

TOWN OF BOWDOINHAM



LAND USE ORDINANCE

ADOPTED JUNE 10, 2009

AMENDED JUNE 9, 2010
AMENDED JUNE 15, 2011
AMENDED JUNE 13, 2012
AMENDED JUNE 12, 2013
AMENDED JUNE 11, 2014
AMENDED JUNE 10, 2015
AMENDED JUNE 15, 2016
AMENDED JUNE 14, 2017

AMENDED JUNE 13, 2018
AMENDED JUNE 12, 2019
AMENDED JULY 14, 2020
AMENDED JUNE 9, 2021
AMENDED JUNE 15, 2022
AMENDED JUNE 14, 2023

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ARTICLE 2: DEFINITIONS

Back lot: A lot that does not have frontage on a private or public road, except to meet the Performance Standard in Article 4.C.

Subdivision: The division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

1. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:
 - a. Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence that has been the subdivider's principal residence for a period of at least 5 years immediately preceding the 2nd division; or
 - b. The division of the tract or parcel is otherwise exempt under this Ordinance.
2. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this Ordinance, do not become subject to this Ordinance by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The municipal reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.
3. A lot of 40 or more acres shall be counted as a lot, per Title 30-A M.R.S.A. §4401 (4)(C).
4. The following divisions does not result in lots that must be counted:
 - a. A division accomplished by devise does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this Ordinance.
 - b. A division accomplished by condemnation does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this Ordinance.
 - c. A division accomplished by order of court does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this Ordinance.
 - d. A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a continuous period of 5 years prior to the division by gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this Ordinance. If the real

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estate exempt under this paragraph is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of this subsection. "Person related to the donor" means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption. A gift under this paragraph can not be given for consideration that is more than 1/2 the assessed value of the real estate.

- e. A division accomplished by a gift to a municipality if that municipality accepts the gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this Ordinance.
 - f. A division accomplished by the transfer of any interest in land to the owners of land abutting that land that does not create a separate lot does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this Ordinance. If the real estate exempt under this paragraph is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this subsection.
 - g. If a new lot is created to meet open space requirements and is transferred to a governmental body, or a nonprofit corporation or charitable trust with the purposes enumerated in 33 M.R.S. § 476(2) (such as, but not limited to, protecting property for recreational, agricultural, forest, and open space use) it does not count toward the number of lots in a subdivision unless the intent of the transferor is to avoid the objectives of this Ordinance.
- 5. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.
 - 6. In determining the number of dwelling units in a structure, the provisions of this Ordinance regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.
 - 7. Notwithstanding the provisions of this Ordinance, leased dwelling units are not subject to subdivision review if the municipal reviewing authority has determined that the units are otherwise subject to municipal review at least as stringent as that required under this subchapter.
 - 8. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraphs 4.a – 4.f above, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this Ordinance.

Subdivision, Major: Any subdivision containing ~~five~~ ~~six~~ or more lots or dwelling units including an amendment to an approved subdivision that will result in the creation of a total of more than five (5) ~~six (6)~~ lots in the entire subdivision.

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Subdivision, Minor: Any subdivision containing ~~four~~ five or fewer lots or dwelling units.

ARTICLE 4: PERFORMANCE STANDARDS

D) Erosion and Sedimentation Control

Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of the current at time of application Maine Erosion and Sediment Control Best Management Practices Manuals. ~~Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 2003.~~

E) ~~D~~Farm Stand

- 1) A permanent farm stand must meet the setbacks requirements, whereas a temporary and movable farm stand may be located within the front yard setback.
- 2) A farm stand shall not be larger than 250 sq ft.

F) ~~E~~Home Based-Business

- 1) Home-based businesses are limited to those uses which may be conducted within a residential dwelling without substantially changing the appearance or condition of the residence or accessory structures and which are compatible with the districts in which they are located.
- 2) The use of a dwelling unit or its accessory structure for a home-based business shall clearly be incidental and subordinate to its use for residential purposes.
- 3) A home-based business must be carried on wholly within a dwelling unit or a structure customarily accessory to a dwelling unit.
- 4) A home-based business must be conducted by a member or members of the family residing in the dwelling unit.
- 5) A home-based business may not have more than the equivalent of three full-time employees, for a total of 120 hours per week.
- 6) A home-based business must not materially injure the usefulness of the dwelling unit or accessory structure for normal residential purposes.
- 7) A home-based business shall be allowed one name sign, which shall be no larger than ten (10) square feet. The signs may be illuminated only by shielded, non-flashing lights. Any sign illumination must be turned off from 10 p.m. to 6 a.m., except if the business is open then the sign illumination may remain on during the hours of operation. No internal or flashing lights shall be permitted.
- 8) Exterior storage of materials or variation from the residential character of the building shall be buffered from abutting properties and the roadway.
- 9) Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare or any activity at unreasonable hours shall not be permitted of a home-based business.

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- 10) In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of the maximum number of users a home-based business may attract during peak operating hours.
- 11) A home-based business may involve the provision of professional, technical or business services, individual or small group private instruction, or the sale of products.
- 12) A home-based business shall not create greater traffic than normal for the area in which it is located or generate more than 20 vehicle trips/day.

G) ~~F~~Lighting

- 1) It is the purpose of this standard to encourage the use of lighting systems that reduce light pollution while increasing night time safety, utility, security and productivity.
- 2) All flood light fixtures shall be located in such a manner to prevent direct glare onto a roadway and to minimize impact on abutting properties.
- 3) No laser source light or any similar high intensity light shall be projected above the horizon. No moving lights or searchlights for advertising purposes shall be installed in any District, except where approved on a temporary basis. The use of search lights for any business shall be limited to not more than four (4) events per calendar year. During any one event, the use of search lights shall be limited to five (5) days consecutively and shall not be used between the hours of 10:30 PM and sunrise.
- 4) This standard does not prohibit the following:
 - a) The use of temporary outdoor lighting used during customary holiday seasons.
 - b) The use of temporary outdoor lighting used for civic celebrations and promotions.
 - c) Lighting required by a government agency for the safe operation of airplanes, or security lighting required on government buildings or structures.
 - d) Emergency lighting by police, fire and rescue authorities.

H) ~~G~~Pool

In-ground pools and above ground pools that remain up year-round must meet the buildings setbacks of Article 4. Pools that are put up and taken down on a seasonal basis should meet the building setbacks, if possible.

I) ~~H~~Road Standards

Design Standards		
Description:	Roadways Serving-	Roadways Serving-

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	Less than 10 dwelling units.	10 or more dwelling units.
Minimum Right-of-Way Width	50 ft.	50 ft.
Minimum Traveled Way	18 ft.	22 ft.
Minimum Grade	1%	2%
Maximum Grade	12%	10% ¹
Roadway Crown	1/4"/ft.	1/4"/ft.
Minimum Shoulder Width	2 ft.	3ft.
Maximum grade at intersection	3% for 75'	3% for 100'
Minimum curb radii at intersections	15 ft.	20 ft.
Aggregate Sub base Course	12"	15"
Crushed Aggregate Base Course	5"	6"

¹ The maximum grade may be increased up to 12% for a distance of 150 feet or less.

J) ~~H~~Subsurface Wastewater Disposal

Subsurface wastewater disposal systems shall be in conformance with the State of Maine's Subsurface Wastewater Disposal Rules.

K) ~~J~~Signs

The following provisions shall govern the use of signs in all districts, except for municipal and state signs and signs, or as may be allowed/permitted in other sections of this Ordinance:

- 1) A sign shall not to exceed 6 square feet in size. If the sign is illuminated, the lighting shall be by exterior, shielded and non-flashing lights, which shall be turned off from 10 p.m. to 6 a.m.

L) ~~K~~Solar Energy Systems

- 1) Visual Impacts – When a proposed development is visible from a public street, road, water body, or facility, the plan shall incorporate vegetation as a visual screen that must provide year-round screening to minimize the visual intrusion of the development. Screening must be a minimum width of 10 feet. If less than 25 feet wide, the screening must be comprised largely or entirely of evergreen trees and/or shrubs, which must be a minimum of 4 feet high and average of at least 6 feet high at planting, with at least two rows of planting at off-set spacing to fill in the gaps between plants in a single row. If the vegetated screen is at least 25 feet wide, it may be a mix of evergreen and deciduous trees and/or shrubs. Larger trees may be required for screening of larger projects with structures that differ significantly from those on adjacent properties, or that produce significant visual impacts.

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- 2) Utility Connections – Utilities shall be installed underground in order to minimize the visual impact of the solar energy system. Electrical transformers and other components directly related to utility interconnection may be aboveground if required by the utility provider. Aboveground utility connections may be approved by the Planning Board if they will not have an undue adverse impact due to the setting of the solar energy system, or if there are natural or physical constraints to the site that require aboveground utilities.

M) ~~L~~ Temporary Buildings & Non-Permanent Structures

Temporary buildings and non-permanent structures shall meet the minimum setbacks as required in this Ordinance.

N) ~~M~~ Timber Harvesting

- 1) Timber harvesting activities shall comply with the Erosion & Sedimentation Control performance standard within this ordinance.
- 2) Shall comply with all applicable State Laws, Rules, and Standards.

O) ~~N~~ Vernal Pools

Any activity within 250-ft of a vernal pool shall comply with all applicable State Laws, Rules, and Standards.

P) ~~O~~ Water Quality Protection

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, toxicity, or temperature that run off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant or aquatic life.

Q) ~~P~~ Wind Mills

- 1) The wind mill shall meet the minimum setbacks as required in this Ordinance.
- 2) The wind mill shall be located so that the distance it is setback from the property line is equal to or greater than its height, as measured to its highest part.
 - a) In order for this setback to be reduced, the property owner/applicant must obtain an easement from any property owner(s) whose property(s) would be located within this setback distance, which is a radius equal to the height of the wind mill measured from the outer base of the wind mill.
 - b) In order for this setback to be reduced towards a roadway, the property owner/applicant must obtain written permission from the owner of the roadway.

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ARTICLE 5: LAND USE DISTRICTS

D) Residential/Agricultural District-

1) Dimensional Requirements:

a) For All Lots Which Do Not Meet Subsection b or c below.

(i) Minimum Lot Size – 1 acre

(ii) Maximum Residential Density – 1 Dwelling Unit (DU)/ acre¹

(iii) Minimum Road Frontage² - 150 feet

(iv) Minimum Setbacks for Buildings³ –

(A) Front Yard - 50 feet

(B) Side Yard - 10 feet

(C) Rear Yard - 10 feet

b) Lots Which Are Within A Minor Subdivision (which is created after June 10, 2009).

(i) Minimum Lot Size – 1 acre

(ii) Maximum Residential Density – 1 DU/acre¹

(iii) Minimum Road Frontage on a public road - 150 feet. Minimum Road Frontage within the subdivision – 50 feet.

(iv) Minimum Setbacks for Buildings from roads outside the subdivision follow standard minimum setbacks (Section D.1.a.iv). Minimum Setbacks for Buildings on roads within the subdivision –

(A) Front Yard - 10 ~~50~~ feet

(B) Side Yard - 10 feet

(C) Rear Yard - 10 feet

¹ One Accessory Dwelling Unit that meets the standards of Article 4, Section B shall be exempt from any density requirements or lot area requirements. (Note: written in reference to DECD proposed rule 19-100; Chapter 5; Section 4.B.3.a)

² The Minimum Road Frontage requirement may be waived by the Code Enforcement Officer if the property meets the Back Lot Performance Standard in Article 4, Section C.

³ The setback shall be the minimum horizontal distance from a lot line to the nearest part of a building, including porches, steps and decks. Except that, ramps needed for disability access into a principle dwelling shall be exempt from the minimum setbacks.

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- (v) Open Space Requirement - 25% of Net Residential Area⁴
- c) Lots Which Are Within A Major Subdivision (which is created after June 10, 2009).
 - (i) Minimum Lot Size – 20,000 sq. ft.
 - (ii) Maximum Residential Density – 1DU/ acre¹
 - (iii) Minimum Road Frontage on a public road - 150 feet. Minimum Road Frontage within the subdivision – 50 feet.
 - (iv) Minimum Setbacks for Buildings from roads outside of the subdivision follow standard minimum setbacks (Section D.1.a.iv). Minimum Setbacks for Buildings on roads within the subdivision –
 - (A) Front Yard - 10 feet
 - (B) Side Yard - 10 feet
 - (C) Rear Yard - 10 feet
 - (v) Open Space Requirement - 80% of Net Residential Acreage⁴
- d) ~~Structures shall not cover more than~~ Maximum lot coverage 20% of any lot.⁵

E) Village I District-

1) Dimensional Requirements:

- a) For All Lots Which Do Not Meet Subsection b below.
 - (i) ~~a)~~ Minimum Lot Size – 20,000 sq. ft.
 - (ii) ~~b)~~ Minimum Lot Size for Subdivisions with Community Subsurface Wastewater System – 10,000 sq. ft.^{6*}
 - (iii) ~~e)~~ Maximum Residential Density – 4 DU/acre ~~20,000 sq. ft.~~⁴
 - (iv) ~~d)~~ Minimum Road Frontage - 75 feet
 - (v) ~~e)~~ Minimum Setbacks for Buildings –
 - (A) ~~i)~~ Front Yard - 20 feet

⁴ If a new lot is created to meet open space requirements and is transferred to a governmental body, or a nonprofit corporation or charitable trust with the purposes enumerated in 33 M.R.S. § 476(2) (such as, but not limited to, protecting property for recreational, agricultural, forest, and open space use) it does not count toward the number of lots in a subdivision unless the intent of the transferor is to avoid the objectives of this Ordinance.

^{5*} ~~Structures may cover~~ Maximum lot coverage - up to 30% of lots that are legally non-conforming due to lot size.

^{6*} A subdivision shall not exceed the maximum residential density for the district.

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(B) ~~ii~~ Side Yard - 10 feet

(C) ~~iii~~ Rear Yard - 10 feet

~~(vi)~~ Maximum Building Height – 35 feet

~~g)~~ ~~vii) Structures shall not cover more than~~ Maximum lot coverage – 50% ~~30%~~ of any lot.
~~Lots legally non-conforming due to lot size may have up to 50% structure coverage.~~

b) Lots Which Are Within A Subdivision (which is created after June 10, 2009).

i) Minimum Lot Size – 20,000 sq. ft.

ii) Minimum Lot Size for Subdivisions with Community Subsurface Wastewater System
– 10,000 sq. ft.⁴

iii) Maximum Residential Density – 4 DU/acre¹

iv) Minimum Road Frontage on a public road - 75 feet. Minimum Road Frontage within
the subdivision – 50 feet.

v) Minimum Setbacks for Buildings from roads outside the subdivision follow standard
minimum setbacks (Section E.1.a.v). Minimum Setbacks for Buildings on roads
within the subdivision –

(A) Front Yard - 0 feet if front lot line does not directly abut a road (i.e. abuts
sidewalk, path, grass, etc.). 10 feet if front lot line abuts a road.

(B) Side Yard - 10 feet

(C) Rear Yard - 10 feet

vi) Maximum Building Height – 35 feet

vii) Maximum lot coverage - 50% of any lot.

viii) Open Space Requirement - 10% of Net Residential Acreage⁴

F) Village II District-

1) Dimensional Requirements:

i) ~~a)~~ Minimum Lot Size – 30,000 sq. ft.

ii) ~~b)~~ Minimum Lot Size for Subdivisions with Community Subsurface Wastewater
System – 10,000 sq. ft.⁴

iii) ~~e)~~ Maximum Residential Density – 10 DU/acre ~~20,000 sq. ft.¹~~

iv) ~~d)~~ Minimum Road Frontage - 100 feet

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v e) Minimum Setbacks for Buildings –

(A i) Front Yard - 30 feet

(B ii) Side Yard - 10 feet

(C iii) Rear Yard - 10 feet

vi f) Maximum Building Height – 35 feet

vii g) ~~Structures shall not cover more than~~ Maximum lot coverage - ~~50~~30% of any lot.

~~Lots legally non-conforming due to lot size may have up to 50% structure coverage.~~

b) Lots Which Are Within A Subdivision (which is created after June 10, 2009).

i) Minimum Lot Size – 30,000 sq. ft.

ii) Minimum Lot Size for Subdivisions with Community Subsurface Wastewater System – 10,000 sq. ft.⁵

iii) Maximum Residential Density – 10 DU/acre⁶

iv) Minimum Road Frontage on a public road - 100 feet. Minimum Road Frontage within the subdivision – 50 feet.

v) Minimum Setbacks for Buildings from roads outside the subdivision follow standard minimum setbacks (Section F.1.a.v). Minimum Setbacks for Buildings on roads within the subdivision –

(A) Front Yard - 0 feet if front lot line does not directly abut a road (i.e. abuts sidewalk, path, grass, etc.). 10 feet if front lot line abuts a road.

(B) Side Yard - 10 feet

(C) Rear Yard - 10 feet

vi) Maximum Building Height – 35 feet

vii) Maximum lot coverage - 50% of any lot.

viii) Open Space Requirement - 20% of Net Residential Acreage⁴

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ARTICLE 9: SUBDIVISION

A) Administrative Procedures

1) Review & Approval Authority.

The Planning Board is authorized to review and act on all applications for subdivisions. In considering subdivisions under this section, the Planning Board may act to approve, disapprove, or approve the project with conditions as are authorized by these provisions.

2) Classification of Projects.

a) The Town Planner shall classify each proposed project as:

(i) Minor Subdivision. Any subdivision containing four ~~five~~ or fewer lots or dwelling units.

(ii) Major Subdivision. Any subdivision containing five ~~six~~ or more lots or dwelling units.

(iii) Subdivision Amendment. An application to revise an existing subdivision.

C) Application Review Procedures

3) Subdivision Amendment.

a) If the revision involves the creation of additional lots or dwelling units; and the applicant is the developer or the subdivision is less than five years old:

(i) the procedures for preliminary plan approval shall be followed.

(ii) the scope of review shall be the entire subdivision.

b) If the revision involves the creation of additional lots or dwelling units and the applicant is the purchaser of one of the lots within the subdivision:

(i) then the procedures for preliminary plan approval shall be followed and

(ii) the scope of review shall be the lots or dwelling units that the application is for and subdivision's infrastructure (i.e. road, utilities, fire protection).

(iii) the lot sizes, density, open space, and any restrictions included in the original subdivision still apply.

F) Approval Criteria

The Planning Board shall consider both these approval criteria and the criteria established by Title 30-A M.R.S.A §4404 in the review of a subdivision, and find that the proposal meets these criteria. The application shall be approved unless it is determined that the applicant has failed to

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meet one or more of these standards. In all instances, the burden of proof shall be on the applicant to produce evidence sufficient to warrant a finding that all applicable criteria have been met.

9) Special Resources –

- a) Shoreland – The proposed subdivision will not adversely affect the quality of the water body or unreasonably affect the shoreline of the water body and is in compliance with the Shoreland Zoning provisions of this Ordinance.
- b) Floodplain – The proposed subdivision is in compliance with the Floodplain Management provisions of this Ordinance.
- c) Wetlands & Waterbodies – The proposed subdivision will not have an undue adverse impact on wetlands and/or waterbodies, to the extent that is practicable.
- d) Historic & Archaeological – The proposed subdivision will not have an undue adverse effect on historic and/or archaeological sites.
- e) Groundwater – The proposed subdivision will not adversely affect the quality or quantity of groundwater.
- f) Wildlife Habitat – The proposed subdivision will not have an undue adverse effect on wildlife habitat.
- g) Natural Areas – The proposed subdivision will not have an undue adverse effect on rare and irreplaceable natural areas.
- h) Open Space – The proposed subdivision includes reserved Open Space that adequately meets the requirements of the district.

ARTICLE 10: SITE PLAN REVIEW

B) Site Plan Application Review Procedures

5) Application Submission Requirements.

The Planning Board/Code Enforcement Officer may waive any of the submission requirements upon a written request of the applicant. A waiver of any submission requirement may be granted only if that information is not required to determine compliance with the approval criteria. In all instances, the burden of proof shall be upon the applicant to present adequate information to indicate the statutory criteria for approval and performance standards have been or will be met.

- c) Submission Requirements for Tier II and Tier III Site Plan Review Applications
 - (i) Applications for site plan review must be submitted on application forms provided by the Town.
 - (ii) Projects classified as Tier II projects shall go through a simplified review process.

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- (iii) The Planning Board shall have the authority to waive any review standards if it finds they are inapplicable to Tier II projects.
- (iv) The submission must contain at least the exhibits and information specified in this section, unless specifically waived in writing.
- (v) All applications for site plan review must contain the following information:
 - (A) a fully executed and signed copy of the application for development review;
 - (B) evidence of payment of the application and technical review fees; and
 - (C) Eleven (11) copies of written materials plus eleven (11) sets of maps or drawings. The maps or drawings must be at a scale sufficient to allow review of the items listed under approval criteria:
 - (1) forty (40) feet to the inch is preferred, but in no case shall the scale exceed one hundred (100) feet to the inch for that portion of the tract of land being proposed for development.
 - a. record owner's name, address, and phone number and applicant's name, address and phone number, if different.
 - b. the location of all required building setbacks, yards, and buffers.
 - c. names and addresses of all property owners within two hundred (200) feet of any and all property boundaries.
 - d. boundaries of all contiguous property under the total or partial control of the owner or applicant regardless of whether all or part is being developed at this time.
 - e. the tax map and lot number of the parcel or parcels on which the project is to be located.
 - f. the name, registration number and seal of the person who prepared the plan, if applicable.
 - (2) General Information.
 - a. sketch map showing general location of the site within the municipality based upon a reduction of the tax maps.
 - b. a copy of the deed to the property, an option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.
 - c. cost of the proposed development.
 - d. evidence of the applicant's financial capacity to complete it. This evidence should be in the form of a letter from a bank or other source of financing indicating the name of the project, amount of financing proposed or available, and individual's or institution's interest in financing the project or in the form of a letter from a certified accountant or annual report indicating that the applicant has adequate cash flow to cover anticipated costs.

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- e. evidence of the applicant's technical capability to carry out the project as proposed.
- d) Site Plan Amendment. The applicant shall submit ten (10) copies of the following:
 - i. the approved plan
 - ii. the proposed revised plan,
 - iii. supporting information to allow the Board to make a determination that the proposed revisions meet the applicable performance standards and approval criteria.

ARTICLE 12: APPEALS

I) Reconsiderations

- 1) The Board may reconsider any decision reached under this Section within 45 days of its prior decision of its own accord, or upon the request of an aggrieved party. A request to the Board to reconsider must be filed within 10 days of the decision to be reconsidered. A reconsideration vote and the action taken on that reconsideration must be completed within 45 days of the date of the vote on the original decision.
- 2) Reconsideration should be for one of the following reasons:
 - a) The record contains significant factual errors due to fraud or mistake, regarding facts upon which the decision was based; or
 - b) The Board misinterpreted the ordinance, followed improper procedures, or acted beyond its jurisdiction.
- 3) If the Board shall deny an appeal, a second appeal of a similar nature shall not be brought before the Board within one year from the date of denial by the Board of the first appeal, unless it is the opinion of a majority of the Board that an error, mistake or misunderstanding of facts has occurred.

J) Appeal to Superior Court

Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may appeal to superior court in accordance with State laws within 45 days from the date of any decision of the Board of Appeals.

“Attest: A true copy of an ordinance entitled Land Use Ordinance, as certified to me by the municipal officer of the Town of Bowdoinham, Maine, adopted by Town Meeting on the 10th day of June 2009 and amended by town meeting on the 9th day of June 2010, on the 15th day of June 2011, on the 13th day of June 2012, on the 12th day of June 2013, on the 11th day of June 2014, on the 10th day of June 2015, on the 15th day of June 2016, on the 14th day of June 2017, on the 13th day of June 2018, on the 12th day of June

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2019, on the 14th day of July 2020, on the 9th day of June 2021, on the 15th day of June 2022, and on the 14th day of June 2023.”

Tina Magno, Bowdoinham, Town Clerk