

**ARTICLE I**

**TOWN OF LEEDS**

**ZONING ORDINANCE**

**Adopted: December 14, 1991**

**Amended: March 6, 1993**

**Amended: June 5, 1999**

**Amended June 3, 2000**

**Amended: June 2, 2001**

**Amended: June 7, 2003**

**Amended: June 5, 2004**

**Amended: June 4, 2005**

**Amended: June 3, 2006**

**Amended: June 2, 2007**

**Amended: June 6, 2009**

**Amended: June 7, 2014**

**Amended: April 1, 2023**

**Amended: April 6, 2024**

## ARTICLE I

### TOWN OF LEEDS ZONING ORDINANCE

#### SECTION 1. General

##### A. Title

This Ordinance shall be known and cited as the Zoning Ordinance of the Town of Leeds, Maine, and will be referred to as "this Ordinance."

##### B. Authority

This Ordinance is adopted pursuant to the enabling provisions of Article VIII-A of the Maine Constitution, the provisions of Title 30-A, M.R.S.A. Section 3001 (Home Rule) and the State's growth management law, Title 30-A, M.R.S.A. Section 4311 et.seq.

##### C. Purposes

The purposes of this Ordinance are:

1. To implement the provisions of the Town's comprehensive plan;
2. To promote the health, safety and general welfare of the residents of the community;
3. To encourage the most appropriate use of land throughout the community;
4. To promote traffic safety;
5. To provide safety from fire and other elements;
6. To provide an allotment of land area in new developments sufficient for adequate enjoyment of community life; and
7. To conserve natural resources.

#### **D. Applicability**

The provisions of this Ordinance shall govern all land and all structures within the boundaries of the Town of Leeds, exclusive of the land and water area subject to the Town's Shoreland Zoning Ordinance.

#### **E. Conflicts with Other Ordinances**

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

#### **F. Validity and Severability**

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

#### **G. Effective Date**

1. The effective date of this Ordinance shall be the date of the adoption by the legislative body on December 14, 1991.

#### **H. Amendments**

1. Initiation of Amendments: An amendment to this Ordinance may be initiated by:
  - a. The Planning Board, provided a majority of the Board has so voted;
  - b. Request of the municipal officers; or
  - c. Written petition of at least 25 voters registered to vote in Leeds.
2. The Planning Board shall hold a public hearing on the proposed amendment. Notification of the hearing shall be posted and advertised in a newspaper of general circulation in the municipality at least ten (10) days prior to the hearing.
3. The Town Clerk shall forward to the Selectmen and Planning Board of adjacent communities of which a zoning amendment is proposed which is within 500 feet of a common town border at least ten days in advance of the public hearing. The adjacent community may provide verbal or written testimony.
4. Adoption of Amendment: An amendment of this Ordinance may be adopted by a majority vote of the Town Meeting.

5. Copies of amendments, attested and signed by the Town Clerk shall be submitted to the Office of Comprehensive Planning within 30 days after adoption.

## **I. Repeal of Existing Zoning Ordinance**

Adoption of this Ordinance shall repeal the existing Zoning Ordinance for the Town of Leeds.

## **SECTION 2. Nonconformance**

### **A. Purpose**

It is the intent of these provisions to promote land use conformities, except that nonconforming conditions that existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this section.

### **B. General Requirements**

1. Transfer of Ownership: Nonconforming structures, lots and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this Ordinance.
2. Repair and Maintenance: This Ordinance allows, without a permit, the normal upkeep and maintenance of nonconforming uses and structures. All repairs and alterations shall comply with the provisions of Section 3.E.
3. Rebuilding: If a nonconforming structure is destroyed by fire or act of God, it may be rebuilt provided the construction is commenced within one (1) year from date of destruction. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity.

### **C. Nonconforming Structures**

1. Expansions: A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion is conforming for height, setback and lot coverage. Lot coverage may not be expanded if it is already nonconforming.

### **D. Nonconforming Uses**

1. Expansions: Expansions of nonconforming uses are prohibited, except that nonconforming uses may, after obtaining a permit from the Planning Board, be expanded within structures existing as of the effective date of this Ordinance, or on the effective date of a subsequent amendment that

causes such use to be nonconforming.

2. Resumption Prohibited: A lot, building or structure in or on which a nonconforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a nonconforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. In the case of a nonconforming residential use, such use may be renewed even if it has been discontinued for more than one year.
3. Change of Use: An existing nonconforming use may be changed to another nonconforming use provided that the Planning Board finds after receiving a written application, that the proposed use is equally or more appropriate to the district than the existing nonconforming use, and that the proposed use will have no greater adverse impact on adjacent properties than the former use.

The determination of appropriateness shall include consideration of the probable changes in traffic (volume and type), parking, noise, potential for litter, wastes or by-products, fumes, odors, or other nuisances likely to result from such change of use. The performance standards of this Ordinance shall apply to such requests to establish new nonconforming uses.

In determining that "no greater adverse impact" will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, natural beauty, floodplain management, archaeological and historic resources.

#### **E. Nonconforming Lots**

1. Nonconforming Lots: A vacant, nonconforming lot of record recorded on or before June 21, 1971, may be built upon without the need for a variance provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, contains a minimum of 40,000 sq.ft. and that all provisions of this Ordinance except lot size and frontage can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.
2. Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the nonconforming lots must be conveyed together.

If two or more principal uses or structures existed on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot provided that the lots comply with applicable dimensional

requirements contained in Section 3.F.

3. If two or more contiguous lots or parcels are in single or joint ownership as of the effective date of this Ordinance, and if any of these lots do not individually meet the dimensional requirement of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain(s) only an accessory structure, the lots shall be combined to the extent necessary to meet all dimensional standards. This paragraph is intended to apply to all lots whether shown on an approved and recorded plan or not. Corporations in which two or more directors are the same individual (or their spouses) shall be treated as the same corporation (i.e., as the same single or joint owner) for the purposes of this Ordinance.

#### **F. Vested Rights**

Nonconforming use rights cannot arise by the mere filing of a notice of intent to build, an application for a land use permit or an application for required State permits and approvals. Such rights usually arise when actual construction has begun, or, in the case of pending applications, when the review process on a complete application commences. Such construction must be legal at the time it is commenced and the owner must be in possession of and in compliance with all validly issued permits, both State and local.

### **SECTION 3. Land Use District Requirements**

#### **A. Purpose**

The purposes of these district requirements are:

1. To implement the Comprehensive Plan policies;
2. To allow future growth to occur in designated portions of the community and to restrict growth in other areas;
3. To provide for separation of land uses that might otherwise be incompatible;
4. To protect the natural resources of the community from degradation; and
5. To provide for an orderly future growth pattern of the community.

## **B. Location of Districts**

Said Districts are located and bounded as shown on the Official Zoning Map, entitled "Zoning Map of Leeds, Maine", dated and on file at the Town Office. The Official Map shall be signed by the Town Clerk and Chairperson of the Planning Board at the time of adoption or amendment of this Ordinance certifying the date of such adoption or amendment.

## **C. Rules Governing District Boundaries**

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

1. Boundaries indicated as approximately following the center lines of streets, highways, alleys, railroad rights-of-way, rivers or streams shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Town limits shall be construed as following Town limits.
4. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline.
5. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 4 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
6. Where the boundaries of the Prime Agriculture District are in question, the Planning Board shall make the determination based upon the following criteria:
  - a. the area is an open field or within 100 feet of an open field;
  - b. the area includes woodlands or other land use that separate adjoining open fields or agricultural activities by less than 250 feet;
  - c. where the Prime Agriculture District is determined not apply the adjoining district regulations shall apply.
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or other circumstances not covered by subsections 1 through 5 above, the Board of Appeals shall interpret the district boundaries.

## D. Division of Lots by District Boundaries

Where a zoning district boundary line divides a lot or parcel of land in the same ownership of record at the time such line is established by adoption or amendment of this code, the use regulations applicable to the one portion of the lot may be extended into the other portion of the lot by not more than fifty (50) feet provided that the other portion is not regulated by the Town of Leeds Shoreland Zoning Ordinance.

## E. Land Uses

The land uses permitted in each district, in conformance with the Performance Standards of this Ordinance, are shown in the following tables.

KEY: Y = Yes<sup>1</sup> permitted but subject to issuance of a Land Use Permit by the CEO  
N = No, not permitted  
Y<sup>s</sup> = Permitted, but subject to Site Plan Review and the issuance of a land use permit

<sup>1</sup>No person, organization, association or corporation shall construct, alter or repair any building or structure or part thereof, or install a swimming pool, tower, or wind or solar generation device within the Town of Leeds without having first obtained a Land Use Permit from the CEO. This notice will not be required for construction of less than \$2,000 on existing buildings, nor for any normal maintenance work such as painting, redecorating, etc., or ordinary upkeep of the building except as required in Article V. Floodplain.

<sup>2</sup>Mobile home parks must comply with the Town of Leeds Subdivision Ordinance.

<sup>3</sup>In existing structures only.

<sup>4</sup>Automobile graveyards and junkyards legally existing in the Rural residential district on or before June 3, 2000, may continue and be expanded provided the provisions of this Ordinance are met except Section 2.D.1.



Use Structure	Industrial	Commercial	General Residential	Rural Residential	Prime Agriculture	Special Protection
<b>RESIDENTIAL</b>						
Single-family dwelling	Y	Y	Y	Y	Y	N
Duplex	N	Y	Y	Y	Y	N
Multi-family dwelling	N	N	Y	Y	N	N
Manufactured Home	Y	Y	Y	Y	Y	N
Mobile Home Park <sup>2</sup>	N	N	Y	N	N	N
Open Space Development	N	N	Y	Y	Y	N
Congregate Housing	N	N	Y	Y	N	N
Accessory Structure	Y	Y	Y	Y	Y	N
Swimming Pool	Y	Y	Y	Y	Y	N
Uses Similar to Allowed Uses	Y	Y	Y	Y	Y	N
Uses Similar to Uses Requiring Site Plan Review	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	N
Uses Similar to Not Permitted	N	N	N	N	N	N

Use Structure	Industrial	Commercial	General Residential	Rural Residential	Prime Agriculture	Special Protection
<b>COMMERCIAL</b>						
Accessory Structures	Y	Y	Y	Y	Y	N
Amusement Facility/ Commercial Recreation	Y <sup>s</sup>	Y <sup>s</sup>	N	N	N	N
Automobile Graveyard, Junkyard	Y <sup>s</sup>	Y <sup>s</sup>	N	N <sup>4</sup>	N	N
Auto Body Shop	Y <sup>s</sup>	Y <sup>s</sup>	N	N	N	N
Auto Repair/Sales	Y <sup>s</sup>	Y <sup>s</sup>	N	N	N	N
Auto Car Wash	Y <sup>s</sup>	Y <sup>s</sup>	N	N	N	N
Bed & Breakfast	N	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	N
Building Materials - Retail Sales	Y <sup>s</sup>	Y <sup>s</sup>	N	Y <sup>s</sup>	N	N
Commercial School	N	Y <sup>s</sup>	N	N	N	N
Firewood Processing	Y <sup>s</sup>	Y <sup>s</sup>	N	Y <sup>s</sup>	N	N
Gasoline Service Station	Y <sup>s</sup>	Y <sup>s</sup>	N	N	N	N
Hotel/Motel	Y <sup>s</sup>	Y <sup>s</sup>	N	N	N	N
Indoor Theater	Y <sup>s</sup>	Y <sup>s</sup>	N	N	N	N
Kennel, Stable, Veterinary Hospital	Y <sup>s</sup>	Y <sup>s</sup>	N	Y <sup>s</sup>	Y <sup>s</sup>	N
Neighborhood Convenience Store	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	N	N
Offices: Business, Professional, Medical	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	N
Publishing, Printing	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	N	N	N
Radio/Television Tower	Y <sup>s</sup>	Y <sup>s</sup>	N	Y <sup>s</sup>	N	N
Restaurant	Y <sup>s</sup>	Y <sup>s</sup>	N	N	N	N
Retail Business	Y <sup>s</sup>	Y <sup>s</sup>	N	N	N	N
Service Business	Y <sup>s</sup>	Y <sup>s</sup>	N	N	N	N
Shopping Center	N	Y <sup>s</sup>	N	N	N	N
Wholesale Business	Y <sup>s</sup>	Y <sup>s</sup>	N	N	N	N
Campground	N	Y <sup>s</sup>	N	Y <sup>s</sup>	N	N
Funeral Home	N	Y <sup>s</sup>	Y <sup>s</sup>	N	N	N
Agricultural Related Services/Sales	Y <sup>s</sup>	Y <sup>s</sup>	N	Y <sup>s</sup>	Y <sup>s</sup>	N
Auction Barn/Antique Sales	Y <sup>s</sup>	Y <sup>s</sup>	N	Y <sup>s</sup>	Y <sup>s</sup> (in existing structures only)	N
Small Enterprise	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	N
Uses Similar to Allowed Uses	Y	Y	Y	Y	Y	Y <sup>s</sup>
Uses Similar to Uses Requiring Site Plan Review	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>
Uses Similar to Not Permitted	N	N	N	N	N	N

Use Structure	Industrial	Commercial	General Residential	Rural Residential	Prime Agriculture	Special Protection
<b>EDUCATION, INSTITUTIONAL, PUBLIC</b>						
Accessory Structures	Y	Y	Y	Y	Y	N
Church, Synagogue, Parish House	N	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	N	N
Community Centers	N	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	N	N
Clubs	N	Y <sup>s</sup>	N	Y <sup>s</sup>	N	N
Day Care	N	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	N	N
Essential Services	Y	Y	Y	Y	Y	N
Fire, Police Stations	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	N	N
Government Office	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	N	N
Group Homes, Hospice, Nursing Home	N	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	N	N
Museum/Library	N	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup> 3	N
Public, Private Schools	N	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	N	N
Public Utility/Facility	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	N
Municipal Recycling	Y <sup>s</sup>	Y <sup>s</sup>	N	Y <sup>s</sup>	N	N
Clinics/Hospital	N	Y <sup>s</sup>	Y <sup>s</sup>	N	N	N
Private and Semi-public Clubs	N	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	N	N
Uses Similar to Allowed Uses	Y	Y	Y	Y	Y	Y
Uses Similar to Uses Requiring Site Plan Review	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>
Uses Similar to Permitted	N	N	N	N	N	N

Use Structure	Industrial	Commercial	General Residential	Rural Residential	Prime Agriculture	Special Protection
<b>INDUSTRIAL</b>						
Accessory Structure	Y	Y	Y	Y	Y	N
Bulk Oil, Gas Terminal	Y <sup>s</sup>	Y <sup>s</sup>	N	N	N	N
Demolition, Waste Disposal	Y <sup>s</sup>	Y <sup>s</sup>	N	N	N	N
Manufacturing	Y <sup>s</sup>	Y <sup>s</sup>	N	N	N	N
Commercial Recycling Operations	Y <sup>s</sup>	Y <sup>s</sup>	N	N	N	N
Sawmill	Y <sup>s</sup>	N	N	Y <sup>s</sup>	N	N
Trucking, Distribution Terminal	Y <sup>s</sup>	Y <sup>s</sup>	N	N	N	N
Warehousing & Storage	Y <sup>s</sup>	Y <sup>s</sup>	N	N	N	N
Airport	Y <sup>s</sup>	N	N	Y <sup>s</sup>	N	N
Abattoirs	Y <sup>s</sup>	N	N	N	Y <sup>s</sup>	N
Bulk Grain Storage	Y <sup>s</sup>	Y <sup>s</sup>	N	N	Y <sup>s</sup>	N
Uses Similar to Allowed Uses	Y	Y	Y	Y	Y	N
Uses Similar to Uses Requiring Site Plan Review	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>
Uses Similar to Not Permitted	N	N	N	N	N	N

Use Structure	Industrial	Commercial	General Residential	Rural Residential	Prime Agriculture	Special Protection
<b>OUTDOOR, RESOURCE BASED USES</b>						
Accessory Structures	Y	Y	Y	Y	Y	N
Agriculture	Y	Y	Y	Y	Y	Y
Agriculture Products Processing and Storage	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	N
Farm Stands	Y	Y	Y <sup>s</sup>	Y	Y	N
Forestry	Y	Y	Y	Y	Y	Y
Campground	N	Y <sup>s</sup>	N	Y <sup>s</sup>	N	N
Cemetery	N	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	N
Quarries	N	N	N	N	N	N
Mineral Exploration	Y	Y	N	Y	N	N
Mineral Extraction	Y <sup>s</sup>	Y <sup>s</sup>	N	Y <sup>s</sup>	N	N
Golf Course	N	Y <sup>s</sup>	N	Y <sup>s</sup>	Y <sup>s</sup>	N
Parks & Recreation	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	N
Uses Similar to Allowed Uses	Y	Y	Y	Y	Y	Y
Uses Similar to Uses Required by Site Plan Review	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>	Y <sup>s</sup>
Uses Similar to Not Permitted	N	N	N	N	N	N

**F. Dimensional Requirements** (Amended 7 June 2003; Amended June 5, 2004)

Lots in all districts outside those areas regulated by the Town of Leeds Shoreland Zoning Ordinance shall meet or exceed the following minimum requirements (additional area may be required by other provisions of this ordinance and the Town of Leeds Subdivision Ordinance). After the effective date of this ordinance no lot shall be created or reduced below the minimal requirements unless allowed by other provisions of this Ordinance.

Dimensions	Industrial	Commercial	General Residential	Rural Residential	Prime Agricultural
Minimum Lot Area (sq.ft.)	40,000 (1)	40,000 (1)	40,000	87,120	87,120
Multi-Unit Housing (2)	Not Permitted	Not Permitted	40,000	87,120	87,120
Minimum Frontage (feet)	150	150	150	150	150
Minimum Yard Dimensions (feet)					
Front Setback (from ROW)	50	50	25	25	25
Side Setback	25	25	25	25	25
Rear Setback	25	25	25	25	25
Maximum Lot Coverage (percent)	60	50	20	20	20
Height Limits (feet)	35	35	35	35	35
<p>(1) Permitted residential uses shall have a minimum lot area of 87,120 sq. ft.</p> <p>(2) Minimum zone dimension plus the required land area per dwelling unit over two.</p> <p>Minimum Lot Area per mobile home in mobile home parks shall comply with the Town of Leeds Subdivision Ordinance.</p>					

**NOTES TO DIMENSIONAL REQUIREMENTS TABLE:**

1. At the discretion of the Planning Board and with permission from the railroad, setback requirements from the railroad right-of-way may be adjusted by the Planning Board.
2. Lot Size Calculation. All lots created after the effective date of this Ordinance shall comply with the Minimum Dimensional Requirements of this section and contain a minimum building window area of at least 20,000 square feet.
3. Required Frontage: Effective 7 June 2003, all lots hereinafter created shall possess a minimum frontage on one boundary of:
  - (1) OPEN State or Town street
  - (2) Privately owned street which complies with the Town of Leeds Street Construction Ordinance and approved by the Planning Board.
4. Cul-de-sac Frontage: New building lots located at the cul-de-sacs or along curves in a street where the radius of the curve at the front lot line is less than 90 feet, may be designed so that they have a minimum of 35 feet of street frontage along the front lot line, so long as lot width at the location where the principal building is to be constructed is at least equal to the distance normally required for street frontage in that district.
5. Front Setback: The minimum front setback along a public road, privately-owned road or common driveway shall be measured from the edge of the right-of-way line, according to the above table. The depth of any yard

abutting a public road shall conform to the front setback.

6. Multiple Structures: If more than one principal structure is constructed on a single parcel of land, the "minimum lot area" requirement shall apply to each principal structure, and each principal structure shall meet the front, side and rear setback and road frontage requirements. Each principal structure shall be designed its own lot.
7. Parking Areas: Parking areas shall not be located within any required front setback area but may be located within ten feet of the side or rear lot lines.
8. Setback Measurements: All setbacks shall be measured from the property line to the nearest part of the building.
9. Garages, Accessory Structures: No garage or other accessory building shall be located in the required setbacks except as permitted below: When located to the rear of the principal building, accessory buildings no larger than 150 sq.ft. in floor area may be located within the required side or rear setbacks provided that no such structure shall be located less than 6 feet from a side or rear lot line.
10. Corner Lots: The front setback requirement shall be observed along all roads abutting the lot.
11. Corner Lot Obstructions: All corner lots shall be kept free from visual obstruction for a distance of 25 feet measured along the street lines.
12. Height Limits of 35 feet may be exceeded for structures not intended for human habitation upon review and approval of the Fire Chief.
13. Minimum Lot Width: Effective 7 June 2003, a circle with a diameter that is equal to the minimum road frontage must be able to fit within the lot lines.
14. Wells: Effective 7 June 2003, no new private wells will be placed within 100 feet of a field or pasture in agricultural use. This prohibition does not include a private well that serves the owner of that field or pasture. Effective 7 June 2003, no new public wells will be placed within 300 feet of the property line of a field or pasture in agricultural use. (Amended June 5, 2004)

#### **G. Net Residential Acreage Calculation**

To determine the maximum number of lots permitted when a tract of land is to be subdivided, the net residential acreage shall be calculated by taking the total area of the tract and subtracting the following then dividing the remaining area by the minimum lot size required for the District.

1. Portions of the lot shown to be in the 100 year floodplain as designated in the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency;

2. Significant wildlife habitats as identified by the Maine Department of Inland Fisheries and Wildlife; and
3. Wetlands regulated by the Natural Resource Protection Act.
4. Portions of the lot covered by right-of-ways for privately owned streets, common driveways or driveways to backlots.

## **SECTION 4. Performance Standards**

### **A. Backlots**

Backlots may be developed for single-family use although they lack any frontage on a public or privately owned street if the development is in accordance with the following provisions:

1. If a backlot is accessible only by a legally enforceable right-of-way, it may be used if the following conditions are met:
  - a. The right-of-way must be conveyed by deed or other legal instrument registered in the County Registry of Deeds to the owner of the backlot and be a minimum of 50 feet in width.
  - b. A legal description of the right-of-way by metes and bounds shall be attached to any land use permit application for construction on the backlot.
  - c. The right-of-way deed or other legal instrument must be recorded in the Androscoggin County Registry of Deeds before a land use permit is issued.
  - d. Creation of 50-foot right-of-way to serve the backlot shall not create a nonconforming front lot by reducing such lots required road frontage below the minimum, of, if the front lot is already nonconforming, reduce its road frontage at all. Where the right-of-way is conveyed by easement or irrevocable license, or some grant less than a fee interest, the land over which such servitude is placed may not be counted toward meeting road frontage requirements for the front lot.
  - e. The right-of-way may serve only one single-family dwelling unless the following provisions are met:
    - i. The right-of-way may serve two single-family dwellings if a driveway meets the standards contained in Section 8. of the Town of Leeds Street Construction Ordinance are met.



- ii. The right-of-way may serve more than two dwellings provided the applicable provisions of the Town of Leeds Street Construction Ordinance are complied with.
- f. No more than one right-of-way for backlot development may be created out of any single lot fronting on public or privately owned street unless each subsequent right-of-way is created out of at least 150 feet of frontage on a public or privately owned road frontage, and the center lines of the rights-of-way entrances are at least 200 feet apart.
- g. Backlots legally recorded on or before June 21, 1971, served by a deeded right-of-way legally recorded on or before June 21, 1971, shall be exempt from the minimum right-of-way requirements.
- h. The shortest distance between the backlot and street shall be at least 250 feet.

**B. Backlots** may be developed for industrial/commercial uses although they lack any frontage on a public or privately owned street if the development is in accordance with the following provisions.

1. The right-of-way must be conveyed by deed or other legal instrument registered in the County Registry of Deeds to the owner of the backlot and be a minimum of 80 feet in width.
2. A legal description of the right-of-way by metes and bounds shall be attached to any land use permit application for construction on the backlot.
3. The right-of-way deed or other legal instrument must be recorded in the Androscoggin County Registry of Deeds before a land use permit is issued.
4. Creation of an 80-foot right-of-way to serve the backlot shall not create a nonconforming front lot by reducing such lots required road frontage below the minimum, or, if the front lot is already nonconforming, reduce its road frontage at all. Where the right-of-way is conveyed by easement or irrevocable license, or some grant less than a fee interest, the land over which such servitude is placed may not be counted toward meeting road frontage requirements for the front lot.
5. The shortest distance between the backlot and the road shall be at least 250 feet.

**C. Accessory Dwelling Units (ADUs)**

- 1. Purpose.** The purpose of these standards are to provide less expensive rental units to the housing stock, make housing units available to lower income households who might otherwise have difficulty finding housing in

Leeds and to protect property values and traditional residential characteristics.

- 2.** General Requirements. One ADU is allowed on the same lot where a single-family residence is the principal structure, with a permit granted by the CEO, provided all the following are met:
  - a.** The minimum floor area must be at least 190 square feet.
  - b.** The ADU is allowed on a nonconforming lot but may not increase nonconforming conditions.
  - c.** All proper safeguards against the catching or spreading of fire be used, the chimneys and flues shall be made safe and proper cutoffs be placed between the timbers in the walls and floorings where fire would be likely to spread.
  - d.** All proposed water and sewer connections shall comply with the provisions of 10-144 C.M.R. Ch. 241 Subsurface Wastewater Disposal Rules and Title 30-A Ch. 185 Subchapter 3 Regulation and Inspection of Plumbing.

(Note: See Article X for definitions of “Principal Structure”, “Dwelling Unit” and “Floor Area”.)

- 3.** Restrictions. An ADU may be constructed only:
  - a.** Within the principal structure; or
  - b.** Attached to, or sharing a wall with, the principal structure; or
  - c.** As a new, or within an existing accessory structure.
- 4.** Occupancy Permit. The following area required before occupancy:
  - a.** Written verification by the owner of adequate potable water and wastewater services as required in MRSA Title 30-A Chapter 187 §4364-B Accessory Dwelling Units;
  - b.** Final inspections and approvals by the local plumbing inspector in accordance with MRSA Title 30-A Chapter 185 §4221 Plumbing Regulations;
  - c.** Inspection of any masonry chimney by the Local Fire Chief;
  - d.** Inspection by the CEO for compliance with the Land Use Permit.
- 5.** Restrictive Covenants. This section may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid or enforceable

easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

#### **D. Recreation Vehicles**

One recreation vehicle on a lot upon which a permanent residential dwelling is located is permitted provided the following conditions are met:

1. The recreation vehicle shall not be placed and occupied for more than 30 days within any 12-month period. The recreation vehicle may be allowed to be placed and occupied for more than 30 days upon written approval of the Code Enforcement Officer. The Code Enforcement Officer in granting any approval shall consider the need to occupy the recreational vehicle for more than 30 days and that healthful sanitary conditions are maintained.
2. The placement of the recreation vehicle on any lot shall meet all setback requirements.
3. The recreational vehicle shall not be temporarily or permanently connected to any type of subsurface waste disposal system.
4. The recreational vehicle shall not be located on any type of foundation.
5. No structure(s) of any kind shall be attached to the recreational vehicle.

These provisions do not restrict the placement for unoccupied storage of recreation vehicles adjacent to a primary residence.

#### **E. Water Quality Protection**

No materials of any kind shall be permanently or temporarily placed or deposited directly into or in the floodplains of any river or stream, lake, pond or on the ice thereof where such material may fall or otherwise find its way into said watercourses, nor shall such material be placed or deposited directly in pits, wells or on the ground surface in such a manner that would cause water quality degradation. Such activities shall be in conformity with applicable local, state and federal laws.

#### **F. Sanitary Provisions**

1. The approval of land use permit applications shall be subject to the presentation of a completed Maine Department of Human Services Bureau of Health Engineering site evaluation form (HHE-200) which evidences adequate soil conditions for subsurface wastewater disposal.

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

## **G. Buffer Strips**

The purpose of buffer strips is to separate and partially obstruct the view of one or more land uses or properties from one another. In addition, buffer strips can be used to minimize the noise of different land uses.

No industrial or commercial uses may be erected or any new use permitted unless a buffer strip at least 75 feet wide is provided and maintained between any adjoining residential district or use and the industrial or commercial structure or use.

1. Natural Features: The side and rear yards abutting residential districts shall maintain the district boundary in its natural state to provide a buffer of at least the setback distance.
2. Landscaping: When natural features such as slope, gullies, stands of trees, shrubbery or rock outcrops do not exist or are insufficient to provide a buffer, the developer shall provide a landscaped area at least 30 feet wide. Where such landscaping is not feasible, as determined by the Planning Board, the developer shall provide a fence at least 6 feet high between the adjoining residential district and the non-residential use.
3. Effect of Buffering: Natural features, landscaping or, if necessary, fencing or screening, should be expected to obstruct the view of the proposed development from abutting properties.
4. Fencing and Screening: Fencing and screening, when necessary, shall be properly maintained and located or constructed in such a manner that it can be maintained from the developer's property.

## **H. Access to Property**

Each dwelling, commercial, industrial, educational, institutional or public structure shall be provided with vehicular access to the property by abutting public, privately owned, or common driveways as defined in the Town of Leeds Street Construction Ordinance.

## **I. Campgrounds**

Campgrounds shall require Site Plan Review, conform to the minimum requirements imposed under State licensing procedures and the following:

1. Campgrounds shall contain a minimum of 5,000 sq.ft. of land, not including roads and driveways, for each site. Land supporting wetland vegetation and land below the normal high-water line of a water body shall not be included in calculating land area per site.

#### **J. Swimming Pools**

1. Swimming pools installed after the effective date of this Ordinance shall require a permit issued by the Code Enforcement Officer.
2. All swimming pools shall meet setback requirements for the district they are to be located in.
3. Enclosures of swimming pools shall comply with the provisions of Title 22, M.R.S.A. Section 1632.

#### **K. Parking Areas**

1. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body and, where feasible, to retain all runoff on-site.
2. In determining the appropriate size of proposed parking facilities, the following shall apply:
  - a. Typical parking space: Approximately 10 feet wide and 20 feet long.
  - b. Internal travel aisles: Approximately 20 feet wide
3. Parking areas for commercial and industrial use shall not be located in the required front setback areas.

#### **L. Archaeological Sites**

Any proposed land use activity involving structural development or soil disturbance not associated with normal agricultural activities within 50 yards of the Androscoggin and Dead Rivers and Androscoggin Lake and other waterbodies as determined by the Board shall provide the Board with a statement of potential impacts upon archaeological sites. A two phase archaeological assessment shall be undertaken prior to the issuance of permits. The applicant shall submit to the Maine Historic Preservation Commission for review and comment, at least 20 days prior to action being taken by the permitting authority, the proposed activity. The permitting authority shall consider comments received from the Commission prior to

rendering a decision on the application and determine if a detailed archaeological (Phase II) survey is warranted.

#### **M. Density Bonus Field Preservation**

1. Purpose: To aid in the implementation of Leeds Comprehensive Plan, provide farmland owners with development opportunities, discourage traditional subdivision development on farmlands, and to maintain the valued feeling of open space and farmland special incentives and controls are provided for residential development which takes place on lands other than open fields. Notwithstanding provisions of this Ordinance relating to dimensional requirements, the Board, in reviewing and approving proposed residential subdivisions, may modify the provisions related to dimensional requirements to permit flexibility in approaches to housing and environmental design to accordance with the following guidelines. This shall not be construed as granting variances.
2. Basic Requirements: The Planning Board in reviewing and approving residential development proposal in the Rural Residential and Prime Agricultural Districts containing at least 5 acres of land which includes open fields may modify the minimum requirements of lot area, lot width, road frontage and yard space which would otherwise apply pursuant to existing ordinances provided the following standards are met:
  - a. Density Bonus. A density bonus in the form of a one dwelling unit per 40,000 sq.ft. of land suitable for development rather than the required 87,120 sq.ft. may be allowed if development takes place off open fields and 40,000 sq.ft. of open fields per dwelling unit is dedicated to permanent open space through a conservation easement or other approved method readily usable for agriculture or conservation.
  - b. Dedication of Open Space.
    - 1) If the owner provides for a conservation easement, it shall be dedicated upon approval of the project. There shall be no further subdivision of this land, which shall be used only for agriculture or conservation. However, easements for public utilities or structures accessory to agriculture or conservation, may be permitted.
    - 2) The open space(s) shall be shown on the development plan and with appropriate notation on the face thereof to indicate that:
      - a) the open space shall not be used for future building lots; and
      - b) a part or all of the open space may be dedicated for

acceptance by the town.

- 3) If any or all of the open space is to be reserved for use by the residents, the bylaws of the proposed homeowner's association shall specify maintenance responsibilities and that the land shall be used only for agriculture or conservation and shall be submitted to the Board prior to approval.
  - 4) Covenants for mandatory membership in the association, setting forth the owners' rights and interest and privileges in the association and the common land, shall be reviewed by the Board and included in the deed for each lot.
  - 5) This homeowner's association shall have the responsibility of maintaining the open space(s).
  - 6) The association shall levy annual charges against all property owners to defray the expenses connected with the maintenance of open space and town assessments.
- c. The density bonus provided for in this section shall not be further increased by the Open Space Development Standards contain in the Town of Leeds Subdivision Ordinance.

## **SECTION 5. Site Plan Review**

### **A. Purpose**

The purposes of site plan review are:

1. To provide a level of municipal review that would not otherwise occur of projects that potentially could impact the community;
2. To promote and protect the health, welfare and safety of the residents of the Town of Leeds;
3. To provide local protection from those particular nuisances which are not governed by State law or regulation;
4. To balance the rights of landowners to use their land with the corresponding right of abutting and neighboring landowners to live without undue disturbance from noise, smoke, fumes, dust, odor, glare, traffic, storm water runoff or the pollution of ground or surface waters; and
5. To reduce the off-site (external problems created by development) thereby decreasing the cost of maintaining or improving municipal services.

### **B. Applicability**

1. Site plan approval by the Planning Board in conformity with the criteria and standards of this section shall be required for the following:
  - a. Uses in each district which require site plan approval as identified in Section 3.E.
  - b. A change in use when the new use is subject to site plan review.
  - c. Expansions of nonconforming structures and uses as defined in Sections 2.C.1. and 2.D.1. and 3.
  - d. The placement of above ground fuel storage tank(s) which contain 1,000 gallons in total or in combination.
  - e. Sand and gravel pits established after the effective date of this Ordinance.
2. Site plan approval is not required for the following:
  - a. Construction of detached single-family and two-family dwellings and customary outbuildings for the use of the residents thereof.



- b. Subdivisions as defined by Title 30-A, M.R.S.A. Section 4953 and the Town of Leeds' Subdivision Ordinance.
- c. The normal and customary practices involved in the growing and harvesting of field crops and timber.
- d. Sand and gravel pits approved or established prior to the effective date of this Ordinance.

### **C. Classification of Projects**

Projects subject to site plan review shall be divided into two classes, minor developments and major developments.

Minor developments shall include those projects involving the construction or addition of less than 5,000 sq.ft. of gross nonresidential floor area, and/or projects involving the installation of less than 5,000 sq.ft. of impervious surfaces, or projects involving the conversion of existing buildings or structures from one use to another use which requires site plan approval.

Major developments shall include projects involving the construction or addition of 5,000 or more square feet of gross nonresidential floor area, and/or projects involving the installation of more than 5,000 sq.ft. of impervious surfaces, projects involving the establishment or expansion of a campground or other projects requiring review which are not classified as a minor development.

The Planning Board shall classify each project as a minor or major development. If the applicant is uncertain as to the classification of the project, he/she may request a determination.

### **D. Administration**

1. Agenda. In order to avoid unnecessary delays in processing applications for site plan review, the Board shall prepare an agenda for each regularly scheduled meeting. Applicants shall request to be placed on the Board's agenda at least one week in advance of a regularly scheduled meeting by contacting the Chairman. Applicants who attend a meeting but who are not on the Board's agenda may be heard but only after all agenda items have been completed, and then only if a majority of the Board so votes.
2. Preapplication Meeting. Applicants are encouraged to schedule a meeting with the Board prior to formal submission for review, to present a sketch plan and make a verbal presentation regarding the site and the proposed project.

- a. Submission. The Preapplication Sketch Plan should show, in simple sketch form, the proposed development area, and other features in relation to existing conditions. The Sketch Plan, which may be a free-hand pencilled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located.
- b. The Board may waive the requirement of the preapplication meeting, contours and on-site inspection when it finds that the proposed development activity is of such scale and intensity that a thorough review can be conducted without the preapplication meeting.
- c. Contour Interval and On-Site Inspection. Within 30 days, the Board shall determine and inform the applicant, in writing, of the required contour interval on the site plan, and determine whether or not to hold an on-site inspection of the property at this phase.
- d. Ownership Interest. The developer will furnish written evidence showing his interest (option, contract for sale, etc.) in the property to be developed to the Planning Board and the status of property tax payment.

### 3. Application Procedure

- a. Applications in Writing. All applications for site plan approval shall be made in writing to the Board on the forms provided for this purpose.

All applications shall be made by the owner of the property or his agent, as designated in writing by the owner.

- b. Fees. An application for site plan approval shall be accompanied by a fee of \$25 plus \$10 per 2,000 sq.ft. or portion thereof of gross floor area. This application fee shall be made by check payable to the Town. This fee shall not be refundable. The Planning Board shall not consider an application for site review until the fees have been received by the Town.
- c. Planning Board Agenda. Applicants shall request to be placed on the Board's agenda at least one week in advance of a regularly scheduled meeting by contacting the Chairman. Applicants who attend a Board meeting, but who are not on the agenda, may be heard but only after all agenda items have been completed and then only if a majority of the Board so votes.

- d. Development Plan. A Development Plan meeting the standards of this Ordinance shall be submitted to and reviewed by the Board, and shall be approved by the Board before any land use permit may be issued. In the case of proposed resumptions of uses which have been discontinued for at least one year, Board approval shall be required before such uses may be resumed for a one year time period.

The applicant, or his duly authorized representative, shall attend the meeting of the Board to discuss the Development Plan. The Board shall provide the applicant a dated receipt of a Site Plan Review application at the Board meeting where the application is first present and heard by the Board.

Within 30 days of receipt of a Site Plan Review application form and fee, the Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application. The Board shall determine whether to hold a public hearing on the Site Plan Review application.

If the Board decides to hold a public hearing, it shall hold the hearing within 30 days of receipt of a complete application, and shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least 7 days prior to the hearing. Notice of the public hearing shall be mailed to all abutters of the proposed development 7 days prior to the hearing by the Town of Leeds.

Within 30 days of a public hearing, or within 60 days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact on the application and approve, approve with conditions, or deny the development plan. The Board shall specify, in writing, its findings of facts and reasons for any conditions or denial.

- e. Professional Review. If the services of outside consulting engineers are required by the Board to assist in review of the plan, the Board shall notify the applicant of the nature of services, the firm or individual selected and the estimated cost of the services. The costs of such services shall be paid by the applicant and evidence of such payment furnished to the Planning Board before the final plans for the project will be approved.
- f. Additional Studies. The Board may require the applicant to undertake any study which it deems reasonable and necessary to insure that the requirements of the Ordinance are met. The costs of all such studies shall be borne by the applicant.

- g. Notice to Abutters. Abutting property owners shall be notified by mail, by the applicant, of a pending application for site plan review. This notice shall indicate the time, date and place of Board consideration of the application. The applicant shall show proof that the abutting property owners were notified.
- h. Financial Guarantee. Prior to final approval or any site plan review application, the Board may require the posting, of a bond or escrow agreement in such amount as is approved by the Board. This amount shall be sufficient to ensure completion of all improvements required as conditions of approval of such plan, in such form as approved by the Board and Town Selectmen. The Town shall have access to the site at all times to review the progress of the work.
- i. Conditions. The Board may attach reasonable conditions to the Site Plan Review approvals to ensure conformity with the standards and criteria of this Ordinance.
- j. Expiration of Approvals. All Site Plan Review approvals shall expire within one (1) year of the date of issuance unless work thereunder is commenced. If work is not completed within two years from the date of issuance, a new application must be made. There will be no additional charge.

**E. Site Plan Review Application Requirements**

Applications for all Site Plan Reviews (major and minor developments) shall be submitted on application forms provided by the Town. The completed application form, required fees and the required plans and related information shall be submitted to the Board no less than one week prior to the meeting.

In addition, one copy of the plan(s) and all accompanying information shall be mailed to each Board member by the applicant no less than one week prior to the meeting.

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

1. A fully executed and signed copy of the application for Site Plan Review.
2. The Development Plan shall consist of one or more reproducible, stable base transparent original, to be filed at the Town Office. Space shall be provided on the Development Plan for the signatures of the Board and date with the following words. Approved: Town of Leeds Planning Board
3. The applicant shall provide the Public Works Director and Fire Chief with an application and development plan. The applicant shall provide the Board with these officials' written comments upon the adequacy of their department's existing capacities to service the proposed development.

4. General information

- a. Name of owner of record and address and applicant's name and address, if different;
- b. The name of the proposed development;
- c. Names and addresses of all property owners within 500 feet of the edge of the property line;
- d. Sketch map showing general location of the site within the Town;
- e. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time;
- f. The tax map and lot number of the parcel or parcels;
- g. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant and status of property tax payment; and
- h. The name, registration number and seal of the land surveyor, architect, engineer and/or similar professional, if any, who prepared the plan.

5. Existing Conditions

- a. Zoning classification(s) of the property and the location of zoning district boundaries, if the property is located in two or more zoning districts or abuts a different district;
- b. The bearings and distances of all property lines of the property to be developed and the source of this information;
- c. Location and size of any existing sewer and water systems, culverts and drains on the property to be developed and of any that will serve the development from abutting streets or land;
- d. Location, names and present widths of existing streets and rights-of-way within or adjacent to the proposed development;
- e. The location, dimensions and ground floor elevations of all existing buildings on the site;
- f. The location and dimensions of existing driveways, streets and parking and loading areas and walkways on the site;

- g. Location of intersecting roads or driveways within 200 feet of the site;
- h. The location of open drainage courses, wetlands, stands of trees and significant wildlife habitat, known or potential archaeological resource, historic buildings and sites, significant scenic areas, mapped sand and gravel aquifers, rare and endangered, other important natural features, with a description of how such features will be maintained or impacts upon them minimized;
- i. The direction of existing surface water drainage across the site;
- j. If any portion of the property is in the 100-year floodplain, its elevation shall be delineated on the plan;
- k. The location, front view and dimensions of existing and proposed signs; and
- l. Location and dimensions of any existing easements and copies of existing covenants or deed restrictions.

6. Proposed Development Activity

- a. The location and dimensions of all proposed buildings and structures.
- b. All existing and proposed setback dimensions.
- c. The size, location and direction and intensity of illumination and method of installation of all major outdoor lighting apparatus and signs.
- d. The type, size and location of all incineration devices.
- e. The type, size and location of all machinery likely to generate appreciable noise at the lot lines.
- f. An on-site soils investigation report by a Maine Department of Human Services licensed Site Evaluator. The report shall identify the types of soil, location of test pits, and proposed location and design for the subsurface disposal system.
- g. The type of water supply to be used.
- h. The amount and type of any raw, finished or waste materials to be stored outside of roofed buildings, including their physical and chemical properties, if appropriate.
- i. Proposed landscaping and buffering.

- j. Copies of applicable State approvals and permits, provided however that the Board may approve development plans subject to the issuance of specified State approvals and permits where it determines that it is not feasible for the applicant to obtain them at the time of development review.
  - k. A schedule of construction including anticipated beginning and completion dates.
7. Applications for major developments shall include the following additional information:
- a. Existing and proposed topography of the site at two foot contour intervals or such other interval as the Planning Board may determine.
  - b. A storm water drainage and erosion control plan showing:
    - 1) the existing and proposed method of handling storm water runoff;
    - 2) the direction of flow of the run-off through the use of arrows;
    - 3) the location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers;
    - 4) engineering calculations used to determine drainage requirements based upon the 25 year, 24 hour storm frequency, if the project will significant alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed;
    - 5) methods of controlling erosion and sedimentation during and after construction.

A ground water impact analysis prepared by a ground water hydrologist for projects involving common on-site water supply or sewage disposal facilities with a capacity of 2,000 gallons per day.
  - c. A utility plan showing, in addition to provisions for water supply and waste water disposal, the location and nature of electrical, telephone and any other utility services to be installed on the site.
  - d. A planting schedule keyed to the site plan and indicating the general varieties and sizes of trees, shrubs and other plants to be planted on the site.
8. Traffic Data. A development plan may be required to have an accompanying traffic engineering study. Should a traffic study requested by the Board, the following data shall be included:

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

9. Other Information

- a. The location, width, typical cross-section, grades and profiles of all proposed streets and sidewalks.
- b. Construction drawings for streets, sanitary sewers, water and storm drainage systems, designed and prepared by a professional engineer registered in the State of Maine.
- c. The location of any pedestrian ways, lots, easements, open spaces and other areas to be reserved for or dedicated to public use and/or ownership. For any proposed easement, the developer shall submit the proposed easement language with a signed statement certifying that the easement will be executed upon approval of the development. In the case of any streets or other ways dedicated to public ownership, the developer shall submit a signed statement that he will maintain such streets or ways year-round until they are accepted by the Town.
- d. A copy of such covenants or deed restrictions, if any, as are intended to cover all or part of the tract. Such covenants or deed restrictions shall be referenced on the plan.
- e. Written offers of dedication or conveyance to the municipality, in a form satisfactory to the Town Attorney, of all land included in the streets, highways, easements, parks or other open space dedicated for public use, and copies of agreements or other documents showing the manner in which open spaces, title to which is reserved by the developer, are to be maintained.
- f. Cost of the proposed development and evidence of financial capacity to complete it. This evidence should be in the form of a letter from a bank or other source of financing indicating the name of the project, amount of financing proposed, and interest in financing the project.

10. Submission Waivers. Where the Board makes written findings of fact



that there are special circumstances of a particular application, it may waive portions of the submission requirements, unless otherwise indicated in this Ordinance, provided the applicant has demonstrated that the standards of this Ordinance have been or will be met, the public health, safety and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan and Zoning Ordinance.

## **F. General Review Standards**

The following criteria and standards shall be utilized by the Board in reviewing applications for Site Plan Review approval. The standards are not intended to discourage creativity, invention and innovation. The Board may waive the criteria presented in this section upon a determination by the Board that the criteria are not applicable to the proposed action or upon a determination by the Board that the application of these criteria are not necessary to carry out the intent of this Ordinance. The Board shall approve the site plan unless the Site Plan Review does not meet the intent of one or more of the following criteria provided that the criteria were not first waived by the Board.

1. Preserve and Enhance the Landscape: The landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal, disturbance of soil, and retaining existing vegetation during construction. After construction is completed, landscaping shall be designed and planted that will define, soften or screen the appearance of off-street parking areas from the public right-of-way and abutting properties and/or structures in order to enhance the physical design of the building(s) or site and to minimize the encroachment of the proposed use on neighboring land uses.

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

2. Relation of Proposed Buildings to Environment. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed structures, so as to have a minimally adverse affect on the environmental and aesthetic qualities of the developed and neighboring areas including historic buildings and sites. The Board shall assess the proposed structures impact upon identified scenic sites and views. Where the Board finds that the proposed structures would have an undue adverse effect on scenic sites and views, the Board shall require the development to minimize such effects including the use of scenic easements.

3. Vehicular Access. The proposed development shall provide safe access to and from public and private roads. Safe access shall be assured by providing an adequate number and location of access points, with respect to site distances, intersections, schools and other traffic generators. "Curbcuts" shall be limited to the minimum width necessary for safe entering and existing. Where common access is not provided, a single lot shall be limited to two "curbcuts." The proposed development shall not have an unreasonable negative impact on the Town's road system. When an unreasonable negative impact to the Town's road system would occur the Board may require as a condition of an approval that the applicant undertake road improvements. Any exit driveway or driveway lane shall be so designed in profile and grading and so located as to provide the following minimum sight distance measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway from distances between 10 and 15 feet behind the curblineline or edge of shoulder, with the height of the eye 3.5 feet to the top of an object 4.25 feet above the pavement.

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

4. Internal Vehicular
  - a. Circulation and Parking. The proposed development shall provide safe interior circulation within its site by separating pedestrian and vehicular traffic and providing adequate parking and loading areas.
  - b. A use shall not be extended and no structure shall be constructed or enlarged unless sufficient off-street automobile parking space is provided. The location of parking to the side or rear of buildings is encouraged.
  - c. Where the development will abut an existing or potential parking area provisions shall be made for internal vehicular connections.
  - d. The layout and design of parking areas shall provide for safe and convenient circulation of vehicles throughout the lot and shall prohibit vehicles from backing out onto a street.

5. Conservation, Erosion and Sediment Control. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized. The following measures shall be included, where applicable, as part of any Site Plan Review and approval.
- a. Stripping of vegetation, regrading or other development shall be done in such a way as to minimize erosion.
  - b. Development shall preserve salient natural features, keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and so as to adequately handle surface water runoff.
  - c. The disturbed area and the duration of exposure of the disturbed area shall be kept to a practical minimum.
  - d. Disturbed soils shall be stabilized as quickly as practical.
  - e. Temporary vegetation or mulching shall be used to protect exposed critical areas during development.
  - f. The permanent (final) vegetation and mechanical erosion control measure shall be installed as soon as practical on the site.
  - g. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods.
  - h. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his or her expense as quickly as possible.
  - i. Any activity on a stream, watercourse or swale or upon a floodway or right-of-way shall comply with the State's Natural Resources Protection Act, Title 38, M.R.S.A., Sections 480A-480S. Any such activity shall also be conducted in such a manner so as to maintain as nearly as possible the present state of the stream, watercourse, swale, floodway or right-of-way for the duration of the activity and shall be returned to its original or equal condition after such activity is completed.
  - j. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

6. Site Conditions
  - a. During construction, the site shall be maintained and left each day in a safe and sanitary manner. Site area shall be regularly sprayed with an environmentally safe product to control dust from construction activity.
  - b. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris, and excess or scrap building materials shall be removed or destroyed immediately upon the request and to the satisfaction of the Code Enforcement Officer prior to issuing an occupancy permit.
  - c. No significant change shall be made in the elevation or contour of any lot or site by the removal of earth to another lot or site other than as shown on an approved Site Review Plan.
7. Advertising Features. The size, location, design, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties. Signs in non-commercial zones shall be designed so as not to detract from the residential character of the zone and shall conform to the criteria for signs in the small enterprise section of the Ordinance (Sec. 5.F.4.c.1.). Portable signs in non-commercial zones may be used for no more than three (3) months during any one calendar year. Portable signs shall be located so as not to obscure drivers' visibility.
8. Special Features. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
9. Exterior Lighting. All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicle traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public.
10. Emergency Vehicle Access. Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures.
11. Municipal Services. The development will not have an unreasonable adverse impact on the municipal services including municipal road

systems, fire department, emergency medical unit, solid waste program, schools, open spaces, recreational programs and facilities and other municipal services and facilities.

12. Surface Water. The proposed activity will not result in undue surface water pollution. In making this determination, the Board shall at least consider the elevation of land above sea level and its relation to the floodplains, the nature of soils and subsoils and, if necessary, their ability to adequately support waste disposal and/or any other approved licensed discharge; the slope of the land and its effect on effluents.
  
13. Phosphorus Export. When a proposed development is within the direct watershed of Androscoggin Lake and Allen, Little Sabattus, Bonny, Sabattus and Island Ponds, the phosphorus export from development shall be equal to or less than that which is calculated using the methodology established by the Maine Department of Environmental Protection using the data provided by that Department and those in the table below, as revised from time to time by the Board to reflect any changes in the data or methods of computation promulgated by the Department of Environmental Protection. Notice of the revision of such standards by the Board shall be given by publication in a newspaper having general circulation in the Town of Leeds and by posting the same at the Town Hall. A copy of any such revised standards shall be on file with the Town Clerk.

<b>PHOSPHOROUS</b>			
<b>Watershed</b>	<b>Lake Protection Level</b>	<b>lbs/ppb</b>	<b>Allowable Per Acre Phosphorous Load (lbs/acre/year)<sup>1</sup></b>
Androscoggin Lake	Medium	128.6	0.193
Sabattus	Medium	25.7	0.027
Allen	Medium	0.088	0.055
Little Sabattus	Low	4.6	0.105
Bonny	Low	1.1	0.098
Source: Androscoggin Valley Council of Governments			

<sup>1</sup>Per acre phosphorous allocation - amount of phosphorous each developed acre is allowed to export (lbs/acre/year)

14. Ground Water. The proposed development shall not result in undue affect of the quality or quantity of ground water. In making this determination, the Board shall consider the location of aquifers and aquifer recharge areas, the nature of the proposed development and its potential threat to ground water resources. The Board may place conditions upon an application to minimize potential impacts to the Town's ground water resources.
  - a. The use will not increase the contaminant concentration in the ground water to more than 80% of the State's Primary Drinking Water Standard or Secondary Drinking Water Standard. The use will not decrease the quantity of ground water available on nearby properties below that needed to support existing uses, potential expansions of existing uses or allowable uses.
  - b. For above ground fuel storage, as defined in Section 5.B.1.d., and chemicals or industrial wastes and potentially harmful raw materials, an impermeable diked area shall be provided; the diked area must be sized to contain the total volume of fuel tanks and piping; roofed to prevent accumulation of rainwater in the diked area and shall be properly vented. There shall be no drains in the facility. All concrete, whether walls or pads, shall be reinforced concrete and shall be designed by a Professional Engineer Registered in the State of Maine when required by the Board.
  - c. Underground petroleum tanks shall be installed in accordance with the standards promulgated by the Maine Board of Environmental Protection.
15. Air Pollution. The proposed development shall not create an emission of dust, dirt, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation or property, or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission shall be prohibited. All such activities shall also comply with applicable federal and State regulations.
16. Odor. The proposed development shall not produce offensive or harmful odors perceptible beyond their lot lines, either at ground or habitable elevation.
17. Noise. The proposed development shall not raise noise levels to the extent that abutting and/or nearby residents are adversely affected.
  - a. The maximum permissible sound pressure level of any continuous, regular or frequent or intermittent source of sound produced by any activity shall be limited by the time period and land use which it abuts listed below. Sound levels shall be measured at least 4 feet above ground at the property boundary of the source.

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

7 a.m.-10 p.m. 10 p.m.-7 a.m.

Residential	55	45
Commercial	65	55
Industrial	70	60

- b. Noise shall be measured by a meter set on the A-weighted response scale, fast response. The meter shall meet the American National Standards Institute (ANSI SI 4-1961) "American Standard Specification for General Purpose Sound Level Meters."
  - c. The following uses and activities shall be exempt from the sound pressure level regulations:
    - 1) Noises created by construction and temporary maintenance activities between 6:30 a.m. and 8:00 p.m.
    - 2) The noises of safety signals, warning devices and emergency pressure relief valves and any other emergency activity.
    - 3) Traffic noise on public roads or railroads.
18. Sewage Disposal. The development shall provide for a suitable sewage disposal.
- a. All individual on-site systems will be designed by a licensed soil evaluate in full compliance with the Maine Subsurface Wastewater Disposal Rules. Upon the recommendation of the Local Plumbing Inspector, the Board may require the location on the individual lots of reserved areas for replacement systems.
19. Waste Disposal. The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.
- a. All solid waste will be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.
  - b. All hazardous waste will be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted.
20. Setbacks and Screening. The proposed development will provide adequate setbacks and screening. In addition to the setbacks required by this Ordinance, the Board shall consider the following:

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

**G. Specific Standards** (Amended 7 June 2003)

1. Sand and Gravel Pits

- a. Any gravel pit which requires a permit from the Maine Department of Environmental Protection under the Site Location of Development Act shall obtain written approval from the Department of Environmental Protection in addition to approval by the Board under the Site Plan Review procedures of this Ordinance. Site Plan Review approval by the Board shall be conditioned upon State approval.
- b. A sand and gravel pit operation which will remove more than 5,000 cu.yds. of product within any 12-month period will require a permit from the Board. In addition to the submission requirement contained in Section 5.E., the following will be submitted.
  1. The existing and proposed limits of excavation clearly delineated.
  2. Location, function and ground area of all structures, facilities, parking lots, roads, and mud run-off areas.
  3. The phases of excavation and reclamation.
  4. Entrance and exit layout.
  5. Gates or other means for controlling access.
  6. Pre- and post-development topography using an interval of no greater than 5 foot contours.
  7. Surface drainage and watersheds on parcel, pre- and post-excavation.



8. Location of topsoil stockpile areas.
9. Areas where natural vegetation will be left and where plantings will be made to screen the operation from view.
10. Slopes and vegetation for protecting adjacent structures.
11. Location of any test pits or borings and observation wells documenting the seasonal high water table.
12. At least one cross section along the long axis of the pit and another cross section at a right angle to it. The cross section diagrams should show the existing grade, the proposed final grade including maximum depth of elevation, depth to ground water and the stratigraphy of the surficial deposits at the site.
13. Proposed disposal method of stumps and grubblings.
14. Plans and schedule for reclamation.

c. Review Criteria and Standards

1. A buffer strip of not less than 100 feet shall be maintained between the location of any extraction of materials and all property lines. This buffer strip may be reduced to 25 feet with written consent from abutting property owners and Board approval.
2. The average slope of and cut bank measured from a point located 10 feet from the buffer strip to the bottom of the cut bank in the pit shall not exceed a horizontal to vertical ratio of 2:1. The owner of the borrow pit is responsible for maintaining this condition.
3. All petroleum products shall be kept out of the pit and no refueling or oil changes shall be conducted in the pit unless such activities comply with applicable standards promulgated by the Maine Department of Environmental Protection.
4. There shall be no storage or dumping on the pit of any substances that could produce harmful leachate, unless such substances are placed under cover and on impermeable, spill-proof base. Such potentially deleterious substances include, but are not limited to salt, rubbish, creosoted timber and petroleum products.

5. No oiling of access and haul roads is permitted.
6. No gravel shall be excavated below a position that is 2 feet above the seasonally high water table without approval of the Maine Department of Environmental Protection and the Board.
7. No ditches, trenches, pumping or other methods shall be used to lower the water table to permit more gravel extraction than could occur under natural conditions.
8. Access to the pit shall be strictly controlled.
9. Reclamation of the pit shall not be made with any substance that could either have a deleterious leachate or create an impermeable base.
10. Stumps and grubblings shall be disposed of in a manner approved by the Board.
11. Suitable traffic control measures shall be made available by the operator at all access points to public streets. Truck routes shall be restricted to collector and arterial streets unless otherwise specified by the Board.
12. Upon cessation of the extraction of materials or upon the expiration of the Board approval, the site shall be rehabilitated in accordance with a plan.

2. Ground Water Protection

- a. In addition to the standards contained in Sections 5.E. and 5.F., the following standards shall be utilized by the Board for reviewing development applications located on a mapped sand and gravel aquifer.
- b. The boundaries of sand and gravel aquifers shall be as delineated on the Sand and Gravel Map prepared by the Maine Geological Survey labeled Map 16 and identified as Open-File Report No. 85-82d, Plate 3 of 5.
- c. When the boundaries of the sand and gravel aquifer are disputed due to lack of sufficient detail on available maps, the landowner or agent may submit hydrogeologic evidence to support the claim. The evidence shall be prepared by a geologist, certified in the State of Maine.

- d. Hydrogeologic Study. Based on the size, location, nature of products to be utilized and/or stored that carry a threat to ground water quality surrounding uses or other characteristics of the proposed use or site to determine compliance with the requirements of this section and the water quality criteria of the Site Plan Review, the Board may require submittal by the applicant of a hydrogeologic impact study. The impact study shall be prepared by a State of Maine Certified Geologist with experience in hydrogeology. The study shall contain the following components unless waived by a specific vote of the Board.
- 1) A map showing: (1) soil types; (2) surficial geology on the property; (3) the recommended sites for individual subsurface waste water disposal systems and wells in the development; and (4) direction of ground water flow. (The Board expects the detail of this study to vary with the intensity of the development.)
  - 2) The relationship of surface drainage conditions to ground water conditions.
  - 3) Documentation of existing ground water quality for the site.
  - 4) A nitrate nitrogen analysis or other contaminant analysis as applicable including calculation of levels of the property line(s) and well(s) on the property.
  - 5) A statement indicating the potential sources of contamination to ground water from the proposed use and recommendations on the best technologies to reduce the risks.
  - 6) For water intensive uses, analysis of the effects of aquifer drawdown on the quantity and quality of water available for other water supplies or potential water supplies.
  - 7) The Board may require installation and regular sampling of water quality monitoring wells for any use or proposed use deemed to be a significant actual or potential source of pollutants or excessive drawdown. The number, location and depth of monitoring wells shall be determined as part of the Hydrogeologic Study, and wells shall be installed and sampled in accordance with "Guidelines for Monitoring Well Installation and Sampling" (Tolman, Maine Geologic Survey, 1983). Water quality sample results from monitoring wells shall be submitted to the Code Enforcement Officer with evidence showing that contaminant concentrations meet the performance standard for pollution levels.

- 8) A list of assumptions made to produce the required information.
3. Conditions/Standards. In addition to the standards contained in Sections 6.F. and 6.G., the following standards shall be met:
    - a. No use including small enterprises shall dispose of other than normal domestic waste water on-site without approval of the Board. Disposal of waste water shall be in strict compliance with the Maine Subsurface Wastewater Disposal Rules and other relevant State and local laws, rules and ordinances.
    - b. Indoor use or storage facilities where hazardous materials, wastes or other liquids with the potential to threatened ground water quality are used or stored shall have concrete floors with dikes adequate to contain the largest quantity of liquid in use at any one time within the area.
    - c. Petroleum and Other Hazardous Material or Waste Transfer. A spill containment plan shall be submitted and approved by the Board.
  4. Small Enterprises. A commercial or industrial enterprise conducted in a dwelling unit or a structure accessory thereto which meets all the following criteria shall constitute a small enterprise.
    - a. The total number of full or part-time employees must be six or less and at least one employee must be an owner or resident of the small enterprise property. Such total of six employees shall include all residents involved in the small enterprise.
    - b. The total area utilized for the provided services shall be 2,500 sq.ft. or less, including parking spaces and paved areas.
    - c. Exterior displays or signs, other than those permitted hereinafter, exterior storage of material, and exterior indication of the small enterprise or variation from the residential character of the principal structure, shall not be permitted.
      - 1) In order to reduce visual traffic hazards and to provide for the safety of motoring public and pedestrian traffic; and to reduce the visual impact on the neighborhood, the following provisions shall govern the use of signs:

Signs and billboards relating to goods and services provided on the premises shall be permitted, provided such signs shall not exceed two signs per premises and provided such signs not exceed six sq.ft. in area each.

No sign shall extend higher than 20 feet above the ground.

No sign shall be located so as to obstruct driver's visibility.

- d. No traffic shall be generated by such small enterprises in greater volume than would normally be expected in the neighborhood. (The intent is to avoid overburdening the residential area with excessive traffic.)
- e. Any need for parking generated by the conduct of such small enterprise shall be met off the street. Off-street parking shall be provided for each employee and for vehicles of the maximum number of users the small enterprise may attract during peak hours.
- f. Conditions which are substantially inconsistent with the intent of a residential neighborhood, such as noise, vibrations, smoke, dust, fumes, electrical disturbance, odors, heat, glare, waste or activity at unreasonable hours, shall not be permitted if detectable beyond the property line.
- g. Small enterprises which exceed limitations listed above for number of employees or square footage of floor area (including paved and/or parking areas), and/or enterprises which create conditions substantially inconsistent with the intent of a residential neighborhood shall be considered commercial or industrial establishments and shall be reviewed as such.
- h. Residence-based services do not need a small enterprise permit, provided they meet the following conditions.
  - 1) The business must be incidental and secondary to the primarily residential use of the premises.
  - 2) At least one member of the residential household must be actively involved in the business and have control over the business activities at or out of the premises. There will be not more than six full or part-time employees, including all residents involved in the business.
  - 3) No more than ten business vehicles of any type may be present outdoors, and not more than 15 such vehicles may be present, indoors or out, at any one time. Off-street parking must be provided for such vehicles parked outdoors, and for the personal vehicles of employees of the business.
  - 4) The business activity may not regularly include sale at wholesale or retail to customers on the premises, delivery on the premises to customers of items sold or leased, or drop-off or pick-up of any items or goods by customers at the premises.
  - 5) Signs shall comply with Section 5.G.4.c.1.
- i. Effective 7 June 2003, a nontransferable "Small Enterprise" permit

will be issued to the applicant. This permit shall remain in effect until such time that the applicant ceases the activities of the small enterprise. The Planning Board must review changes in or expansions of the enterprise prior to any changes or expansions being made. The Code Enforcement Officer and/or the planning board may revoke the permit if the small enterprise does not comply with the ordinance or conditions of approval.

- j. Any uses falling within this section which are in active existence on the effective date of this section are pre-existing uses, but only to the extent of the actual active pursuit of the use (in numbers of employees, vehicles, types of uses, etc.). Pre-existing small enterprises will be issued a permit upon a payment of \$10 and filing of an application. Any subsequent change or diminution of such use will result in the partial or total loss of such "grandfathered" status, and such use may not thereafter be revived without approval by the Planning Board.

5. Junkyards and Automobile Graveyards

- A. Effective 7 June 2003, all new junkyards or automobile graveyard as defined in M.R.S.A. Title 30-A §3752 require approval by the Board under the Site Plan Review procedures of this Ordinance. Site Plan Review approval by the Board shall be conditioned on State approval as required in M.R.S.A. Title 30-A §3753.
- B. Automobile graveyards and junkyards legally existing in the Rural residential district on or before June 3, 2000 may continue and be expanded provided the provisions of this Ordinance are met except Section 2.D.1.
- C. For the purposes of this ordinance the Town will follow the standards and guidelines set forth in M.R.S.A. Title 30-A §3751-3760.
- D. Any person who operates or maintains a junkyard or automobile graveyard without receiving approval by the Board and obtaining required State permits shall be in violation of this ordinance and subject to penalties as specified in Title 30-A §4452.

6. Standards for Professional Offices in the General Residential, Rural Residential and Prime Agricultural Districts

In additional to the General Review Standards contained in Section 5.E and F, the Board shall find the following will be met:

- a. The appearance of the structure or accessory structure that contains a professional office shall not differ from residential character by means of size, shape, style, colors, exterior lighting or sounds.
- b. Additions to a residential or accessory structure for the express purpose

- of a professional office shall be constructed and finished in the same manner as the original structure such that the character and appearance of the principal structure is maintained.
- c. Do not display any exterior exhibits, exterior storage of materials or any other exterior indications of the professional office or variation from residential character.
  - d. There is no objectionable increase in traffic over traffic normal for the neighborhood.
  - e. There is adequate off-street parking on the premises for the intended use. Off-street parking shall be designed to maintain residential character. No off-street parking shall be located in the front setback area and should be located to the side or rear of the structure.
  - f. The professional office shall not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property. All waste material from the professional office shall be removed promptly from the premises, according to state laws and local ordinances.

#### **H. Waivers**

Where the Board makes written findings of fact that due to special circumstances of a particular application, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, and are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed development, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan, or this ordinance and further provided the performance standards of this ordinance have been or will be met. In granting waivers the Board shall require such conditions as will assure the purpose of these regulations are met.

#### **I. Appeals**

1. If the Board disapproves an application or grant approval with conditions that are objectionable to the applicant or to any abutting landowner or any aggrieved party, who can demonstrate a direct negative impact, or when it is claimed that the provisions of this section do not apply, or that the true intent and meaning of the Ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, or aggrieved party may appeal the decision of the Board, as follows:
  - a. Appeals involving administrative procedures or interpretation of this Ordinance may be heard and decided by the Board of Appeals as detailed below.

- b. When errors of administrative procedure are found by the Appeals Board, the case shall be referred back to the Board for rectification.
- c. When errors or interpretation are found, the Board of Appeals may modify the interpretation or reverse the order of the Board but may not alter the conditions attached by the Board. All changes in conditions, other than changes made by the granting of a variance, shall be made by the Board in accordance with the Board of Appeals' interpretation.
- d. Appeals involving administrative procedure or interpretation shall lie from the decision of the Board to the Board of Appeals and from the Board of Appeals to the Superior Court according to the State law.
- e. Appeals involving conditions imposed by the Board, or a decision to deny approval, shall be made from the Board to the Superior Court, when such appeals do not involve administrative procedures and interpretation may first be heard and decided by the Board of Appeals, as detailed above.

**SECTION 6. Administration, Enforcement and Penalties** (Amended 7 June 2003)

**A. Administering Bodies and Agents**

1. Code Enforcement Officer (CEO)

- a. Appointment. A Code Enforcement Officer shall be appointed or reappointed annually by July 1st by the Municipal Officers.
- b. Powers and Duties. The Code Enforcement Officer shall have the following powers and duties:
  - 1. Enforce the provisions of this Ordinance.
  - 2. Act upon building applications, refer permits requiring site plan approval to the Planning Board, and refer requests for variances and administrative appeals to the Board of Appeals.
  - 3. Enter any property at reasonable hours with the consent of the property owner, occupant or agent, to inspect the property or structure for compliance with the laws or ordinances set forth in this section.
  - 4. Investigate complaints and reported violations.
  - 5. Keep written inspection reports and thorough records.
  - 6. Issue violation notices.
  - 7. Participate in appeals procedures.



8. Appear in court when necessary.
  9. Confer with citizens in the administration and enforcement of this Ordinance.
  10. Regularly attend meetings of the Board of Appeals and meetings of the Planning Board, as necessary.
  11. Revoke a permit if it was issued in error or if it was based on erroneous information.
2. Planning Board. The municipal Planning Board shall be responsible for reviewing and acting upon applications for site plan review approval. Following site plan review approval, applicants shall return to the Code Enforcement Officer for a land use permit.
  3. Board of Appeals. A Board of Appeals shall be created in accordance with the provisions of Title 30-A Section 2691.

#### **B. Permits Required**

1. After the effective date of this Ordinance, no person shall engage in any use of land requiring a permit in the district in which it would occur without first obtaining a permit.
2. Applications for permits shall be submitted in writing. The Enforcement Officer or Planning Board may require the submission of whatever information is necessary to determine conformance with the provisions of this Ordinance.
3. All land use permits for permitted uses shall be obtained from the Enforcement Officer.
4. No land use permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities unless a plumbing permit for such facilities has first been secured by the applicant or his authorized agent, according to the requirements of this Ordinance.
5. No land use permit shall be issued for a manufactured home built before June 15, 1976, or not built according to the National Manufactured Housing Construction and Safety Standards Act of 197, United States Code, Title 42, Chapter 70, unless the following has first been secured by the applicant or his authorized agent, according to the requirements of this Ordinance. The purpose of these standards is to establish a condition of safety that will allow the home to perform in a manner that will greatly reduce hazards that present an imminent and unreasonable risk of the death or serious personal injury to its inhabitants.
  - a. All homes with roofs added after construction will require a professional engineer to inspect the roof to determine that the roof

and home can withstand the rigors of a State of Maine winter or wind uplifts that may occur.

- b. A person holding a master license issued by the state of Maine Oil and Solid Fuel Examining Board shall inspect and certify that the heating and fuel system meets the requirements of a NFPA31 Installation of Oil Burning Equipment and adopted by that Board, or other applicable standards.
  - c. A person holding a master license issued by the State of Maine Electricians Examining Board shall inspect and certify that the electrical system is safe and meets the National Electrical Code in effect at the time the home was constructed.
6. All permits and approvals issued by the Planning Board or Code Enforcement Officer shall expire if a start to construction of the building or structure, or commencement of the use is not begun within one (1) year of the date on which the permit or approval was issued. Upon good cause shown, the person or board issuing the original permit or approval may extend its effectiveness for an additional six months. Upon extension of a permit or approval, the applicant will be charged any difference between the fee originally paid and the fee at the time of the issuance of the extension. Any permits issued prior to March, 1991, will have one year in which to commence building or use. After that, permits shall lapse and become void.

### **C. Fees**

All applications for a permit, appeal, variance or Site Plan Review shall be accompanied by the following fees: The Selectmen shall have the authority to revise the fee schedule after holding a public hearing.

1. Land Use Permits
  - a. New Dwelling  
...\$25 plus \$.10/sq. ft. of gross floor area living space, porches, decks, excluding basements below finished grade.
  - b. Residential Accessory Structures: garages, swimming polls, sheds, etc., greater than 50 sq. ft.  
...\$10 plus \$.05/sq. ft. of developed area.
  - c. Additions or renovations  
...\$10 plus \$.05/sq. ft. of floor space.
  - d. Commercial, Business or Farm  
...\$25 plus \$.10/sq. ft. of gross floor area.
2. Appeals/Variances  
...\$40

3. Late Permits  
...Three times regular fee

Value to be based upon the prior year's square footage evaluations from the tax assessor.

4. Site Plan Review  
...\$25 plus \$10 per 2,000 sq.ft. or portion thereof gross floor area
5. Small Enterprise Permit  
...\$25
6. Flood Hazard Development Permit  
...**See Article V.Floodplain Management Ordinance**

#### **D. Procedure for Administering Permits**

Within 30 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 3, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve or deny all permit applications in writing within 60 days of receiving a completed application. However, if the Planning Board has a waiting list of applications such approval or denial shall occur within 60 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 30 days of the public hearing, if one is held. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance. Permits may be made subject to reasonable conditions to insure conformity with the purposes and provisions of this Ordinance, and the permittee shall comply with such conditions. If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or any State law which the municipality is responsible for enforcing.

The burden of proof that a proposed land use activity is in conformity with the purposes and provisions of this Ordinance shall lie with the applicant.

#### **E. Occupancy Permit**

No newly constructed, placed, relocated, or expansion of any existing structure, intended for human habitation shall be occupied until an Occupancy Permit has been issued by the Code Enforcement Officer in accordance with the following.

1. Within five (5) working days of the receipt of a request of an

Occupancy Permit the Code Enforcement Officer shall inspect the property to determine compliance with the land use permit and that any subsurface wastewater disposal system required has been installed, inspected and approved by the Local Plumbing Inspector.

2. Upon finding that the land use permit has been complied with and that any subsurface wastewater disposal system required has been installed, inspected and approved by the Local Plumbing Inspector the Code Enforcement Officer shall issue an Occupancy Permit.

## **F. Enforcement**

### 1. Enforcement Procedure

- a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
  - b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
  - c. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.
  - d. Effective 7 June 2003. The Code Enforcement Officer shall not issue any new Permits to any person, organization, business or corporation that has received written notification from the Code Enforcement Officer of a violation of this ordinance until said violation(s) have been corrected, unless the Permit is required to correct the existing violation(s).
2. Legal Actions: When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative

consent agreements for the purpose of eliminating violations of this Ordinance and recording fines without court action. Such agreements should not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith.

3. Fines:

- a. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance and/or State laws which the town is authorized to enforce, shall be penalized in accordance with Title 30-A MRSA Section 4452.
- b. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and/or State laws which the town is authorized to enforce for the purpose of eliminating such violations. Consent agreements shall, when appropriate, include a corrective action and a fine. The Municipal Officers are granted the authority to set the amount of the fine and revise the fine amount from time to time after a public hearing.

Fines established on August 16, 2000.

First Violation	\$100.00 Minimum
Second Violation	\$200.00 Minimum
Third Violation	\$300.00 Minimum
Fourth Violation	\$400.00 Minimum

Monetary fines shall be based upon the severity of the violation in relation to public health, safety and welfare.

## SECTION 7. Appeals

### A. Establishment

A Board of Appeals is hereby created in accordance with the provisions of Title 30-A, MRSA Section 2691. The Board of Appeals shall keep minutes of its proceedings, recording the vote of each member on all matters coming before the Board. The minutes of the Board, and all correspondence, shall be a public record. Three members of the Board shall constitute a quorum for conducting a meeting and taking action.

### B. Powers and Duties

1. Administrative Appeals: To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration of this Ordinance. When errors of administrative procedures or interpretation are found, the case shall be remanded back to the Code Enforcement Officer or Planning Board for correction.
2. Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.
  - a. Dimensional variances may be granted only from dimensional requirements including but not limited to frontage (including shore frontage), lot area, lot width, height, percent of lot coverage and setback requirements.
  - b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
  - c. The Board shall not grant a variance unless it finds that:
    - 1) The proposed structure or use would meet the performance standards of this Ordinance except for the specific provision which has created the nonconformity and from which relief is sought; and
    - 2) The strict application of the terms of this Ordinance would result in undue hardship.

The term "undue hardship" shall mean all of the following:

- aa) That the land in question cannot yield a reasonable return unless a variance is granted;
- bb) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- cc) That the granting of a variance will not alter the essential character of the locality; and

- dd) That the hardship is not the result of action taken by the applicant or a prior owner.
- d. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

### **C. Appeal Procedure**

1. Time Limit: An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such appeal shall be taken within 30 days of the date of the decision.
2. Written Notice: Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:
  - a. A concise written statement indicating what relief is requested and why it should be granted.
  - b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief requested.
3. Record of Case: Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
4. Public Hearing: The Board of Appeals shall hold a public hearing on the appeal within 35 days of its receipt of an appeal request.
5. Decision by Board of Appeals
  - a. Quorum: A majority of the Board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
  - b. Majority Vote: The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter which it is required to decide under this

Ordinance, or to affect any variation in the application of this Ordinance from its stated terms.

- c. Burden of Proof: The person filing the appeal shall have the burden of proof.
  - d. Action of Appeal: Following the public hearing on an appeal, the Board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.
  - e. Time Frame: The Board shall decide all appeals within 35 days after the close of the hearing, and shall issue a written decision on all appeals.
  - f. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, and the appropriate order, relief or denial thereof.
6. Appeal to Superior Court: An appeal may be taken by any aggrieved party to Superior Court in accordance with State laws within 30 days from the date of any decision of the Board of Appeals.
  7. Reconsideration: The Board of Appeals may reconsider any decision reached within 30 days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.
  8. All variances granted shall be recorded in the Registry of Deeds as required by Title 30-A M.R.S.A. Section 4353.5. Any variance not so recorded shall be void.

AMENDED: June 7, 2003  
AMENDED: June 4, 2005  
AMENDED: June 3, 2006  
AMENDED: June 2, 2007  
AMENDED: June 6, 2009  
AMENDED: June 7, 2014  
AMENDED: April 1, 2023  
AMENDED: April 6, 2024