Town of Brunswick, Maine

PLANNING BOARD

85 UNION STREET, BRUNSWICK, ME 04011

PLANNING BOARD
WORKSHOP AGENDA
BRUNSWICK TOWN HALL
85 UNION STREET
COUNCIL CHAMBERS
THURSDAY, OCTOBER 13, 2016, 6:00 P.M.

1. **WORKSHOP:** The Planning Board will hold a workshop to review the Zoning Ordinance Rewrite Committee (ZORC) revisions for the following ordinance sections:
    a. Shoreland Zoning Revisions
    b. As requested by the Planning Board during 10/4/16 workshop:
        i. Home Occupations
        ii. Signs
        iii. Architectural Compatibility (Sec. 4.11.2) – Materials, Textures and Colors
        iv. Solar Energy Collection Facilities
        v. Other Topics
2. **Other Business**
3. **Adjourn**

It is the practice of the Planning Board to allow public comment and all are invited to attend and participate. Please call the Brunswick Department of Planning and Development (725-6660) with questions or comments. Individuals needing auxiliary aids for effective communications please call 725-6659 or TTY 725-5521. This meeting will be televised.

SHORELAND ZONING RELATED REVISIONS

were separate lots. The only exception is that there shall be no minimum setback or frontage requirements along the zoning boundary line.

B. **Lots Less than Ten Acres**

When a lot less than ten acres is divided by a boundary between two base districts, the provisions of the zoning district in which the larger portion of the lot lies shall govern the use, density, lot area, and dimensional requirements for the lot.

C. **Lots in Overlay Districts**

When a lot is partially within an overlay district, the provisions of the overlay district shall apply only to the affected portion of the lot, regardless of the size of the lot.

1.5 Conflicts; Relationship to Other Laws

Where the provisions in one part of this Ordinance conflict with those in any other part of this Ordinance, the more restrictive provision shall apply except where expressly provided otherwise, and except that the provisions of an overlay zoning district supersede the provisions of the base zoning district regardless of whether they are stricter or more lenient. Nothing in this Ordinance shall be interpreted to supersede the provisions of amore restrictive local, state, or federal law, rule, ordinance or regulation unless State or federal law requires a different outcome.

Comment [AB1]: Revised 11/16.

1.6 Nonconformities

1.6.1. General

A. **Nonconforming Defined**

As used in this Section, the term "nonconforming" refers to a lot, use, structure, site feature, or sign which is allowed solely because it was ~~that was lawfully established~~ in lawful existence at the time of the effective date of this Ordinance or ~~a~~ subsequent Ordinance amendment took effect.~~to the Ordinance, but that no longer complies with the provisions of this Ordinance as applied to the property.~~

B. **Transfer of Ownership within the Shoreland Protection Overlay (SPO) District**

Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.

C. **Repair and Maintenance within the Shoreland Protection Overlay (SPO) District**

This Ordinance allows, without a Shoreland Protection Overlay Permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

1.6.2. Nonconforming Lots

A. **Definition of a Single Nonconforming Lot**

A single nonconforming lot is a nonconforming lot of record as of the effective date of this Ordinance or amendment thereto in separate ownership and not contiguous with any other lot in the same ownership.

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For purposes of the Shoreland Protection Overlay (SPO) District, a single nonconforming lot is a single lot of record which, at the effective date of adoption of this Ordinance, does not meet the area, frontage, or width requirements of the SPO or Sub-District of the SPO in which it is located.

B. Development and Use of Single Nonconforming Lots Outside of a Subdivision

(1) Undeveloped

a. Outside Shoreland Protection Overlay (SPO) District

May be used as allowed by Chapter 3 (Property Use Standards) or subection 1.6.3 (Nonconforming Uses) if either:

i. The lot area is at least 3,000 square feet, and it complies with the Chapter 4 (Property Development Standards); or

ii. The lot area is smaller than 3,000 square feet, or lot width is less than 65 feet, setbacks are no less than 90%, and impervious surface coverage is no more than 110% of Chapter 4 standards.

b. ~~Inside~~ Within SPO

May be built upon without the need for a variance, provided that ~~the~~ such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all ~~other~~ provisions of this Ordinance except lot area, ~~and~~ lot width and shore frontage can be met. Variances relating to setbacks or other requirements not involving lot area, ~~or~~ lot width and shore frontage shall be obtained by action of the Zoning Board of Appeals.

(2) Developed

a. Outside SPO

A nonconforming lot containing a legally existing structure may be used as if it were a conforming lot provided that any change or expansion of the use or structure shall comply with all applicable space and bulk regulations of the district in which it is located and shall not increase any nonconformity.

b. ~~Inside~~ Within SPO

A single nonconforming lot containing a legally existing structure may be used as if it were a conforming lot provided that any change or expansion of the use or structure shall comply with all applicable zoning district dimensional and density standards , as well as all applicable regulations found in Section 1.6.4 of this Ordinance, and shall not increase any nonconformity.

C. Development and Use of Single Nonconforming Lot ~~Inside~~ Within Subdivision

(1) Undeveloped

a. Outside and ~~Inside~~ Within SPO

A single nonconforming lot may be used as allowed by Chapter 3 or subsection 1.6.3 if:

i. Lot is in separate ownership and not contiguous with other lots in same ownership,

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its use does not conform to the requirements of this Ordinance. The structures, collectively known as Fort Andross or Cabot Mill, located North of Highway 1, West of Maine Street, and South of the Androscoggin River that exceed the maximum height of the GM6 zoning district shall be deemed to be conforming structures.

B. Expansion

Comment [AB10]: By Special Permit language

(1) Outside SPO District

A nonconforming structure may be expanded if the expansion area complies with the requirements of this Ordinance and the expansion does not increase the structure's nonconformity or create any other nonconformity, which the exception of the following:

a. Where the structure is nonconforming because it extends into a minimum required setback, it may be expanded further within the minimum required setback as long as it does not extend beyond the setback established by the existing nonconforming structure.

b. Where a structure, located within a Growth Area Zoning District, is nonconforming because it exceeds the allowable maximum building footprint, the structure may be expanded by Special Permit (Subsection 5.2.4), such that the expansion does not create any other nonconformity.

(2) ~~In~~ Within SPO District

Comment [AB11]: Revised subsection 10/16

a. All new principal and accessory structures, excluding functionally water-dependent uses, ~~must~~ shall comply with the water body~~, stream~~ or wetland setback requirements set forth in Subsection 2.3.3.C (1) a. A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the structure's nonconformity and is in accordance with Subsections 1.6.4.B (2) b and c below.

b. Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, stream, or upland edge of a wetland is prohibited, even if the expansion does not increase nonconformity with the water body, stream or wetland setback requirement. Expansion of an accessory structure located closer to the normal high-water line of the water body, stream or upland edge of a wetland than the principal structure is prohibited, even if the expansion does not increase nonconformity with the water body, stream or wetland setback requirements.

c. Notwithstanding subsection 1.6.4.B.(2)a, above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, stream, or upland edge of a wetland, that structure may be expanded as follows, as long as the expansion complies with all other requirements of this Ordinance and the expansion is not prohibited by subsection 1.6.4.B.(2)a.

   i. The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.

d. All other legally existing nonconforming principal and accessory structures that do not meet the water body, stream, or wetland setback requirements may be expanded or altered as follows, as long as the expansion complies with all other requirements of this Ordinance and the expansion is not prohibited by subsection 1.6.4.B.(2)a. or b. above.

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i. For structures located less ~~75 feet from a stream, and~~than 125 feet from a ~~water~~ river~~body or upland edge of a~~ freshwater wetland, or coastal wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not exceed 20 feet, or the height of the existing structure, whichever is greater.

~~i.~~ii. For structures located within the Shoreland Protection Overlay – Stream Protection Sub-District (SPO-SP), the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on November 18, 2002, whichever is greater. The maximum height of any structure may not exceed 20 feet, or the height of the existing structure, whichever is greater.

~~ii.~~iii. In addition to the limitations as set forth in S~~s~~ubsection 1.6.4.B.(2)d.i. for structures that are legally nonconforming due to their location within the ~~Resource Protection Area~~Shoreland Protection Overlay – Resource Protection Sub-district (SPO-RP) or when located less than ~~250 feet from~~ the required structure setback from ~~normal high-water line of~~ a water body or ~~the upland edge of a~~ wetland, the maximum combined total footprint for all structures shall not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Shoreland Protection Overlay - Resource Protection ~~Area~~ Sub-district (SPO-RP) or its equivalent was established on the lot, or the structure setback within the SPO, whichever is greater. The maximum height of any structure shall not exceed 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, stream, or upland edge of a wetland must meet the footprint and height limits in S~~s~~ubsections 1.6.4.B (2)c.i. and 1.6.4.B.(2)d.i.

e. An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the Cumberland County Registry of Deeds, within 90 days of approval. The recorded plan shall show the existing and proposed footprint of the nonconforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the Shorelands Protection Overlay area and evidence of the approval of the review authority. A copy of the recorded plan shall be provided to the Town of Brunswick Department of Planning and Development by the applicant.

f. A foundation shall not be considered an expansion of the structure if the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in accordance with (subsection 1.6.4.B(2)d) above, and does not cause the structure to be elevated by more than three (3) feet as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill).

C. Restoration, Reconstruction or Replacement

(1) Outside SPO District

Any nonconforming structure that is destroyed or damaged by any cause may be restored or reconstructed to its pre-destruction or pre-damage condition, or replaced with a structure comparable to the destroyed or damaged structure, provided that a Building Permit for the restoration, reconstruction, or replacement is obtained within two (2) years after the date of destruction or damage; and no existing nonconformity is increased and no new nonconformity is created. Any restoration, reconstruction, or replacement of a

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nonconforming structure authorized by a Building Permit obtained after two (2) years shall comply with the current requirements of this Ordinance.

(2) ~~In~~ Within **SPO District**

a. **Less than 50 Percent Damage**

Any nonconforming structure, located within the required setback of a water body, stream or wetland, that is removed, destroyed or damaged by any cause, excluding normal maintenance and repair, such that the removal, destruction or damage is 50% or less of the structure's pre-destruction or pre-damage market value may be restored or reconstructed to its pre-destruction or pre-damage condition, provided that the structure is restored, reconstructed, or replaced in the same location and a Building Permit is obtained from the Code Enforcement Officer within one year of such removal, destruction or damage.

b. **More than 50% Damage**

i. Any nonconforming structure located within the required setback from a water body, stream, or wetland, that is removed, damaged or destroyed by any cause, excluding normal maintenance or repair, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a Building Permit is obtained within ~~eighteen (~~18~~)~~ months of the date of said damage, destruction or removal, and provided that such reconstruction or replacement is in compliance with the water body, stream or wetland setback requirement to the greatest extent practicable as determined by the Code Enforcement Officer. In no case shall a structure be reconstructed or replaced so as to increase its noncomformity.

ii. If the reconstructed or replacement structure is located within the required setback of a water body, stream or wetland, it shall not be any larger than the original structure, except as allowed pursuant to ~~s~~Subsection 1.6.4.E.(2), as determined by the nonconforming footprint of the reconstructed or replacement structure in its new location. If the total footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for the new structure.

iii. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with ~~s~~Subsection 1.6.4.E(2).

iv. In determining whether the building reconstruction or replacement meets the setback to the greatest extent practicable, the Code Enforcement Officer shall consider, in addition to the criteria in ~~s~~Subsection 1.6.4.E(2), the physical condition and type of foundation present, it any.

v. If the structure can be restored, reconstructed, or replaced so that the total amount of floor area and volume of the original structure is located outside the minimum setback from a water body or wetland required by ~~s~~Subsection 2.3.3.C(1), no portion of the restored, reconstructed, or replacement structure shall be located at less than the minimum setback from a water body or wetland required by ~~s~~Subsection 2.3.3.C(1) for a new structure. If the structure cannot be repaired, restored, reconstructed, or replaced so that the total amount of floor area and volume of the original structure is located outside the minimum setback from a water body or wetland required by ~~s~~Subsection 2.3.3.C(1)~~2.3.3.C(1)~~, the total amount of floor area and volume of the restored, reconstructed, or replacement structure located within the minimum setback area shall be no greater than for the

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b. All aboveground oil (petroleum products) storage tanks (other than propane gas or natural gas storage tanks) that are in place within the APO1 or APO2 District prior to December 2, 1998 and that are not enclosed and located within an impervious secondary containment unit shall be nonconforming. When it becomes necessary to replace these tanks, the replacement tanks shall be enclosed and located within a secondary containment unit.

Comment [AB74]: Added 12/2 for clarity

(9) **Application of Compost, Sludge Products, or Organic Fertilizer**

a. Land application materials are limited to those allowed in Subsection 2.3.2.E(2) (Use Standards for APO3 District).

b. Landowners shall keep records of past land applications of compost, sludge products, or organic fertilizers.

2.3.3. Shorelands Protection Overlay (SPO) District

Comment [AB75]: To be further revised by staff for compliance with Chapter 1000.

A. Purpose

The purposes of the SPO District are to: further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

Comment [AB76]: Formatting change 9/16

~~(1) Further the maintenance of safe and healthful conditions;~~

~~(2) Prevent and control water pollution;~~

~~(3) Protect fish spawning areas, aquatic life, and bird and wildlife habitat;~~

~~(4) Protect buildings and lands from flooding and accelerated erosion;~~

~~(5) Protect archaeological and historic resources;~~

~~(6) Protect commercial fishing and the maritime industries;~~

~~(7) Protect freshwater and coastal wetlands;~~

~~(8) Control building sites and the placement of structures and land uses;~~

~~(9) Conserve shore cover;~~

~~(10) Conserve visual and actual points of access to inland and coastal waters;~~

~~(11) Conserve natural beauty and open space; and~~

~~(12)~~(1) ~~Anticipate and respond to the impacts of development~~ in shoreland areas.

B. ~~Definition and Delineation of~~ SPO District Applicability

Comment [AB77]: Section revised 9/16

(1) The SPO District consists of:

a. All land areas within ~~a horizontal distance of~~ 250 feet, horizontal distance, of ~~from~~ the: normal high-water line of any river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal

action; within 250 feet of the upland edge of a freshwater wetland; and all land areas within 75 feet, horizontal distance of the edge of a stream.

b. The SPO Stream Protection Sub-District (SPO-SP) includes all land areas within 75 feet, horizontal distance of the edge of a stream, exclusive of those areas within 250 feet, horizontal distance, of the normal high-water line of a river, or upland edge of a freshwater or coastal wetland.

c. The SPO Resource Protection Sub-District (SPO-RP) includes the following areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection Sub-District.

i. Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils. This district shall also include 100 year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

ii. Areas of two (2) or more contiguous acres with sustained slopes of 20% or greater.

iii. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during the period of normal high water.

~~i.~~ Areas within 250 feet, horizontal distance, of the upland edge of freshwater and/or coastal wetlands, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W), and as shown on the Brunswick Official SPO Map.

d. SPO District and Sub-District boundaries are delineated on the Brunswick Zoning Map.

C. Additional Requirements for the SPO District

The requirements in this subsection shall apply to all development within the SPO District.

(1) Setbacks of Structures from Water Bodies and Wetlands

a. All new principal and accessory structures, excluding functionally water-dependent uses, and public waterfront trails, shall be located outside of any SPO Resource Protection Sub-District (SPO-RP), and set back a minimum horizontal distance of at least: ~~Any new principal or accessory structure, except structures requiring direct access to the water as an operational necessity (including, but not limited to, piers, docks, retaining walls, and public waterfront trails, but excluding recreational boat storage buildings), shall be set back a minimum horizontal distance of:~~

i. 75 feet from the ~~normal high water line~~edge of a stream;

ii. 125 feet from the normal high water line of a river;

iii. 125 feet from the upland edge of a coastal or freshwater wetland; and

iv. 250 feet from the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, where such areas are rated as "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of December 31, 2008, as depicted on a Geographic Information System (GIS) data layer maintained by MDIF&W or MDEP, and as shown on the Brunswick Official Zoning Map. These areas are defined as "Resource Protection Areas" and include areas which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values.

For purposes of this subsection, recreational boat storage buildings are not considered a functionally water-dependednt use.

b. Water body and wetland setback measurements shall be taken from the top of a coastal bluff such as those that have been identified on Coastal Bluff maps as being "highly unstable" or "unstable" by the Maine Geological Survey pursuant to its "Classification of Coastal Bluffs" and published on the most recent Coastal Bluff map, and as depicted on the Brunswick GIS. If an applicant for development approval and the permitting official(s) are in disagreement as to the specific location of a "highly unstable" or "unstable" bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, or a Maine State Geologist to make a determination.

c. On a nonconforming lot of record on which only one (1) principal residential structure exists, and it is not possible to place an accessory structure meeting the required water body, stream or wetland setbacks, the Code Enforcement Officer may issue a permit for a single accessory structure, with no utilities provided, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed ~~eighty (~~80) square feet in area nor eight (8) feet in height, shall be located as far from the shoreline, wetland or stream to the greatest extent practicable and shall ~~satisfies~~ satisfy all other applicable standards, including, but not limited to, impervious coverage and vegetation clearing limitations. In no case shall the accessory structure be located any closer to the shoreline, wetland or stream than the principal structure.

(2) Prohibited Locations of New Structures Within the SPO District

No new principal or accessory structure, except structures requiring direct access to the water as an operational necessity (including, but not limited to, piers, docks, retaining walls, and public waterfront trails, but excluding recreational boat storage buildings), shall be located within any of the following areas:

a. Floodplains adjacent to tidal waters, rivers, and artificially formed great ponds along rivers, as defined by the 100-year floodplain designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps Flood Boundary and Floodway Maps or the flood of record.

b. Areas of two or more contiguous acres with sustained slopes of 20 percent or greater.

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c. Areas of two or more contiguous acres of wetlands that are not part of a freshwater or coastal wetland and are not surficially connected to a river, tidal waters, or stream during the period of normal high water.

d. Land along rivers subject to severe bank erosion, undercutting, or river bed movement and lands adjacent to tidal waters that are subject to severe erosion or mass movement, such as steep coastal bluffs.

(3) Special Resource Protection Permit Requirements

Comment [AB78]: Under review with DEP

Properties that were created prior to June 6, 1994, and lie within the minimum setback (250 feet) from moderate or high value habitat areas established in Section 2.3.3.C(1)a.iv above~~2.3.3.C(1)a.iv above~~~~2.3.3.C(1)a.iv above~~~~2.3.3.C(1)a.iv above~~, and properties created prior to November 18, 2002, and lie within the minimum setback from a stream created after November 18, 2002, may be developed with 1-family dwelling through the Minor Development Review process if the Staff Review Committee makes a positive finding that the applicant has demonstrated that all of the following conditions are met:

a. There is no location on the property, other than a location within the SPO District, where the structure can be built.

b. The lot was established and recorded in the Cumberland County Registry of Deeds prior to June 6, 1994, or November 18, 2002, as appropriate.

c. All proposed buildings, sewage disposal systems, and other improvements are located on natural ground slopes of less than 20 percent.

d. All proposed buildings, sewage disposal systems, and other improvements are located outside the floodway of the 100-year floodplain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps. (If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year floodplain.)

e. All buildings, including basements, are elevated at least one foot above the 100-year floodplain elevation, and the development is otherwise in compliance with any applicable floodplain management regulations in subsection 2.3.4 (Flood Protection Overlay (FPO) District).

f. The total footprint areaas defined, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by Variance.

g. All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body or upland edge of a coastal or freshwater wetland to the greatest extent practicable, but not less than a horizontal distance of 75 feet from a stream and not less than a horizontal distance of 125 feet from a coastal or freshwater wetland or other water body. In determining "greatest extent practicable," the Staff Review Committee shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain, and its proximity to moderate-value and high-value wetlands.

h. A Special Resource Permit shall expire one year from the date of issuance if on-site construction has not started during that period. If construction is started

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within one year from the date of permit issuance, the applicant shall have one additional year from the date of issuance to complete the project. If incomplete at the end of two years, the permit shall expire.

(4) Water-Dependent Structures

New principal and accessory structures requiring direct access to the water as an operational necessity are subject to the supplementary use standards in Section 3.4.1.S (Marine Activity).

(5) Agriculture

a. All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. § 4201-4209).

b. Storage or stockpiling of manure shall be set back a minimum horizontal distance of:

i. 75 feet of the normal high water line of a stream;

ii. 125 feet from the normal high water line of a river or tidal waters; or

iii. 125 feet from the upland edge of a coastal or freshwater wetland.

c. All manure storage areas shall be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

d. Agricultural activities involving tillage of soil greater than 40,000 square feet in surface area within the SPO District shall require a Conservation Plan to be filed with the Planning Board. Nonconformance with the provisions of said plan shall be considered to be a violation of this Ordinance. Assistance in preparing a soil and water conservation plan may be available through the local Soil and Water Conservation District Office.

e. Newly established fields that require tilling of soil shall not be permitted within 75 feet, horizontal distance, of the normal high water line of any river, tidal waters, or stream, or of the upland edge of a coastal or freshwater wetland.

f. The tilling of fields that is associated with ongoing farm activities and is not in conformance with the setback requirement in subsection e above may continue, provided that such tilling is conducted in accordance with a Conservation Plan.

g. Newly established livestock grazing areas shall be set back as minimum horizontal distance of 75 feet from the normal high water line of a stream, river, or tidal waters, and the upland edge of a coastal or freshwater wetland. Livestock grazing that is associated with ongoing farm activities and is not in conformance with the above setback requirement may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

(6) Aquaculture

a. Aquaculture land use activities extending over or below the normal high-water line or within a wetland within the SPO require Planning Board approval within the SPO-SP and the SPO-RP in accordance with the SPO permit standards in Section 5.2.6.

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~~(6)~~(7) Beach Construction

Before beach construction is commenced, an applicant must obtain a permit from the Department of Environmental Protection and Site Plan Approval by the Planning Board.

~~(7)~~(8) Timber Harvesting

Timber harvesting in the SPO District is subject to and in compliance with the Maine Forest Service's Statewide Standards for Timber Harvesting Activities in Shoreland Areas (04-058 C.M.R. ch. 21) and the Maine Bureau of Forestry's Forest Regeneration and Clearcutting Standards (01-669 C.M.R. ch. 20).

Comment [AB79]: In accordance with Mandatory Shoreland Zoning Act, in 2013, the Town opted to completely repeal the timber harvesting provisions from the current NRPZ standards, now enforced by the Bureau of Forestry.

~~(8)~~(9) Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal

a. Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

i. Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.

ii. Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.

iii. The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.

iv. The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.

v. The Code Enforcement Officer may require more than a one–for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.

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b. Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

i. Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:

(A) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;

(B) Stumps from the storm-damaged trees may not be removed;

(C) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and

(D) If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.

ii. Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

~~(9)~~(10) Exemptions to Clearing and Vegetation Removal Requirements

a. The following activities are exempt from the clearing and vegetation removal standards set forth in Section 15(P), provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

i. The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 15(P) apply;

ii. The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of section 15(B) are not applicable;

iii. The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;

iv. The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of section 15(N) are complied with;

v. The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal

brownfields program or a voluntary response action program pursuant 38 M.R.S.A section 343-E, and that is located along:

(A) A coastal wetland; or

(B) A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.

vi. The removal of non-native invasive vegetation species, provided the following minimum requirements are met:

(A) If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;

(B) Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and

(C) If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.

vii. The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

~~(10)~~(11) Revegetation Requirements

a. When revegetation is required in response to violations of the vegetation standards set forth in Section 15(P), to address the removal of non- native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

i. The property owner must submit a revegetation plan, prepared with and signed by a qualified professional that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.

ii. Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed:

iii. If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.

iv. Revegetation activities must meet the following requirements for trees and saplings:

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(A) All trees and saplings removed must be replaced with native noninvasive species;

(B) Replacement vegetation must at a minimum consist of saplings;

(C) If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;

(D) No one species shall make up 50% or more of the number of trees and saplings planted;

(E) If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and

(F) A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.

v. Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:

(A) All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;

(B) Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

(C) If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;

(D) No one species shall make up 50% or more of the number of planted woody vegetation plants; and

(E) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years

vi. Revegetation activities must meet the following requirements for ground vegetation and ground cover:

(A) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

(B) Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and

(C) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

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~~(11)~~(12) Clearing or Removal of Vegetation for Activities Other than Timber Harvesting

a. **Preservation of Vegetated Buffers along Water Bodies and Wetlands**

i. Except to allow for development of permitted uses, a buffer of vegetation ~~A vegetated buffer~~ shall be preserved within a strip of land extending a minimum horizontal distance of 75 feet inland from the normal high water line of a stream, river, or tidal waters, and the upland edge of a coastal or freshwater wetland.

Comment [AB80]: Revised

ii. Selective cutting of trees within the vegetated buffer is allowed provided that a well-distributed stand of trees and other natural vegetation is retained.

iii. For purposes of the requirement in subsection ii above, a "well-distributed stand of trees" shall be defined as one rating a score of 24 or more in any 25- foot-by-50-foot rectangular (1250 square feet) area as determined by the following rating system.

TABLE 2.4.3-1: Rating System for Well-Distributed Stand of Trees

Diameter of Tree at 4½ feet above Ground Level	Points
2 < 4 inches	1
4 < 8 inches	2
8 < 12 inches	4
12 inches or greater	8

Example: If a 25-foot-by-50-foot plot contains four trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is: (4x1) + (2x2) + (3x4) + (2x8) = 36 points. Thus, the plot contains a well-distributed stand of trees. Trees totaling 12 points (36-24 = 12) may be removed from the plot provided that no cleared openings are created.

iv. The following shall govern in applying this point system:

(A) The 25-foot-by-50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

(B) Each successive plot must be adjacent to, but not overlap, a previous plot;

(C) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;

(D) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;

(E) Where conditions permit, no more than 50 percent of the points on any 25-foot-by-50-foot rectangular plot may consist of trees greater than 12 inches in diameter.

v. For purposes of the requirement in subsection ii above, retention of "other natural vegetation" is defined as retaining existing vegetation under three feet in height and other ground cover and retaining at least five saplings less than two (2) inches in diameter at 4½ feet above ground level for each 25-foot-by-50-foot rectangular area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until five (5) saplings have been recruited into the plot.

vi. There shall be no cleared opening in the vegetated buffer's forested canopy (as measured from the outer limits of the tree or shrub crown)—or the canopy of other

existing woody vegetation if a forested canopy is not present—that is greater than 250 square feet in area—provided, however, that a **single footpath no wider than six feet (as measured between tree trunks and/or shrub stems) is allowed for the purpose of accessing the shoreline provided that a cleared line of sight to the water through the buffer strip is not created.**

Comment [AB81]: For clarification.

vii. Notwithstanding the requirements of this subsection 2.3.3.C(8), stairways or similar structures may be permitted with a Building Permit approved by the Code Enforcement Officer, to provide shoreline access in areas of steep slope or unstable soils, provided that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland (unless permitted by the Maine Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A., section 480-C); and that the applicant demonstrates that no reasonable alternative for access exists on the property.

viii. To maintain a vegetated buffer , when the removal of storm-damaged, dead or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species, in accordance with subsection 2.3.3.C (10) unless existing new tree growth is present.

ix. In order to maintain the vegetated buffer, any clearing or removal of vegetation for allowed activities, including associated construction or related equipment operation, within or outside shoreline buffer area, shall be in compliance with subsection 2.3.3.C (8).

x. To protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for selective cutting or a foot path as allowed in subsections ii and vi above.

xi. Pruning of tree branches on the bottom third of the tree is allowed.

xii. Notwithstanding the above provisions, no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter, measured at 4½ feet above ground level may be removed in any ten-year period.

xiii. This subsection 2.3.3.C(8)a. does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

b. **Limitation on Selective Cutting Beyond the 75 Foot Vegetated Buffer of Water Bodies and Wetlands**

i. At horizontal distances greater than 75 feet from the normal high-water line of any water body or the upland edge of a wetland, there shall be allowed on any lot, in any ten-year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4½ feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For purposes of this requirement, volume may be considered to be equivalent to basal area.

ii. In no event shall the aggregate area of openings cleared for any purpose (including, but not limited to, principal and accessory structures, driveways, lawns, and sewage disposal areas) exceed 25 percent of the lot area within the SPO District or 10,000 square feet, whichever is greater. Previously cleared land shall be included in calculating cleared openings.

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c. **Clearing of Vegetation**

i. Legally existing cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance. This rule applies specifically to continued maintenance, but not enlargement, of lawns, gardens, and agricultural fields and pastures in existence on November 18, 2002.

ii. Fields and other cleared openings that have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated by subsection b.i above.

Comment [AB82]: To Verify reference.

iii. In the following areas, clearing of vegetation shall be limited to that which is necessary for permitted uses:

(A) Areas within a horizontal distance of 250 feet from the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, where such areas are rated as "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as depicted on a Geographic Information System (GIS) data layer maintained by MDIF&W or MDEP, and as shown on the Brunswick Official Zoning Map.

(B) Floodplains adjacent to tidal waters, rivers, artificially formed great ponds along rivers, as defined by the 100-year floodplain designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Boundary and Floodway Maps, as amended, or the flood of record.

(C) Areas of two (2) or more contiguous acres with sustained slopes of twenty (20) percent or greater.

(D) Areas of two (2) or more contiguous acres of wetlands that are not part of a freshwater or coastal wetland and are not surficially connected to a river, tidal waters, or stream during the period of normal high water.

(E) Land along rivers subject to severe bank erosion, undercutting, or river bed movement and lands adjacent to tidal waters that are subject to severe erosion or mass movement, such as steep coastal bluffs.

(F) Land along the top of a coastal bluff that has been identified on Coastal Bluff maps as being "highly unstable" or "unstable" by the Maine Geological Survey pursuant to its "Classification of Coastal Bluffs" and published on the most recent Coastal Bluff map.

d. **Temporary Clearing of Vegetation**

i. The vegetation clearing standards of this Ordinance can be exceeded on a temporary basis with prior written approval of the Code Enforcement Officer under the following conditions:

(A) The work shall be completed by a qualified professional under the supervision of a public natural resource agency or municipal department exclusively for the purpose of controlling the spread of invasive species and restoring natural areas.

(B) Woody species removed that exceed the required stand scoring limits are non-native invasive species including: Norway Maple (*Acer platanoides*), Japanese barberry (*Berberis thunbergii*), Asiatic bittersweet (*Celastrus orbiculata*), glossy buckthorn (*Frangula alnus*), Morrow's honeysuckle (*Lonicera morrowii*), Japanese honeysuckle (*Lonicera japonica*), Tartarian honeysuckle (*Lonicera tatarica*), multiflora rose (*Rosa multiflora*), or other species identified as woody

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invasive plants by the Maine Natural Areas Program (MNAP). If removal of these species exceeds the required "well-distributed stand" scoring limits in subsection a.ii above, native species will be planted to return the area to compliance with the "well distributed stand" requirement prior to the start of the next growing season.

(C) Non-native invasive woody species under three (3) feet in height and herbaceous invasive species—including Japanese knotweed (*Fallopia japonica*), purple loosestrife (*Lythrum salicaria*), and other species identified as invasive plants by the Maine Natural Areas Program (MNAP),can be removed if the area is replanted and monitored for the successful establishment of native species at an equal or greater density than the species removed.

(D) Temporary erosion control measures shall be installed prior to the start of the activity if the invasive species removal effort has the potential to result in erosion of soil into the resource.

(E) All disturbed areas shall be permanently stabilized.

~~(12)~~(13) Erosion and Sedimentation Control

a. Activities requiring Development Review that involve filling, grading, excavation or other similar activities resulting in unstabilized soil conditions shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the Review Authority for approval and shall include, where applicable, provisions for:

i. Mulching and revegetation of disturbed soil;

ii. Temporary runoff control features such as hay bales, silt fencing or diversion ditches; and

iii. Permanent stabilization such as retaining walls or rip rap.

b. To create the least potential for erosion, development shall be designed to fit with the site topography and soils. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

c. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

d. Any exposed ground area shall be temporarily or permanently stabilized within one week from the time it was last actively worked by use of riprap, sod, seed, mulch, or other effective measures. In all cases, permanent stabilization shall occur within nine months of the initial date of exposure. In addition:

i. Where mulch is used, it shall be applied at a rate of at least one (1) bale per 500 square feet and shall be maintained until a catch of vegetation is established.

ii. Anchoring the mulch with netting, peg and twine, or other suitable method may be required to maintain the mulch cover.

iii. Additional measures shall be taken where necessary to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

e. Natural and artificial drainage ways and drainage outlets shall be protected from erosion caused by water flow. Drainage ways shall be designed and constructed

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to carry water from a 25-year storm or greater, and shall be stabilized with vegetation or rip-rap.

~~(13)~~(14) Mineral Exploration and Extraction

a. All mineral exploration and extraction within the SPO District shall be subject to the following requirements in addition to the supplemental use standards applicable to mineral extraction in Section 3.4.1.T (Mineral Extraction). The Review Authority may impose such necessary conditions to a Site Plan Approval to minimize adverse impacts associated with mineral extraction operations on surrounding uses and resources.

b. Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods that create minimal disturbance of less than 100 square feet of ground surface. A Special Permit shall be required for mineral exploration that exceeds the above limitation.

c. All excavations, including test pits and holes, shall be immediately capped, filled, or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.

d. No new gravel pits may be developed within the SPO District unless it can be demonstrated that no reasonable alternative exists outside the zone. When gravel pits must be located within the zone, they shall be set back as far as practicable, and, at a minimum, in conformance with the following setback standards in subsection e.

e. Any extraction operation, including drainage and runoff control features, shall be set back a minimum horizontal distance of:

i. 75 feet from the normal high water line of a stream;

ii. 125 feet from the normal high water line of a river or tidal waters; and

iii. 125 feet from the upland edge of a coastal or freshwater wetland.

f. Gravel pits shall be screened from a stream, river, tidal waters, or wetland by vegetation.

g. Extraction operations shall be set back a minimum horizontal distance of 75 feet from any property line without written permission of the owner of the adjacent property.

h. Extraction operations at an extraction site shall be deemed complete when less than 100 cubic yards of materials are removed in any consecutive 12-month period. Within 12 months after that time, ground levels and grades shall be established in accordance with the following:

i. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on site. Only materials generated on-site may be buried or covered on-site.

ii. The final graded slope shall be 2.5:1 (horizontal to vertical) or flatter.

iii. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with native vegetation. Additional top soil or loam shall be obtained from off-site sources, if necessary, to complete the stabilization project.

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i. The reclamation plan required by Section 3.4.1.T(5) (Reclamation Plan) shall include a detailed description of the procedures to be undertaken to fulfill the requirements of subsection h above.

~~(14)~~(15) Structures and Other Activities Extending Over or Below a Water Body or Within a Wetland or Shoreline Stabilization Area

The following requirements apply to piers, docks, wharves, bridges, and other structures and activities extending over or below the normal high-water line of a water body, or within a wetland or shoreline stabilization area. (Note: New permanent structures, and expansions thereof, projecting into or over water bodies require a permit from the Maine Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38 M.R.S.A., § 480-C, as amended. Permits may also be required from the U.S. Army Corps of Engineers if located in navigable waters.)

a. No more than one (1) pier, dock, wharf, or similar structure extending over or located below the normal high-water line of a water body, or within a wetland or shoreline stabilization area is permitted on a single lot; excepting single lots having a lot width at least twice the required lot width of the base zoning district, a second structure may be permitted and may remain as long as the lot is not further divided.

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

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

d. The structure or activity shall be located so as to minimize adverse effects on fisheries.

e. The structure or activity shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock, or wharf shall not be wider than six (6) feet for noncommercial uses.

f. No new structure shall be built on, over, or abutting a pier, wharf, dock, or other structure extending beyond the normal high-water line of a water body or within a wetland or shoreline stabilization area unless the structure requires direct access to the water body or wetland or shoreline stabilization area as an operational necessity.

g. New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Code Enforcement Officer that a temporary pier or dock is not feasible, and a permit has been obtained from the Maine Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38 M.R.S.A., § 480-C, as amended.

h. A structure constructed on a float is prohibited unless it is designed to function as a watercraft and is registered as such with the Maine Department of Inland Fisheries and Wildlife.

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

j. Structures built on, over, or abutting a pier, wharf, dock, or other structure extending beyond the normal high-water line of a water body or within a wetland

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or shoreline stabilization area shall not exceed twenty (20) feet in height above the pier, wharf, dock, or other structure.

k. Commercial marine activities and piers, docks, wharves, breakwaters, causeways, marinas, bridges, and other structures projecting into water bodies shall conform to the supplementary use standards in subsection 3.4.1.S (Marine Activity).

l. Vegetation may be removed in excess of the standards in subsection 2.3.3.C.(8) in order to stabilize an eroding shoreline, provided that prior to such removal, the proposed activity is reviewed onsite and approved by the Code Enforcement Officer. Construction equipment shall access the shoreline by barge when feasible, as determined by the Code Enforcement Officer.

Comment [AB83]: Verify subsection number.

i. When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site by land, shall be limited to no more than twelve (12) feet in width. Upon completion of the stabilization activity, the area cleared for construction equipment access shall be restored with native trees and other vegetation.

ii. Revegetation shall be completed in accordance with subsection 2.3.3.C (11).

Comment [AB84]: Verify.

m. A deck over a river may be exempt from the 125 foot shoreland setback requirement for new construction if the new construction is part of a downtown revitalization project, defined in a project plan and approved by Town Council. This may include the revitalization of structures formerly used as mills that do not currently meet the structure setback requirements, if the proposed deck complies with the following:

i. The total deck area attached to the structure does not exceed 700 square feet;

ii. The deck is cantilevered over a river segment that is located within the boundaries of the downtown revitalization project area;

iii. The deck is attached or accessory to a permitted commercial use in a structure constructed prior to 1971 and is located within the boundaries of the downtown revitalization project area;

iv. The deck construction complies with all other applicable standards, with the exception of shoreland setback requirements contained in subsection 2.3.3.(C); and

v. The deck construction complies with all other local, State and Federal laws and regulations.

~~(15)~~(16) Roads and Driveways

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts, and other related features.

a. Unless the Review Authority determines that no reasonable alternative exists, roads and driveways shall be set back a minimum horizontal distance of:

i. 75 feet from the normal high water line of a stream;

ii. 125 feet from the normal high water line of a river or tidal waters; and

iii. 125 feet from the upland edge of any coastal or freshwater wetland.

b. On determining that no reasonable alternative exists to compliance with a minimum road/driveway setback requirement in subsection a above, the Review Authority may reduce the minimum setback to no less than 50 feet upon clear

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showing by the applicant that appropriate techniques will be used to prevent sedimentation of the protected resource(s). Such techniques may include, but are not limited to, the installation of settling basins and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the protected resource(s).

c. On slopes of greater than 20 percent, the minimum road/driveway setbacks required in subsection a above shall be increased by ten feet for each five percent increase in slope above 20 percent.

d. The minimum road/driveway setbacks required in subsection a above do not apply to approaches to water crossings to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or stream due to an operational necessity—excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of subsection a above except for that portion of the road or driveway necessary for direct access to the structure.

e. Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a water body or wetland.

f. New roads and driveways are prohibited in the areas described in Section 2.3.3.C(2) (Prohibited Locations of New Structures), except that the Review Authority may grant a permit to construct a road or driveway to provide access to permitted uses within those areas on finding that no reasonable alternative route or location is available outside of those areas—in which case the road and/or driveway shall be set back as far as practicable from the protected resource.

g. Road and driveway grades shall be no greater than ten percent except for segments of less than 200 feet.

h. Road and driveway banks shall be no steeper than a slope of 2:1 horizontal to vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 2.3.3.C(13)~~2.3.3.C(12)~~~~2.3.3.C(132)~~ (Erosion and Sedimentation Control).

i. To prevent road and driveway surface drainage from directly entering a protected resource, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip along a stream, river, tidal waters, or wetlands.

i. The minimum horizontal width of an unscarified buffer strip along the normal high water line of a stream shall be 25 feet.

ii. The minimum width of an unscarified buffer strip along the normal high water line of a river or tidal waters, or upland edge of a coastal or freshwater wetland, shall equal 50 feet plus two times the average slope between the outflow point of the ditch or culvert and the river, tidal waters, or wetland.

j. Surface drainage directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

k. Ditch relief (cross drainage) culverts, drainage dips, and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway or ditch. To accomplish this, the following shall apply:

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i. Ditch relief culverts, drainage dips. and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

Table 2.3.3-2: Spacing of Culverts, Drainage Dips, and Water Turnouts

Grade	Spacing
0 – 2%	250 feet
3 – 5%	200 – 135 feet
6 – 10%	100 – 80 feet
11 – 15%	80 – 60 feet
16 – 20%	60 – 45 feet
21%+	40 feet

ii. Drainage dips may be used in place of ditch relief culverts only where the grade is ten percent or less.

iii. On sections having slopes greater than ten percent, ditch relief culverts shall be placed at approximately a 30 degree angle downslope from a line perpendicular to the centerline of the road or driveway.

iv. Ditch relief shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

l. Ditches, culverts, bridges, dips, water turnouts, and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

~~(16)~~(17) Campgrounds

Campgrounds shall conform to the minimum requirements imposed under State licensing and permitting procedures and the following:

a. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum horizontal distance of:

i. 75 feet from the normal high water line of a stream;

ii. 125 feet from the normal high water line of a river or tidal waters; and

iii. 125 feet from the upland edge of a coastal or freshwater wetland.

b. Campgrounds shall contain a minimum of 5,000 square feet of land for each camp site. Land containing roads and driveways, lands containing supporting wetland vegetation, and land below the normal high water line of a water body shall not be included in calculating land area per camp site.

c. All campgrounds are subject to Site Plan Approval by the Planning Board and approval by the Department of Human Services.

~~(17)~~(18) Individual Private Campsites

Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

a. One campsite per lot existing on the effective date of this Ordinance, or 30,000 square feet of lot area within the SPO District, whichever is less, may be permitted.

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b. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back a minimum horizontal distance of:

i. 75 feet from the normal high water line of a stream;

ii. 125 feet from the normal high water line of a river or tidal waters; and

iii. 125 feet from the upland edge of a coastal or freshwater wetland.

c. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicles shall not be located on any type of permanent foundation and no structure(s) except canopies shall be attached to the recreation vehicle.

d. The clearing of vegetation for the sitting of the recreational vehicle, tent, or similar shelter shall be limited to an area of 1,000 square feet.

e. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

f. No recreational vehicles, tent, or similar shelter shall be placed on-site for more than 120 days per year.

~~(18)~~(19)Sanitary Standards

As well as meeting all requirements of the State of Maine Subsurface Wastewater Disposal Rules, all on-site septic systems located within the SPO District shall meet the following additional standards:

a. All parts of all types of subsurface wastewater disposal systems shall be set back a minimum horizontal distance of:

i. 75 feet from the normal high water line of a stream;

ii. 125 feet from the normal high water line of a river or tidal waters; and

iii. 125 feet from the upland edge of a coastal or freshwater wetland.

b. No clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions shall occur within a minimum horizontal distance of:

i. 75 feet from the normal high water line of a stream

ii. 125 feet from the normal high water line of a river or tidal waters;

iii. 125 feet from the upland edge of a coastal or freshwater wetland.

c. A holding tank is not allowed for a first-time residential use.

d. The Local Plumbing Inspector may consider and grant a request to reduce this setback for a replacement subsurface wastewater disposal system if a report prepared by a soils scientist or site evaluator registered in the State of Maine is submitted and accepted, and the report states that:

i. the existing system is failing;

ii. no suitable location exists outside the setback; and

iii. the proposed location meets the required setbacks to the greatest extent practicable.

e. Setbacks for new subsurface wastewater disposal facilities cannot be reduced by Variances.

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~~(19)~~(20) **Overboard Discharge Systems**

Overboard discharge from a sewage disposal system, in which sewage (chlorinated or otherwise) flows into a protected resource, is prohibited. Systems licensed prior to June 6, 1994, may continue as long as they are in compliance with all appropriate State law and do not involve expansion of the existing system.

~~(20)~~(21) **Water Quality**

No activity shall deposit on or into the ground, or discharge to the waters of the State, any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body or wetland.

~~(21)~~(22) **Soils**

a. All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction.

b. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and prepared by a State-certified professional. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevations, presence of ledge, drainage conditions, and other pertinent data that the evaluator deems appropriate. The soils report shall include recommendations for the proposed use to counteract soil limitations where they exist.

~~(22)~~(23) **Archaeological Sites**

a. Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places (as determined by the Maine Historic Preservation Commission) shall be submitted to that Commission for review and comment at least 20 days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application. A list of Historic Places compiled by the Commission shall be kept on file in the Planning and Codes Enforcement Offices.

b. A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's Level 1 or Level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

~~(23)~~(24) **Parking Areas**

a. Parking areas shall meet the minimum water body and wetland setback requirements for principal and accessory structures in Section 2.3.3.C(1) (Setbacks of Structures from Water Bodies and Wetlands). On finding that no reasonable alternative to compliance with a required minimum setback exists, the Review authority may reduce the minimum setback for parking areas serving a public or private boat launching facility to no less than 50 feet from the normal high water

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line of a stream, river, or tidal waters, and the upland edge of a coastal or freshwater wetland.

b. Parking areas shall be designed to prevent stormwater runoff from flowing directly into a protected resource, and where feasible, to retain all runoff on-site.

c. Parking areas shall conform to the design standards in Section 4.9 (Parking and Loading). In addition parking spaces for vehicles with boat trailers shall be at least 40 feet in length.

~~(24)~~(25) **Stormwater Runoff**

a. All new construction and development shall be designed to minimize stormwater runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features such as berms, swales, terraces, and wooded areas shall be retained to reduce runoff and encourage infiltration of stormwater.

b. Direct discharge of stormwater into any water body shall be avoided.

c. Stormwater runoff control systems shall be maintained as necessary to ensure proper functioning.

~~(25)~~(26) **Minor Utilities**

a. Where feasible, the installation of minor utilities shall be limited to existing public ways and existing service corridors.

b. The installation of minor utilities other than road-side distribution lines is not allowed in the SPO District except to provide services to a permitted use within the district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

c. Damaged or destroyed public utility transmission and distribution lines, towers, and related equipment may be replaced or reconstructed without a permit.

2.3.4. Flood Protection Overlay (FPO) District

A. Purpose

The purpose of the FPO District regulations is to:

(1) Protect human life, health, and welfare;

(2) Encourage the use of construction practices that will prevent or minimize flood damage in the future;

(3) Reduce financial burdens on the Town and its residents by discouraging unwise design and construction in areas subject to flooding;

(4) Minimize the need for and cost of rescue and relief efforts associated with flooding;

(5) Minimize prolonged business interruptions;

(6) Minimize damage to public facilities and utilities such as streets and bridges; water and sewer lines; gas lines; electric, telecommunications, and telephone lines;

(7) Minimize flooding of water supply and sanitary sewage disposal systems and the public health risks related to interruptions of these important public services;

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with subsection 4.1.4.C (Open Space Developments). Mitigation land must be located within the same corridor as the disturbed area.

c. If the requirements in b above cannot be met, then the applicant can satisfy mitigation requirements by restoring or enhancing woody vegetation cover in portions of the Wildlife Corridor that have been previously disturbed by clearing or similar disturbance. Restoration and enhancement proposals must be reviewed and approved by the Director, and the restored and/or enhanced acreage must be placed under permanent protection through a conservation easement, deed restriction, or similar mechanism, in accordance with subsection 4.1.4.C (Open Space Developments).

F. Density Bonus for Permanent Habitat Protection

A density bonus shall be granted in accordance with the eligibility provisions in subsection E above only if undisturbed land in the WPO on the parcel is permanently protected in accordance with the criteria and procedures contained in subsection 4.1.4.C

2.3.6. Mobile Home Park Overlay (MHO) District

A. Purpose

The Mobile Home Park Overlay (MPO) District is intended to recognize and provide for the development of mobile home parks in a manner that allows the Town to address their potential impacts on adjacent neighborhoods through special review and the application of specific standards, and subject to site plan and/or subdivision approval.

B. Mobile Home Park Standards

(1) Review Requirements

All new and expansions of mobile home parks are subject to subdivision approval.

(2) Underlying Base Zoning District Standards

(3) All use and development regulations applicable in the underlying base zoning district shall continue to apply in the MHO District unless expressly provided otherwise in this subsection. Public Water and Public Sewer

Sufficiently sized public water and public sewer facilities are required for all mobile home parks, unless it can be demonstrated that adequate on-site water supply and septic disposal systems are available.

(4) Minimum Lot Size and Density

The following minimum standards do not apply for land within the Shoreland Protection Overlay (SPO). Minimum lot standards for lands located within the SPO are provided in Subsection 4.2.5.F.

Comment [AB89]: Added 9/16

a. With public sewer, the minimum individual lot size shall be 4,000 square feet.

b. With on-site sewage disposal within a community septic system for the park approved by the Maine Department of Health and Human Services, the minimum individual lot size shall be 13,000 square feet, provided that the maximum residential density in the park does not exceed one dwelling unit per 20,000 square feet of net site area.

c. Where on-site sewage disposal is located on each lot, the minimum individual lot size shall be 20,000 square feet.

4.2.3. Growth Area Dimensional and Density Standards

Table 4.2.3: Dimensional and Density Standards for Growth Area Zoning Districts [Unless separate standards approved in Common Development Plan]

Standard / New Zone	GR1	GR2 & 10	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4[1]	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GA	GI	GO	GN[2]
Current Zone	R-R	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4 I1, I-4	MU1, CC	HC1 & 2	TC1, 2, 3	R-CMU	MUOZ	CU1, 2 & 3	CU5 & 6	CU4 & 7	CU/TC	R-AR	I2,I3 & R-B&TI	R-R&OS	BCN
Lot area, min.[22]	n/a for residential uses; 7,000 sq. ft. for non-residential uses									n/a for residential uses; 7,000 sq. ft. for non-residential uses								n/a for residential uses; 7,000 sq. ft. for non-residential uses							
Density, max. (dwelling units per acre of net site area)	8	4	6[3]	6	7	10	5	6	6	6	10	10	15	6	n/a	24	6	12	24[4]	5[5]	24	n/a	n/a	n/a	n/a
Lot width, min. (feet)	40	65	75	75	65	65	65	65	65	60	65	75	60	75	n/a[12]	n/a	75	65	65	65	40	50	50	n/a	n/a
Building frontage, min. (% of lot width)	80														75[6]						n/a	n/a	n/a	n/a	n/a
Building frontage, max. (% of lot width)	100														100[7]										n/a
Front setback, min. (feet)[8]	0	15	20	20	15	15	20	20	20	20	15	30	0	15	0[12]	0	20	15[19]	15	15	10	0	10	0	n/a
Build-to Zone (feet)[8]													[9]		0-5[10]										n/a
Rear setback, min. (feet)	0	20	20	20	20	15	20	20	20	20	20	30	15	15	0[12]	0	30	15[19]	15[19]	15	10	20	20	20	n/a
Side setback, min. (feet)	0	15	15	15	15	15	15	15	15	15	15	15	0	20	0[12]	0	30	15[19]	15[19]	15	10	15	15	10	n/a
Impervious surface coverage, max. (% of lot area)	45	35	35	35	35	50	35	35	35	75	50	60	80[11]	70	100[12]	100	50	60	50	50	50	80	80	10	[2]
Building height, min. (feet)	24														24[13]	24									n/a
Building height, max. feet[14]	50	35	35	35	35	35	35	35	35	40	35	60	60	45	40[15]	50	40	70[20]	45	35	70	100	60	35	n/a
Building footprint per structure, max. (1,000 square feet)	20[3]	5	5	5[16, 19]	5[19]	7.5	5	5	5	20	5	30[21]	50[18]	20	n/a[12]	n/a	7.5	n/a	8.5	5[17]	n/a	n/a	n/a	n/a	n/a

Comment [AB120]: ZORC added GR10 5/18/16

Comment [AB121]: Corrected 3/9/16

Comment [AB122]: Staff recommendation accepted by ZORC 2/5/16

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Table 4.2.3: Dimensional and Density Standards for Growth Area Zoning Districts [Unless separate standards approved in Common Development Plan]

Standard																										
New Zone	GR1	GR2 & 10	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4[1]	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GA	GI	GO	GN[2]
Current Zone	R-R	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4 11, I-4	MU1, CC	HC1 & 2	TC1, 2, 3	R-CMU	MUOZ	CU1, 2 & 3	CU5 & 6	CU4 & 7	CU/TC	R-AR	I2,I3 & R-B&TI	R-R&OS	BCN

NOTES:
[1] All new, enlarged, or redeveloped buildings and additions in the GM4 District subject to Development Review shall also be consistent with the Cook's Corner Design Standards, unless such design standards are waived in accordance with Section 0 (
Waiver **Provisions**
~~Waiver~~ **~~Provisions~~**
~~Waiver~~ **~~Provisions~~**).
[2] Area of new disturbance per parcel shall not exceed 1% of total acreage, measured at time of ordinance adoption
[3] 1 du per 20,000 sf of net site area for developments using subsurface wastewater disposal systems.
[4] Except that lands north of Bath Road shall be limited to 8 du/ac.
[5] Except that parcel between South Street and Longfellow Avenue shall be limited to 10 du/ac.
[6] Applicable only to the first floor of buildings along Maine Street. Does not apply to buildings on Park Row.
[7] Does not apply to buildings on Park Row.
[8] Front setback averaging applies; See subsection 4.2.5.B(4)
[9] See Cook's Corner Design Standards for maximum front setbacks applicable along Bath Rd., Gurnet Rd., proposed Perimeter Rd, Thomas Point Rd., and all public and private connector roads.
[10] Applicable only to the first floor of buildings along Maine Street. For all other buildings in the GM6 District, the build-to zone is determined by the range of front setback of principal buildings on the nearest occupied lots on either side on the same block face. Does not apply to buildings on Park Row.
[11] Limited to 50% impervious coverage and maximum building footprint of 20,000 sq. ft. north of Route 1.
[12] Except that parcels fronting onto Park Row front setbacks shall be consistent with the established average front setback (see subsection 4.2.5.B (4)), shall have minimum side and rear setbacks of 15 feet in width; a minimum lot width of 60 feet; a maximum footprint of 7, 500 square feet and a maximum impervious coverage of 45%;
[13] Minimum height is triggered if floor area is being increased by 50%, and must be met at front lot line.
[14] Unless restricted to a lower height by Flight Path Overlay (FO) District regulations (see Section 2.3.7).
[15] Except that lands north of U.S. Highway 1 shall have a maximum building height of 60 ft.
[16] May be increased to up to 30,000 square feet for a community living facility as defined by 30-A M.R.S.A § 4357-A, with a Conditional Use Permit approved in accordance with Section 5.2.3 (Conditional Use Permit).
[17] 10,000 square feet for multifamily dwellings, and 20,000 square feet for the Bowdoin College Edwards Center for Art and Dance building.
[18] 300,000 square feet if the structure meets one of the conditions listed in Section 4.2.5.B(9).
[19] See subsection 4.2.5.B(4)d for additional setback requirements.
[20] See subsection 4.2.5.B.(7) for additional height requirements..
[21] No building footprint restriction shall apply for properties located south of Route 1, along Cressey Road and Columbia Drive.
[22] See subsection 4.2.5.F for minimum dimensional requirements for lots located within the Shoreland Protection Overlay.

Comment [AB120]: ZORC added GR10 5/18/16

Comment [AB123]: Insert adoption date.

Comment [AB124]: Added dimensional standards for Park Row within GM6 per ZORC discussion 3/28

Comment [AB125]: Staff recommendation 2/5/16.

Comment [AB126]: From existing 204.3 requirements.

Comment [AB127]: Same comment.

Comment [AB128]: Added 4/29/16

Comment [AB129]: Added 9/16

4.2.4. Rural Area Dimensional Standards

Table 4.2.4: Dimensional and Density Standards Table for Rural Zoning Districts

Standard		New Zone	RN[1]	RF	RR	RP1	RP2	RM
		Current Zone	BCN	FF1, CR1	CR2, MU1	CP1, FF3	CP2	MU5
Minimum Lot Area	Residential[5]		n/a	2 ac	1.5 ac	20,000 sf[2]	20,000 sf[2]	2 ac
	Nonresidential[5]					4 ac[2]	4 acres[2]	

Table 4.2.4: Dimensional and Density Standards Table for Rural Zoning Districts

Standard		New Zone	RN [1]	RF	RR	RP1	RP2	RM
		Current Zone	BCN	FF1, CR1	CR2, MU1	CP1, FF3	CP2	MU5
Maximum Density	Developments subject to Development Review		n/a	1 du per 2 ac	1 du per 1.5 ac	1 du per 4 ac	1 du per 4 ac	1 du per 2 ac
	Developments not subject to Development Review					1 du per 5 ac	1 du per 5 ac	
Lot width, min. (feet)			n/a	150	150	125	125	150
Front setback, min. (feet)			n/a	25	25	30[4]	30[4]	25[3]
Rear setback, min. (feet)			n/a	30	30	30[4]	30[4]	30
Side setback, min. (feet)			n/a	30	30	25[4]	25[4]	30
Impervious surface coverage, max. (% of lot area)			[1]	20%	20%	Lesser of 35% or 10,890 sf	Lesser of 40% or 21,780 sf	25%
New lawn area for wooded sites (1,000 square feet)			[1]			20	20	
Building height, max. (feet)			n/a	40	40	40	40	40
Building footprint per structure, max. (1,000 square feet)			n/a	10	10	10	10	10

NOTES: ac = acre(s) sf = square feet
[1] Area of new disturbance per parcel shall not exceed 1% of total acreage, measured at time of ordinance adoption
[2] See Subsection 4.2.5.B (10) (Supplementary Dimensional and Density Standards and Exceptions) for additional requirements.
[3] Wooded buffers fronting Old Portland Road on [effective date of this Ordinance] shall be maintained at a minimum depth of 25 feet for structures having a footprint less than 5000 square feet and a minimum depth of 50 feet for structures having a footprint over 5000 square feet, subject only to necessary interruptions for infrastructure, to be finalized during Development Review or Building Permit approval.

[4] Additional building setback may be required in accordance with Subsection 4.2.5.B (4) e.
[5] See subsection 4.2.5.F for minimum dimensional requirements for lots located within the Shoreland Protection Overlay.

Comment [AB130]: Insert adoption date.

Comment [AB131]: Revised based on ZORC discussion 3/28/16

Comment [AB132]: Added 9/16

Comment [JW133]: See above (#2)

Comment [JW134]: **10. Significant wildlife habitat.** "Significant wildlife habitat" means:
A. The following areas to the extent that they have been mapped by the Department of Inland Fisheries and Wildlife or are within any other protected natural resource: habitat, as defined by the Department of Inland Fisheries and Wildlife, for species appearing on the official state or federal list of endangered or threatened animal species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; seabird nesting islands as defined by the Department of Inland Fisheries and Wildlife; and critical spawning and nursery areas for Atlantic salmon as defined by the Department of Marine Resources; and [2009, c. 561, §37 (AMD).]
B. Except for solely forest management activities, for which "significant wildlife habitat" is as defined and mapped in accordance with section 480-I by the Department of Inland Fisheries and Wildlife, the following areas that are defined by the Department of Inland Fisheries and Wildlife and are in conformance with criteria adopted by the Department of Environmental Protection or are within any other protected natural resource:
(1) Significant vernal pool habitat;
(2) High and moderate value waterfowl and wading bird habitat, including nesting and feeding areas; and
(3) Shorebird nesting, feeding and staging areas. [2005, c. 116, §2 (NEW).]
[2009, c. 561, §37 (AMD) .]

4.2.5. Supplementary Dimensional and Density Standards and Exceptions

A. Calculation of Net Site Area

Net site area is calculated by subtracting from the parcel the full area of land that consists of:

(1) Land areas of 5,000 or more contiguous square feet with sustained slopes of 25% or greater ;

(2) Any wetland, including but not limited to, coastal, forested and freshwater wetlands;

(3) ~~Is located below the normal high water line of any freshwater or coastal wetland.~~

(4) Any water body;

(5) Any existing or proposed public street or private street right-of-way;

(6) Habitat for species appearing on the official State or Federal lists of endangered or threatened species, where there has been evidence of the occurrence of the species;

(7) Any of the following as defined by the Natural Resources Protection Act (NRPA):

a. High and moderate value waterfowl and wading bird habitat, including nesting and feeding areas; or

b. Shorebird nesting, feeding, and staging areas; or

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F. Additional Dimensional Standards Within the Shoreland Protection Overlay

(1) Minimum lot area and minimum shore frontage standards for lots located within the Shoreland Protection Overlay are contained in Table 4.2.5.F (1). In addition to such standards, subsections (2) – (5) below shall also apply.

F(1)

Table 4.2.5.~~G~~(5): Additional Dimensional Standards Within the Shoreland Protection Overlay

Standard by Use	All Zoning Districts	
	Adjacent to Tidal Areas	Adjacent to Non-Tidal Areas
Residential per Dwelling Unit		
Lot area, min. (square feet)	30,000	40,000
Shore frontage, min. (feet)	150	200
Public and Private Recreational Facilities		
Lot area, min. (square feet)	40,000	40,000
Shore frontage, min. (feet)	200	200
Other Other Non-Residential Uses per Principal Structure[1]		
Lot area, min. (square feet)	30,000	60,000
Shore frontage, min. (feet)	150	300

NOTES:
[1] For marine activities, applicable district dimensional standards shall apply.

(2) Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

(3) Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

(4) The minimum width of any portion of any lot within 100 feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

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

Comment [AB150]: Added In accordance with Chaper 1000 9/16

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Codes Enforcement Officer with a second Elevation Certificate completed by a professional land surveyor, engineer, or architect based on the Part 1 permit construction, "as built" for verifying compliance with the elevation requirements of Subsection 2.3.4.D(2) (Residential Structures), Subsection 2.3.4.D(3) (Nonresidential Structures), Subsection 2.3.4.D(4) (Mobile Homes), or Subsection 2.3.4.D(12) (Coastal Floodplains). Following review of the Elevation Certificate the Codes Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or

b. A Flood Hazard Development permit for floodproofing of non-residential structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the flood proofing standards of Subsection 2.3.4.D(3)a. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or

c. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50 percent of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided in Subsection 2.3.4.D(6) (Accessory Structures), mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

(7) Maintain, as a permanent record, copies of all flood Hazard Development Permits issued and data relevant to those permits, including reports of the Board of Appeals on Variances granted under Subsection 5.2.6.B, and copies of Elevation Certificates, Floodproofing Certificates and Certificates of Compliance required under the provisions of this Ordinance.

5.2.6. Shoreland Protection Overlay Zone Permits

(1) Permit Required

All development or other land use activity within the shoreland protection overlay zone shall require a Shoreland Protection Permit from the applicable Review Authority in accordance with development review thresholds as stated in Table 5.2.8.B. This permit shall be in addition to any other permit or plan approvals which may be required by this Ordinance. The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

(2) Special Exceptions for Development Within the Shoreland Protection Overlay

In addition to the criteria specified in Subsection 2.3.3.C.3, excepting structure setback requirements, lots created prior to June 6, 1994, and lie within the minimum setback (250 feet) from salt meadows that are rated "moderate" or "high" value waterfowl and wading bird habitat as shown on the Brunswick Official Zoning Map; lots created prior to November 18, 2002, and lie within the minimum setback from a stream (i.e. the "SPO-SP") as defined by the Town of Brunswick after November 18, 2002; and properties that were created prior to December 31, 2008, and lie within the minimum setback (250 feet) from freshwater

Comment [JW246]: 6/6/94 may only apply to the eight (8) estuarine salt meadows on the 1973 MDIFW maps for waterfowl and wading bird habitat that were required for RP designation – 250-foot setback.

The Town's NRPZ map includes additional polygons for IWWH inland wetlands, and TWWH wetlands associated with the Andro that may have been added in 2008 based on the Zoning Ordinance amendment date in the NRPZ.

Revising the mapped bird habitat polygons is recommended because all wading bird, waterfowl, and shorebird feeding areas were refined by MDIFW in 2016.

Comment [JW247]: Check this reference.

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wetlands or wetlands associated with rivers or that are rated "moderate" or "high" value waterfowl and wading bird habitat established in Subsection 2.3.3.C(1)a.iv aboveand shown on the Brunswick Official Zoning Map, may be developed with a single family dwelling through the Minor Development Review process if the Staff Review Committee issues a Special Exception, finding that the applicant has demonstrated that all of the following conditions are met:

a. There is no location on the property, other than a location within the SPO District, where the structure can be built;

b. The lot was established and recorded in the Cumberland County Registry of Deeds prior to June 6, 1994, November 18, 2002, or December 31, 2008 as applicable based on the description provided at Section 2.3.3.C.3;

c. All proposed buildings, sewage disposal systems and other improvements are

i. Located on natural ground slopes of less than 20%; and

ii. Located outside the floodway of the 100-year floodplain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year floodplain.

d. All buildings, including basements, are elevated at least one foot above the 100-year floodplain elevation, and the development is otherwise in compliance with any applicable floodplain management regulations in Subsection 2.3.4 (Flood Protection Overlay (FPO) District).

e. The total footprint areaas defined, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.

f. All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body or upland edge of a coastal or freshwater wetland to the greatest extent practicable, but not less than a horizontal distance of 75 feet from a stream and not less than a horizontal distance of 125 feet from a coastal or freshwater wetland or other water body. In determining the greatest extent practicable the Staff Review Committee shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain, and its proximity to moderate-value and high-value wetlands.

g. A Special Exception shall expire one year from the date of issuance if on-site construction has not started during that period. If construction is started within one year from the date of permit issuance, the applicant shall have one additional year from the date of issuance to complete the project. If incomplete at the end of two years, the permit shall expire.

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v. The amount of impervious surface on the project site is not increased by more than 2,000 square feet.

vi. There is adequate parking available for the new use in accordance with Section 4.9 (Parking and Loading).

vii. The re-occupancy of the building will not change the primary use of the building from residential to non-residential or from non-residential to residential.

viii. The initial non-military re-occupancy of a building shall not be considered a Change of Use even if it does not meet the vacancy time limits of Subsection 5.2.1.B(1) (Change of Use Defined). All subsequent re-occupancy of buildings in the Growth Districts applied to former BNAS lands shall be subject to the Change of Use review requirements of Subsection 5.2.1.B (Change of Use Permit) as applicable.

e. The Change of Use of a building in the Brunswick Landing area with less than 10,000 square feet of floor area, provided that the new use does not significantly intensify the use of the property compared to its previous use. A new use that increases the required off-street parking required by Section 4.9 (Parking and Loading) by more than 20 percent, or that increases the number of peak hour vehicle trips based upon the current edition of the ITE Trip Generation Manual, as amended, by more than 20 percent, or that meets any of the review thresholds of Subsection 5.2.9.B(2) (Development Activities Subject to Development Review) shall be considered to significantly intensify the use. If the Codes Enforcement Officer determines that there will be a significant intensification of the use, the activity shall be deemed to be a minor development subject to Development Review.

(2) **Development Activities Subject to Development Review**

a. The activities listed in Table 5.2.7.B shall be subject to Development Review based on the applicable thresholds.

b. Activities that do not meet the thresholds may still require additional review and/or permitting by the Codes Enforcement Officer or as required within applicable zoning overlay zones.

c. A Certificate of Appropriateness from the Village Review Board is required if the proposed development is within the Village Review Overlay Zone.

Thresholds for development review apply only to new or "add-on" construction, except as indicated in Subsection 5.2.9.C (Cumulative Development and Amendments). If development is proposed on two (2) or more lots and the Director finds that the development functions as a single project, thresholds for development review shall be applied to the project as though the lots on which it is located is a single lot.

Table 5.2.8.B
Development Review Threshold Criteria

Impact Criteria	Zoning District	Threshold	Level of Review	Reviewing Authority
Construction of New Floor Area	All GR, GC and Rural Districts; GM1, GM2, GM5, GM6, GM8	Less than 1,000 sq.ft.	Building Permit	Code Enforcement Officer
		1,000 – 5,000 sq.ft.	Minor Development Review	Staff Review Committee
		Over 5,000 sq.ft.	Major Development Review	Planning Board
	All Other Zoning Districts	Less than 2,000 sq. ft.	Building Permit	Codes Enforcement Officer
		2,000 - 10,000 sq. ft.	Minor Development	Staff Review Committee

Comment [AB259]: Table revised to be focused on thresholds by Zoning District per ZORC request; 5/24/16. Revised by ZORC 6/1/16.

Table 5.2.8.B
Development Review Threshold Criteria

Impact Criteria	Zoning District	Threshold	Level of Review	Reviewing Authority
			Plan	
		Over 10,000 sq. ft.	Major Development Review	Planning Board
Net New Impervious Surface	All GR, GC and Rural Districts; GM1, GM2, GM5, GM6, GM8	Less than 1,000 sq. ft.	Building Permit	Codes Enforcement Officer
		1,000 - 5,000 sq. ft.	Minor Development Review	Staff Review Committee
		Over 5,000 sq. ft.	Major Development Review	Planning Board
	All Other Zoning Districts	Less than 2,000 sq.ft.	Building Permit	Code Enforcement Officer
		2,000 - 10,000 sq. ft.	Minor Development Review	Staff Review Committee
		Over 10,000 sq. ft.	Major Development Review	Planning Board
	All Zoning Districts	Development Subject to Conditional Use Permit or Special Permit creating less than 5,000 sq. ft.	Minor Development Review	Staff Review Committee
		Development Subject to Conditional Uuse Permit or Special Permit creating 5,000 or more sq. ft.	Major Development Review	Planning Board
Net Cumulative Total of New Floor Area and New Impervious Surface	All GR, GC and Rural Districts; GM1, GM2, , GM6, GM8, GN	Less than 1,500 sq. ft.	Building Permit	Codes Enforcement Officer
		1,500 – 7,500 sq.ft.	Minor Development Review	Staff Review Committee
		Over 7,500 sq.ft.	Major Development Review	Planning Board
	, GM3, GM4, GM5, GI	Less than 3,000 sq.ft.	Building Permit	Code Enforcement Officer
		3,000 – 15,000 sq. ft.	Minor Development Review	Staff Review Committee
		Over 15,000 sq.ft.	Major Development Review	Planning Board
	GM7, GA, GI, GO	Less than 3,000 sq.ft.	Building Permit	Code Enforcement Officer
		3,000 - 20,000 sq. ft.	Minor Development Review	Staff Review Committee
		Over 20,000 sq. ft.	Major Development Review	Planning Board
Change of Use	All Zoning Districts	Less than 10,000 sq. ft.	Change of Use Permit	Codes Enforcement Officer
	All Zoning Districts outside of Brunswick Landing	Over 10,000 sq.ft.	Major Development Review	Planning Board
	GM7, GA, GI, GO Districts within Brunswick Landing	10,000 – 20,000 sq. ft.	Minor Development Review	Staff Review Committee
		Over 20,000 sq. ft.	Major Development Review	Planning Board
	All Growth	Conversion of single	Major Development	Planning Board

Comment [AB259]: Table revised to be focused on thresholds by Zoning District per ZORC request; 5/24/16. Revised by ZORC 6/1/16.

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Table 5.2.8.B
Development Review Threshold Criteria

Impact Criteria	Zoning District	Threshold	Level of Review	Reviewing Authority
	Residential Districts	or two-family residence to any other use	Review	
Construction of Multi Family Dwelling Units that does not create a subdivision	All Zoning Districts	Less than 3 units	Building Permit	Code Enforcement Officer
	All Zoning Districts	Between 3-5 units	Minor Development Review	Staff Review Committee
	All Zoning Districts	Over 5 units	Major Development Review	Planning Board
Traffic	All Zoning Districts	An activity generating more than 100 peak hour vehicle trips, based on ITE Trip Generation Manual, as amended, unless previously addressed as part of an approved plan, or upon recommendation by the Town Engineer.	Major Development Review	Planning Board
Mobile Home Park development or expansion	All Zoning Districts	All	Major Development Review	Planning Board
Development on a Road with a Level of Service of "F"	All Zoning Districts	Construction of new floor area of over 2,000 sq. ft., creation of new impervious surface of over 2,000 sq. ft. or cumulative total of new floor area and impervious surface of over 3,000 sq. ft.	Major Development Review	Planning Board
New Road Construction	All Zoning Districts	New private or public Road proposed as part of development application	Major Development Review	Planning Board
Subdivision	All Zoning Districts	Subdivision as defined by 30-A M.R.S.A. Section 4401, as amended	Major Development Review	Planning Board
Mineral Extraction	All Zoning Districts	Pursuant to Section 3.4.1.T	Major Development Review	Planning Board
Ultra-Light Airpark	All Zoning Districts	All	Major Development Review	Planning Board
Hours of Operation	Residential Districts	Non-residential use with operating hours between 11pm and 7am	Major Development Review	Planning Board
For Shoreland Protection Overlay (SPO)[1]:				

Comment [AB259]: Table revised to be focused on thresholds by Zoning District per ZORC request; 5/24/16. Revised by ZORC 6/1/16.

Comment [JE260]: Added from supplemental use section 5/11/16

[1] **Key to Development Review Threshold Criteria for SPO:**

Table 5.2.8.B

Development Review Threshold Criteria

Impact Criteria	Zoning District	Threshold	Level of Review	Reviewing Authority
Filling and Earthmoving Activity	Shoreland Protection Overlay	Greater than 10 cubic yards	SPO Permit	Codes Enforcement Officer
	Shoreland Protection Overlay-Resource Protection District	10 cubic yards or less	SPO Permit	Code Enforcement Officer
		More than 10 to 100 cubic yards	Minor Development Review	Staff Review Committee
		Great than 100 cubic yards	Major Development Review	Planning Board
	Shoreland Protection Overlay-Stream Protection District	10 cubic yards or less	SPO Permit	Code Enforcement Officer
		More than 10 to 100 cubic yards	Minor Development Review	Staff Review Committee
		Great than 100 cubic yards	Major Development Review	Planning Board
Forest management activities including timber harvesting and land management roads	Shoreland Protection Overlay	All	Yes	Maine Bureau of Forestry
Clearing or removal of vegetation for activities other than timber harvesting	Shoreland Protection Overlay	All	Yes	Code Enforcement Officer
	Shoreland Protection Overlay-Resource Protection District	All	SPO Permit	Code Enforcement Officer
	Shoreland Protection Overlay-Stream Protection District	All	SPO Permit	Code Enforcement Officer

Comment [AB259]: Table revised to be focused on thresholds by Zoning District per ZORC request; 5/24/16. Revised by ZORC 6/1/16.

Yes - Allowed (no permit required but the land use activity must comply with all applicable zoning district standards and overlay district standards)

No - Prohibited land use activity

PB - Allowed land use activity with permit issued by the Planning Board.

SRC - Allowed land use activity with permit issued by the Staff Review Committee.

Code Enforcement Officer - Allowed land use activity with permit issued by the CEO or designee

LPI - Allowed land use activity with permit issued by the Local Plumbing Inspector

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Table 5.2.8.B
Development Review Threshold Criteria

Impact Criteria	Zoning District	Threshold	Level of Review	Reviewing Authority
Piers, docks, wharfs, bridges, and other structures and use activities extending over or below the normal high-water line or within a wetland	Shoreland Protection Overlay	Temporary	SPO Permit	Code Enforcement Officer
		Permanent	Major Development Review	Planning Board
Principal and Accessory Structures or uses other than functionally-water dependendent	Shoreland Protection Overlay	Outside structure Setback	SPO Permit	Code Enforcement Officer
	Shoreland Protection Overlay-Resource Protection District	Within structure setback	See Non-Conformance	Code Enforcement Officer
	Shoreland Protection Overlay-Stream Protection District	Within structure setback	See Non-Conformance	Code Enforcement Officer
Agriculture	Shoreland Protection Overlay	All	Yes, unless otherwise stated in Section 2.3.3.C.5	Code Enforcement Officer
Conversion of seasonal residences to year-round residences	Shoreland Protection Overlay	All	Change of Use Permit unless residential use is prohibited within zoning district.	LPI
Conversion of seasonal residences to year-round residences	Shoreland Protection Overlay	All	Change of Use Permit unless residential use is prohibited within zoning district.	LPI
Home Occupations	Shoreland Protection Overlay	All	Performance Standard in Section 2.3.4.2.C	CEO
Aquaculture	Shoreland Protection Overlay	All	Yes, unless otherwise stated in Section 2.3.3.C.#	Code Enforcement Officer
Mineral Exploration or Extraction	Shoreland Protection Overlay	All	Yes, unless otherwise stated in Section 2.3.3.C.13	Code Enforcement Officer
		All	Yes	Code Enforcement

Comment [AB259]: Table revised to be focused on thresholds by Zoning District per ZORC request: 5/24/16. Revised by ZORC 6/1/16.

Comment [JW261]: Consider minor review (SRC Review Authority) for permanent piers outside SPO-SP and SPO-RP

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Table 5.2.8.B
Development Review Threshold Criteria

Impact Criteria	Zoning District	Threshold	Level of Review	Reviewing Authority
Fire Prevention Activities	Shoreland Protection Overlay			Officer
Motorized vehicular traffic on existing roads and trails	Shoreland Protection Overlay	All	Yes	Code Enforcement Officer
Wildlife Management Practices	Shoreland Protection Overlay	All	Yes	Code Enforcement Officer
Soil and water conservation practices	Shoreland Protection Overlay	All	Yes	Code Enforcement Officer
Surveying and Resource Analysis	Shoreland Protection Overlay	All	Yes	Code Enforcement Officer
Emergency Operations	Shoreland Protection Overlay	All	Yes	Code Enforcement Officer
Signs	Shoreland Protection Overlay	All	Yes	Code Enforcement Officer
Service drops, as defined, to allowed uses	Shoreland Protection Overlay	All	Yes	Code Enforcement Officer

Comment [AB259]: Table revised to be focused on thresholds by Zoning District per ZORC request; 5/24/16. Revised by ZORC 6/1/16.

C. Cumulative Development and Amendments

(1) Development Review thresholds shall be based upon cumulative development totals over a five (5) year period. If any threshold is exceeded during any five (5) year period, all development within that time period shall be subject to review.

(2) Amendments to approved plans shall be subject to the appropriate level of review.

D. Joint Meeting, Hearing, and Application

If a Development Review application includes both Subdivision and Site Plan review, the Planning Board shall consider the Subdivision and Site Plans together. A single application may be filed, provided that it contains all necessary information for both approvals.

E. Effect of Violations on Application

No application shall be approved by the Review Authority as long as the property is in violation of any requirements of this Ordinance or of any previous conditions of approval imposed upon the

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REVISIONS BASED ON 10/4/16 PLANNING BOARD MEETING DISCUSSION

Ground Cover: Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Hazard Tree: For SPO District purposes, a tree with a structural defect, combination of defects, or disease resulting in a structural defect that, under the normal range of environmental conditions at the site, exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does NOT include meteorological anomalies, such as, but not limited to hurricanes, hurricane-force winds, tornados, microbursts, or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of a tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

Comment [AB28]: DEP SP revision.

Hazardous Matter: any material identified as being hazardous by either the Maine Department of Environmental Protection (MEDEP) or the U.S. Environmental Protection Agency (USEPA).

Historic District: A geographic area federally designated as an historic district and listed on the National Register of Historic Places.

Historic Integrity: The authenticity of a property's historic identity as evidenced by the survival of physical characteristics (location, design, setting, materials, workmanship, and association) that existed during the property's prehistoric or historic period.

Historic Structure: For floodplain management purposes, a historic structure is any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements of individual listing on the National Register:

(2) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior, or

(b) Directly by the Secretary of the Interior in states without approved programs.

Home Occupation: A lawful business, profession, occupation or trade, conducted within a dwelling unit or accessory structure by a resident of the dwelling unit, where the business, profession, occupation, or trade is incidental and subordinate to use of the dwelling for residential purposes. A home office, including for telecommuting purposes, which is carried on by only residents and does not involve any signs, public access, outdoor storage or displays ~~Telecommuting, as defined,~~ is not considered a home occupation and is not regulated by this ordinance.

Comment [AB29]: Exemption for home office/telecommuting

Hotel: A facility that provides sleeping accommodations for transient guests, with or without a dining room or restaurant, including a motel, but excluding Bed and Breakfast, Boarding House, and Residence Hall facilities.

Household: One person, or a group of two or more persons, living together in the same dwelling unit as a single housekeeping entity.

Impervious Surface: Any material covering the ground through which water does not readily penetrate—including, but not limited to, roofed structures, decks, concrete, stone, tar, asphalt, pavement, gravel, crushed stone, and shale.

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of the wind energy collection facility installation, shall not exceed 55 dba (decibels day/night average) for any period of time. The 55 dba sound level may be exceeded during short-term events out of the owner's control such as utility outages or severe wind storms;

v. The turbine and tower shall have a nonreflective surface. ;

vi. The blade tip or vane of any small wind energy system shall have a minimum ground clearance of 15 feet as measured at the lowest point of the arc of the blades;

vii. All signs on a wind turbine, tower, building or other structure associated with a small wind energy system visible from any public road, are prohibited with the exception of (a) the manufacturer's or installer's identification, (b) appropriate warning signs, or (c) owner identification,;

viii. No illumination of the turbine or tower shall be allowed unless required by the FAA;

~~viii.~~ix. The wind turbine and tower shall be designed and installed such that unauthorized public access via step bolts or a ladder is prevented for a minimum of 12 feet above the ground.

~~viii. The wind turbine and tower shall be designed and installed such that unauthorized public access via step bolts or a ladder is prevented for a minimum of 12 feet above the ground~~.

~~ix.~~x. This use shall not be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator;

~~x.~~xi. A wind turbine which is not generating and has not generated electricity for 12 consecutive months shall be deemed abandoned and shall be dismantled by the owner within 120 days of receipt of notice from the Town unless the wind turbine is not in operation due to the property being in the process of being sold. A system owner may request in writing to the Codes Enforcement Officer an extension of up to one year if the owner is actively pursuing the repair of the system for future use.

(2) Solar Energy Collection Facilities

a. Ground Mounted Systems

i. General Standards

(A) Ground mounted solar energy collection facilities shall be operated, and their angles of collection controlled in accordance with Section 4.14.J (Performance Standards). ~~, to prevent glare from entering the windows of any primary structure containing a residential use on an adjacent property.~~

(B) Ground mounted solar energy collection facilities shall not be considered accessory uses.

Comment [AB113]: Staff revisions 8/24/16; 9/26/16.

Comment [AB114]: Revised based on ZORC discussion 9/19/16.

Comment [AB115]: ZORC discussion 10/7/16

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~~buffer of at least 50% opacity at the time of installation, not to exceed six feet in height.~~

~~Ground mounted solar energy collection facilities shall be screened from view from each adjacent public right-of-way by a vegetative buffer of at least 50% opacity at the time of installation, not to exceed six feet in height.All ancilliary structures shall comply with all applicable zoning district dimensional standards.~~

~~Ground mounted solar energy collection facilities shall not exceed 20 feet in height, measured from the ground level to the highest point of the facility.~~

~~Ground mounted solar energy collection facilities shall be located a minimum of ten feet from all property lines and other structures, or be setback a distance equal to the total height of the facility, whichever is greater.~~

~~f.~~b. **~~Building~~ Structure Mounted Systems**

i. Solar energy collector systems~~s~~ may be ~~located~~ mounted on a principal or accessory structure in any zoning district and shall be considered accessory uses.

ii. Structure~~Roof~~ mounted solar energy collector systems~~s~~ shall not exceed the maximum height permitted in the zoning district in which it is located by more than 18 inches.

iii. ~~Roof~~Structure-mounted solar energy collector systems shall not extend more than 18 inches above the tallest roofline of a single or two-family residential structure, or, if being placed on a flat-roof, no more than three (3) feet above the roofline of a multi-family, mixed use or non-residential structure.

~~g.~~c. **Solar Energy Collection ~~Facilities or Collectors~~ Systems within the Village Review Overlay District**

Ground mounted or structure mounted ~~S~~solar energy collection systems ~~facilities or collectors~~ proposed ~~on a lot~~ within the Village Review Overlay District shall ~~obtain~~ require a Certificate of Appropriateness pursuant to sub~~S~~section 5.2.8 (Village Review Overlay Design Review).

~~(2)~~(3) **Geothermal Energy Collection Facilities**

a. Accessory use geothermal energy collection facilities shall be located entirely underground, except that facilities connecting underground collection facilities to an aboveground structure are permitted provided:

i. They are located on a side or rear side of the building not abutting a public or private right-of-way unless screened by a vegetative buffer of at least 50% opacity at the time of installation, not to exceed six feet in height;

ii. They do not exceed two (2) feet in height above grade level; and

iii. They do not extend more than two (2) feet horizontally from the building face.

b. Primary use geothermal energy collection facilities shall be located entirely underground, except that aboveground monitoring and control equipment are permitted provided:

i. They are located on the rear one-half of the property; The equipment does not exceed four (4) feet in height above grade level; and

Comment [AB116]: Added 10/7/16

Comment [AB117]: Revised based on ZORC discussion 9/19/16

Comment [AB118]: Approved by ZORC 1/7/16

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0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or propert

B. **Specific Standards**

(1) Exemptions. The following types of lighting are exempt from the standards in this Subsection 4.9.1.(B):

a. Lighting emitting brightness less than 2600 lumens;

b. White string mini-lights used in window displays or in trees, bushes, and shrubs as part of the landscaping;

c. Lighting of approved sports facilities;

d. Short-term use of lighting for public festivals, celebrations, and the observance of holidays; and

~~e. Public street and right-of-way lighting; and~~

~~f.~~e. Lighting required and regulated by the Federal Aviation Administration (FAA).

Comment [AB194]: Revised per ZORC discussion 5/4/16

Comment [AB195]: ZORC revision 9/19/16

(2) **Lighting Height**

The maximum height of regulated freestanding lights shall be the height of the principal building or 25 feet, whichever is less.

Comment [AB196]: Added for clarity 5/19/16

(3) **Light Shielding**

a. All lighting emitting brightness exceeding 2600 lumens shall:

i. Conform to the Illumination Engineering Society (IES) Specification for Full Cutoff;

ii. Be shielded to direct all light towards the ground so that the lighting elements are not exposed to normal view;

iii. Avoid disability glare (i.e., avoid being a hazard or nuisance to motorists, pedestrians, or neighboring residents);

iv. Be directed away from adjacent properties and streets, including properties separated from the development site by a street, road, or right-of-way, so that the lighting elements are not exposed to normal view by motorists or sidewalk pedestrians, or from adjacent properties.

b. Compliance with this subsection shall be achieved with fixture shielding, directional control designed into the fixture, fixture location, fixture height, fixture aim, or a combination of these measures.

Comment [AB197]: Revised 5/19/16. Equivalent of 150 watts.

(4) **Lighting Maintenance**

All outdoor lighting shall be maintained pursuant to Section 4.15 (Maintenance).

4.11 Architectural Compatibility

4.11.1. General Standard

New development shall be compatible with its architectural surroundings in terms of its size, mass, and design and shall comply with any design standards or guidelines for the zoning district in which it is located.

PRE-DRAFT

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or propert

4.11.2. Specific Standards

~~A.~~ Developments shall comply with the Americans with Disabilities Act. ~~in a manner that is compatible with Brunswick's historic architecture.~~

~~B.~~A. Municipal resources shall be available to service the project, and any on-site or off-site impacts associated with the development of the project will be mitigated.

~~C.~~B. New buildings shall be oriented toward public streets through the location of the main entrance to the building or the provision of windows or façade improvements designed to enhance the view from the street.

~~D.~~C. Development in the GM4 District shall be consistent with the Cook's Corner Design Standards.

~~E.~~D. Development in the VRO District shall be consistent with the Village Review Overlay District Design Guidelines.

~~F.~~E. Except on parcels owned by Bowdoin College or the Town of Brunswick, development of land previously part of the Brunswick Naval Air Station (BNAS), shall be consistent with design guidelines established and administered by the Midcoast Regional Redevelopment Authority (MRRA).

~~G.~~F. Except for parcels previously part of the BNAS, new construction and redeveloped structures within Growth Mixed Use ~~or~~ and Growth Industrial Districts~~, new construction and redeveloped structures, including multi-family developments, larger~~ greater than 10,000 square feet in total floor area, shall comply with the following:

revised 10/7/16

(1) **Materials, textures and color.** The relationship of materials, texture and color of the building façade shall be visually compatible with that of the predominant materials traditionally used in the area. Materials common to New England, such as brick, clapboard and shingles are encouraged. ~~Highly reflective materials such as plastic panels, aluminum and metals shall not be used.~~ Roofing material shall ~~consist~~ be complementary to such building materials used. ~~and be darker in color~~.

(2) **Facades.**

a. Horizontal facades greater than 100 feet in length shall incorporate wall plane projections or recesses having a depth of at least three (3) percent of the façade length and extending at least 20% of the façade length. No uninterrupted length of any façade shall exceed 100 horizontal feet.

b. For commercial ~~buildings~~ structures over 20,000 square feet of gross floor area, ground floor facades facing public streets shall have display windows, clearly-defined entry areas, awnings or other such features along 40% or more of the horizontal length.

c. For commercial ~~buildings~~ structures up to and equal to 20,000 square feet of gross floor area, ground floor facades shall be transparent between three (3) and eight (8) feet in height along 40% or more of the horizontal length.

(3) **Roof shapes.** The building roof shape shall be visually compatible with those buildings visually related. Where no clear pattern exists, a roof pitch of 5/12ths or steeper shall be used, or the building should be designed so as to appear to have a pitched roof. The roofline or parapet wall design shall screen any roof-mounted utility units.

(4) Buildings and additions shall be parallel to the street frontage to the greatest extent practical.

Comment [AB198]: F or ZORC discussion

Comment [JE199]: F rom current ordinance 411.11. MAW

Comment [AB200]: R emoved per ZORC discussion 4/25/16

Comment [JE201]: N ew subsection 3/23/16

Comment [AB202]: D eleted 9/19/16

Comment [AB203]: R evised fpr ZORC discussion 10/7/16.

PRELIMINARY DRAFT

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or propert

~~H. Advertising Messages Incorporated into Approved Signage~~

~~Permanent advertising messages or business information (such as signage indicating business hours, signage indicating which types of bank machine cards are accepted, or other similar message) shall be considered a sign subject to review, unless that message is in a sign not subject to permit. Review of such signage shall also consider other signs on the site.~~

~~I.~~H. **Sign Maintenance**

All signs shall be maintained pursuant to Section 4.15 (Maintenance).

4.13.3. Standards for Sign Types Requiring Permits

Signs are permitted as indicated in each subsection below subject to a permit issued by the Codes Enforcement Officer. The permit application shall indicate the type, size, and location of the sign and shall be accompanied by a fee as determined by the Town Council.

A. **Awning Signs**

(1) The area of an awning sign shall not be included in the total building sign area permitted by this ordinance.

(2) The total area of awning signage shall not exceed one (1) square foot for each one (1) linear foot of awning width up to a maximum of 16 square feet.

(3) A vertical clearance of no less than eight (8) feet shall be maintained for all parts of an awning.

~~B. Building Directory Signs~~

~~(1) Any building directory sign shall be attached at a building entrance to identify the business occupants for pedestrians entering the building and shall not be included in the total building sign area permitted by this ordinance.~~

~~(2) A building directory sign shall not exceed a total of six (6) square feet in size.~~

~~(3) A building directory sign located in the GM6 zoning district shall be made of wood or material resembling wood.~~

~~C.~~B. **Campus-Type Signs**

The following signage is permitted on parcels of land developed in a campus-type environment and shall supercede standards for the specific sign type. ~~, as defined as larger parcels of land with multiple buildings including hospitals, mill complexes, business parks or public or private educational facilities.~~

(1) ~~Main~~ Vehicle **Entrance Signs**

A freestanding pole or monument sign may be located at main vehicular entrances to the campus. ~~and unless otherwise permitted, such signs shall be limited to a symbol and/or name identifying the campus and (if desired) the street address.~~ Each sign shall comply with the following standards:

a. Freestanding pole signs shall not exceed 25 square feet in total sign area nor exceed 15 feet in height.

b. Freestanding monument signs shall not exceed 32 square feet in total sign area nor exceed -ten (10) feet in height.

Comment [AB207]: Include in wall signs

Comment [AB208]: Review

Comment [AB209]: Added 10/7/16

Comment [AB210]: Included in definitions

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0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or propert

~~H.~~F. Monument Signs

(1) In the GM1, GM2, GM3, GM4, GM5, GM7, GM8 (Bath Road frontage only), and GI Districts the size of the face of a monument sign shall not exceed 32 square feet nor a height of ten (10) feet.

(2) In the ~~GC1-4~~GC2 and 3, GM6, ~~and~~ GM8 (excluding Bath Road frontage lots) and RM Districts the size of a monument sign shall not exceed 18 square feet nor a height of eight feet. The maximum height of a monument sign is ten (10) feet.

~~(2)~~(3) In all other zoning districts the height of a monument sign shall not exceed six (6) feet nor 12 square feet in size.

~~(3)~~(4) Only one (1) monument sign per 250 feet of lot frontage is permitted. For a lot of record with less than 250 feet of lot frontage, one (1) monument sign is permitted.

~~I.~~G. ~~Neon~~ Tube illuminated Window Signs

~~Neon signs~~Tube illuminated sign, including neon signs, that are placed inside a window are permitted, ~~provided that the signs do not~~ and shall not exceed 25 percent of the glass area of the window on which the sign is to be placed.

~~J.~~H. ~~Entrance/Exit~~Multiple-Driveway ~~Directional~~ Signs

~~An entrance/exit directional~~ A multiple-driveway sign may not exceed two (2) square feet in area and shall be placed so as not to impede sight distance.

~~K.~~I. Pole Signs

(1) Only one (1) pole sign per 250 feet of lot frontage is permitted. For a lot of record with less than 250 feet of lot frontage, one (1) pole sign is permitted.

(2) In the GA, GM1, GM2, GM3, GM4, GM5, GM7, GM8 (lots with Bath Road frontage only), and GI Districts, the height of the pole sign shall not exceed 15 feet and the size of a pole sign shall not exceed 25 square feet.

(3) In the GM6, GM8 (excluding lots with Bath Road frontage), ~~and GC1~~GC2 and ~~4~~3, and RM Districts, the height of a pole sign shall not exceed ten (10) feet and the size of the pole sign shall not exceed 18 square feet. Pole signs in these districts shall be constructed of materials that are made of or resemble wood.

(4) In all other zoning districts the height of a pole sign shall not exceed ten (10) feet and the size of a pole sign shall not exceed 15 square feet. Pole signs in these districts shall be constructed of materials that are made of or resemble wood.

(5) Pole signs shall be set back at least five (5) feet from a side or rear property line.

~~L.~~J. Projecting Signs

(1) In all Growth Residential (GR) D~~d~~istricts, GM6, and GM8 (excluding lots with Bath Road frontage) Districts, Growth College (GC) D~~d~~istricts, and Rural Area Districts the size of a projecting sign shall not exceed six (6) square feet and the sign shall not project more than three (3) feet beyond the wall to which it is attached.

(2) In the GM1, GM2, GM3, GM4, GM5, GM7, GM8 (lots with Bath Road frontage only), and GI Districts, the size of a projecting sign shall not exceed 25 square feet.

Comment [AB219]: Revised 10/7/16

Comment [AB220]: Added by staff 9/22/16

Comment [AB221]: Revised per ZORC discussion 9/29/16

Comment [AB222]: Include development signs.

Comment [AB223]: Added by staff 9/22/16

Comment [AB224]: Revised 10/7/16

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0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or propert

~~Signs that display street numbers, last names, and personal names given to residential structures.~~

C. ~~Contractor~~Freestanding/Yard Signs

(1) The size of a ~~contractor~~ freestanding/yard sign shall not ~~to~~ exceed ~~24~~ eight (8) square feet in GN, GR1-10, RR, RN, RF and RP1-2 Districts nor 24 square feet in all other Districts. ~~.~~

(2) With the exception of political signs, ~~A~~ a ~~contractor~~ freestanding/yard sign may be place on-premise no more than three (3) days prior to the activity and shall be removed within three (3) days of the end of the activity. ~~sign shall be removed within five (5) days of the issuance of a Certificate of Occupancy, where one is required. A contractor sign used during home improvement or renovation projects that are not subject to Certificate of Occupancy shall be removed within five (5) days after the work has been completed.~~

(3) Political signs on private property may remain indefinitely, and shall not be located on or in front of Town-owned property, including but not limited to schools, parks, cemeteries.

~~(2)~~(4) Freestanding/yard signs are prohibited to be located within a public right-of-way.

Comment [AB228]: ZORC discussion 10/7/16

Comment [AB229]: Revised per ZORC discussion 9/29/16

~~B. Farm Stand Signs~~

~~Farm stand signs are permitted provided that each sign is no greater than ten (10) square feet in area and they displayed only during the season when the premises are open for business. Farm stand signs may have changeable copy and shall only be located on the property at which the farm stand exists.~~

~~C. Lawn, Yard, or Garage Sale Signs~~

~~(1) Lawn, yard, or garage sale signs are prohibited on any State or Town-owned parcel.~~

~~(2) Signs shall not be posted more than three (3) days prior to the sale and shall be removed within 24 hours of the end of the sale.~~

~~(3) Signs are limited to four (4) square feet in area.~~

~~D.~~B. Motor Vehicle Signs

for ZORC discussion 10/11

A sign ~~The use of business logos, identification or advertising~~ on registered motor vehicles primarily and actively used for a use ~~business purposes~~ is permitted.

Comment [AB230]: Revised per ZORC discussion 9/29/16

~~E. Political Campaign Signs~~

~~Political Campaign Signs are permitted on private property, not to exceed eight (8) square feet in size. Political signs shall not be located on or in front of Town-owned property including but not limited to schools, parks, cemeteries, road right-of-ways, and Town- owned buildings.~~

~~F. Real Estate Signs~~

~~(1) A real estate sign for the sale of a residential structure shall not exceed four (4) square feet in area. A real estate sign for all other uses and vacant land shall not exceed 32 square feet in area.~~

~~(2) Real estate signs shall be removed within ten (10) days after the sale or lease of the property.~~

Sign, Illuminated, Tube: A sign illuminated by a light source supplied by a tube that is not concealed and is filled with gasses, forming letters, symbols or other shapes.

Sign, Monument: A sign mounted directly on the ground.

Sign, Moving: A sign which in part or in total rotates, revolves or otherwise is in motion.

for ZORC discussion 10/11

Sign, Motor Vehicle: Any sign permanently or temporarily attached to or placed ~~displayed~~ on a registered motor vehicle in any manner so that the sign is used primarily as a stationary identification or advertisement sign. ~~where the primary purpose is to advertise a product, service business, or other business related activity.~~

Sign, Multi-tenant: A sign for a grouping of two (2) or more establishments that either share common parking on the lot where located or occupy a single structure or separate structures that are physically or functionally related or attached.

Sign, Multiple-Driveway: A sign at the entrance or exit of a premise that has two (2) or more driveways.

~~**Sign, Household:** A sign that display street numbers, last names, or personal names given to residential structures.~~

Sign, Official Business Directional: An off-premise sign erected and maintained by the Maine Department of Transportation in accordance with the Maine Traveler Informational Services Act, 23 M.R.S.A. § 1901-1925, and this Ordinance., ~~that identifies and points the way to public accommodations and facilities, commercial services for the traveling public, and points of scenic, historical, cultural, recreational, educational, and religious interest.~~

Sign, Off-Premise ~~**Advertising**~~**:** A sign that ~~advertises~~ identifies an establishment ~~business~~ or their ~~business's~~ products, services, or activities not sold, distributed, or carried out on the premises.

~~**Sign, On-Premise Directional:** A sign used to provide direction to entrances and exits from parking or pedestrian areas.~~

Sign, Pole: A sign attached to a pole or poles erected directly into the ground.

Sign, Political Campaign: A temporary sign bearing messages relating to an election, primary, or referendum.

Sign, Portable: A sign designed for and intended to be moved from place to place, on wheels or legs, and not ~~be~~ permanently affixed to land, buildings, or other structures. Portable signs shall include portable reader boards and other similar signs.

Sign, Projecting: A sign attached to a wall at a right angle.

~~**Sign, Real Estate:** A temporary sign advertising the lease or sale of land, space, or structure.~~

Sign, Roll: A mode of message transition on a Changeable Message Sign wherever the message appears to move horizontally across the display surface.

Sign, Roof: A sign mounted to the roof of a building or wall mounted signs projecting above the roof line. Signs mounted on the face of a mansard roof are not considered roof signs, but as wall signs.

Sign, Sandwich: A free-standing sign which is ordinarily in the shape of an "A" or some variation thereof, readily moveable, and is not permanent attached to the ground or any structure. ~~moveable sign, usually shaped like an "A", used to advertise specific products, daily specials, or special events.~~

Sign, Scroll: A mode of display transition on a Changeable Display Sign where the display appears to move vertically across the display surface.

Comment [AB42]: ZORC addition 9/29/16

Comment [AB43]: Added per ZORC request 9/28/16

Comment [AB44]: Revised 9/22/16

Comment [AB45]: To replace directory sign name. 9/28/16

Comment [AB46]: Replaces entrance/exit sign name. 9/28/16

Comment [AB47]: Replaced with Multiple Driveway sign 9/28/16

Comment [AB48]: Revised per ZORC discussion 9/28/16

Comment [AB49]: Deleted. Now freestanding/yard sign.

Comment [AB50]: Revised 9/22/16

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