective date; duration.

This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect until it is amended or repealed.

Section 5. Penalties.

This ordinance shall be enforced by the municipal officers or their designee. Violation of this ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. §4452.

A True Attested Copy of Ordinance adopted
at Special Town Meeting on August 2, 2017

Katherine A Blake
Town Clerk

CHAPTER 18 ORDINANCE ESTABLISHING THE FILLING OF A VACANCY IN THE OFFICE OF TOWN CLERK BY SPECIAL ELECTION

Article 1. Purpose

The purpose of this ordinance is to specify that when and if a vacancy arises in the office of Town Clerk of the Town of Cornish that such vacancy shall be filled by special election rather than by appointment of the Board of Selectmen.

Article 2. Legal Authority

This Ordinance is adopted under the home rule authority of the Town of Cornish, pursuant to 30-A M.R.S. 3001, and pursuant to the Town's authority changes the method by which vacancies in certain towns are filled. 30-A M.R.S. 2602(6).

Article 3. Procedure; Interim Clerk May Be Appointed

(a) In the event that the office of the Town Clerk is made vacant the balance of the previous clerk's remaining term, which shall not exceed three (3) years, shall be filled by a special election.

(b) Upon receipt of notice of such a vacancy, the Board of Selectmen shall at its next scheduled meeting, set a date for a special election to fill the balance of the clerk's remaining term. The date for said election shall be no less than thirty (30) days but no more than sixty (60) days from the date of the Board of Selectmen's meeting.

(c) Notwithstanding the above, the Board of Selectmen may appoint an interim clerk to fulfill the duties of the office of Town Clerk between the time that the vacancy arose and the date of the special election. Appointment as interim town clerk shall not disqualify an individual from being nominated to fill the position on a full-time basis.

Article 4. Effective Date

This ordinance shall become effective and enforceable on the day following acceptance by a majority vote of the legislative body.

A True Copy of Meeting Minutes

Attest:_____
Town Clerk

CHAPTER 19 TOWN OF CORNISH SOLAR ENERGY SYSTEMS ORDINANCE

Article 19.1 Purpose

The purpose of this Ordinance is to facilitate the effective and efficient use of Solar Energy Systems while protecting the public health, safety and welfare of Cornish citizens and preserving the historic and aesthetic value of the area.

Article 19.2 Authority

This ordinance is adopted and enacted pursuant to and in accordance with Title 30-A MRSA 3013 and Title 33 Chapter 28-A.

Article 19.3 Effective date

This ordinance shall take effect upon its enactment by the Town of Cornish. This ordinance shall become effective immediately upon its adoption and enactment by vote of the legislative body of the town at a town meeting.

Article 19.4 Applicability

Section 19.4.1 The requirements of this Ordinance shall apply to all Solar Energy Systems modified or installed after the Effective Date of this ordinance. (December 2, 2020)

Section 19.4.2 All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable local, state and federal codes, regulations and standards.

Section 19.4.3 Any modification, upgrade, or structural change that materially alters the size, placement or output of an existing Solar Energy System shall comply with this ordinance.

Article 19.5 Permitting

Section 19.5.1 Solar Energy Systems shall be installed or operated in Cornish in compliance with this ordinance and any other applicable local, state and federal regulations or codes.

Section 19.5.2 Solar thermal, building-integrated photovoltaic, building mounted photovoltaic, roof mounted, and small-scale ground mounted Solar Energy Systems shall obtain a building permit through the Code Enforcement Officer.

Section 19.5.3 Medium and large-scale ground-mounted Solar Energy Systems are prohibited in the Resource Protection District (RP) and Aquifer Protection District (AP) but are permitted in all the other Land Use Districts. Such Solar Energy Systems shall require approval of the Planning Board as a conditional use permit after site plan review in accordance with Chapter 3, and meet all Performance Guarantees set forth in Chapter 3, Article 3.9, dimensional requirements and performance standards of this ordinance prior to obtaining a building permit through the Code Enforcement Officer.

Section 19.5.4 All Solar Energy Systems proposed to be within the Historic District (Overlay) and on Historic Buildings, as defined in Chapter 2, Article 2.8, Section 2.8.10, require Planning Board Approval prior to receiving a building permit from the Code Enforcement Officer.

Article 19.6. Dimensional Requirements

Section 19.6.1 Height

A. Building-integrated photovoltaic systems and roof-mounted Solar Energy Systems shall not exceed the maximum allowed building height or peak of the roof, whichever is greater, in the district they are proposed to be located. For non-residential uses, roof-mounted Solar Energy Systems shall be considered comparable to a building appurtenance and, for purposes of height measurement, shall be consistent with other building-mounted mechanical devices or similar building appurtenances as determined by the Code Enforcement Officer and Planning Board.

B. Ground-mounted Solar Energy Systems on residential property, as defined in 33 M.R.S.A. §1421, as amended, in all land use districts shall not exceed twelve (12) feet in height when oriented at minimum tilt to the vertical.

C. Ground-mounted Solar Energy Systems in all other land use districts shall conform to the building/structure height requirements of the Land Use District(s) in which they are permitted in.

D. Pole Mounted Energy systems must comply with height restrictions of the district.

Section 19.6.2 Setbacks

A. All ground-mounted Solar Energy Systems shall be in accordance with the dimensional setback regulations in Article II, Table 2, unless otherwise regulated by this ordinance.

B. Ground-mounted Solar Energy Systems shall not be located in front yards in the Village Center District and Historic District (Overlay) unless they are sited at least fifty (50) feet from the front property line(s).

Section 19.6.3 Initial Coverage/Calculating Small, Medium or Large Solar Energy Systems Surface Area

A. Regarding small, medium or large scale Solar Energy Systems, lot coverage and surface area square footage (or solar collector coverage/horizontal projected area) shall be calculated by measuring the total surface area of the solar collector at maximum tilt to the vertical that occupies a given space or mounting surface. See figure VI-C.1 below.

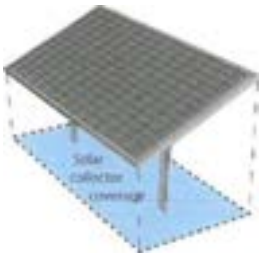


Figure: VI-C.1

Article 19.7 Standards for Building-Integrated, Building-Mounted, Photovoltaic Roof-Mounted and Small Scale Ground Mounted Solar Energy Systems

Section 19.7.1 All wiring must comply with the National Electrical Code, most recent edition.

Section 19.7.2 Prior to operation, electrical connections must be inspected by a licensed electrician.

Section 19.7.3 Any connection to the public utility grid must be inspected by the appropriate public utility unless waived in writing by the public utility.

Section 19.7.4 Roof-mounted and building-mounted solar collectors shall meet all applicable fire safety and building code standards.

Section 19.7.5 All Solar Energy installations shall have properly rated lightning protected electric circuits.

Article 19.8 Standards for Medium and Large-Scale Ground-Mounted Solar Energy Systems

In addition to the standards set forth in Article 19.7 above, medium and large-scale ground-mounted Solar Energy Systems shall comply with the following:

Section 19.8.1 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.

Section 19.8.2 Safety

The Solar Energy System owner shall provide a copy of the site plan review application to the Fire Chief for their comment. All means of shutting down the Solar Energy System shall be clearly marked on the plan.

Section 19.8.3 Visual Impact

Reasonable efforts, as determined by the Planning Board, shall be made to minimize visual impacts by preserving natural vegetation, screening abutting properties, and protecting scenic resources.

Section 19.8.4 Glare

Solar panel placement shall be prioritized to minimize or negate any solar glare onto nearby properties, public gathering places or roadways without unduly impacting the functionality or efficiency of the Solar Energy System.

Section 19.8.5 Natural Resources

Reasonable efforts, as determined by the Planning Board, shall be made to protect wetlands, watersheds, working agricultural lands, surface waters, slopes greater than twenty percent (20%), as well as Undeveloped Habitat Blocks, High Value Plant and Animal Habitats and Focus Areas of Ecological Significance as mapped by the Maine Department of Inland Fisheries and Wildlife's Beginning with Habitat.

Section 19.8.6 If a herbicide is used in controlling ground cover of the area the herbicide needs to be MOFGA (Maine Organic Farmers and Gardeners Association) approved.

Article 19.9 Additional Standards for Large Scale Ground Mounted Solar Energy Systems

Section 19.9.1 Operations and Maintenance Plan

As part of a Large Scale ground-mounted Solar Energy System site plan the project applicant shall include an operation and maintenance plan, which shall include measures for maintaining safe access to the installation as well as other general procedures for operational maintenance of the installation.

Section 19.9.2 Signage

Signs on Large Scale ground-mounted Solar Energy Systems shall comply with all applicable standards in this land use ordinance and shall be required, at minimum, to identify the owner and provide a 24-hour emergency contact phone number.

Section 19.9.3 Emergency Services

The owner or operator of a Large Scale ground-mounted Solar Energy System shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. Upon request the owner or operator shall cooperate with the Fire Department in developing an emergency response plan. All means of shutting down the system shall be clearly marked on the plan. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

Section 19.9.4 Installation Conditions

The owner or operator of a Large Scale ground-mounted Solar Energy System 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 Fire Chief. The owner or operator shall be responsible for the cost of maintaining the access road(s), unless the road(s) is accepted as a public way.

Section 19.9.5 Removal

Any Medium Scale or Large Scale ground-mounted Solar Energy System which has reached the end of its useful life or has been abandoned consistent with this ordinance shall be removed. The owner or operator shall physically remove the installation no more than one year after the date of discontinued operations. The owner or operator shall notify the Code Enforcement Officer by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

A. Physical removal of all Solar Energy Systems, structures, equipment, security barriers and transmission lines from the site.

B. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

C. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Code Enforcement Officer may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

Section 19.9.6 Abandonment

A. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, a Medium Scale or Large Scale ground-mounted Solar Energy System shall be considered abandoned when it fails to generate electricity for more than one year without having first obtained the written consent of the Code Enforcement Officer. Determination of abandonment shall be made by the Code Enforcement Office.

B. If the owner or operator of the Medium Scale or Large Scale ground mounted Solar Energy System fails to remove the installation in accordance with the requirements of this section within one year of abandonment or the proposed date of decommissioning, the Town retains the right to use any and all legal or available means necessary to cause an abandoned, hazardous, or decommissioned medium and/or large-scale ground-mounted Solar Energy System to be removed. The performance guarantee (Bond) will be used by the town to rectify the situation.

Article 19.10 Definitions

SOLAR COLLECTOR: A device, such as a PV cell or a solar thermal collector that absorbs solar radiation from the sun and transforms it into electricity or heat.

SOLAR ENERGY SYSTEM: Any fixture, product, system, device or interacting group of devices which uses mechanical, physical, or chemical means to convert energy collected from sunlight into an alternative form of energy. Solar Energy Systems include, but are not limited to photovoltaic cells and systems, solar hot water heaters and thermal systems, and similar devices or systems.

SOLAR ENERGY SYSTEM, BUILDING-INTEGRATED PHOTOVOLTAIC (BIPV): Any Solar Energy System that consists of photovoltaic cells and/or panels which are fully integrated into the exterior structure of a building.

SOLAR ENERGY SYSTEM, BUILDING MOUNTED PHOTOVOLTAIC: Any Solar Energy System that consists of photovoltaic cells and/or panels which are affixed to the exterior of a building such as the façade (see definition of Solar Energy System, Roof-Mounted).

SOLAR ENERGY SYSTEM, GROUND-MOUNTED: Any Solar Energy System that is structurally mounted to the ground and is not attached to a building; may be of any size (small-, medium- or large-scale).

SOLAR ENERGY SYSTEM, LARGE SCALE: A Solar Energy System which occupies more than 40,000 square feet of surface area; surface area shall be measured by the total surface area of the solar collector at maximum tilt to the vertical that occupies a given space or mounting surface, also referred to as the projected area of the array. See Figure VI-C.1 for an example of measuring surface area.

SOLAR ENERGY SYSTEM, MEDIUM SCALE: A Solar Energy System which occupies more than 1,750 square feet but less than 40,000 square feet of surface area; surface area shall be measured by the total surface area of the solar collector at maximum tilt to the vertical that occupies a given space or

mounting surface, also referred to as the projected area of the array. See Figure VI-C.1 for an example of measuring surface area.

SOLAR ENERGY SYSTEM PHOTOVOLTAIC (PV): A Solar Energy System that produces electricity by the use of semiconductor devices, called photovoltaic cells, which generate electricity when exposed to sunlight. A PV system may be roof mounted, ground-mounted, or pole-mounted.

SOLAR ENERGY SYSTEM, ROOF-MOUNTED: Any Solar Energy System that is mounted on the roof of a building or structure; may be of any size (small-, medium- or large-scale).

SOLAR ENERGY SYSTEM, SMALL-SCALE: A Solar Energy System which occupies no more than 1,750 square feet or less of surface area; surface area shall be measured by the total surface area of the solar collector at maximum tilt to the vertical that occupies a given space or mounting surface, also referred to as the projected area of the array. See Figure VI-C.1 for an example of measuring surface area.

SOLAR THERMAL SYSTEM (Solar Hot Water or Solar Heating Systems): A Solar Energy System that directly heats water or other liquid, or air, using sunlight.

TILT: The angle of the solar panels and/or solar collector relative to the vertical. Adjustable-tilt Solar Energy Systems can be manually or automatically adjusted throughout the year. Alternatively, fixed-tilt systems remain at a static tilt year-round.

Article 19.11 Validity and Severability

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

APPENDIX A HISTORIC BUILDINGS AND LOCATIONS

HISTORIC BUILDINGS AND SITES CORNISH – 1990

(Source: Planning Committee)

Cornish Historical District #1 –Starting at west side of village and following Route 25 east to Grange Hall Road – including the triangle enclosed by High Road, Main Street & Fiddle Lane

***** Non-residential buildings

	STREET ADDRESS	**MAP & LOT**	**HISTORIC SIGNIFICANCE**	**ADDITIONAL INFO**
1	81 Maple St	U02-003	Humphrey Ayer (pre-1872)	
2	79 Maple St	U02-004	Henry Merrill (pre-1872)	
3	77 Maple St	U02-005	Ervin Pike	Philip Hubbard's store–High Rd
4	63 Maple St	U02-009	Joseph Thompson (ca. 1782)	1st house in village-moved to present site
5	53 Maple St	U02-011	Otis Banks (pre-1872)	2 houses-moved from High Rd
6	49 Maple St	U02-012	Clark Cole (ca. 1850)	
7	45 Maple St	U02-013	Hannah Kimball (pre-1856)	
8	37 Maple St	U02-015	John Wedgewood (pre-1872)	
9	33 Maple St	U02-016	William Pease (pre-1872)	Moved from Towle's Hill
10	31 Maple St	U02-018	Edward Gurney (pre-1872)	
11	27 Maple St	U02-019	Reuben Small (pre-1875)	
12	21 Maple St	U02-021	Irvin Farnham	Barn was M.E. Parsonage brought down from High Rd
*13	17 Maple St	U02-022	Pike Memorial Hall	
14	14 Norton St	U02-024	Tristram Storer (pre-1872)	Moved from L.F. Pike property, ca. 1881
15	12 Norton St	U02-025	Willis Norton (ca. 1872)	Built in Baldwin-moved up from frozen Saco River to present site.
18	18 Main St	U03-006	I.N. Brackett Co. (pre-1836)	Refaced ca. 1928
*19	20 Main St.	U03-008	George Milliken (1870's)	
20	26 Main St	U03-011	Robie Blake (1874)	
21	28 Main St	U03-012	Partridge Hardware (1870's)	
*22	30 Main St	U03-015	Cotton Lincoln (1820)	
23	4 Bridge St	U03-016	W.B. Pike (pre-1870)	An apothecary shop
24	6 Bridge St	U03-017	Horace Pike (pre-1877)	
*25	36 Main St	U03-026	Bonney Mem. Library (1929)	
26	40 Main St	U03-027	Bryant Bradley (pre-1872)	
27	44 Main St	U03-028	Freeman Hatch (1872)	
28	48 Main St	U03-029	Samuel C. Knight (pre-1856)	
29	52 Main St	U03-030	Robie Blake (pre-1872)	
30	66 Main St	U04-001	George Adams (pre-1872)	
31	68 Main St	U04-002	William B. Pike (pre-1872)	Moved from High Rd
32	74 Main St	U04-003	James M. Ayer (pre-1872)	Moved from High Rd
33	90 Main St	U04-007	Adoniram Ricker	
34	96 Main St	U04-008	George Parker (pre-1890)	
35	100 Main St	U04-009	Church Parsonage	

Southside – east to west:

	STREET ADDRESS	MAP & LOT	HISTORIC SIGNIFICANCE	ADDITIONAL INFO
36	105 Main St	U04-017	Frederick Meserve(pre-1892)	
37	101 Main St	U04-018	Philip Small (pre-1838)	Moved from 40 Main St site
38	95 Main St	U04-019	G.W. Batchelder (pre-1872)	
39	89 Main St	U04-020	Ezra B. Pike (pre-1872)	
40	85 Main St	U04-021	Cyrus G. Marr (pre-1872)	Moved from High Rd
41	81 Main St	U04-022	Joshua D. Small (pre-1872)	Moved from Towle's Hill
42	77 Main St	U04-023		
43	71 Main St	U04-024	F.W.B. Parsonage (pre-1856)	
45	55 Main St	U04-027	Joshua Knight (pre-1856)	Moved from High Rd
46	51 Main St	U03-031	Albion Stone (pre-1872)	Antique shop
47	47 Main St	U03-034	Gilbert Chase (pre-1872)	
48	43 Main St	U03-035	Mary Storer (pre-1872)	
*49	39 Main St	U03-036	Preston Durgin (pre-1856)	Church Parsonage
*50	37 Main St	U03-037	Methodist-Episcopal Church	c. 1843
51	35 Main St	U03-038	(pre-1894)	
52	33 Main St	U03-039	Maxima Newspaper pre-1872	Moved from 40 Main St
*53	2 High Rd	U03-040	Cotton Lincoln (ca. 1816)	
54	6 High Rd	U03-041	Royal Lincoln (1809)	
*55	10 High Rd	U03-042	Odd Fellows Hall (1900)	
56	14 High Rd	U03-044	Albert G O'Brion (pre-1872)	
57	18 High Rd	U03-045	J Fulton Jameson (1883)	
58	22 High Rd	U03-046	Benjamin Thompson	(pre-1856)
59	5 Fiddle Ln	U03-073	James Haley (pre-1900)	
60	3 Main St	U03-071	Caleb R. Ayer (pre-1856)	
61	13 Main St	U03-070	Calvin F. Bonney (pre-1854)	
62	15 Main St	U03-069	Ayer/Clifford Law Office	(pre-1856)
*63	19 Main St	U03-068	Jameson's Store (ca. 1865)	
64	17 High Rd	U03-067	George F Clifford (1874)	
*65	1 Main St	U03-077	Cornish Fire Station	
66	6 Maple St	U02-029	George Weeks (pre-1890)	
67	8 Maple St	U02-031		
68	16 Maple St	U02-032	Leroy F Pike (ca. 1882)	
69	20 Maple St	U02-033	James L Otis (pre-1856)	
70	24 Maple St	U02-034	Lorenzo Stackpole	(pre-1856)
71	28 Maple St	U02-035	Eunice Ham (pre-1856)	
72	32 Maple St	U02-036	E.B. Cole (pre-1854)	Moved from Towle's Hill
73	36 Maple St	U02-037	Richard F Warren (pre-1854)	
74	38 Maple St	U02-038	Freeman Hatch (pre-1854)	
*75	44 Maple St	U02-040	Amos Danforth (1879)	Fireman's Hall
76	48 Maple St	U02-041	Edward Boynton, Jr.	(pre-1872)
77	56 Maple St	U02-055	Syvester Boynton (pre-1872)	
78	68 Maple St	U02-056	John L Page (pre-1872)	Moved from 9 Maple St
79	70 Maple St	U02-057		
80	82 Maple St	U02-059	William H Warren	(pre-1872)

Cornish Historical District #2 – Old High Road

East to west:

	STREET ADDRESS	MAP & LOT	HISTORIC SIGNIFICANCE	ADDITIONAL INFO
81	69 Old High Rd	R01-026	Samuel Boynton (pre-1794)	
82	141 Old High Rd	R01-032	John F Smith (pre-1860)	
83	161 Old High Rd	R01-033	Theophilus Smith (pre-1792)	

Cornish Historical District #3 – Towles Hill

East to west:

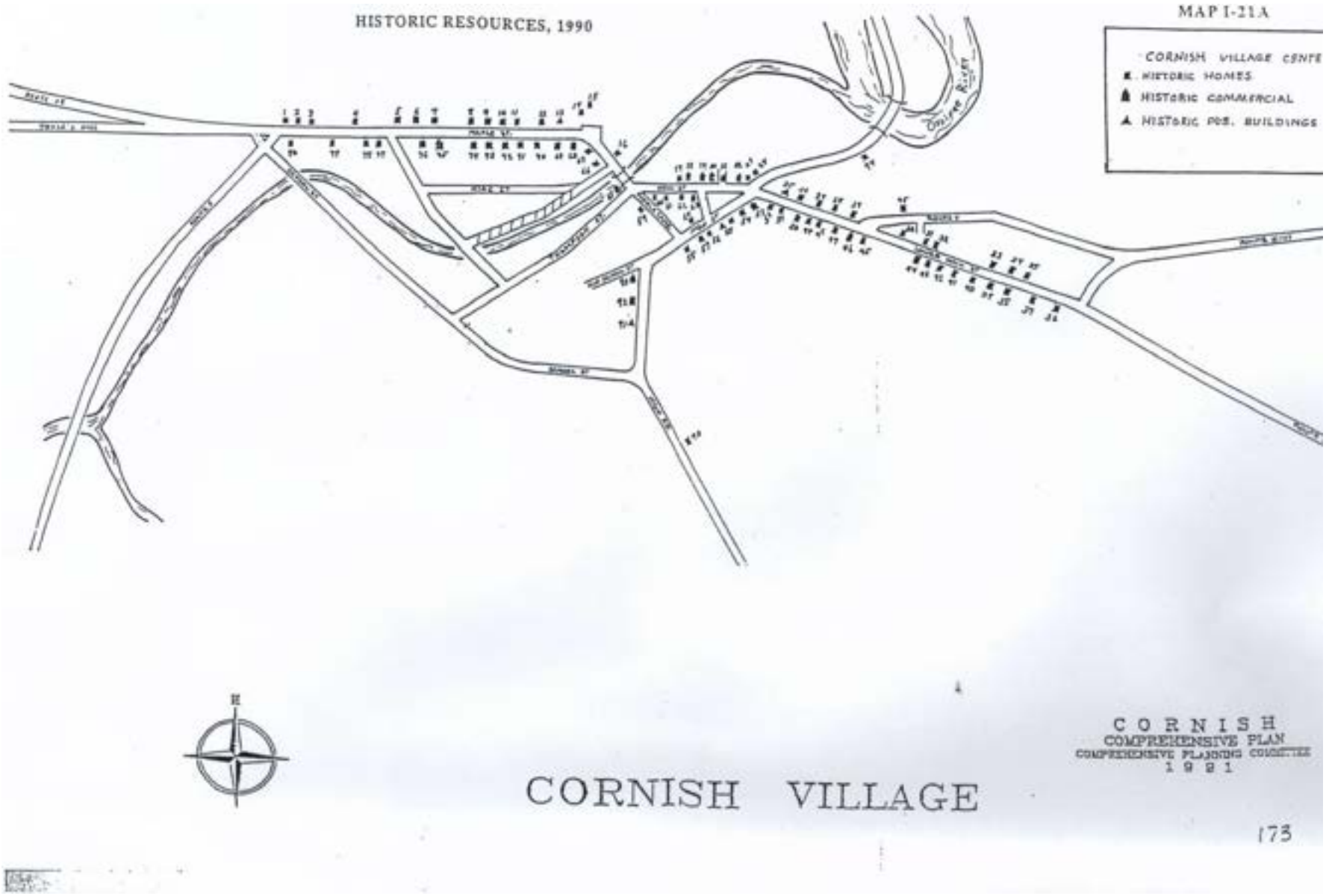
	STREET ADDRESS	MAP & LOT	HISTORIC SIGNIFICANCE	ADDITIONAL INFO
84	92 Towles Hill Rd	R01-010	Noah W Barker (pre-1878)	
85	152 Towles Hill Rd	R01-010	David C Pike (1909)	
87	172 Towles Hill Rd	R01-010	David C Pike (1909)	
88	165 Towles Hill Rd	R01-010A	Noah Barker	

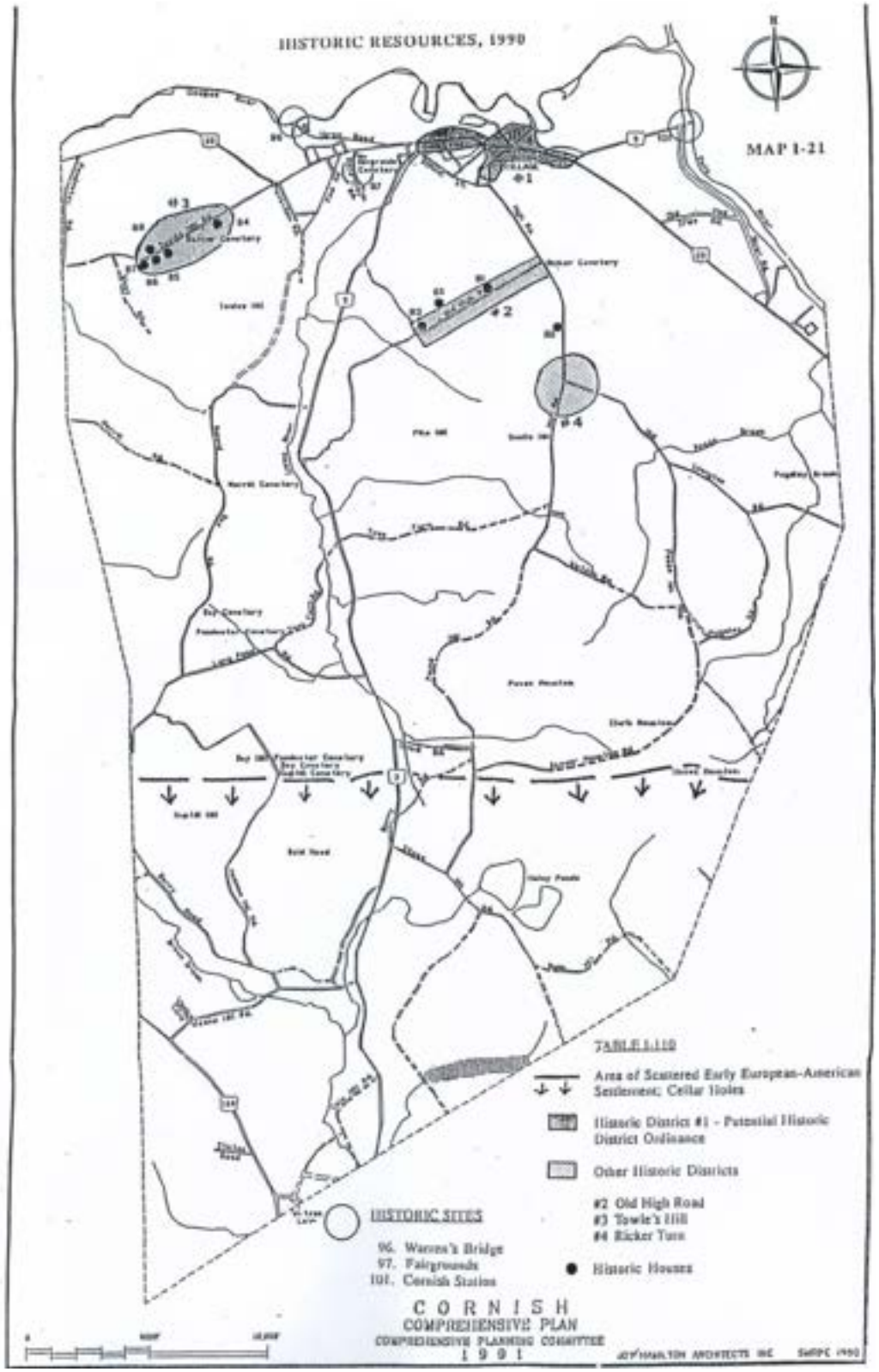
Historic Buildings/Residences Outside Designated Historic Districts

	STREET ADDRESS	MAP & LOT	HISTORIC SIGNIFICANCE	ADDITIONAL INFO
89	227 High Rd	R02-014	Ebenezer Barker (pre-1800)	Burnt 2000, re-built 2001
90	98 High Rd	R02-002	Benjamin Storer (pre-1800)	
*91	43 High Rd	U03-058	Congregational Church 1842	Moved from High Rd 1858
92	39 High Rd	U03-059		Rev. Albert Cole ca. 1858
93	31 High Rd	U03-060	Church Vestry ca. 1858	
94	19 Bridge St	U03-024	J.W. Partridge (pre-1872)	Moved from High Rd
95	12 Cumberland St	U04-028	W.W. Thompson (pre-1805)	2nd oldest house in village – ell is the old Jewett School from High Rd

Historic Sites

		HISTORIC SIGNIFICANCE
96	Warren's Bridge	So. Hiram Rd over Ossipee Trail
97	Fairgrounds	Map U01-021C, Fairgrounds Drive
98	Mill Pond Bridge	Main St over Little River
99	Eagle Mill Site	At Mill Pond, site over bridge adjacent to 2 Main St
100	Bridge Street Bridge	Townline Cornish-Hiram
101	Cornish Station	Cumberland St Bridge over Saco River to Central ME Railroad on Baldwin side


HISTORIC RESOURCES, 1990
MAP I-21A
CORNISH VILLAGE CENTE
HISTORIC HOMES
HISTORIC COMMERCIAL
HISTORIC PUB. BUILDINGS
CORNISH
COMPREHENSIVE PLAN
COMPREHENSIVE PLANNING COMMITTEE
1 9 9 1
CORNISH VILLAGE
173


HISTORIC RESOURCES, 1990
MAP I-21
#1
#2
#3
#4
TABLE I.110
Area of Scattered Early European-American Settlement; Cellar Holes
Historic District #1 - Potential Historic District Ordinance
Other Historic Districts
#2 Old High Road
#3 Towle's Hill
#4 Ricker Turn
Historic Houses
HISTORIC SITES
96. Warren's Bridge
97. Fairgrounds
101. Cornish Station
CORNISH
COMPREHENSIVE PLAN
COMPREHENSIVE PLANNING COMMITTEE
1991

APPENDIX B CORNISH SEWER SYSTEM

APPENDIX D: CORNISH SEWER SYSTEM

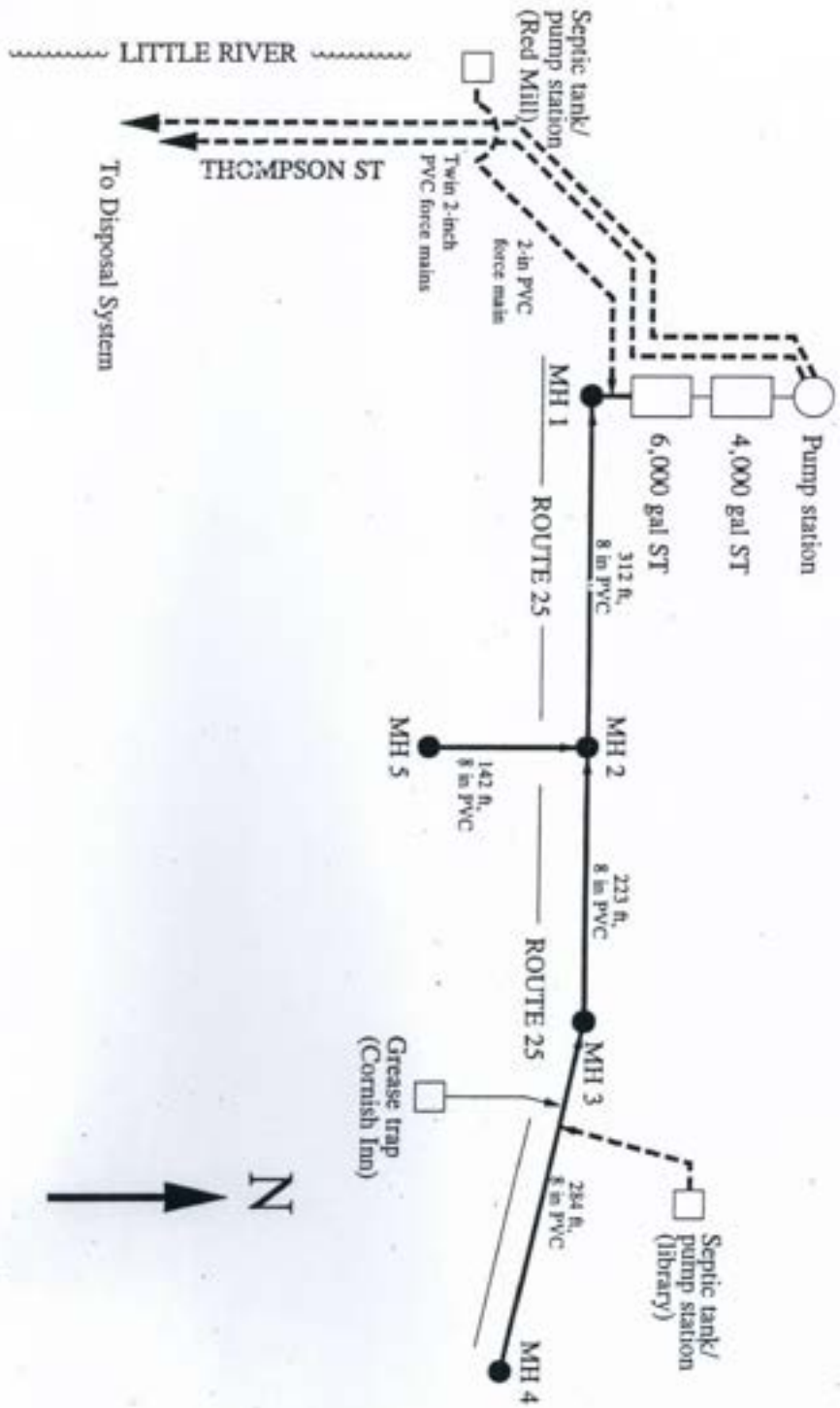
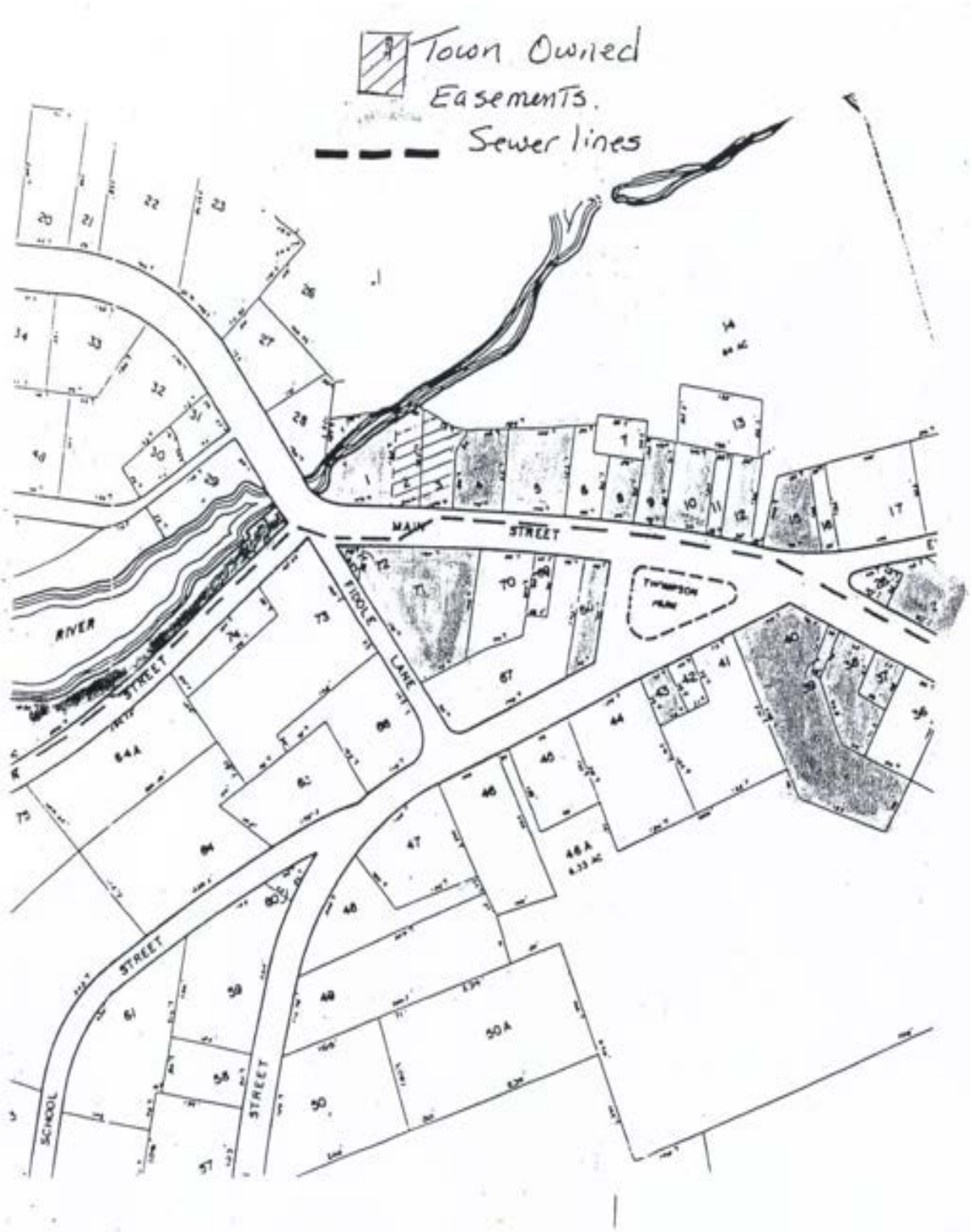


FIGURE 1. SCHEMATIC DIAGRAM OF THE CORNISH SEWER SYSTEM

STREET
ROUTE 25
KING STREET
LITTLE
RIVER
BRIDGE
ROAD
Disposal Site
LITTLE RIVER
THOMPSON
THOMPSON ST.
SCHOOL
STREET



CORNISH SEWER SYSTEM

TABLE B.1 BUILDINGS SERVED BY CORNISH SEWER SYSTEM			
Lot No. from tax map	Description	Basis of Flow Estimate	Design Flow gpd
1	Single family residential & restaurant 2 employees 3 BR	 15 gpd/ person 90 gpd/BR	 30 270 300
4	Single family residential 3 BR	 90 gpd/BR	 270
5	(Vacant Lot 2011)	90 gpd/BR	720
8	Retail and residential Retail (2): 4 employees max 1 BR down Potential for 2 BR upstairs	 15 gpd/person 90 gpd/BR 90 gpd/BR	 60 90 180 330
9	Office, retail, & potential Residential Office & retail: 4 employees max Potential for one 2-BR apt	 15 gpd/person 90 gpd/BR	 60 180 240
10	Retail 3 employees max.	 15 gpd/person	 45
11	Retail & residential Store – 2 employees Apt – 1BR	 15 gpd/person 90 gpd/BR	 30 90 120
12	Retail & potential residential 14 seat ice cream parlor One 2 BR apt	 15 gpd/seat 90 gpd/BR	 210 180 390
15	Retail 3 employees max.	 15 gpd/person	 45
26	Library 20 seats	 5 gpd/seat	 100
27	Residential (former Carriage Inn) 9 BR	 90 gpd/BR	 810
37	Church		150
38	Single family residential 5 BR	 90 gpd/BR	 450
39	Single family residential 1 BR	 90 gpd/BR	 90

TABLE B.1 (cont'd) BUILDINGS SERVED BY CORNISH SEWER SYSTEM			
40	Hotel 15 rooms Dining room 32 seats (breakfast, dinner) Residential 4 BR	 50 gpd/room 20 gpd/seat 90 gpd/BR	 750 640 360 1,750
43	Odd Fellows Hall		150
68	Retail – Antique store 3 employees max. Potential for one 2 BR apt (i)	 15 gpd/person 90 gpd/BR	 45 180 225
71	Residential 5 BR existing	 90 gpd/BR	 450
77	Retail – Gift shop	15 gpd/person	75
TOTAL			6,710