

PORTER LAND USE ORDINANCE

2020 PROPOSED AMENDMENTS to the Town of Porter Land Use Ordinance
September 16, 2020 Public Hearing

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Comment [PB1]: Clarified the Shoreland intent of this section – Standard road and driveway information is in Article 10 Section 10.15 of the Subdivision Regulations

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5.4 Automobile Graveyards ~~and~~ Junkyards, or Recycling

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Comment [PB3]: Clarifying the permitting process and utility authorizations in Porter

ARTICLE 1. GENERAL PROVISIONS

1.7 Validity and Amendments.

B. The Board shall submit a written recommendation within (30) business days following the public hearing regarding passage to the Municipal Officers ~~and Legislative Body~~ prior to any action on the amendment by the Municipal Officers.

Comment [PB4]: Municipal officers write the warrant, not the Planning Board. PB recommends to the Municipal Officers FOR the legislative body to support a recommended change. Municipal Officers can include the PB recommendations in discussion and townspeople vote.

C. The Municipal Officers shall hold a public hearing on the proposed amendment ~~within forty five (45) business days of receipt of petition or Municipal Officer amendment(s), or, within thirty (30) business days of receipt of the Planning Board written recommendation(s), if the amendment(s) are proposed by the Planning Board.~~

Comment [PB5]: A conflict was removed. Any petition, officer recommendation, or planning board initiated land use amendments are reviewed by the planning board and a recommendation is provided to the municipal officers for townspeople to support and either vote or deny.

D. Amendments affecting Shoreland Zoning ~~and Land Use~~ may be amended by a majority vote of the legislative body.

Comment [PB6]: Clarification, in the past Porter combined its land use with Shoreland into one document, applying Shoreland laws in areas with no shoreland.

ARTICLE II. NON-CONFORMING SITUATIONS

2.3 Non-Conforming Structures.

A. **Reconstruction or Replacement.** If a non-conforming structure is destroyed by fire or other involuntary action, it may be replaced as close to the lot line ~~(outside of Shoreland)~~ as the original structure provided that a permit is obtained within **eighteen (18)** months of the date of said damage, destruction, or removal. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

Comment [PB7]: Requirements in Shoreland are more stringent (1 year). 18 months acknowledges socio-economic conditions and impacts more effectively for the majority of the town that is not in Shoreland.

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ARTICLE III. DISTRICTS AND DIMENSIONAL REQUIREMENTS

3.2. Table – Dimensional Standards (below)

3.2. (TABLE) - Dimensional Standards	Village District	Rural District	Shoreland Zones			General Development
			Shoreland Limited Residential	Stream Protection	Resource Protection	
Minimum Street and/or Shore Frontage (FT)				Select Appropriate District (Village, Rural, or General Development)		
On a street (E)	100 75 (Note E)	300 (Note E, H)	300 (Note E)	NA	(Note A)	100 (Note E)
Minimum Setbacks (FT) - ***See the CEO to establish the Right-of-Way in which the setback is measured from				Select Appropriate District (Village, Rural, or General Development)		
Front (Note G)	25 40 (C, D)	25 50 (C)	25 50 (C, D)	NA	(Note A)	50

Comment [PB8]: Porter does not have accessible records indicating the legal right-of-ways or easements for roughly 45% of the roads it maintains. Setback measurements should be from the centerline of boundaries or centerline of roadway (when boundaries are not evident)

Comment [PB9]: The 20' village setback coordinates with multi-family dwelling ordinances and subdivision regulations, and assists in the retention of our historically notable building, village settings. Village lot acreage was reduced by 30% in October 2019, but frontage was not properly calibrated for this reduction - correction

Comment [PB10]: Note H describes local regulations for an efficient accessory dwelling in rural areas to assist upward mobility, aging in place, and housing support for those in transition, while not encouraging unrestrained sprawl and density increases. Two laws were signed in 2019 that support these purposes (LD970 and LD301)

Footnotes to Table of Dimensional Standards.

- C. Within Porter Town Tax Maps U-1, U-2, U-4, U-5, U-7, U-8, where a proposed structure is abutted on both sides by existing structures whose setbacks from the road right-of-way centerline are less than ~~twenty five (25)~~ **fifty (50)** feet, the setback of the proposed structure may be reduced to that of the abutting structures.
- E. New lots which abut a public or private street as defined by this Ordinance, over which the public has an easement of travel, shall have a minimum road frontage as specified in **Article III Table 3.2**, unless ~~over equal to or greater than~~ **ten (10)** acres in area.
- G. ***~~The setbacks are measured from the Right-of-Way, c~~ Contact the town CEO to determine the right-of-way and required setbacks at the proposed development.
- H. One detached or attached accessory dwelling unit is permitted on a parcel with a minimum of 2.5 acres and four hundred (450) feet in road frontage in the rural district, between 300 SF and 400 SF in ground floor footprint, with a compliant subsurface wastewater disposal system approved by the LPI. The accessory dwelling unit shall provide for only one bedroom, provide one additional parking space to the primary dwelling, and have a maximum occupancy of one person. The dwelling unit may be detached if it is secured to a foundation and has a compliant subsurface wastewater disposal system (HHE-200) approved by the LPI. If it is attached to the primary dwelling, it must consist of less than 400 SF of ground floor footprint or 35% of the primary dwelling ground floor, whichever is less. The septic design for the primary dwelling shall be adequate to support an attached accessory dwelling by a site evaluator and be approved by the LPI. Any accessory dwelling unit under 400 SF shall be built to current State building codes for Tiny Homes.

Comment [PB11]: Porter does not have accessible records indicating the legal right-of-ways or easements for roughly 45% of the roads it maintains. Setback measurements should be from the centerline of boundaries or centerline of roadway (when boundaries are not evident)

Comment [PB12]: Adjusted to include a common increment.

Comment [PB13]: Porter does not have accessible records indicating the legal right-of-ways or easements for roughly 45% of the roads it maintains. Setback measurements should be from the centerline of boundaries or centerline of roadway (when boundaries are not evident)

Comment [PB14]: This proposal works with the intent of the State regarding accessory dwellings and aging in place, while not sacrificing density goals – LD301 and LD970

3.3 General Requirements.

The following general requirements apply to all Districts.

B. Multiple Principal Buildings

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If more than one dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is to be constructed or established on a single parcel of land, dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

Exception: Reference Article III Section 3.2 Dimensional Standards – Footnote “H” for accessory dwellings.

Comment [PB15]: Accounts for LD 301 and LD 970 laws signed in 2019 to support upward mobility and aging in place.

C. Accessory buildings [excluding dwellings] shall be set back at least **ten (10)** feet from the side and rear lot lines in the Village District, **twenty (20)** feet in all other districts, unless noted otherwise to protect water sources, or as required for uses specified in Article V uses (Reference **Article IV Section 4.2 - Landscape Buffers & Screening** requirements for specific uses). Front road setback is 35 feet from the centerline of right-of-way boundaries, or from roadway centerline when right-of-way boundaries do not exist.

Comment [PB16]: Accessory Dwellings have the same setbacks as primary dwellings.

D. Farmstands (as defined in **Article III Section 3.2 and Article VIII Section 8.2 Definitions**) that are less than **one hundred twenty (100120)** square feet may be placed no less than ~~ten (10)~~ **thirty-five (35)** feet from ~~a~~ right-of-way—the centerline of right-of-way boundaries, or from roadway centerline when right-of-way boundaries do not exist.

Comment [PB17]: Porter does not have accessible records indicating the legal right-of-ways or easements for roughly 45% of the roads it maintains. Setback measurements should be from the centerline of boundaries or centerline of roadway (when boundaries are not evident)

F. Reference the **Town of Porter Building Code** for “Pools”
Swimming Pools
A swimming pool is an accessory structure requiring a permit and conforming to the screening and buffering measures in Article IV. All electrical services to the pool are to be protected by a ground fault circuit interrupter.

Comment [PB18]: One of the more common and prevalent sizes utilized from regional builders. The current size would defeat the intent of reducing overhead and cost-of-living burdens. Inspection and approval still apply. Addresses that 45% of town maintained roads do not have legal right-of-ways determined or accessible in town office records.

J. **Building Height of a Structure**
 A building structure may not exceed **thirty five (35)** feet in height as defined by this ordinance. Features of buildings and structures, such as cupolas, chimneys, towers, ventilators, and spires may exceed **thirty five (35)** feet in height, but shall be set back from the nearest lot line a distance not less than the height of such features or structure, unless a greater setback is required by other provisions of this ordinance.

Comment [PB19]: Porter does not have accessible records indicating the legal right-of-ways or easements for roughly 45% of the roads it maintains. Setback measurements should be from the centerline of boundaries or centerline of roadway (when boundaries are not evident)

Comment [PB20]: Clarification of swimming pool permitting under this Land Use Ordinance.

Comment [PB21]: Definition of building is limiting, “structure” is more appropriate based on prior ordinance definitions.

3.4 Uses Permitted.

The following uses are permitted in the designated land use districts, supported by the **Comprehensive Plan**, and subject to the standards of this Ordinance, as applicable:

Type of Use ¹	Notes	Villages	Rural	Shoreland Limited Residential Other ¹	Shoreland Limited Residential Great Ponds ¹	Shoreland District-Stream Protection ¹	Resource Protection ¹	General Development
<u>Accessory Dwelling</u>	<u>See Footnote H Section 3.2</u>	-	C	-	-	-	-	-
Agriculture (>10 acres tilled or grazed)		P	P	P	P	P	P	P
Antique stores		P	P	P	P	-	-	-
Automobile graveyard <u>and</u> junkyard <u>or</u> recycling		-	-	-	-	-	-	P

Comment [PB22]: State Law in 2019 introduced defining an accessory dwelling unit – LD970. The proposed district, definition, and parking requirements support State laws providing for upward mobility and aging in place (LD301), while not sacrificing density goals or subjecting the town to unrestrained speculation.

Comment [PB23]: MEDEP requires this be prohibited.

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<u>Building, Renovation, Expansion, Demolition, or Relocation of Structures</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>d</u>
Farm produce stands (< <u>100-120 SF</u>)		A ⁹	A ⁹	A ⁹	A ⁹	A ⁹	A ⁹	A ⁹
Garden Nursery, Garden Supply, and/or Grain and Feed Store		P	P	<u>P</u>	<u>P</u>	-	-	P
Ground and Spring Water Extraction (2k-10 GPD)		C	C	<u>C</u>	<u>C</u>			C
Ground and Spring Water Extraction (10k-20k GPD)		P	P	<u>P</u>	<u>P</u>			P
Hotels/Motels/Inns		P	-	<u>P</u>	<u>P</u>	-	-	-
Multi unit residential (> <u>3</u>)	Principal Structure & Uses	P	-	P	-	-	-	-
Neighborhood grocery and convenience stores		P	P	P	<u>P</u>	-	-	-
One and two to three family residential	Principal Structure & Uses	C	C	C	C	P	P	-
Restaurants (e.g. Café-Tea Shoppe-Bakery)		P	P	<u>P</u>	<u>P</u>	-	-	P
Structures accessory to allowed uses (< 400SF <u>120SF</u>)		A ⁹	A ⁹	A ⁹	A ⁹	A ⁹	A ⁹	A ⁹
Structure accessory to allowed uses (> 400-120 SF , excluding Article VI Section 6.5.D.6 and 6.5.D.9)		C	C	C	C	C	C	C
Wireless Communication Towers, and Antennas		-	-	-	-	-	<u>P</u>	<u>P</u>

Comment [PB24]: Clarification of Article VI

Comment [PB25]: MEDEP requires these be prohibited.

Comment [PB26]: MEDEP requires this be prohibited.

Comment [PB27]: MEDEP requires these be prohibited.

Comment [PB28]: 120 SF is one of the more common sizes utilized and 100 SF would defeat the intent of the regulations to reduce overhead and cost of living burdens

Comment [PB29]: MEDEP requires this be prohibited.

ARTICLE IV. PERFORMANCE STANDARDS - GENERAL REQUIREMENTS

4.1 Applicability and Purpose.

The purposes of these standards are to implement the *Comprehensive Plan*, including, but not limited to: improving municipal operational efficiency, encouraging depressed village areas and abandoned structures to be economically viable, promoting an environment that supports local employment and economic well-being for the community, facilitating the use of greenhouses, farm stands, farmer’s markets, and community gardens, and allowing for the retention and restoration of farmlands and orchards, and forests, to balance the rights of land owners to use their land with the rights of abutting land owners and the general public, and to protect the public health, safety, and welfare.

Comment [PB30]: clarification

Comment [PB31]: accidentally omitted

4.2 Standards.

A. Access Control and Traffic Impacts.

1. Shall provide safe access.

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If the proposed new access serves a proposed new building or structure, the Land Use Permit for the new access shall be obtained prior to the issuance of the Land Use ~~or Building~~ Permit for the new building or structure.

Comment [PB32]: Clarifying necessary inspection process.

~~a. A separate Land Use Permit from the Code Enforcement Officer shall be required for any new access onto a public or private road (e.g. Driveway Permit), pursuant to Article III Section 3.4 of this Ordinance (See also Section 4.2 A – Access Control and Traffic Impacts), prior to the creation of an E911 address or any other permitting approvals or authorizations for the property.~~

Comment [PB33]: Reaffirms the necessary process.

~~b. ALL new curbcuts/driveways onto Route 25 (Ossipee Trail) or Route 160 (Brownfield Road) require a State Driveway Permit approved through the MEDOT (in addition to local permitting), and shall be provided to the Planning Board, CEO, or designee prior the creation of an E911 address or any other permitting approvals or authorizations for the property.~~

Comment [PB34]: A necessary clarification to enforce state law – the MEDOT relies on municipalities to educate and enforce.

~~EXCEPTION: Land uses reviewed by the CEO include the local access permitting.~~

Comment [PB35]: Addresses a prohibitive conflict in the ordinance, double fee for two of the most simple and common studies/uses.

5. **Slope, intersection angle and Grade.** ~~Comply with the Performance and Design Standards of the Town of Porter Subdivision Regulation~~

~~a. Driveways may not have an average slope in excess of 8% within one hundred (100) feet of the point of intersection of a public road.~~

~~a. The angle of intersection between the driveway and the public road shall be 75-90 degrees, but no less than 75%.~~

~~a. The maximum grade within seventy five (75) feet of an intersection is 3%.~~

Comment [PB36]: Uncoordinated and difficult to manage – all design guidelines should be under one regulation.

6. **Roads shall have carrying capacity.**

~~Comply with the Performance and Design Standards of the Town of Porter Subdivision Regulation Article 10 Section 10.15. No development may reduce the road's current Level of Service to "D" or below.~~

9. **Sight distance.**

~~a. All driveways shall be designed in profile and grading, and located, so as to provide site distance per Town of Porter Subdivision Regulations – Article 10 Section 10.15 Performance and Design Guidelines. the ten (10) feet of sight distance for every mile per hour of posted speed. If the public road is not posted, the maximum speed is assumed to be 45 M.P.H. for any municipal road providing a minimum of twenty two (22) feet in overall width (shoulders & pavement). The sight distance measurements shall be from the driver's seat of a vehicle standing on that portion of the driveway with the front of the vehicle a minimum of ten (10) feet behind the curb line or edge of shoulder, with the height of the eye three feet six inches (3.5 feet) to the top of an object four feet three inches (4.25 feet) above the pavement.~~

~~b. If the required minimum existing town road construction is not met, t~~The Planning Board, CEO, or its designee may reduce the required sight distance up to a maximum of 50% if it can be determined safe access can be achieved. The criteria used may include, but not be limited to, road surface condition, pavement and shoulder width (~~22' out to out minimum~~), alignment (grade (~~8%-11%~~) & superelevation at horizontal curves (~~<1" per foot~~)), cross-slope (~~1/4" per foot~~), traffic volume, and distances to intersections.

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c. ~~Keep all driveway entrances and exists free from visual distraction higher than three (3) feet above street level for a distance of twenty-five (25) feet, measured along the intersecting driveway and street lines, in order to provide visibility for vehicles entering and leaving the premises.~~

Comment [PB37]: Moved from 4.2 C – General requirement

12. Construction materials Standards.

a. ~~A driveway entering onto a curbed road shall be curbed with materials matching the road curbing. Curbing is required around all raised channelization islands and medians. Must comply with the minimum MEDOT traffic design standards.~~

Comment [PB38]: Redundant – moved to subdivision regulation road design section

a. A driveway serving high impact commercial or high impact industrial uses, regardless of driveway volume, ~~should be paved with bituminous concrete pavement over a gravel sub base, or equivalent, at least 6" in thickness, within the road right of way and for a distance of thirty (30) feet from the road right-of-way must comply with Article 10 Section 10.15 of the Town of Porter Subdivision Regulations.~~

Comment [PB39]: Redundant – moved to subdivision regulation road design section

1. Traffic volume of the developments (*ie subdivision, cluster development, mobile home parks, campgrounds, multi-family dwellings, etc.*) or the engineered needs for high impact industrial or commercial uses ~~may require additional structural fill~~ must be in accordance with **Article 10 Section 10.15 of the Town of Porter Subdivision Regulations.**

Comment [PB40]: Redundant – moved to subdivision regulation road design section

2. The driveway and culvert size and location shall be approved by the CEO and Road Commissioner prior to installation.

Comment [PB41]: Prevents errors within the public way and improves municipal access to culverts

3. A vehicular access-way more than **five hundred (500)** feet in length serving two single-family dwellings or one two-family dwelling, or less (*single-family residences*) is defined as a street and must be constructed as outlined in Article 10 Section 10.15 of the Town of Porter Subdivision Regulations.

Comment [DDS42]: Land Use Ordinance Definition - harmonizing definitions.

2. Driveways shall be a minimum of **twelve (12)** feet wide for one or two dwelling units and two feet wider for each additional dwelling unit up to a maximum of **twenty-two (22)** feet.

a. ~~A culvert shall be installed if needed to carry storm water from one side of the driveway to the other side. The size and location of the culvert shall be reviewed by the road commissioner.~~

a. ~~Driveways may either be paved or gravel, depending upon the use. Gravel driveways shall contain at least a 6" combination of base gravel and crushed gravel, or equivalent.~~

Comment [PB43]: Redundant – moved to subdivision regulation road design section

a. 4. Unless specified otherwise, Article 10 Section 10.15 of the Town of Porter Subdivision Regulations are to be referenced for all road construction of subdivided parcels serving more than **two (2)** dwellings within the municipality, regardless of type (*Exempt, multi-family dwelling (3 dwellings), Minor, or Major*).

B. Off-Street Parking and Loading Requirements.

2. No off-street parking facility may have more than **two (2)** entrances and exits on the same street, ~~and no entrance or exit may exceed twenty-six (26) feet in width.~~

Comment [PB44]: Improper location, moved to 4.2 A (Access) and references road design in Article 10 Subdivision Standards.

4. New parking and loading areas for one or two dwelling units or home businesses shall be properly stabilized, graded and compacted to support intended and actual loading, surfaced with a minimum of four (4) inches of bank run sand and gravel covered with two (2) inches of crushed stone, or equivalent.

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To prevent this material from entering the public way, paving or diversion ditching and cross-slope may be needed at entrances and exits.

~~NOTE: Existing gravel parking areas at a minimum are to be stabilized, graded, and compacted to support intended loading.~~

8. Schedule of Minimum Off-Street Parking Requirements:

LAND USE	REQUIRED NUMBER OF SPACES
Automobile graveyard and junkyard, or recycling	1 for every 500 SF of gross use area
Single family residential	2 (See Note A)

~~Note A: Where permitted and when dimensional standards are met for accessory dwellings, one additional parking space shall be provided to the primary dwelling unit parcel.~~

Comment [PB45]: Regulating for additional parking where accessory structures are permitted.

C. Roads ~~and~~ Driveways (In Shoreland).

~~1. New lots as of March 18, 2006, whether or not they are created as part of a subdivision, shall have at least the minimum amount of frontage on a public or private street, as required by Article III Section 3.2.~~

~~a. Keep all driveway entrances and exits free from visual distraction higher than three (3) feet above street level for a distance of twenty five (25) feet, measured along the intersecting driveway and street lines, in order to provide visibility for vehicles entering and leaving the premises.~~

Comment [PB46]: Moved to more relevant general section 4.2A

~~2.1. Roads and Driveways Constructed Within the Shoreland Zone.~~

E. Noise.

1. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any ~~commercial or industrial~~ activity regulated by this Ordinance is listed below.

Comment [PB47]: Non-inclusive of community activities, error, copied from MEDEP regulations.

2. Noise shall be measured per MEDEP 06-096 Chapter 375 Article 10 Control of Noise

50 dBA between ~~68:30 p.m. and 86:30 a.m.~~ (the "nighttime hourly limit")

Comment [PB48]: error

F. Refuse Disposal.

4. Reference *Article VIII Section 8.2 Definitions (Junkyard ~~and~~, Automobile Graveyard, and Litter) and Article V (Automobile Graveyard ~~or~~, Junkyard, or Recycling and ~~A~~ Garage and Yard Sales)* for more specific information regarding the definition and treatment of various forms of refuse.

Comment [PB49]: Added complimentary business and definition

EXCEPTION: An automobile hobbyist must comply with the following requirements:

~~d. Any places where old, discarded, worn-out or junked motor vehicles or parts thereof, are gathered together, kept, deposited or allowed to accumulate, in such manner or in such location or situation either within or without the limits of any highway, as to be unsightly, detracting from the natural scenery or injurious to the comfort and happiness of individuals and the public, and injurious to property rights, are public nuisances.~~

Comment [PB50]: Clarification of types of refuse.

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6. Other articles of salvage or refuse (*See Article VIII Section 8.2 Definitions – Junkyards and Litter*), shall have setbacks and visual screening to provide a visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.

Comment [PB51]: Added definition

8. Littering on private property requires prior written documentation of landowner(s) consent to be on file with the Code Enforcement Office, and the activity shall not create a public nuisance or violate any state law or local rule.

9. Any places where old, discarded, worn-out or junked recreational vehicles, semitrailers, or parts thereof, are gathered together, kept, deposited or allowed to accumulate, in such manner or in such location or situation either within or without the limits of any highway, as to be unsightly, detracting from the natural scenery or injurious to the comfort and happiness of individuals and the public, and injurious to property rights, are public nuisances.

Comment [PB52]: Added state laws and definition

H. Sanitary Standards.

1. All subsurface sewage disposal facilities shall be installed in conformance with the *Maine Subsurface Waste Water Disposal Rules*.

2. ~~, and if~~ located within **two hundred fifty (250) feet** of any water body, with the following:

3. Subsurface Wastewater:

(a) A valid HHE-200 *sub-surface waste water permit application*, including site evaluation approved by the Plumbing Inspector whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system, or

(b) Use of an existing sub-surface waste water system requires the submission of written notification from the Plumbing Inspector that the existing system is adequate for the proposed use or structure.

(c) HHE-204, 233, 234, 236, 238, 300, and 304 submissions may be required, depending on holding tank, variance, or installer provisions for the property.

~~1. Holding tanks designed to receive and retain wastewater from residential or commercial uses are allowed for replacement systems when no other practical alternative exists or for temporary use.~~

~~1. Holding tanks **MAY NOT** be used for seasonal conversions, new systems, or first-time residential use within the Shoreland zone.~~

1. System General Requirements:

~~a. **Replacement system.** The Licensed Plumbing Inspector may approve the permanent use of a holding tank to replace a malfunctioning system or an alternative toilet (*outside of Shoreland Limits*) only when all the following facts have been established:~~

- ~~1. present system poses a threat to water quality, public health, or the environment;~~
- ~~1. repair or alteration of the system is not feasible due to site condition or lot configuration;~~
- ~~1. public sewers or multi-user systems are not available;~~
- ~~1. gray water is discharged to a full-size disposal field or the holding tank;~~
- ~~1. water conservation plumbing fixtures are installed; and~~
- ~~1. a deed covenant is required to warn potential buyers that a holding tank is present.~~

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~~a. Temporary system. Temporary use is authorized during construction of replacement systems, but may not exceed sixty (60) calendar days.~~

~~5. The Licensed Plumbing Inspector may allow a first time system holding tank (outside of Shoreland Limits) when:~~

- ~~a. site conditions, or lot configuration does not allow installation of a disposal area;~~
- ~~a. public sewers or multi-use systems are not available;~~
- ~~a. gray water is discharged to a full-size disposal field or the holding tank;~~
- ~~d. water conservation plumbing fixtures are installed; and~~
- ~~e. a deed covenant is required to warn potential buyers that a holding tank is present.~~

~~6. The requirements of ALL owner of holding tanks are:~~

- ~~a. To maintain the holding tank in conformance with this or any other Ordinance of Porter, the provisions of any applicable law, and any administrative agency of the State of Maine.~~
- ~~a. Retain copies of pumping records for three (3) years to show the Licensed Plumbing Inspector, upon request, that the tanks are being pumped.~~

J. Explosive Materials.

The storage of propane shall meet the current **NFPA requirements**. No LP gas bulk storage in excess of **five four thousand (54,000)** gallons may be located within **one thousand (1,000) two hundred-fifty (250)** feet of a **any** lot line, unless a fire safety analysis in accordance with NFPA 58 is submitted by a qualified person and accepted by the Planning Board.

K. Landscape Buffers and Screening.

Comment [PB53]: Outdated plumbing regulations, not Planning Board responsibility. Applicant must prove adequate system(s) through the LPI.

Comment [PB54]: The amendment removes a loophole and ordinance omission, and acknowledges First responder and water resources, physical protection measures, surrounding occupancies, risk metrics, and local comprehensive planning.

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Use (By Type)	Review & Approval Authority	Required Undeveloped or Safety/ Security Buffer (excludes driveways)	Buffer around Interior Lots, Structures, or between structures/ roads on the Parcel	Continuous Exterior Buffer and/ or fence (Yes/No)	Visual Landscape Buffer Depth at lot/ROW perimeter (Feet)	Visual Buffer Height (Feet)	Central Waste Collection Screen	Height of Central Waste Collection Screen (Feet)	Types of Approved Screening
Pool	CEO	<u>Yes (See General Note), pool (and equipment 20 feet from lot lines and 45 feet from ROW's</u>	Yes (See General Note)	Yes	Yes	<u>6, including secure gate to prevent use</u>	NA	NA	Stockade fence AND a dense evergreen hedge
	<p>General Notes: See Porter Building Code <u>The enclosure shall have no openings larger than four (4) inches in the least dimension and all gates and doors opening through the enclosure shall be equipped with latching devices for keeping the gate or door latched at all times, constructed so as to provide nuisance and safety screening; See also Article III Section 3.3.F General Requirements</u></p>								
Automobile Graveyard/Junkyard/Recycling	P	Yes (See General Note)	NA	Yes	50 <u>100</u>	10 <u>6</u> (min)	Masonry	6	Stockade fence AND a dense evergreen hedge
	<p>General Notes: 500 <u>300</u> feet from any school, waterbody, or dwelling (other than that of the owner or operator of the Automobile Graveyard). <u>No site boundary shall lie closer than three hundred (300) feet from any water body, to include intermittent streams, or private wells. No site boundary shall lie closer than one thousand (1000) feet of a public water source. Comply with M.R.S.A. 30-A Section 3754-A.</u></p>								

Comment [PB55]: Incorporated ordinance language for basic pool protections

Comment [PB56]: Coordination with current state laws

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Minor and Major Subdivisions	P	Yes (See General Note)	NA See Subdivision Regulations Article 10	Yes	& 10	6 (Min)	Wooded or Masonry	6	Evergreen shrubs, trees, fences, walls, landscaped earth berms, or any combination
	General Notes: Additional Buffers may be required per Article 10, Sections 10.6 and 10.13 of the Subdivision Regulations								
Mobile Home Parks (2x Density of existing development, what is permitted in the zoning district, or neighboring land is undeveloped)	P	Yes - 50 FT	15 FT (See General Note)	Yes	25	6 (Min)	Masonry	6	Stockade fence AND a dense evergreen hedge
	General Notes: Structures may not be located less than 15 feet from any boundary lines of an individual interior lot								
Mobile Home Parks (All other conditions)	P	Yes - 50 FT	15 FT (See General Note)	Yes	20	6 (Min)	Masonry	6	Stockade fence AND a dense evergreen hedge
	General Notes: Structures may not be located less than 15 feet from any boundary lines of an individual interior lot								
Multi-Family Dwellings (3)	P	Yes	NA 50	Yes (See General Notes)	10 (See General Notes)	6 (Min)	Masonry	6	Stockade fence AND a dense evergreen hedge
	General Notes: Developed Village District front setbacks (Within Porter Town Tax Maps U01, U02, U03, U04, U05, U06, U07, U08) where an existing structure is abutted on both sides by existing structures with setbacks from the ROW of less than ten (10) feet, a frontline visual landscape buffer is not required.								

Comment [PB57]: Standardizes with subdivision buffering/screening and introduces separation between multiple buildings.

Comment [PB58]: Accounts for village use and retention and addresses unreasonable requirements to re-utilize structures.

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	P	Yes (See General Note)	Yes (See General Note)	Yes	150	10	Masonry	6	Stockade fence AND a dense evergreen hedge
Tire Storage & Disposal	<p>General Notes: *There shall be a minimum one hundred fifty (150) foot buffer strip between the site boundaries and other property boundaries, wells and springs. A strip fifty (50) feet wide cleared to mineral soil shall be constructed and maintained on all sides of the tire pile. All grass, weeds, slash, brush and debris shall be removed for a distance of one hundred (100) feet in all directions outside the cleared mineral soil strip; trees need not be removed, except that green branches of conifers and dead branches of all trees shall be pruned to a height of ten (10) feet above the ground; dead snags of all trees shall be removed. No site boundary shall lie closer than three hundred (300) feet from any water body, to include intermittent streams <u>or private wells. No site boundary shall lie closer than one thousand (1000) feet of a public water source.</u></p>								

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O. Other Regulations Apply.

NOTE-Assure that the requirements of Article II, Article III, Article IV Sections 4.2 B, C, D, E, I, J, K, O, P, and Q, and Article V are met for Subdivision-subdivisions Reviews.

Comment [PB59]: Clarification

Uses such as Article V Sections 5.7, 5.10, 5.11, 5.19, and 5.22 may require a General Construction Permit from the Maine State Fire Marshall's Office.

P. Signs.

The standards and requirements for signs as stated in this section take precedence over all other references to signs in this Ordinance (See *Signage Reference Chart and key below*).

SIGNAGE REFERENCE CHART (Sign Type-Use)	MAX # of signs permitted	Allowed	Permit Required	Max face SF (side)	Max SF (Within Shoreland Zone)	Days up Prior to Event/Sale	Days up After Event/Sale	Maximum Sign is Up (Days)	Mounted or Freestanding	# of Times Per Year	Height to Top of Sign (FT)
Special Commercial Sales (Temporary)	n/a	Yes	Yes - CEO	16	In SLR, shall not exceed two (2), (16) square feet signs per premises.	Up to 10 Days	2	10 12	n/a	12	n/a

Q. Solar Consideration.

- 3. Projects designed for commercial generation of power must comply with structure setback requirements in the Shoreland and zoning districts where they are allowed. In no case may the system be located less than fifty (50) feet from the normal high water line.
- 5. Lot coverage requirements of this Ordinance do not apply to solar energy systems except in Shoreland districts.

Comment [PB60]: MEDEP correction

Comment [PB61]: MEDEP correction

S. Land Uses and Activities in the Resource Protection District and All Shoreland Areas.

10. Photographic record required. An applicant for permit(s) for development within the Shoreland zone is to provide the municipal permitting authority preconstruction photographs and, no later than twenty (20) days after completion of development, postconstruction photographs of the shoreline vegetation and development site.

Comment [PB62]: State Law 2019

T. Clearing or Removal of Vegetation in a Shoreland Zone for Activities Other Than Timber Harvesting.

- 5. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation are regulated under the provisions of this section.
- 6. Photographic record required. An applicant for permit(s) for development within the Shoreland zone is to provide the municipal permitting authority preconstruction photographs and, no later than twenty (20) days after completion of development, postconstruction photographs of the shoreline vegetation and development site.

Comment [PB63]: State Law 2019

U. Essential Services in the Shoreland Zone.

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4. **Photographic record required.** An applicant for permit(s) for development within the Shoreland zone is to provide the municipal permitting authority preconstruction photographs and, no later than twenty (20) days after completion of development, postconstruction photographs of the shoreline vegetation and development site.

Comment [PB64]: State Law 2019

W. Revegetation Requirements within Shoreland.

7. **Photographic record required.** An applicant for permit(s) for development within the Shoreland zone is to provide the municipal permitting authority preconstruction photographs and, no later than twenty (20) days after completion of development, postconstruction photographs of the shoreline vegetation and development site.

Comment [PB65]: State Law 2019

ARTICLE V. PERFORMANCE STANDARDS - SPECIFIC ACTIVITIES AND LAND USES

The following performance standards apply to specific activities and land uses as intended in the Comprehensive Plan, **to improve municipal operational efficiency, promote an environment that supports local employment and economic well-being, and allows for the retention and restoration of farmlands, orchards, and forests,** to balance the rights of land owners to use their land with the rights of abutting land owners and the general public, and to protect the public health, safety, and welfare.

Comment [PB66]: Duplicated from Article IV to clarify

5.2 Agriculture.

H. ~~One to Two (1-2)~~ Animal Unit Equivalent ~~Units~~ per acre of land (~~AEU's/AUE's/Acre~~) that is to be utilized for housing, exercising, and pasturing of animals is recommended **to be 1 AUE for the village district and 2 AUE for Rural or General Development Districts.**

Comment [PB67]: Definition of density by district provided

5.3 Animal Husbandry.

M. ~~One to Two (1-2)~~ Animal Unit Equivalent ~~Units~~ per acre of land (~~AEU's/AUE's~~) that is to be utilized for housing, exercising, and pasturing of animals is recommended **to be 1 AUE for the village district and 2 AUE for Rural or General Development Districts.**

Comment [PB68]: Definition of density by district provided

5.4 Automobile Graveyards ~~and Automobile~~, Junkyards, ~~or Recycling.~~

A. Prior to issuance of the municipal permit (*whether an automobile graveyard ~~or~~ automobile junkyard, or automobile recycling operation*), the applicant shall present either a permit from the **Maine Department of Environmental Protection (MEDEP)** or a letter from the DEP stating that a permit is not required.

C. Site Considerations:

3. A visual buffer capable of completely screening from view all portions of the automobile graveyard ~~or~~ junkyard, or recycling operation shall be established and maintained along all property lines (Reference **Article IV Section 4.2 Landscaping Buffer and Screening** for 'Specific Uses', excluding driveway entrance(s)).
4. No motor vehicles or material may be stored within ~~five hundred (500)~~ **three hundred (300)** feet of any school, or any dwelling other than that of the owner or operator of the Automobile Graveyard ~~or~~ Junkyard, or recycling operation.

Comment [PB69]: Coordinated with municipal annual state permitting

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5. No motor vehicles or material may be stored within ~~five hundred (500)~~ **three hundred (300)** feet of any water body.
6. ~~No motor vehicles or material may be stored within 300 feet of a private well or within 1000 feet of a public water source.~~
7. Applicant must comply with M.R.S.A. 30-A Section 3754-A.

Comment [PB70]: Coordinated with municipal annual state permitting

Comment [PB71]: State Law

A. Operational Considerations:

No discharge of any fluids from any motor vehicle may be permitted into or onto the ground. Applicant must comply with M.R.S.A. 30-A Section 3754-A.

5.5 Bed & Breakfast, Boarding, or Renting Rooms.

- I. Airbnb or VRBO enterprises that are advertised and promoted as mass-gatherings opportunities and that do not restrict the use of alcohol are required to apply for a **Special Amusement Permit** from the Town of Porter.
- J. This use is subject to Article VI Section.

Comment [PB72]: Clarification

5.6 Campgrounds.

Campgrounds with **five (5)** or more sites shall conform to the minimum requirements imposed under State licensing procedures and the following:

B. Performance Requirements.

3. Within the Saco River Corridor, a campground shall contain a minimum of **ten (10)** contiguous acres of land, some portion of which may be outside the Saco River Corridor. The SRCC performance standards shall only apply to those portions of the campground within the Saco River Corridor.
 1. ~~Subdivision Regulations are to be applied for all road construction related to this use.~~
6. The application shall contain an estimate of the average daily traffic projected to be generated by the ~~park use.~~ Traffic impact analysis and stormwater management plan engineering, if required, are in accordance with the Town of Porter Subdivision Regulations Article 10 Section 10.15. If the campground is projected to generate more than **four hundred (400)** vehicle trip ends per day, the applicant shall also include a traffic impact analysis by a registered professional engineer licensed in the State of Maine with experience in transportation engineering, and also submit a stormwater management plan prepared by a professional engineer licensed in the State of Maine indicating compliance with the standards of ~~Article IV Section 4.2 Storm Water Run Off.~~
7. **Minimum Sight Distance.** In accordance with Article 10 Section 10.15 of the Town of Porter Subdivision Regulations.

~~A minimum sight distance of **ten (10)** feet for every mile per hour of legal speed limit on the existing road shall be provided. Sight distance is measured from the driver's seat of a vehicle that is **ten (10)** feet behind the curb or edge of shoulder line with the height of the eye **three feet six inches (3.5 feet)** above the pavement to the height of the object at **four foot three inches (4.25 feet).**~~

5.7 Civic, Social Service Uses, Churches, and Not-for-Profit Clubs.

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- E. The application shall contain an estimate of the average daily traffic projected to be generated by the ~~parkuse~~. Traffic impact analysis and stormwater management plan engineering, if required, are in accordance with the Town of Porter Subdivision Regulations Article 10 Section 10.15. ~~If the campground is projected to generate more than four hundred (400) vehicle trip ends per day, the applicant shall also include a traffic impact analysis by a registered professional engineer licensed in the State of Maine with experience in transportation engineering, and also submit a stormwater management plan prepared by a professional engineer licensed in the State of Maine indicating compliance with the standards of Article IV Section 4.2 Storm Water Run-Off.~~

5.8 Garage and Yard Sales.

- E. After each event, items for sale are to be placed in an enclosed structure and concealed from public view. (*Reference Article VIII Section 8.2 Definitions of Junkyards and Litter, and Article IV Refuse Disposal*)

5.9 Ground Water and/or Spring Water Extraction and/or Storage.

A. Permit Required.

The removal of more than *more than 2000 gallons to a maximum of 20000 gallons per day* of ground water or spring water as part of any collective residential, commercial, industrial, or land excavation operation, where allowed under this ordinance, requires approval by the ~~Planning Board~~Reviewing Authority. The ~~Planning Board~~Reviewing Authority shall grant approval if it finds that the proposal, with conditions, if any, will conform with the requirements of this section, all other requirements of this Ordinance, and all applicable codes and laws.

Comment [PB73]: Clarifies that depending on volume, there are CEO reviews and PB reviews

5.10 High Impact Uses

- A. High Impact Commercial or Industrial: A commercial activity meeting any **one (1)** of the following:

~~3. Generating more than two hundred (200) vehicle trips per day, truck equivalent, or a combination of car and truck trips, or~~

- G. The application shall contain an estimate of the average daily traffic projected to be generated by the ~~parkuse~~. Traffic impact analysis and stormwater management plan engineering, if required, are in accordance with the Town of Porter Subdivision Regulations Article 10 Section 10.15. ~~If the high impact use is projected to generate more than 400 vehicle trip ends per day, the applicant shall also include a traffic impact analysis by a professional engineer registered in the State of Maine with experience in transportation engineering.~~

~~*NOTE: A minimum sight distance of ten (10) feet for every mile per hour of legal speed limit on the existing road shall be provided. Sight distance is measured from the driver's seat of a vehicle that is ten (10) feet behind the curb or edge of shoulder line with the height of the eye three foot six inches (3.5 feet) above the pavement and the height of the object being four foot three inches (4.25 feet).*~~

5.11 Hotels, Motels, or Inns.

- H. The application shall contain an estimate of the average daily traffic projected to be generated by the ~~parkuse~~. Traffic impact analysis and stormwater management plan engineering, if required, are in accordance with the Town of Porter Subdivision Regulations Article 10 Section 10.15. ~~If the high impact use is projected to~~

Comment [PB74]: Correction

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generate more than 400 vehicle trip ends per day, the applicant shall also include a traffic impact analysis by a professional engineer registered in the State of Maine with experience in transportation engineering.

i. This use is subject to Article VI inspections.

Comment [PB75]: Clarification

5.12 Individual Private Campsites.

B. **EXCEPTIONS:** Individual Private Campsites outside of shoreland zone are permitted for temporary visitors (less than two weeks), during dwelling construction, or for the purpose of emergency activities on the primary dwelling (in accordance with Code).

Comment [PB76]: Porter Building code dissolved – The municipality relies on State MUBEC

Any prior dwelling being replaced with an Individual Private Campsite is to be properly removed or disposed of.

Comment [PB77]: Clarifies impacts to other sections of the ordinance Article IV Section 4.2 F and Article V Section 5.12

G. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred thirty-five (135) calendar days per year outside of shoreland zone (One hundred twenty (120) calendar days within Shoreland zone) with the intent of being used as a dwelling, 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 and Article VI inspections.

Comment [PB78]: A municipality cannot discern use, but can evaluate idle, abandoned, and active structures as either dwellings or refuse using this criterion.

G.1 When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred twenty (120) calendar days within Shoreland zone), 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.

Comment [PB79]: MEDEP indicates "placed", even if not used for dwelling.

J. Airbnb or VRBO enterprises that are advertised and promoted as mass-gatherings opportunities and do not restrict the use of alcohol are required to apply for a Special Amusement Permit from the Town of Porter.

K. This use is subject to Article VI inspections

Comment [PB80]: Clarification

5.14 Mineral Exploration and Extraction.

C. Submission Requirements for Mineral Extraction.

1. Plans for the proposed extraction site shall include:

h. MEDEP Notice of Intent to Comply submission for pits greater than 5 acres, if applicable.

i. A letter from the applicant stating they will comply with M.S.R.A 38 Section 490-M for pits less than 5 acres.

j. If more than one (1) acres is disturbed on a project at any time, a Storm Management Law Permit-By-Rule Notification or a Generation Construction Permit NOI and NOT will be required, depending on the district in which it is located

Comment [PB81]: State Law, Clarification

13. See Article VI Section 4.2 - Landscape Buffer and Screening for screening and buffering requirements.

14. Certification of Excavation Contractor in Shoreland: In accordance with 38 M.R.S.A Section 439-B, when an excavation contractor will perform an activity that requires or results in more than one (1) cubic yard of soil disturbance within two hundred and fifty (250) feet of Shoreland buffer, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This

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person must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, state and federal employees engaged in projects associated with that employment.

4.

Comment [PB82]: State Law

5.15 Minor Earthmoving Activities.

A. 1. The Code Enforcement Officer may authorize the following earth-moving activity in any District, except the Resource Protection District designated as having wildlife value, provided that such earth-moving activity does not alter any water course, wetland, or natural drainage way and meets the requirements of this Ordinance:

b. The filling, removal of material, and grading of an area which is not in excess of ~~ten thousand (10,000) one (1) acre~~ square feet.

c. The removal or filling of material incidental to construction, alteration, or repair of a building or in the grading and landscaping incidental thereto, ~~not in excess of two (2) acres.~~

Comment [PB83]: Below the threshold requiring a Maine General Construction Permit and under the State small borrow 2 acre cap, reduces overhead and cost-of-living burdens, and is competent and reasonable for the creation of a single family dwelling or small regional enterprise.

B. All other earth-moving, processing, and storage in any approved District exceeding this section requires a permit authorized by the Planning Board under **Article V - Mineral Extraction**.

C. ~~The earthmoving activity must comply with M.S.R.A 38 Section 490-M subsections 1 and 2 and M.S.R.A. Title 30-A Section 3105.~~

Comment [PB84]: Below the threshold requiring a Maine General Construction Permit and under the State small borrow 2 acre cap, reduces overhead and cost-of-living burdens, and is competent and reasonable for the creation of a single family dwelling or small regional enterprise.

D. **Certification of Excavation Contractor in Shoreland:** In accordance with **38 M.R.S.A Section 439-B**, when an excavation contractor will perform an activity that requires or results in more than **one (1) cubic yard** of soil disturbance within **two hundred and fifty (250) feet** of Shoreland buffer, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, state and federal employees engaged in projects associated with that employment.

Comment [PB85]: Existing State Laws

E. If more than one (1) acres is disturbed on a project at any time, a **Storm Management Law Permit-By-Rule Notification** or a **Generation Construction Permit NOI and NOT** will be required, depending on the district in which it is located.

Comment [PB86]: Existing State Laws

5.16 Mobile Home Parks.

F. Road Design, Circulation and Traffic Impacts.

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2. Streets and parking shall be designed and constructed in accordance with the standards for streets in Article 10 Section 10.15 of the the Town of Porter Subdivision Regulations

~~1. 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) street connections with existing public streets. Any street within a park with an average daily traffic of two hundred (200) trips per day or more shall have at least two (2) street connections leading to existing public streets, other streets within the park, or other streets shown on an approved subdivision plan.~~

~~3. No individual lot within a park may have direct vehicular access onto an existing public street.~~

4. The intersection of any street within a park and an existing public street shall meet ~~the~~Article 10 Section 10.15 Performance and Design Standards of the Town of Porter Subdivision Regulations following standards:

~~a. Angle of Intersection minimum is seventy-five (75) degrees.~~

~~b. Maximum Permissible Grade Within seventy-five (75) feet of Intersection is 2% for all parks housing mobile homes.~~

~~c. Minimum Sight Distance.~~

~~A minimum sight distance of 10 feet for every mile per hour of legal speed limit on the existing road shall be provided. Sight distance is measured from the driver's seat of a vehicle that is ten (10) feet behind the curb or edge of shoulder line with the height of the eye three feet six inches (3.5 feet) above the pavement to the height of the object four feet three inches (4.25 feet).~~

~~d. Distance From Other Intersections.~~

~~No driveways may be located less than fifty (50) feet from the point of tangent of the public roads at an unsignalized intersection, and less than one hundred twenty five (125) feet from the point of intersection of the public roads at a signalized intersection.~~

6. The application shall contain an estimate of the average daily traffic projected to be generated by the park. Traffic impact analysis and stormwater management plan engineering, if required, are in accordance with the Town of Porter Subdivision Regulations Article 10 Section 10.15.~~If the park is projected to generate more than four hundred (400) vehicle trip ends per day, the applicant shall also include a traffic impact analysis by a professional engineer registered in the State of Maine with experience in transportation engineering, and submit a stormwater management plan prepared by a professional engineer registered in the State of Maine indicating compliance with the standards of Article IV Section 4.2 – Storm Water run off.~~

H. 3. A lifecycle plan that includes removing infrastructure (*roads, concrete pads, shared structures, re-merging lots, etc.*) when the development has outlived its purpose or is discontinued for five (5) years is to be provided to the Planning Board during application review.

5.17 Modular Housing and Mobile Homes.

A. Modular homes and mobile homes, whether single- or double-wide, not in a mobile home park shall meet all of the following requirements:

~~5. No permanent additions other than units similar in construction to the original unit.~~

~~6. Any prior dwelling being replaced is to be properly removed, disposed of, or registered with a State Division of Motor Vehicles.~~

~~1. _____~~

Comment [PB87]: Clarification

Comment [PB88]: Redundant to Article IV and referred to single point of reference road design – Subdivision Regulations

Comment [t89]: Redundant to Article IV and referred to single point of reference road design – Subdivision Regulations

Comment [PB90]: Redundant and difficult to manage – defer to a single point of reference, the Subdivision road standards.

Comment [PB91]: Redundant to Article IV and does not address all conditions – Refer all performance and design guidelines to the road standards in Article 10 Section 10.15 of the Subdivision Regulations.

Comment [PB92]: Effects on other sections of the Ordinance – Article IV 4.2F and Article V 5.12

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C. All used relocated mobile homes being moved from lot to lot within the town or moved into town from another locale shall:

1. Be inspected ~~and certified by the local Fire Chief, or the Chief's designee, that it meets the current Life Safety Code for the presence of life-threatening conditions;~~
4. Be inspected by Local Plumbing Inspector after necessary plumbing permits have been obtained; ~~and~~
5. ~~Be verified by the Town to be in compliance with M.R.S.A Title 30-A Section 4358 subsection 4 (sales tax) and M.R.S.A Title 30-A section 4103 subsection 3.c (property tax), and~~
6. Be fully skirted to prevent water infiltration, pest, and rodents.
7. ~~Be subject to Article VI inspections~~
8. ~~Be fully tied down and secured to the foundation.~~

Comment [PB93]: This service is not provided

Comment [PB94]: Clarification of the CoFO process.

Comment [PB95]: Clarification of State Tax Laws

Comment [PB96]: Clarification that it includes an inspection of life-threatening conditions and a CoFO.

Comment [PB97]: To assist in checklist for proper installations

5.18 Motorized Vehicle Racing Facilities.

C. **Submission requirements:**

4. The application shall contain an estimate of the average daily traffic projected to be generated by the ~~park use. Traffic impact analysis and stormwater management plan engineering, if required, are in accordance with the Town of Porter Subdivision Regulations Article 10 Section 10.15. If the racetrack facilities are projected to generate more than four hundred (400) vehicle trip ends per day, the applicant shall also include a traffic impact analysis by a registered professional engineer licensed in the State of Maine with experience in transportation engineering, and also submit a stormwater management plan prepared by a professional engineer licensed in the State of Maine indicating compliance with the standards of Article IV Section 4.2 – Storm Water Run-Off.~~

Comment [PB98]: Redundant to Article IV and does not address all conditions – Refer all performance and design guidelines to the road standards in Article 10 Section 10.15 of the Subdivision Regulations.

5.19 Multifamily Dwelling Units.

Multifamily dwelling units (**three (3)** dwelling units or more) shall meet all of the Ordinance requirements for a ~~Planning Board~~ authorized ~~land use~~ permit, including the following criteria:

Comment [PB99]: Clarification – Depending on the size, either the Planning Board or the CEO review multi-family dwellings (prior and current)

B. **Density.**

2. In order to determine the maximum number of dwelling units permitted on a tract of land, the net residential acreage is divided by the minimum lot size required in the District. ~~A high intensity soil survey map, certified by a Registered Soil Scientist licensed in the State of Maine, shall be submitted.~~

Comment [PB100]: High Intensity soil survey map is redundant under Subdivision Review for more than 3 dwellings.

F. There shall be at least **fifty (50)** feet between principal buildings ~~located on a single lot.~~

Comment [PB101]: Clarification

H. **Scaled Drawing Submission:**

The applicant for a Land Use Permit under this specific use ~~for a multi-family dwelling containing more than three dwelling units~~ shall submit a fully scaled site plan prepared by a surveyor or engineer licensed in the State of Maine.

Comment [PB102]: A more thorough requirement for a multi-family dwelling or more than 3.

K. Airbnb or VRBO enterprises that are advertised and promoted as mass-gatherings opportunities and do not restrict the use of alcohol are required to apply for a **Special Amusement Permit** from the Town of Porter.

L. ~~This use is subject to Article VI inspections.~~

Comment [PB103]: Clarification due to removing building code.

5.21 Renting Apartments.

G. ~~This use is subject to Article VI inspections.~~

Comment [PB104]: Clarification

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5.22 Restaurants.

- B. The application shall contain an estimate of the average daily traffic projected to be generated by the ~~park use~~. ~~Traffic impact analysis and stormwater management plan engineering, if required, are in accordance with the Town of Porter Subdivision Regulations Article 10 Section 10.15~~ ~~If the restaurant is projected to generate more than four hundred (400) vehicle trip ends per day, the applicant shall also include a traffic impact analysis by a registered professional engineer with experience in transportation engineering, and also submit a stormwater management plan prepared by a professional engineer licensed in the State of Maine indicating compliance with the standards of Article IV Section 4.2, Storm Water Run-Off.~~

Comment [PB105]: Corrected typo

Comment [t106]: Redundant to Article IV and does not address all conditions – Refer all performance and design guidelines to the road standard in Article 10 of the Subdivision Regulations

5.24 Tire Storage and Disposal.

Storage or disposal of tires at any site in the Town of Porter is prohibited unless specifically approved by the Porter Planning except as exempted in paragraph ~~C-D~~ (below).

Comment [PB107]: correction

C. Site Consideration:

1. Water Quality

- c. A site shall be located, constructed and operated so that ground water will not be contaminated either within or outside of the boundaries of the site, ~~at least three hundred (300) feet from a private well and at least one thousand (1000) feet from a public water source.~~

Comment [PB108]: State Law for autograveyard and autobody activities

2. Community Protection

- c. A ~~motorized vehicle racing facility~~ ~~Tire Storage & Disposal Use~~ that is not operated for **two (2)** years shall be considered abandoned.

Comment [PB109]: correction

5.26 Wireless Communication Facilities Communications Towers, and Antennas

- C. ~~NEW towers ONLY:~~ A lifecycle plan that includes removing infrastructure (*roads, concrete pads, shared structures, etc.*) when the development has outlived its purpose or discontinued for **one (1)** year is to be provided to the Planning Board during application review.

Comment [PB110]: Clarification

- L. Prior to approval the applicant shall submit a guarantee acceptable to the town in an amount ~~and or~~ form acceptable to the Select Board, taking into account the effects of inflation upon costs, sufficient to pay for the cost of removal of the facility.

Comment [PB111]: Bond or written guarantee

M. Small Cell Antennas/Facilities within Public Right of Ways

11. Land Use Application Permits for Small Cell Antennas are for a 12-month duration, and require annual re-permitting ~~as noted in Article IV Section 4.2 Storm Water Run-Off.~~

Comment [PB112]: Error.

ARTICLE VI: ADMINISTRATION, ENFORCEMENT AND PENALTIES

6.2 Enforcement

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A. It is the duty of the CEO to enforce the provisions of this Ordinance, the applicable sections and provisions of the current Porter ~~Subdivision Regulation, the Building Code,~~ any other local land use ordinances, and state statutes over which the town has enforcement responsibility.

Comment [PB113]: Removed

6.3 Permit Requirements (Land Use & Building).

Comment [PB114]: Clarification

A. No person may, without first obtaining ~~a the proper~~ permit(s) or approvals, engage in any activity or use of land or structure requiring a permit according to ~~Article III, Section 3.4, or Article IV Section 4.2 Signs, or this Article;~~ or expand, change, ~~add, demolish, relocate,~~ or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued ~~a~~ permit(s) pursuant to this Ordinance shall have a copy of the permit(s) on site while the work authorized by the permit(s) is being performed.

Comment [PB115]: Clarification of added NEW structures, and acknowledgement of the building, driveway, land use, and subdivision permit application processes.

B. A local Driveway (Land Use) permit is required for ~~any NEW private curbcut-culvert within a town right-of-way,~~ subject to permitting approval of the CEO. ~~New private curbcuts or culverts with-in a town right-of-way also requires and~~ review and acceptance by the Road Commissioner. ~~This local Driveway Permit must be approved prior to establishing an E911 address for the location.~~

Comment [PB116]: New driveways not on town right-of-ways still require a driveway permit per the Town of Porter Land Use Ordinance, to determine land use and ordinance compliance.

~~A-~~ F. ~~Photographic record required. An applicant for permit(s) for development within the Shoreland zone is to provide the municipal permitting authority preconstruction photographs and, no later than twenty (20) days after completion of development, postconstruction photographs of the shoreline vegetation and development site.~~

Comment [PB117]: Order of precedence clarification. E911 addresses should follow driveway land use review and permitting approvals of the CEO/Road Commissioner

6.4 Land Use Permits and Building Permit Authorizations.

Comment [PB118]: State Law 2019

Comment [PB119]: Clarification

Land Use, Driveway, and Building Permits may be authorized by the CEO or the Planning Board, in accordance with ~~Article III, Section 3.4 this Ordinance.~~

Comment [PB120]: Addressing varying authorizations and approvals within the Ordinance

6.5 Land Uses and Activities Not Requiring a Land Use or Building Permit Fee.

Comment [PB121]: Clarification of permitting type through the Land Use Ordinance

~~The Code Enforcement Officer shall be notified with a Notice of Intent from the property owner or authorized representative for the items listed below:~~

Comment [PB122]: Some developments require a notice, but not a fee, to still assure setbacks are honored.

A. As designated exempt per Article ~~III Section~~ 3.4 - Uses Permitted

Comment [PB123]: Clarification

B. As designated exempt per Article IV 4.2 ~~--~~ Signs

Comment [PB124]: Clarification

~~C. No permit shall be required for repairs or improvements not involving structural changes when the reasonable cost is less than \$5,000.00~~

Comment [PB125]: Moved below to proper section

~~D.~~ This Ordinance shall apply to, but no permit fee is required for the following, unless a variance is needed:

1. An accessory structure which does not exceed ~~one hundred (100) twenty (120)~~ square feet in area ~~(CEO notification of intent is required);~~

Comment [PB126]: A more common size produced regionally, the prior SF impeded the intent to reduce overhead and cost-of-living burdens. Notification and approval of siting still required.

2. A temporary roadside stand used for sale of flowers, vegetables, fruit, or similar produce which does not exceed ~~one hundred (100) twenty (120)~~ square feet in area and which remains in place for less than ~~seven (7)~~ months in any period of ~~twelve (12)~~ consecutive months ~~(CEO notification of intent is required);~~

Comment [PB127]: Moved up, consolidated

Comment [PB128]: A more common size produced regionally, the prior SF impeded the intent to reduce overhead and cost-of-living burdens. Notification and approval of siting still required.

3. Steps, stairs, or wheelchair ramps used exclusively to gain access to a building doorway ~~(CEO notification of intent is required);~~

Comment [PB129]: Moved up, consolidated

Comment [PB130]: Moved up, consolidated

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4. Overhang roofs constructed without columns added exclusively to provide weather shelter to egress doorways or steps ~~(CEO notification of intent is required).~~

Comment [PB131]: Moved up, consolidated

6. An assembled hoop garage, ~~greenhouse, or a storage container wrapped in canvas or poly that is no larger than two five hundred (200500) square feet and ten (10) feet in height (CEO notification of intent is required).~~

Comment [PB132]: Too prescriptive, removed conflict (200 SF storage container with section C.1) and addresses simple portable canvas or poly over frame elements that have a 1 to 2 year life for the covering.

7. Replacement of existing windows and doors in existing openings. ~~(If changing the size or shape of the window or door requires structural wall work, or if updates to life safety fire code egress openings are necessary, a CEO permit is required.)~~

Comment [PB133]: Moved up, consolidated

9. ~~Low tunnels under seven (7) feet in height, A greenhouse~~ less than **five hundred (500)** square feet per lot installed over an exposed soil surface to extend the growing season for family subsistence. Article III dimensional setbacks apply.

Comment [PB134]: Too prescriptive – This is an amendment to support and encourage self-sufficiency in an era of limited and easily disrupted food supply chains

~~10. Demolition of structures under six-hundred (600) square feet. Littering on private property requires prior written documentation of landowner(s) consent to be on file with the Code Enforcement Office, and the activity shall not create a public nuisance or violate any state law or local rule.~~

Comment [PB135]: Demolition over 600 SF requires a Land Use Permit review to assure proper handling and disposal, and to evaluate intended development.

~~11. No permit shall be required for interior repairs or improvements to the primary structure not involving structural changes when the reasonable cost is less than \$5000.00 \$8000.00 over a three (3) year period.~~

Comment [PB136]: Aligns with 3-year assessor review of interior building renovations and adjusted for 17 years of inflation

~~12. Moveable above ground pools without permanent decking or veneer framing.~~

Comment [PB137]: It is unreasonable to permit or assess something that can be drained and broken down in less than 10 minutes.

F. Fees ~~WILL-may~~ be applied in the event that the Town of Porter CEO is ~~not~~ notified regarding any activity requiring notification per this Ordinance. After-the-fact permits are **DOUBLED** (example: performing the work first, then acquiring a permit ~~or notifying the town afterward~~).

Comment [PB138]: Burden of proof for minor "A" items to comply with the Ordinance.

Comment [PB139]: Clarification

6.6 Permit Application(s).

A. Every application for a Land Use or Building Permit shall ~~be~~ submitted to the CEO in **written application**, including a site plan, on forms available from the **Town Office**. Supplemental information in narrative, report, and/or development plan form, as appropriate, shall also be submitted to the CEO, and shall include the following information:

6. Subsurface Wastewater: (a) A valid **sub-surface waste water permit application**, including site evaluation approved by the Plumbing Inspector whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system, ~~or~~

(b) Use of an existing sub-surface waste water system requires the submission of written notification from the Plumbing Inspector that the existing system is adequate for the proposed use ~~or structure~~.

Comment [PB140]: Clarification

~~8. Photographic record required. An applicant for permit(s) for development within the Shoreland zone is to provide the municipal permitting authority preconstruction photographs and, no later than twenty (20) days after completion of development, postconstruction photographs of the shoreline vegetation and development site.~~

Comment [PB141]: State Law 2019

B. Upon receipt of an application for a Land Use Permit the CEO shall note on the application the date which it was received and shall:

~~A.~~

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6.8 Land Use Permit Review Procedure by the Planning Board.

- B. No application may be considered at the ~~next following month's~~ Planning Board meeting unless it has been filed with the CEO by the **third Tuesday of the month**.
- K. **EXCEPTION:** In addition to the criteria specified in *Article VI, Section 6.8 H.6 (above)*, excepting structure setback requirements, the Planning Board may approve a permit for a **single family residential structure** in a Resource Protection District located within Tax Maps **U-1, U-2, U-4, U-5, U-7, U-8**, provided the applicant demonstrates that all of the following conditions are met:

Comment [PB142]: Clarification

~~6. Photographic record required. An applicant for permit(s) for development within the Shoreland zone is to provide the municipal permitting authority preconstruction photographs and, no later than twenty (20) days after completion of development, postconstruction photographs of the shoreline vegetation and development site.~~

Comment [PB143]: Clarification of new law in effect in 2019 (MEDEP)

6.10 Expiration of Permit(s) – Land Use and Building Permits.

~~Building Permits shall expire one (1) year from the date of issuance if a substantial start is not made in construction or in use of the property during that period. If the proposed development is not completed within three (3) years, or if no substantial work or use occurs within three (3) years of the issuance of the permit, at which time the permit shall expire and the applicant will have to file for a new permit pro-rated to the balance of the work, or the minimum building permit fee, whichever is greater.~~

Comment [PB144]: Aligned with the current building permit process, which was changed in February/March of 2020 by the municipal officers due to permits extending out to 12-15 years. Permits exceeding 3 years outdates changes in law, codes, assessing standards, state reporting, and causes wasted municipal labor.

~~Inactive Land Use Permits expire within three (3) years of issuance and the applicant will have to file for a new Land Use Permit.~~

6.11 Installation ~~or Relocation~~ of Public Utility Services.

~~Utility provider Certification of Electrical Inspection for Single Family Dwellings and/or Certification of Shoreland Zoning and Subdivision Compliance is required in accordance with M.R.S.A. 38 Section 444, M.R.S.A. Title 30-A Section 4406, and M.R.S.A 32 Section 1102 subsection D.3.~~

Comment [PB145]: Addresses more real-time assessment, properly accounts for municipal labor in evaluating lengthy projects, acknowledges MEDEP law to protect resources in a timely manner. Recommend pro-rating fees every three years at 50% rate for extending projects.

Comment [PB146]: Clarification

6.12 Certificate of Occupancy Required.

- A. A certificate of occupancy issued by the CEO, if required, is to be provided in advance of the use or occupancy of:

Comment [PB147]: Clarification of public utility approvals needed

2. A habitable structure hereafter erected or a change in the use category of an existing structure, ~~or as the building code requires.~~

Comment [PB148]: The Town relies on the State MUBEC standard, not a local building code.

- B. No certificate of occupancy may be issued unless the proposed improvements to the lot and/or building have been completed or a performance guarantee covering the cost of their completion has been given to the town according to *Section 6.15 (below)*, and the lot, building, or structure complies with all the provisions of this Ordinance, and any other local ordinance or ~~coderegulation~~. ~~The CEO may require proof of 3rd party inspections before the issuance of a CofO.~~ A record of all certificates of occupancy shall be kept on file in the town office, provided by the CEO, and a copy shall be furnished, on request, to any person having a proprietary or tenancy interest in the structure or land involved. The certificate of occupancy shall state specifically the uses it permits ~~and note conditions regarding Variances or No-Action Orders.~~

Comment [PB149]: Acknowledges the Subdivision Regulations

Comment [PB150]: Depending on the complexity of the CofO, not all require 3rd party inspection (e.g. – change in ownership, starting a small business in an existing structure, changing use in an existing structure or plot of land. 3rd party inspection involves significant dwelling construction.

~~Certificate of Occupancy reviews will include evaluating life-threatening conditions.~~

Comment [PB151]: Clarification

Comment [PB152]: CofO evaluation criterion

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C. To ensure the continued health and safety of rental dwelling units (apartments, multi-family, bed & breakfast, boarding arrangements, hotels, motels, inns), the Town shall conduct periodic inspections of rental units for which the Code Enforcement Officer has received a written complaint from two or more individuals within a three-month period, and/or finds a condition creating a health and safety problem.

Comment [PB153]: Clarification, as these are dwelling units provided for compensation.

2. Failure to allow the Code Enforcement Officer and/or Health Officer to conduct the required inspection may result in the Town seeking an Administrative Inspection Warrant or other appropriate court order(s) to enter the property for the express purpose of a health or safety inspection.

Comment [PB154]: We have a health officer, and this is a health inspection.

D. For development within the Shoreland zone, a land use and/or building permit holder is to provide the municipal permitting authority preconstruction photographs and, no later than twenty (20) days after completion of development, postconstruction photographs of the shoreline vegetation and development site, in order for a Certificate of Occupancy to be issued.

Comment [PB155]: Reinforces a State law that was signed in 2019

6.14 Fines.

NOTE: Current penalties include fines of not less than \$100 nor more than ~~\$2500~~\$5000 per violation for each day that the violation continues. However, in a resource protection district the maximum penalty is increased to ~~\$5000~~\$10000 (30-A M.R.S.A. section 4452).

Comment [PB156]: State law doubled fines 2019.

ARTICLE VII. BOARD OF APPEALS

7.4 Variances.

Variances may be granted only under the following conditions in accordance with M.R.S.A. 30-A Section 4353 subsections 4, 4-A subsection B, and 4.B:

Comment [PB157]: Includes ADA and single-Family Dwelling variances, two of the most common needs in Porter, and inline with aging in place and economic recovery needs.

C. Except as provided in M,R,S,A 30-A Section 4353 subsections 4-A, 4-B and Section 4353-A, the board may grant a variance only when~~The Board of Appeals may not grant a variance unless it finds that~~ the strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

Comment [PB158]: Includes ADA and single-Family Dwelling variances, two of the most common needs in Porter, and consistent with aging in place and economic recovery.

D. Such hardships in section C above may only be found by the Board of Appeals where this Ordinance as applied to the applicant's property, substantially destroys or decreases the value of the property in question for any permitted use to which the land or property can reasonably be put.

Comment [PB159]: Accounts for other variances such as disability and single family year round dwellings

G. 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)** business days prior to action by the Board of Appeals, for variances within Shoreland. 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.

Comment [PB160]: This was a merge of MEDEP regulations, and should be differentiated for activities outside of MEDEP jurisdiction.

7.6 Appeal Procedure.

B. Notification:

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1. At least ~~ten (10) five (5) business calendar~~ days prior to the date of the hearing on the appeal, the Board of Appeals shall cause to be published once in a newspaper of general circulation in the town a written notice which includes:
2. At least **ten (10)** business days prior to the date set for hearing, the Board of Appeals shall also notify by mail:

NOTE: If the two hundred (200) or five hundred (500) feet extends into an abutting municipality, the Board of Appeals will notify the abutting town(s) of the appeal.

C. Hearings:

4. The CEO or designee, or the Planning Board Chair if the appeal is of their decision made in the administration of ~~Article 13 of the Subdivision Regulation -- Appeals~~ **Article 10.7 and 11 of the subdivision Regulations**, shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material the CEO or Planning Board deems appropriate for an understanding of the appeal.

ARTICLE VIII. DEFINITIONS AND WORD USAGE

8.2 Definitions

Accessory Dwelling Unit: "Accessory Dwelling Unit" means a dwelling unit located within a detached single-family dwelling unit, either as a portion of the primary dwelling unit or as a separate dwelling unit on a single parcel.

Accessory Use or Structure: A use or structure of a nature customarily 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 common wall is considered part of the principal structure. Semitrailers used as an accessory storage structure on a property or that remain idle for more than eighteen (18) months are considered accessory structures which require a building permit.

Agriculture: Agriculture review does not include intensive or industrial animal farming (Animal Husbandry > **30AEU-30 AUE or 300 AFO/CAFO**), incidental home occupations or farm stands <**100-120 SF**, Farm & Farm Related Ventures, forest management or, timber harvesting activities.

Automobile Hobbyist: An automobile hobbyist is a person who is not primarily engaged in the business of selling any of those motor vehicles or parts from motor vehicles on their premises.

Commercial or Industrial Use: The utilization of lands, buildings, or structures, **other than "home occupation", "farm and farm related ventures", "garage and yard sale", "bed & breakfast, boarding, or renting rooms", "farmstands < 100-120 SF", or the rental of a residential building and/or two (2) dwelling units within a residential building occupied by the owner, defined in this Ordinance,** the intent and result of which activity is the production of income from the buying and selling of goods and/or services.

Disability: "disability" has the same meaning as a physical or mental disability under Title 5, section 4553-A. 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 or health or sensory impairment which requires special education,

Comment [PB161]: Works with YWSG services

Comment [PB162]: The Planning Board Ordinances and Subdivision Regulations articulate when a proposed land use abuts a neighboring town they are notified, but the appeals section omitted that requirement. Corrected.

Comment [PB163]: Correction

Comment [PB164]: State law added definition and support of accessory dwellings.

Comment [PB165]: When someone sets a semitrailer on their property for years and it is not used on the road, is it assessed, and why are other townspeople assessed for storage structures placed or built if not?

Comment [PB166]: Added definition to assist in clarifying conditions that exist.

Comment [PB167]: Consolidated

Comment [PB168]: Expanded farmstand size not requiring a fee

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~~vocational rehabilitation or related services, as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist.~~

Comment [PB169]: Old definition, does not match current State Law.

~~**Industrial:** The utilization of lands, buildings, or structures, other than "home occupation", "farm and farm related ventures", "garage and yard sale", "bed & breakfast, boarding, or renting rooms", "farmstands < 100 SF", or the rental of a residential building and/or two (2) dwelling units within a residential building occupied by the owner, defined in this Ordinance, the intent and result of which activity is the production of income by assembling, fabrication, finishing, manufacturing, packaging, or processing of goods or the extraction of minerals.~~

Comment [PB170]: Redundant, consolidated with commercial.

Junkyard. "Junkyard" means a yard, field or other outside area used to store, dismantle or otherwise handle:

3. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material (Also reference "Litter")

Litter: "Litter" means all waste materials including, but not limited to, bottles, glass, crockery, cans, junk, paper, garbage, rubbish, refuse, tires, or any and all packages or containers used for the purpose of containing a product sold or held out for sale for human or animal consumption that are thrown or deposited on the property.

Comment [PB171]: Added definition to assist in clarifying conditions that exist.

Low Impact Uses: A commercial activity having fewer than **five thousand (5,000)** square feet of gross commercial floor area or impervious service, ~~generating fewer than two hundred (200) car trips (or truck trip equivalent) or combination of car and truck trips~~ and employing fewer than **twenty (20)** full-time employees or equivalent thereof and which generates no odor, glare, or electrical interference beyond the property lines; generates no toxic or hazardous wastes or products; and uses no toxic or hazardous materials or chemicals.

Comment [PB172]: Classification is determined in the land use study within Article IV and V, using Article 10 Section 10.15 road design and performance guidelines. This does not properly cover varying road conditions in the town.

Low Impact Industrial: An industrial activity having fewer than **five thousand (5,000)** square feet of gross industrial floor area or impervious service, ~~generating fewer than two hundred (200) car trips (or truck trip equivalent) or combination of car and truck trips~~ and employing fewer than **twenty (20)** full-time employees or equivalent thereof and which generates no odor, glare, or electrical interference beyond the property lines; generates no toxic or hazardous wastes or products; uses no toxic or hazardous materials or chemicals in any process; and has no outdoor storage

Comment [PB173]: Classification is determined in the land use study within Article IV and V, using Article 10 Section 10.15 road design and performance guidelines. This does not properly cover varying road conditions in the town.

Non-commercial Vehicle: "noncommercial vehicle" means a motor vehicle as defined in Title 29-A, section 101, subsection 42 with a gross vehicle weight of no more than 6,000 pounds, bearing a disability registration plate issued pursuant to Title 29-A, section 521 and owned by the person with the permanent disability.

Comment [PB174]: Necessary to determine disability and an appeal variance

Reasonable Cost - Reasonable cost is a price that is consistent with what a reasonable person would pay in the same or similar circumstances for the same or similar item.

Comment [PB175]: Used as a basis of permitting and regulation, but no definition was provided to the townspeople.

Recreational Vehicle: In order to be considered as a vehicle and not as a structure, the unit shall remain with its tires on the ground and shall ~~be registered with a State Division of Motor Vehicles, comply with the provisions in Article IV Section 4.2 F (Refuse Disposal) and V Section 5.12 (Individual Private Campsites).~~

Comment [PB176]: Coordinated with other sections negatively impacted by the collection of RV's.

Remote Solar Energy System: A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used) and components for a distribution of transformed energy to the extent they cannot be used jointly with a conventional energy system, and that meets the provisions of Article IV Q (2) of the Porter, Maine Land Use Ordinance.

Comment [PB177]: MEDEP Conditional Approval Requirement 12.23.19, , moved alphabetically from 'S' to 'R'

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Semitrailer: "Semitrailer" means a vehicle without motive power; designed for being drawn by a motor vehicle; and designed so that some part of its weight and its load rests upon or is carried by that motor vehicle. For the purpose of this Ordinance, pole dollies, pole dickeys, and tow dollies are excluded from the definition.

Comment [PB178]: Added definition