

**AN ORDINANCE TO AMEND  
THE TOWN OF BOWDOINHAM LAND USE ORDINANCE  
TO ADDRESS THE REQUIREMENTS OF LD 1829,  
“AN ACT TO BUILD HOUSING FOR MAINE FAMILIES AND  
ATTRACT WORKERS TO MAINE BUSINESSES BY  
ATTRACTING WORKERS TO MAINE BUSINESSES BY  
AMENDING THE LAWS GOVERNING HOUSING DENSITY”**

**NOTE:** Proposed additions to existing Code sections are underlined.  
Proposed deletions of existing Code sections are ~~crossed out~~.  
Other sections of the Ordinance are unchanged.

The Town of Bowdoinham hereby ordains and enacts “An Ordinance to Amend the Town of Bowdoinham Land Use Ordinance to Address the Requirements of LD 1829, An Act to Build Housing for Maine Families and Attract Workers to Maine Businesses by Amending the Laws Governing Housing Density” to read as follows:

**Part 1:** Article 2, entitled, “Definitions” is hereby amended as follows:

~~Affordable housing: A decent, safe and sanitary dwelling, apartment or other living accommodation for a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 412, 50 Stat. 888, Section 8, as amended.~~

**Commented [LR1]:** I changed this definition in order to meet the statutory definition.

Affordable Housing Development:

A. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs; and

B. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs.

Base density: The maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in a local land use or zoning ordinance. This does not include local density bonuses, transferable development rights, or other similar means that could increase the density of lots not used for affordable housing.

Centrally managed water system: A water system that provides water for human consumption through pipes or other constructed conveyances to at least fifteen (15) service connections or serves an average of at least twenty-five (25) people for at least sixty (60) days a year as regulated by 10-144 C.M.R. Ch. 231, Rules Relating to Drinking Water. This water system may be privately owned.

Comparable sewer system: Any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.

Designated growth area: ~~An area that is designated in a municipality's or multi-municipal region's comprehensive plan as suitable for orderly residential, commercial or industrial development, or any combination of those types of development, and into which most development projected over 10 years is directed.~~

**Commented [LR2]:** You already have a definition of "growth area" which is identical to this one, but because the statute (and the revisions you are proposing based on them) are referred to as "designated" growth areas, I recommend calling it such and placing it here.

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

1. ~~Accessory dwelling unit – an independent dwelling unit that has been added onto, or created within, a single-family detached dwelling, or is an accessory building to a single-family detached dwelling. A self-contained dwelling unit located: within, attached to or sharing a wall with, or detached from a single-family dwelling unit or multi-unit residential structure located on the same parcel of land.~~
2. Dwelling unit – a room or suite of rooms used by a family as a habitation that is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, bathing and sanitary facilities.
3. Single-family dwelling – any structure containing only one (1) dwelling unit for occupation by not more than one (1) family.
4. Two-family dwelling – A building containing only two (2) dwelling units, for occupation by not more than two (2) families.
5. Multi-family dwelling – A building containing three (3) or more dwelling units, such buildings designed exclusively for residential use and occupancy by three (3) or more families living independently of one another, with the number of families not exceeding the number of dwelling units.

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**Commented [LR3]:** These minor changes were added to make it consistent with LD 1829.

Growth area: ~~An area that is designated in a municipality's or multi-municipal region's comprehensive plan as suitable for orderly residential, commercial or industrial development, or any combination of those types of development, and into which most development projected over 10 years is directed.~~

Principal Structure: ~~A structure in which the main or primary use of the structure is conducted other than one which is used for purposes wholly incidental or accessory to the use of another structure or use on the same lot.~~

Story: the portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. A story is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

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~~ 5 or more dwelling units within a 5-year period, the construction or placement of ~~3~~ 5 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~~ 5 or more dwelling units within a 5-year period.

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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 divides 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).

~~a. When a municipality has, by ordinance, or the municipal reviewing authority has, by regulation, elected not to count lots of 40 or more acres as lots for the purposes of this ordinance when the parcel of land being divided is located entirely outside the shoreland area as defined in Title 38, section 435 or a municipality's shoreland zoning ordinance.~~

4. The following divisions do 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 or avoid other applicable municipal requirements, including, but not limited to, road standards and safety.
  - b. A division accomplished by condemnation does not create a lot or lots for the

**Commented [LR4]:** I've stricken this suggested language out. This is statutory language that allows municipalities not to count lots of 40 acres or more as lots for purposes of subdivision, but to do so, the municipality must specifically vote to do so. Are you suggesting that it should? If so, then you would make the following revision:  
  
A lot of 40 or more acres shall not be counted as a lot, per Title 30-A M.R.S.A. §4401 (4)(C)(2).

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 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 cannot 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 transfer or is to avoid the objectives of this Ordinance.~~

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- 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.~~

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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. A mortgage, pledge or other instrument of hypothecation against a dwelling unit or smaller portion of real property within a parcel that is otherwise defined by this section as a lot does not itself constitute a subdivision for the purpose of this section.~~

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9. ~~Unless the intent of a transfer is to avoid the objectives of this ordinance, the division of a tract or parcel of land accomplished by the transfer of any interest in the land to the holder does not create a lot or lots for the purpose of this definition if:~~

~~(1) The transferred interest, as expressed by conservation easement, binding agreement, declaration of trust or otherwise, is to be permanently held for one or more of the following conservation purposes:~~

~~(a) Retaining or protecting the natural, scenic or open space values of the land;~~

~~(b) Ensuring the availability of the land for agricultural, forest, recreational or open space use;~~

~~(c) Protecting natural resources; or~~

~~(d) Maintaining or enhancing air quality or water quality; and~~

~~(2) The transferred interest is not subsequently further divided or transferred except to another holder.~~

~~As used in this paragraph, "holder" has the same meaning as in Title 33, section 476, subsection 2.~~

10. ~~For purposes of subdivision review, the term "New structure or structures" may include any structure for which construction begins on or after September 23, 1988~~

11. ~~For purposes of subdivision review, the term "Tract or parcel of land" means all contiguous land in the same ownership, except that lands located on the opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of the land on both sides of the road after September 22, 1971.~~

~~Tract or Parcel of Land: All contiguous land in the same ownership, provided that lands 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.~~

**Part 2:** Article 4, entitled, "Performance Standards" is hereby amended as follows:

**B) Accessory Dwelling Units**

~~An accessory dwelling unit shall meet the following standards:~~

1) ~~1) An accessory dwelling unit shall be limited to a gross floor area of 1,600 sq/ft. Except as provide in Title 12, chapter 423-A, one accessory dwelling unit is allowed on -any lot where a single-family dwelling unit or multi-unit residential structure is the principal structure in any area in which residential uses are permitted, including as a conditional use.~~

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2) The Single-Family Dwelling, multi-unit residential structure, -and the accessory dwelling unit must all comply with Maine Subsurface Wastewater Disposal rules.

3) ~~Either the single family dwelling or the accessory dwelling unit must be occupied by the owner of the property. At least one of the units shall be occupied as a primary residence. A municipality shall allow the construction or occupancy of an accessory dwelling unit on a lot even if the owner of the lot where the accessory dwelling unit is located does not reside in a dwelling unit on that lot.~~

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4) ~~If the accessory dwelling unit is to be located within a non-conforming structure of record, the accessory dwelling unit must be constructed so that the structure is not made more non-conforming. An accessory dwelling unit must be allowed on a lot that does not conform to the requirements of this Ordinance if the accessory dwelling unit does not further increase the nonconformity.~~

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5) If the accessory dwelling unit is to be constructed separate from the single family dwelling it must meet all applicable setbacks.

6) If the accessory dwelling unit is to be in the shoreland zone and/or the floodplain, it must be considered a dwelling unit and shall meet all applicable dimensional requirements under Articles 7 and 8 of this Ordinance.

7) An accessory dwelling unit shall be counted as a dwelling unit subject to State of Maine Subdivision law at MRS §4401 and Article 9 of this Ordinance..

8) ~~Fire suppression sprinklers are not required for an accessory dwelling unit unless the accessory dwelling unit is within or attached to a structure of more than 2 dwelling units, including accessory dwelling units.~~

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9) ~~One accessory dwelling unit on a lot shall be exempt from any density requirements or calculations related to the area in which the accessory dwelling unit is constructed.~~

10) ~~For an accessory dwelling unit located within or attached to a single-family dwelling unit or a multi-unit residential structure, the dimensional requirements, excluding lot area requirements must be the same as the dimensional requirements for the single-family dwelling unit. For an accessory dwelling unit permitted in an existing accessory building or secondary building or garage, the required setback requirements of the existing accessory or secondary building apply.~~

11) ~~An accessory dwelling unit may not be subject to any additional parking requirements beyond the parking requirements of the single-family dwelling unit or multi-unit residential structure on the lot where the accessory dwelling unit is located.~~

12) ~~An accessory dwelling unit must be at least 190 square feet in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. § 9722, adopts a different minimum standard; if so, that standard applies. An accessory dwelling unit cannot exceed a maximum size of FILL [IN].~~

**Commented [LR5]:** While municipalities are not required to set maximum sizes for accessory dwelling units, they are specifically allowed to do so under the statute/rules. If you want to specify a maximum size, do so here. (I recall seeing a max of 1,600 square feet elsewhere but it was stricken.) If you do not want any maximum size specified, then simply delete the highlighted sentence.

13) An applicant for an accessory dwelling unit must provide written verification that the proposed accessory dwelling unit is connected to adequate water and wastewater services prior to certification of the accessory dwelling for occupancy in accordance with the following standards:

- a) If an accessory dwelling unit is connected to a public, special district or other comparable sewer system, written verification includes proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system.
- b) If an accessory dwelling unit is connected to a septic system, written verification includes proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by the local plumbing inspector pursuant to 30-A M.R.S. § 4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.
- c) If an accessory dwelling unit is connected to a public, special district or other centrally managed water system, written verification includes proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit.
- d) If an accessory dwelling unit is connected to a well, written verification includes proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), *Land Use Districts and Standards*. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.
- e) Upon receipt of written verification from the local plumbing inspector that the accessory dwelling unit meets the requirements of this subsection, any additional review or documentation related to water and wastewater requirements before issuing a certificate of compliance is prohibited.

**R) Affordable Housing**

**1. Density requirements:**

- a. An eligible affordable housing development must be permitted to have a dwelling unit density of at least 2 ½ times the base density that is otherwise allowed in that location. No more than 2 off-street parking spaces for every 3 units may be required.
- b. To be eligible for this density bonus, the development must:
  - i. be located in a designated growth area as identified in the Town's comprehensive plan or the development must be served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system.
  - ii. be located in an area in which multifamily dwellings are allowed;

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Commented [LR6]: If the "designated growth areas" in town correspond exactly to various named districts, then we can specify them. However, when I looked at the comp plan, it seems like it identified various areas that didn't correspond exactly to the village districts. If I'm mistaken in that understanding, please advise because we should edit accordingly.

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iii. comply with the minimum lot size requirements under Title 12, Chapter 423-A of the Maine Revised Statutes, as applicable; and

iv. the applicant must provide written verification that each unit of the housing development will be connected to adequate water and wastewater services prior to a certificate of compliance can be issued as follows:

1. If a housing unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system.
2. If a housing unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by the local plumbing inspector pursuant to 30-A M.R.S. § 4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.
3. If a housing unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the structure.
4. If a housing unit is connected to a well, written verification includes proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), *Land Use Districts and Standards*. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.
5. Upon receipt of written verification from the local plumbing inspector that a housing unit meets the requirements of this subsection, additional review or documentation related to water and wastewater requirements before issuing a certificate of compliance is prohibited.

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## 2. Additional Height Allowance:

Except as otherwise prohibited under Title 38, chapter 3 and Article 7 of the Town's Land Use Ordinance (Shoreland Zoning), an affordable housing development shall be permitted to exceed any governing height restrictions by no less than one story or 14 feet, subject to review by the Town's Fire Chief or designee.

## 3. Additional Requirements:

- i. An affordable housing development must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and Article 7 of this Ordinance governing shoreland zoning.
- ii. An affordable housing development must comply with the requirements of Title 30-A, chapter 187, subchapter 4 and Article 9 of this Ordinance governing subdivisions.
- iii. This section regarding density bonuses for affordable housing developments may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section.

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**Part 3:** Article 5, entitled, "Land Use Districts" is hereby amended as follows:

**D) Residential/Agricultural District-**

- 1) Dimensional Requirements:
  - a) For All Lots Which Do Not Meet Subsection b below.
    - (i) Minimum Lot Size – 1-acre See Article 5(G) below ("Use and Dimensional Requirements for Residential Lots")
    - (ii) Maximum Residential Density – 1 Dwelling Unit (DU)/ acre See Article 5(G) below ("Use and Dimensional Requirements for Residential Lots")<sup>1</sup>
    - (iii) Minimum Road Frontage<sup>2</sup> - 150 feet
    - (iv) Minimum Setbacks for Buildings<sup>3</sup> –
      - (A) Front lot line - 50 feet
      - (B) Side lot line - 10 feet
      - (C) Rear lot line - 10 feet
  - b) Lots Which Are Within A Subdivision (which is created after June 10, 2009).

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<sup>1</sup> 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)

<sup>2</sup> 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.

<sup>3</sup> 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 principal dwelling shall be exempt from the minimum setbacks.

- (i) Minimum Lot Size – ~~20,000 sq. ft.~~ See Article 5(G) below (“Use and Dimensional Requirements for Residential Lots”)
- (ii) Maximum Residential Density – ~~1 DU/acre~~ See Article 5(G) below (“Use and Dimensional Requirements for Residential Lots”)<sup>4</sup>
- (iii) Minimum Road Frontage - 150 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 lot line - 20 feet
  - (B) Side lot line - 10 feet
  - (C) Rear lot line - 10 feet
- (v) Open Space Requirement - 25% of Net Residential Area<sup>4</sup>

c) Structures shall not cover more than 20% of any lot.

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.

**E) Village I District-**

- 1) Dimensional Requirements:
  - a) Minimum Lot Size – ~~20,000 sq. ft.~~ See Article 5(G) below (“Use and Dimensional Requirements for Residential Lots”)
  - b) Minimum Lot Size for Subdivisions with Community Subsurface Wastewater System – ~~10,000 sq. ft.~~ See Article 5(G) below (“Use and Dimensional Requirements for Residential Lots”)<sup>4</sup>
  - c) Maximum Residential Density – ~~1 DU/20,000 sq. ft.~~ See Article 5(G) below (“Use and Dimensional Requirements for Residential Lots”)<sup>4</sup>
  - d) Minimum Road Frontage - 75 feet
  - e) Minimum Setbacks for Buildings
    - (i) Front lot line - 20 feet
    - (ii) Side lot line - 10 feet
    - (iii) Rear lot line - 10 feet
  - f) ~~Maximum Building Height – 35 feet~~
  - g) Structures shall not cover more than 30% of any lot. Lots legally non-conforming due to lot size may have up to 50% structure coverage.

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<sup>4</sup> 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

**F) Village II District-**

1) Dimensional Requirements:

- a) Minimum Lot Size – ~~30,000 sq. ft.~~ See Article 5(G) below (“Use and Dimensional Requirements for Residential Lots”)
- b) Minimum Lot Size for Subdivisions with Community Subsurface Wastewater System – ~~10,000 sq. ft.~~ See Article 5(G) below (“Use and Dimensional Requirements for Residential Lots”)<sup>5</sup>
- c) Maximum Residential Density – ~~1 DU/ 20,000 sq. ft.~~ See Article 5(G) below (“Use and Dimensional Requirements for Residential Lots”)<sup>1</sup>
- d) Minimum Road Frontage - 100 feet
- e) Minimum Setbacks for Buildings –
  - (i) Front lot line - 30 feet
  - (ii) Side lot line - 10 feet
  - (iii) Rear lot line - 10 feet
- f) Maximum Building Height – 35 feet
- g) Structures shall not cover more than 30% of any lot. Lots legally non-conforming due to lot size may have up to 50% structure coverage.

**G) Use and Dimensional Requirements for Residential Lots**

**1. Use Allowed:**

Except as otherwise required under Title 12, Chapter 423-A, for any area in which residential uses are allowed, including as a conditional use, the Town shall allow:

(A) Three dwelling units, attached or detached, including accessory dwelling units, per lot; and

(B) Four dwelling units, attached or detached, including accessory dwelling units, per lot if the lot is located in a designated growth area, as identified in the Town’s comprehensive plan, or is served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system.

**2. Lot Size and Density Allowances:**

Except as otherwise provided under Title 12, Chapter 423-A, for any area in which residential uses are allowed, including as a conditional use:

(A) If a lot is located in a designated growth area and is served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system, the minimum lot size requirement is 5,000 square feet and the density requirement is 1,250 square feet of lot area per dwelling unit for the first 4 dwelling units and 5,000 additional square feet of lot area per dwelling unit for subsequent units.

(B) If a lot is located outside a designated growth area and in an area served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system, the minimum lot size requirement is 5,000 square feet and the density requirement is 5,000 square feet of lot area for the first 2 dwelling units contained within a single structure, not including

**Commented [LR7]:** As Jason pointed out, LD 1829 permits municipalities to allow greater density than is required under it if a municipality so desires. Accordingly, you should discuss whether the Town wants to allow lots to be less than 5,000 square feet and density of less than 1,250 for the first four units. As drafted, this section would allow for \*more\* than 4 units on a lot if there was an additional 5,000 square feet (or multiples thereof) on the lot to accommodate them. If you want to limit the number of units on a lot to 4, then you will want to use the following language instead : “If a lot is located in a designated growth area and is served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system, the minimum lot size requirement is 5,000 square feet and the density requirement is 1,250 square feet of lot area per dwelling unit for each of the first 4 allowed dwelling units and 5,000 additional square feet of lot area per dwelling unit for subsequent units.”

accessory dwelling units. If the lot meets the minimum lot size and density requirements specified in this subsection, then 4 dwelling units are allowed on the lot.

(C) If a lot is located in a designated growth area without a public, special district or other comparable sewer system, the minimum lot size requirement and density requirements for that area or zone are those specified in Title 12 Chapter 423-A. If the requirements of Title 12, Chapter 423-A are met, then 4 dwelling units are allowed on the lot.

(D) If a lot is located outside a designated growth area and is not served by a public, special district or other comparable sewer system, the minimum lot size requirement and density requirements for that area or zone are those specified in Title 12 Chapter 423-A. If the requirements of Title 12, Chapter 423-A are met, then 3 dwelling units are allowed on the lot.

(E) If 4 or fewer dwelling units have been constructed on a lot as a result of the allowances under this section, the lot is not eligible for any additional increases in density.

**Commented [LR8]:** Note, that in the circumstances outlined under this subsection (D), LD 1829 and the governing regs allow towns to establish minimum lot size and density requirements in these zones or areas that are "more" restrictive than the requirements of Title 12, Chapter 423-A (i.e., 20,000 minimum lot size). Accordingly, you should discuss if you want to do so, or, if you just want to tie it to the requirements of Title 12, Chapter 423-A.

**Commented [LR9]:** This subsection would need to be deleted if the Town decides it wants to allow more density than what is required under LD 1829.

### **3. Additional Requirements**

- A) Except as provided in this section, dimensional requirements for the dwelling units allowed by this section are no greater than the dimensional requirements required for a single-family dwelling unit in the same district. As used in this section, "dimensional requirements" means requirements that govern the size and placement of structures, including building height, lot area, minimum frontage, lot depth and setbacks
- B) The use, lot size, and density allowances permitted under this section must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and Article 7 of this Ordinance governing shoreland zoning.
- C) The use, lot size, and density allowances permitted under this section must comply with the requirements of Title 30-A, chapter 187, subchapter 4 and Article 9 of this Ordinance governing subdivisions.
- D) The use, lot size, and density allowances permitted under this section may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section.

## **TABLE 5.1 – LAND USES PERMITTED IN ZONING DISTRICTS**

### **KEY**

#### **District-**

**R/A** – Residential/Agricultural District

**VDI** – Village I District

**VDII** – Village II District

**Reviewing Authority-**

**A** – Allowed without a permit

**RC**– Permitted with permit from Road Commissioner

**CEO** – Permitted with permit from Code Enforcement Officer

**LPI** – Local Plumbing Inspector

**PB** – Permitted under Article 9- Subdivision from Planning Board

**SPR** – Site Plan Review approval from Planning Board

**SB** – License from Select Board Required- SB<sup>A</sup> - Annual License and SB<sup>M</sup> – 5-year license

**P** – Permit Required

**NP** – Not permitted

See Footnotes at end of the Table. All uses are subject to the general-performance standards of Article 4.

<u>LAND USES</u>	<u>DISTRICT</u>		
	<u>R/A</u>	<u>VDI</u>	<u>VDII</u>
<u>Agricultural &amp; Resource Uses-</u>			
Access onto Town Road	RC	RC	RC
Agriculture	A	A	A
Agriculture products processing	SPR	SPR	SPR
Boarding and riding stables (private)	CEO <sup>1</sup>	CEO <sup>1</sup>	CEO <sup>1</sup>
Cannabis Cultivation Facility	SPR & SB <sup>A</sup>	SPR & SB <sup>A</sup>	SPR & SB <sup>A</sup>
Extractive industry	SPR	SPR	SPR
Earthmoving (less than 100 cubic yards)	A	A	A
Earthmoving(100 cubic yards or greater)	CEO <sup>3</sup>	CEO <sup>3</sup>	CEO <sup>3</sup>
Farm Stand	SPR <sup>6</sup>	SPR <sup>6</sup>	SPR <sup>6</sup>
Gravel Pit	SPR	SPR	SPR
Greenhouse (under 10,000sf)	CEO <sup>1</sup>	CEO <sup>1</sup>	CEO <sup>1</sup>
Greenhouse (10,000sf or greater)	SPR	SPR	SPR
Hoop House	A	A	A
Indoor Growing Facility	SPR <sup>5</sup>	SPR <sup>5</sup>	SPR <sup>5</sup>

Non-permanent Structure	A	A	A
Non-roadside or cross-country distribution lines (greater than 34.5kV)	SPR	SPR	SPR
Solar Energy System – Large	SPR	SPR	SPR
Solar Energy System – Small	A	A	A
Subsurface Wastewater Disposal System	LPI	LPI	LPI
Timber Harvesting	A	A	A
Windmill	CEO <sup>3</sup>	CEO <sup>3</sup>	CEO <sup>3</sup>
Agricultural or Resource Use not specified above	CEO <sup>3</sup>	CEO <sup>3</sup>	CEO <sup>3</sup>
Accessory structures, uses or services (for items above)	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>
<u>Residential Uses-</u>			
Condominiums	PB	PB	PB
Single-family dwelling	CEO <sup>1</sup>	CEO <sup>1</sup>	CEO <sup>1</sup>
Two-family dwelling	CEO <sup>1</sup>	CEO <sup>1</sup>	CEO <sup>1</sup>
Accessory Dwelling Unit	CEO & LPI <sup>2</sup>	CEO & LPI <sup>2</sup>	CEO & LPI <sup>2</sup>
Individual campsites	A	A	A
Multi-family dwelling (3-4 or more less)	<del>PB and CEO<sup>1</sup></del>	<del>PB and CEO<sup>1</sup></del>	<del>PB and CEO<sup>1</sup></del>
Multi-family dwelling (5 or more)	<del>PB</del>	<del>PB</del>	<del>PB</del>
Manufactured Housing Park	PB	PB	PB
Subdivision	PB	PB	PB
Home Occupation	A	A	A
Non-permanent Structure	A	A	A
Temporary Building	A	A	A
Residential Use not specified above	CEO	CEO	CEO
The construction, alteration, relocation, demolition or replacement of any building or part thereof.	CEO <sup>1</sup>	CEO <sup>1</sup>	CEO <sup>1</sup>
Accessory structures, uses or services (for items above)	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>
<u>Industrial Uses-</u>			
Automobile Graveyard	NP	NP	SPR & SB <sup>A</sup>
Automobile Recycling Business	NP	NP	SPR & SB <sup>M</sup>

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Airport (Public Use)	SPR	NP	SPR
Air Strip (Private Use)	SPR <sup>6</sup>	NP	SPR <sup>6</sup>
Bulk oil & fuel storage (over 500 gallons, except for on-site usage)	NP	SPR	SPR
Distribution Center	SPR	SPR	SPR
Junkyard	NP	NP	SPR & SB
Landfill	SPR	SPR	SPR
Light manufacturing	SPR	SPR	SPR
Lumber yard	SPR	SPR	SPR
Manufacturing	SPR	SPR	SPR
Pulp mill	NP	NP	SPR
Sawmill	SPR	SPR	SPR
Solid waste transfer station	SPR	SPR	SPR
Warehouse	SPR	SPR	SPR
Waste and Nuisance Yard	SPR <sup>6</sup>	SPR <sup>6</sup>	SPR <sup>6</sup>
Wood Processing Facility	SPR	SPR	SPR
Industrial Use not specified above	SPR	SPR	SPR
The construction, alteration, relocation, demolition or replacement of any building or part thereof.	CEO <sup>1</sup>	CEO <sup>1</sup>	CEO <sup>1</sup>
Accessory structures, uses or services (for items above)	SPR	SPR	SPR
<u>Institutional Uses-</u>			
Cemetery	SPR	SPR	SPR
Church	SPR	SPR	SPR
Civic, convention center	SPR	SPR	SPR
Community Center	SPR	SPR	SPR
Governmental Facilities	SPR	SPR	SPR
Hospital	SPR	SPR	SPR
Medical clinic	SPR	SPR	SPR
Museum	SPR	SPR	SPR
Outdoor recreation (parks, playgrounds, etc.)	SPR	SPR	SPR
Public or private school	SPR	SPR	SPR

Public facility utility	SPR	SPR	SPR
Institutional Use not specified above	SPR	SPR	SPR
The construction, alteration, relocation, demolition or replacement of any building or part thereof.	CEO <sup>1</sup>	CEO <sup>1</sup>	CEO <sup>1</sup>
Accessory structures, uses or services (for items above)	SPR	SPR	SPR
<u>Commercial Uses-</u>			
Adult businesses	SPR	SPR	SPR
Amusement Facility	SPR	SPR	SPR
Art gallery/craft shop/gift shop	SPR	SPR	SPR
Automobile Repair Garage	SPR	SPR	SPR
Automobile Sales Business	SPR	SPR	SPR
Automobile Service Station	SPR	SPR	SPR
Bar	SPR	SPR	SPR
Bed & Breakfast	SPR	SPR	SPR
Boarding & Lodging facility	SPR	SPR	SPR
Boarding and riding stables (public)	SPR	SPR	SPR
Boat building/repair	SPR	SPR	SPR
Campground	SPR	SPR	SPR
Cannabis Establishment	SPR & SB <sup>A</sup>	SPR & SB <sup>A</sup>	SPR & SB <sup>A</sup>
Commercial complex	SPR	SPR	SPR
Commercial Kitchen	SPR <sup>5</sup>	SPR <sup>5</sup>	SPR <sup>5</sup>
Communication tower	SPR	SPR	SPR
Construction Business	SPR	SPR	SPR
Convenience store	SPR	SPR	SPR
Daycare Center	SPR	SPR	SPR
Dry Cleaning	NP	SPR	SPR
Financial institution	SPR	SPR	SPR
Funeral home	SPR	SPR	SPR
Grocery store	SPR	SPR	SPR
Gym / Fitness club	SPR	SPR	SPR
Health Services	SPR	SPR	SPR

Home-Based Business	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>
Hotel, motel	SPR	SPR	SPR
Kennel- (breeding/boarding facility)	SPR	SPR	SPR
Laundry, (see dry cleaning)	NP	SPR	SPR
Metal Plating	NP	SPR	SPR
Nursing home, care facility	SPR	SPR	SPR
Outdoor recreation (golf course, etc.)	SPR	SPR	SPR
Professional offices, office building	SPR	SPR	SPR
Publishing, printing	SPR	SPR	SPR
Redemption center	SPR	SPR	SPR
Restaurant	SPR	SPR	SPR
Repair service (other than auto & boat)	SPR	SPR	SPR
Retail business	SPR	SPR	SPR
Salon / Day Spa	SPR	SPR	SPR
Self-storage facility	SPR	SPR	SPR
Service business	SPR	SPR	SPR
Telecommunication Tower	SPR	SPR	SPR
Theater	SPR	SPR	SPR
Veterinary clinic	SPR	SPR	SPR
Wholesale business	SPR	SPR	SPR
Windmill Farm	SPR	SPR	SPR
Commercial Use not specified above	SPR	SPR	SPR
The construction, alteration, relocation, demolition or replacement of any building or part thereof.	CEO <sup>1</sup>	CEO <sup>1</sup>	CEO <sup>1</sup>
Accessory structures, uses or services (for items above)	SPR	SPR	SPR

<sup>1</sup> A Building Permit from the Code Enforcement Officer is required.

<sup>2</sup> Must show proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. § 4221. Must show proof of access potable water via connection to a public water system or a private well. (*Note: written in reference to DECD proposed rule 19-100; Chapter 5; Section 4.B.5.b-d*)

<sup>3</sup> A Land Use Permit from the Code Enforcement Officer is required.

<sup>4</sup> A permit for an accessory structure or use shall be given by the same permitting authority who issued the permit for the original use/structure, if a permit was required.

<sup>5</sup> A Home-Based Business is allowed if it meets the Performance Standard in Article 4, Section D. If the Performance Standard in Article 4, Section D is not met, then Tier I Site Plan Review Permit shall be required from the Code Enforcement Officer. All Home-Based Businesses must register their business name with the Town Clerk.

<sup>6</sup>A Tier I Site Plan Review Permit shall be required from the Code Enforcement Officer.

**Part 4:** Effective Date.

This Ordinance shall take effect upon adoption by town meeting.

Given under our hands this \_\_\_\_ day of \_\_\_\_\_, 2026.

TOWN OF BOWDOINHAM SELECT BOARD:

\_\_\_\_\_  
Joanne Joy, Chair

\_\_\_\_\_  
Shelley Hooper

\_\_\_\_\_  
Mark Favreau

\_\_\_\_\_  
Jason Hodde

\_\_\_\_\_  
Allen Acker