

**AN ORDINANCE TO AMEND THE TOWN OF BOWDOINHAM LAND USE
ORDINANCE TO ADDRESS THE REQUIREMENTS OF LD 427,
AN ACT TO REGULATE MUNICIPAL PARKING SPACE MINIMUMS**

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

Article 2, entitled, "Definitions" is hereby amended as follows:

Parking agreement: A legally binding agreement between a property developer and the owner of an off-site parking facility to provide required parking areas within 0.25 miles of a development site.

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

R) Municipal Parking Space Minimums

- 1) No more than one off-street parking space may be required per dwelling unit for a residential development within a designated growth area.
- 2) A developer shall be allowed to satisfy municipal parking requirements through off-site parking agreements with existing parking facilities located within 0.25 miles of a development site. A developer engaged in an off-site parking agreement shall provide documentation demonstrating the availability of sufficient capacity at the off-site parking facility, as determined by a professional parking study or similar evidence acceptable to the reviewing authority. No additional parking barriers may be imposed to the approval of such parking agreements beyond verifying the adequacy of parking supply.

Article 10, entitled, "Site Plan Review" is hereby amended as follows:

D) General Performance Standards

2. Internal Vehicular Circulation –

- e) In addition to the requirements specified in Article 4(R) relating to Municipal Parking Space Minimums, off-street parking must conform to the following standards:

**TOWN OF BOWDOINHAM
LAND USE ORDINANCE**

**AN ORDINANCE TO AMEND THE TOWN OF BOWDOINHAM LAND USE
ORDINANCE TO WAIVE PERMITTING FEES ON TOWN OWNED PROJECTS**

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.

A) Permit Application Submission Requirements

Submission requirements may be waived if that information is not required to determine compliance with applicable standards. 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.

- 1) Written application. Every applicant for a permit shall submit a written application on a form provided by the municipality. The following items, when appropriate, shall be included with the application.
 - a) A scaled site plan showing
 - (i) The shape, size and location of the lot to be built upon and structure(s) to be erected, altered or removed.
 - (ii) Any structure(s) already on the lot.
 - (iii) Setbacks of structure(s) from all lot lines.
 - b) Statement of intended use.
 - c) Statement of how use meets performance standards.
 - d) Documentation that the applicant has right, title or interest in the property.
 - e) Any other information needed by the Code Enforcement Officer, Road Commissioner, Planning Board, or the Board of Appeals to determine compliance with the provisions of this Ordinance and/or any other information required by this Ordinance.
 - f) Signature. All applications shall be signed by the owner of the property or the owner's legal agent, certifying that the information on it is complete and accurate. If the person signing the application is not the owner or lessee of the property, then that person shall submit a letter of authorization from the owner or lessee.
 - g) Application to be dated. All applications shall be dated, and the date and time of its receipt shall be noted upon each application.
- 2) Fees.
 - a) No permit shall be issued until the application fee(s) are paid. Application fees shall not be nonrefundable, unless noted elsewhere in this Ordinance. Checks are to be made payable to the Town of Bowdoinham. The Town of Bowdoinham is exempt from all town permit fees and charges.

**SUMMARY OF DRAFT AMENDMENTS TO
TOWN OF BOWDOINHAM LAND USE ORDINANCE
TO ADDRESS REQUIREMENTS OF LD 1829
(AS OF APRIL 7, 2026)**

OVERVIEW

On June 20, 2025, Governor Mills signed into law LD 1829, “An Act to Build Housing for Maine Families and Attract Workers to Maine Businesses by Amending the Laws Governing Housing Density.”

LD 1829 can be summarized as follows:

- It is a housing reform law aimed at increasing housing supply (including both accessory dwelling units (ADUs) and multifamily dwellings (MFDs)) by reducing what the Legislature perceives to be local regulatory barriers.
- It expands how many housing units can be built on a single lot (generally allowing 3–4 units) and preempts municipal authority to limit minimum lot size and allowable density.
- It removes and/or relaxes requirements (like owner-occupancy rules and some sprinkler mandates) with the aim of simplifying the development process and lowering costs.
- It changes the definition of “subdivision,” by raising the threshold for what counts as a “subdivision,” making small-scale development quicker and less costly because it allows developers to avoid Planning Board review. Previously, Maine generally defined a subdivision as creating 3 or more lots or dwelling units within 5 years. LD 1829 increases the threshold to 5 or more dwelling units within a 5-year period. As a result, projects with up to 4 units no longer trigger subdivision review by the Planning Board, reducing permitting requirements and local oversight for smaller housing developments.

The proposed amendments to the Town’s Land Use Ordinance (LUO) summarized below are intended to make the LUO compliant with the requirements of LD 1829.

ARTICLE 2 (DEFINITIONS)

- Adds/revises various LUO definitions (i.e., dwelling, accessory dwelling unit, growth area, principal structure, and story) to meet the requirements of LD 1829
- Changes definition of “subdivision” to comply with LD 1829 to increase the number of dwelling units on a parcel that will trigger subdivision review from 3 units to 5 units

ARTICLE 4 (PERFORMANCE STANDARDS)

Accessory Dwelling Units

- Allows 1 accessory dwelling unit (ADU) per lot on lots where single-family or multi-family residential structures are the principal structure
- Specifies that the Town may not require owner occupancy of lots on which ADUs are located

- Specifies that ADUs must be allowed on nonconforming lots if the ADU will not further increase the nonconformity
- Specifies that no sprinklers are required for ADUs unless they are located within or attached to a structure that has more than 2 dwelling units (including ADUs)
- Specifies that ADUs must be subject to the same dimensional requirements (excluding lot area) as single family dwellings
- Specifies that ADUs cannot be subject to any additional parking requirements beyond those that apply to single family dwellings
- Establishes minimum (190 square feet) and maximum (1,600 square feet) size requirements for ADUs
- Requires verification of adequate water and wastewater services before an occupancy certificate for an ADU can be issued

Affordable Housing Developments

- Establishes density bonuses for eligible affordable housing developments (i.e., 2.5 times base density)
- Limits number of parking spaces that can be required (no more than 2 for every 3 units)
- Establishes additional height allowances for affordable housing developments
- Clarifies that shoreland zoning, subdivision law, and private covenants and deed restrictions

ARTICLE 5 (LAND USE DISTRICTS)

- Changes the governing minimum lot size and density restrictions under the current LUO to comply with the requirements of LD 1829 (note: minimum lot size and density requirements vary depending on whether the subject lot is within or outside a designated growth area as identified in the Town's comprehensive plan)
- Amends Land Use Table 5.1 (Permitted Land Uses) to reflect the appropriate reviewing authority (i.e., CEO or Planning Board) depending on the number of dwelling units being proposed

ARTICLE X

Shall an ordinance entitled, “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” be enacted?

NOTE: Proposed additions to existing Code sections are underlined.
Proposed deletions of existing Code sections are ~~erossed-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.~~

Affordable Housing Development:

- 1) 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
- 2) 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 by the Town'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.

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.

~~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 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 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).
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 Town 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 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.~~
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. 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.

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 M.R.S.A. §476 (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) An accessory dwelling unit shall be limited to a gross floor area of 1,600 sq/ft. Except as provided in Title 12 M.R.S.A. § 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.
- 2) The Single-Family Dwelling, multi-unit residential structure, and the accessory dwelling units 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. The construction or occupancy of an accessory dwelling unit on a lot is allowed even if the owner

- 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 is 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.
- 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 Title 30-A M.R.S.A. § 4401 et seq 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.
- 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 sq. ft. in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S.A. § 9722, adopts a different minimum standard; if so, that standard applies. An accessory dwelling unit cannot exceed a maximum size of 1600 sq. ft.
- 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.

Commented [LR1]: This latin phrase just means not only the section cited but all other relevant provisions of the Title referred to. It is meant to reflect that the entire subdivision law applies, not just section 4401.

- 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 2.5 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; and
 - (iii) comply with the minimum lot size requirements under Title 12 M.R.S.A. § 423-A, as applicable.
 - (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:
 - (A) 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.
 - (B) 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

Commented [JH2]: Article 4 is organized alphabetically, so this text will be inserted in Article 4 where appropriate and the remaining sections of Article 4 renumbered appropriately.

local plumbing inspector pursuant to 30-A M.R.S.A. § 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 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.

(D) 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.

(E) 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.

2) Additional Height Allowance:

Except as otherwise prohibited under Title 38 M.R.S.A. § 3 and Article 7 of this 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:

- a) An affordable housing development must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38 M.R.S.A. § 3 and Article 7 of this Ordinance governing shoreland zoning.
- b) An affordable housing development must comply with the requirements of Title 30-A M.R.S.A. § 4401 et seq~~187(4)~~ and Article 9 of this Ordinance governing subdivisions.
- c) 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.

Commented [LR3]: There is no section 187(4) of Title 30-A. I think the intention was to refer to the subdivision statute (which is Chapter 187 of Title 30-A) so I edited this based on that assumption.

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

C) Land Use Requirements

- 1) Except as hereinafter specified, as hereinafter otherwise specified in this ordinance, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

- 2) Except as hereafter otherwise specified in this ordinance, dimensional requirements for the dwelling units allowed by this Article are no greater than the dimensional requirements required for a single-family dwelling unit in the same district. As used in this Article, "dimensional requirements" means requirements that govern the size and placement of structures, including building height, lot area, minimum frontage, lot depth and setbacks.
- 3) The use, lot size, and density allowances permitted under this Article must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38 M.R.S.A. § 3 and Article 7 of this Ordinance governing shoreland zoning.
- 4) The use, lot size, and density allowances permitted under this Article must comply with the requirements of Title 30-A M.S.R.A. § 187(4) and Article 9 of this Ordinance governing subdivisions.
- 5) The use, lot size, and density allowances permitted under this Article 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 Article.

D) Residential/Agricultural District-

Lots in the Residential/Agricultural District may be either located outside of, or within, a designated growth area as outlined in the Town's Comprehensive Plan.

- 1) For lots within a designated growth area, the following requirements apply:
 - a) Dimensional Requirements for all lots which do not meet Subsection b below:
 - i) Minimum Lot Size for areas that are not served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system – 20,000 sq. ft.
 - ii) Minimum Lot Size for areas Subdivisions with ~~Community Subsurface Wastewater System~~ served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system – 5,000 ~~10,000~~ sq. ft.
 - iii) Maximum Residential Density for areas that are not served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system – 4 DU dwelling units are allowed on a lot of minimum lot size of 20,000 sq. ft.¹
 - iv) Maximum Residential Density for areas served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system – 1,250 sq. ft. for the first 4-DU dwelling units, then 5,000 sq. ft. for each additional dwelling unit^{DU, 1}
 - v) Minimum Road Frontage² - 150 feet
 - vi) Minimum Setbacks for Buildings³ –

Commented [LR4]: I highlight this as I want to confirm that it is the Town's intention to allow 4 dwelling units on a 20,000 square foot lot. LD 1829 does not require this degree of density if a lot is in a designated growth area (DGA) without a public, special district, or other comparable sewer system. Rather, even if a lot is in a DGA, if it doesn't have a public, special district, or a comparable sewer system, then the municipality can require a 20,000 minimum lot size (per dwelling). In the scenario presented in this proposed section - 80,000 square feet could be required for 4 dwelling units under LD 1829. Perhaps the Town wants to do this (i.e., to allow greater density than LD 1829 would require) but I just want to make sure that this was, in fact, intended.

- a. Front lot line - 50 feet
- b. Side lot line - 10 feet
- c. Rear lot line - 10 feet

b) Dimensional Requirements for lots which are within a subdivision (which is created after June 10, 2009).

- i) Minimum Lot Size for areas that are not served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system – 20,000 sq. ft.
 - ii) Minimum Lot Size for areas Subdivisions with Community Subsurface Wastewater System served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system – 5,000 10,000 sq. ft.
 - iii) Maximum Residential Density for areas that are not served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system – 4 dwelling units DU are allowed on a lot of minimum lot size of 20,000 sq. ft.¹
 - iv) Maximum Residential Density for areas served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system – 1,250 sq. ft. for the first 4 dwelling units DU, then 5,000 sq. ft. for each additional dwelling unit DU.¹
 - v) Minimum Road Frontage - 150 feet.
 - vi) 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
 - vii) Open Space Requirement - 25% of Net Residential Area⁴
- c) Structures shall not cover more than 20% of any lot.

2) For lots outside a designated growth area, the following requirements apply:

a) Dimensional Requirements for all lots which do not meet Subsection b below:

- i) Minimum Lot Size for areas that are not served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system – 20,000 sq. ft.
- ii) Minimum Lot Size for areas Subdivisions with Community Subsurface Wastewater System served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system – 5,000 10,000 sq. ft.
- iii) Maximum Residential Density for areas that are not served by a public, special district or other centrally managed water system and a public, special district or other

Commented [LR5]: The same concern that was raised in the prior comment applies here. I just want to make sure that the town intends to allow greater density than what is required by LD 1829. LD 1829 does not address the scenario of a lot outside of a designated growth area that is not served by the kinds of systems enumerated. However, this is because the 20,000 minimum lot size (and associated density) required by statute applies by default. Accordingly, if the town were inclined, it could still require 80,000 square feet for 4 dwelling units in this scenario.

comparable sewer system – 3 dwelling unitsDU are allowed on a lot of minimum lot size of 20,000 sq. ft.¹

Commented [LR6]: Ditto prior comment (but in this case, the town could require 60,000 square feet)

- iv) Maximum Residential Density for areas served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system – 5,000 sq. ft. for the first 2 dwelling unitsDU within a single structure, not including any accessory dwelling unitADU; up to 4 dwelling unitsDU may be allowed on the lot.¹
 - v) Minimum Road Frontage² - 150 feet
 - vi) Minimum Setbacks for Buildings³ –
 - a. Front lot line - 50 feet
 - b. Side lot line - 10 feet
 - c. Rear lot line - 10 feet
- b) Dimensional Requirements for lots which are within a subdivision (which is created after June 10, 2009).
- i) Minimum Lot Size for areas that are not served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system – 20,000 sq. ft.
 - ii) Minimum Lot Size for ~~areas Subdivisions with Community Subsurface Wastewater System~~ served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system – 5,000 ~~10,000~~ sq. ft.
 - iii) Maximum Residential Density for areas that are not served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system – 3 dwelling unitsDU are allowed on a lot of minimum lot size of 20,000 sq. ft.¹
 - iv) Maximum Residential Density for areas served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system – 5,000 sq. ft. for the first 2 dwelling unitsDU within a single structure, not including any accessory dwelling unitADU; up to 4 dwelling units DU may be allowed on the lot.¹
 - v) Minimum Road Frontage - 150 feet.
 - vi) 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
 - vii) Open Space Requirement - 25% of Net Residential Area⁴
- c) Structures shall not cover more than 20% of any lot.⁵

Commented [LR7]: Ditto prior comment

E) Village I District-

1) Dimensional Requirements:

- i) Minimum Lot Size for areas that are not served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system – 20,000 sq. ft.
- ii) Minimum Lot Size for areas Subdivisions with Community Subsurface Wastewater System served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system – 5,000 -10,000 sq. ft.⁶
- iii) Maximum Residential Density for areas that are not served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system – 4 dwelling units^{DU} are allowed on a lot of minimum lot size of 20,000 sq. ft.¹
- iv) Maximum Residential Density for areas served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system – 1,250 sq. ft. for the first 4 dwelling units^{DU}, then 5,000 sq. ft. for each additional dwelling unit^{DU}.¹
- v) Minimum Road Frontage - 75 feet
- vi) Minimum Setbacks for Buildings
 - (i) Front lot line - 20 feet
 - (ii) Side lot line - 10 feet
 - (iii) Rear lot line - 10 feet
- g) Maximum Building Height – 35 feet
- f) 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.

Commented [LR8]: Ditto prior comments

F) Village II District-

1) Dimensional Requirements:

- a) Minimum Lot Size for areas that are not served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system – 20,000 sq. ft.
- b) Minimum Lot Size for areas Subdivisions with Community Subsurface Wastewater System served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system – 5,000 -10,000 sq. ft.⁶
- c) Maximum Residential Density for areas that are not served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system – 4 dwelling units^{DU} are allowed on a lot of minimum lot size of 20,000 sq. ft.¹
- d) Maximum Residential Density for areas served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer

Commented [LR9]: Ditto prior comments

system – 1,250 sq. ft. for the first 4 dwelling units, then 5,000 sq. ft. for each additional dwelling unit.¹

- e) Minimum Road Frontage - 100 feet
- f) Minimum Setbacks for Buildings –
 - (i) Front lot line - 30 feet
 - (ii) Side lot line - 10 feet
 - (iii) Rear lot line - 10 feet
- g) Maximum Building Height – 35 feet
- h) 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.

FOOTNOTES FOR SECTIONS D-F ABOVE

- 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 principal dwelling shall be exempt from the minimum setbacks.
- 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.A. § 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 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.

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^A - Annual License and SB^M – 5-year license

P – Permit Required

NP – Not permitted

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

<u>LAND USES</u>	<u>DISTRICT</u>		
	<u>R/A</u>	<u>VDI</u>	<u>VDII</u>
<u>Agricultural & 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 ¹	CEO ¹	CEO ¹
Cannabis Cultivation Facility	SPR & SB ^A	SPR & SB ^A	SPR & SB ^A
Extractive industry	SPR	SPR	SPR
Earthmoving (less than 100 cubic yards)	A	A	A
Earthmoving(100 cubic yards or greater)	CEO ³	CEO ³	CEO ³
Farm Stand	SPR ⁶	SPR ⁶	SPR ⁶
Gravel Pit	SPR	SPR	SPR
Greenhouse (under 10,000sf)	CEO ¹	CEO ¹	CEO ¹
Greenhouse (10,000sf or greater)	SPR	SPR	SPR

Hoop House	A	A	A
Indoor Growing Facility	SPR ⁵	SPR ⁵	SPR ⁵
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 ³	CEO ³	CEO ³
Agricultural or Resource Use not specified above	CEO ³	CEO ³	CEO ³
Accessory structures, uses or services (for items above)	P ³	P ³	P ³
<u>Residential Uses-</u>			
Condominiums	PB	PB	PB
Single-family dwelling	CEO ¹	CEO ¹	CEO ¹
Two-family dwelling	CEO ¹	CEO ¹	CEO ¹
Accessory Dwelling Unit	CEO & LPI ²	CEO & LPI ²	CEO & LPI ²
Individual campsites	A	A	A
Multi-family dwelling (3, 4 or more less)	PB and CEO ¹	PB and CEO ¹	PB and CEO ¹
<u>Multi-family dwelling (5 or more)</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
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 ¹	CEO ¹	CEO ¹
Accessory structures, uses or services (for items above)	P ⁴	P ⁴	P ⁴

<u>Industrial Uses-</u>			
Automobile Graveyard	NP	NP	SPR & SB ^A
Automobile Recycling Business	NP	NP	SPR & SB ^M
Airport (Public Use)	SPR	NP	SPR
Air Strip (Private Use)	SPR ⁶	NP	SPR ⁶
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 ⁶	SPR ⁶	SPR ⁶
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 ¹	CEO ¹	CEO ¹
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 ¹	CEO ¹	CEO ¹
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 ^A	SPR & SB ^A	SPR & SB ^A
Commercial complex	SPR	SPR	SPR
Commercial Kitchen	SPR ⁵	SPR ⁵	SPR ⁵
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 ⁴	A ⁴	A ⁴
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 ¹	CEO ¹	CEO ¹
Accessory structures, uses or services (for items above)	SPR	SPR	SPR

¹ A Building Permit from the Code Enforcement Officer is required.

² 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*)

³ A Land Use Permit from the Code Enforcement Officer is required.

⁴ 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.

⁵ 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.

⁶A 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

SUMMARY OF DRAFT
HOUSEKEEPING AMENDMENTS
TOWN OF BOWDOINHAM LAND USE ORDINANCE
AS OF APRIL 6, 2026

GENERALLY

Throughout the proposed housekeeping amendments:

- Provisions have been or will be renumbered to be consistent
- Provisions have been reorganized and redrafted for readability and clarity

ARTICLE 1 (GENERAL)

- Non-substantive formatting changes (i.e., to Section C (“Purposes”) and Section K (Annual Administrative Review of Ordinance))

ARTICLE 2 (DEFINITIONS)

- Non-substantive formatting changes
- Deletion of various definitions that are not referenced anywhere else in the Land Use Ordinance (“LUO”), clarification of existing definitions, and add definitions for various flood zones
- Update statutory references

ARTICLE 3 (CONFORMANCE)

- No changes

ARTICLE 4 (PERFORMANCE STANDARDS)

- Adds “General” to the title “Performance Standards” title.
- Deletes “Farm Stand” standards
- Non-substantive grammatical/formatting changes to section regarding “Lighting”
- Non-substantive formatting change to section regarding “Signs”
- Deletes “Solar Energy Systems” standards

ARTICLE 5 (LAND USE DISTRICTS)

- Non-substantive formatting changes to Land Use Table 5.1
- Clarifies that the land uses outlined in Table 5.1 are also subject to use-specific standards in Article 10 (and adds a column to the Table to reflect this)
- Adds a number of uses to Table 5.1 that are addressed in Article 10 but that are not currently enumerated in Table 5.1 (i.e., Asphalt/Concrete Plant/Fabrication, Daycare, Home, and Food Processing Facility)

ARTICLE 6 (SHORELAND OVERLAY DISTRICTS)

- Non-substantive formatting changes to Purpose section

- Consolidates and reformats existing sections C-G
- Reformats the Table of Uses and adds new “reviewing authority” designations to Table 6.1

ARTICLE 7 (SHORELAND ZONING)

- Reformats the Planning Board Review Procedure and adds additional details and requirements regarding said procedure
- Reformats Minimum Lot Standards (no substantive changes)
- Reformats section regarding stairways and similar structures (no substantive changes)
- Reformats section regarding ditch relief culverts, drainage dips, and associated water turnouts (no substantive changes)
- Updates statutory citations
- Reformats slope table (no substantive changes)
- Reformats tree diameter/points chart (no substantive changes)

ARTICLE 8 (FLOODPLAIN MANAGEMENT)

- Adds “definitions” to the first section and references FEMA’s definitions of Zone A and the AE Zone
- Changes references to the “municipality” to the “Town”
- Minor grammatical and punctuation changes (non-substantive changes)
- Reformats requirements for new construction/substantial improvements (non-substantive changes)
- Reformats requirements for manufactured homes (non-substantive changes)

ARTICLE 9 (SUBDIVISION)

- Reorders/reformats various sections (i.e., putting sections relating to submission requirements before sections relating to review procedures)
- Changes references from “the municipality” to “the Town”
- Changes number of required copies of various submissions from 8 or 10 to 9
- Minor grammatical and punctuation changes (non-substantive)
- Renames the term “staff workshop” to “pre-application planning meeting”
- Replaces the term “Town Planner” with “Town Planning Department Staff” relating to authority to conduct certain administrative tasks
- Reorganizes provisions relating to site inventory and analysis
- Adds deadline within which planning staff must determine whether site inventory and analysis submission is complete (7 days)
- Changes references from “the Board” to “the Planning Board”
- Adds notification requirements when a subdivision application is submitted to require notification of the Planning Board, Town Manager, Code Enforcement Officer, Public Works Director, and Fire Chief, and where appropriate, Harbormaster and Water District of the pending application
- Changes the requirement that applicants must obtain applicable approvals from DEP, DHS, and US Army Corps prior to Planning Board being able to grant approval, to making Planning Board approval conditional upon receipt of said agency approvals

- Edits the provision allowing the Town to maintain private streets. As noted in my comment, I recommend that this provision be removed entirely from the ordinance based on Maine law that prohibits use of public funds to maintain private roads (absent a public easement in said road and town meeting approval to do so)
- Updates various statutory citations

ARTICLE 10 (SITE PLAN REVIEW)

- Reorders/reformats various sections (i.e., puts submission requirements before review procedure)
- Delegates certain administrative tasks to CEO rather than to Town Planner
- Clarifies that only Large Solar Energy Systems require site plan review (which is consistent with Article 5's Land Use Table)
- Changes references from "development" to "project"
- Changes requirement for 8 copies of certain submissions to 9 copies
- Adds introductory text to section on Tier II and Tier III submission requirements
- Renames the term "staff workshop" to "pre-application planning meeting"
- Changes references to "the Board" to "the Planning Board"
- Reworks and adds specific timelines to section regarding site inventory and analysis and site plan application review procedures
- Updates various statutory citations
- Relocates submission criteria for commercial complexes
- Removes standards for "Solar Energy Systems"

ARTICLE 11 (ADMINISTRATION, ENFORCEMENT, & PENALTIES)

- Minor grammatical and punctuation changes (non-substantive)
- Changes various references from "Town Planner" to "Town Planning Department Staff"
- Reformats the Planning Board application process and adds additional details and requirements regarding said procedure
- Reformats provisions relating to consent agreements (non-substantive changes)

ARTICLE 12 (APPEALS)

- Updates statutory citations.
- Minor grammatical and punctuation changes (non-substantive).
- Changes number of required copies of application materials from 8 to 9 copies.

ARTICLE X

Shall an ordinance entitled, “An ordinance to enact housekeeping amendments to the Town of Bowdoinham land use ordinance” be enacted?

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 Enact Housekeeping Amendments to the Town of Bowdoinham Land Use Ordinance” to read as follows:

Part 1: Article 1, entitled, “General” is hereby amended as follows:

C) Purposes

- ~~1) The purposes of this Ordinance are:~~
- ~~2) To implement the provisions of the Town’s Comprehensive Plan;~~
- ~~3) To direct growth to identified growth areas of the Town, and to manage growth in the rural areas;~~
- ~~4) To promote the health, safety and general welfare of the residents of the community;~~
- ~~5) To encourage the most appropriate use of land throughout the Town;~~
- ~~6) To promote traffic safety;~~
- ~~7) To provide safety from fire and other elements;~~
- ~~8) To manage and conserve natural resources;~~
- ~~9) To protect buildings and lands from flooding and accelerated erosion; and~~
- ~~10) To conserve natural beauty and open space.~~

The purposes of this Ordinance are:

- 1) to implement the provisions of the Town’s Comprehensive Plan;
- 2) to direct growth to identified growth areas of the town, and to manage growth in the rural areas;
- 3) to promote the health, safety and general welfare of the residents of the community;
- 4) to encourage the most appropriate use of land throughout the town;
- 5) to promote traffic safety;
- 6) to provide safety from fire and other elements;
- 7) to manage and conserve natural resources;
- 8) to protect buildings and lands from flooding and accelerated erosion; and
- 9) to conserve natural beauty and open space.

K) Annual Administrative Review

- ~~1) The Code Enforcement Officer, Planning Board and Board of Appeals each shall report annually, in the month of January, to the Board of Selectmen on their respective experience with the~~

administration of this Ordinance during the previous year. Their reports to the Board of Selectmen shall include any recommended amendments that would:

- 2) Enhance their ability to more effectively meet their respective administrative responsibilities under this Ordinance; and
- 3) Enhance the implementation of the purposes of this Ordinance contained in Article 1, Section 1, above.
 - a) The failure of any person or board to comply with this provision shall not affect the validity or enforceability of this Ordinance in any way.

The Code Enforcement Officer, Planning Board, and Board of Appeals each shall report annually, in the month of November, to the Select Board on their respective experience with the administration of this Ordinance during the previous year. Their reports to the Select Board shall include any recommended amendments that would:

- 1) enhance their ability to more effectively meet their respective administrative responsibilities under this Ordinance; and
- 2) enhance the implementation of the purposes of this Ordinance contained in Article 1, Section C, above.
 - a) The failure of any person or board to comply with this provision shall not affect the validity or enforceability of this Ordinance in any way.

Part 2: Article 2, entitled, "Definitions" is hereby amended as follows:

~~In the interpretation and enforcement of this Ordinance, all words other than those specifically defined in the Ordinance shall have the meaning implied by their context in the Ordinance or their ordinarily accepted meaning. In the case of any difference of meaning or implication between the text of this Ordinance and any map, illustration or table, the text shall control.~~

~~The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual or other legal entity.~~

~~The present tense includes the future tense, the singular number includes the plural, and the plural numbers include the singular.~~

~~The word "lot" includes the words "plot" and "parcel."~~

~~The word "structure" includes the word "building."~~

~~The word "used" or "occupied" as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."~~

~~The words "Town" or "municipality" means the Town of Bowdoinham, Maine.~~

~~The word "may" is permissive; "shall" is mandatory and not discretionary.~~

- In the interpretation and enforcement of this Ordinance, all words other than those specifically defined in the Ordinance shall have the meaning implied by their context in the Ordinance or their

ordinarily accepted meaning. In the case of any difference of meaning or implication between the text of this Ordinance and any map, illustration or table, the text shall control.

- The word “person” includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual or other legal entity.
- The present tense includes the future tense, the singular number includes the plural, and the plural numbers include the singular.
- The word “lot” includes the words “plot” and “parcel.”
- The word “structure” includes the word “building.”
- The word “used” or “occupied” as applied to any land or building, shall be construed to include the words “intended, arranged, or designed to be used or occupied.”
- The words “Town” or “municipality” means the Town of Bowdoinham, Maine.
- The word "may" is permissive; "shall" is mandatory and not discretionary.

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.

Agricultural Land Management Practices: Means those devices and procedures utilized in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.

Animal Breeding or Care: The keeping or raising of animals, including fowl, for any commercial or agricultural use. This definition also includes kennels.

Area of Shallow Flooding: A designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Automobile Recycling Business: means the business premises of a dealer or a recycler licensed under Title 29-A, sections 851 to 1112 29-A M.R.S.A. §§ 851-1112 who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, as long as 80% of the business premises specified in the site plan in section 3755-A, subsection 1, paragraph C 30-A M.R.S.A. § 3755-A (1-C) is used for automobile recycling operations. Automobile recycling business does not include:

- 1) Financial institutions as defined in Title 9-B, section 131, subsections 17 and 17-A;

9-B M.R.S.A. § 131(17 and 17-A);

- 2) Insurance companies licensed to do business in the State;
- 3) New vehicle dealers, as defined in ~~Title 29-A, section 851,~~ 29-A M.R.S.A. § 851, licensed to do business in the State; or

~~Business and Professional Offices: The place of business of individuals or groups providing professional services, including but not limited to, doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate and insurance businesses, psychologists, counselors, or a place in which a business conducts its administrative, financial or clerical operations or provides services, including banks, credit unions and other financial services excluding free standing automated machines (ATMS).~~

~~Community Living Arrangement: A housing facility for 8 or fewer persons with disabilities that is approved, authorized, certified or licensed by the State. A community living arrangement may include a group home, foster home or intermediate care facility.~~

~~Construction Operations: The use of a tract of land for the storage of construction equipment and materials used in residential, institutional, industrial and commercial construction. This use does not include the manufacturing or processing of concrete and/or asphalt, or the extraction or processing of earth materials, unless previously grandfathered.~~

~~Critical Rural Area: A rural area that is specifically identified and designated by a municipality's or multi-municipal region's comprehensive plan as deserving maximum protection from development to preserve natural resources and related economic activities that may include, but are not limited to, significant farmland, forest land or mineral resources; high value wildlife or fisheries habitat; scenic areas; public water supplies; scarce or especially vulnerable natural resources; and open lands functionally necessary to support a vibrant rural economy.~~

~~Curb Cut: The opening along the curb line or street right-of-way line at which point vehicles may enter or leave the street.~~

~~Distribution Center: See Warehouse.~~

~~Dog Kennel: Any place, building, tract of land or structure where more than three privately owned dogs or other pets, are kept at any one time for their owners in return for a fee.~~

~~Elevated Building: A non-basement building built, in the case of a building in Zones AE, A, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the Base Flood. In the case of Zones AE, A, Elevated Building also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article 8.C.11.~~

~~Farming: The cultivation of the soil for food products or other useful or valuable growth of the field or garden, nursery stock, and non-commercial greenhouses.~~

Farm Activities: The cultivation of the soil for food products or other useful or valuable growth of the field or garden, nursery stock, and non-commercial greenhouses.

~~Farming~~: The cultivation of the soil for food products or other useful or valuable growth of the field or garden, nursery stock, and non-commercial greenhouses.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- ~~a. The overflow of inland or tidal waters.~~
- ~~b. The unusual and rapid accumulation or runoff of surface waters from any source.~~
- ~~c. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.~~
 - 1) the overflow of inland or tidal waters;
 - 2) the unusual and rapid accumulation or runoff of surface waters from any source; or
 - 3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a. of this definition.

Floodway Encroachment Lines: The lines marking the limits of floodways on federal, state, and local floodplain maps.

Franchise Restaurant: A restaurant that is required by contractual or other arrangement to offer any of the following: standardized menu, employee uniforms, interior and/or exterior color scheme(s), architectural design, signage or similar standardized features, or which adopts a name identical to another restaurant regardless of ownership or location.

Freeboard: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

Hundred-Year Flood: See Base Flood.

Industry: An establishment engaged in the mechanical or chemical transformation of materials or substances into new products which may include the assembly of component parts, the manufacture of products, and/or the blending of materials such as lubricating oils, plastics or resins.

Medical Cannabis Establishment: Includes: registered caregivers, caregiver retail stores, registered dispensaries, cannabis testing facilities, and manufacturing facilities as those terms are defined by the State of Maine in 22 M.R.S.A. § 2421-A.

Moratorium: A land use ordinance or other regulation approved by a municipal legislative body which temporarily defers development by withholding any authorization or approval necessary for development.

Neighborhood Convenience Store: A store of less than 1,500 sq. ft. of floor space intended to serve the convenience of a residential neighborhood primarily with the sale of merchandise including such items as, but not limited to, basic foods, newspapers, emergency home repair articles, and other household items; that may include "sit down," dining or "eat in" foods or take out windows.

Net Residential Acreage Area: The total acreage of a lot, minus the area for streets or access and unsuitable area for development.

Outlet Stream: Any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

Planned Unit Development: A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development often includes a mixture of uses and may include streets, buildings, open spaces and other site features.

Professional Office: The office of a member of a recognized profession maintained for the conduct of that profession.

Professional Offices: The place of business of individuals or groups providing professional services, including but not limited to, doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate and insurance businesses, psychologists, counselors, or a place in which a business conducts its administrative, financial or clerical operations or provides services, including banks, credit unions and other financial services excluding free standing automated machines (ATMS).

Recreation and Conservation: Non-intensive recreational uses not requiring structures, such as hunting, fishing, hiking, snowmobiling, fire prevention activities, wildlife management practices, soil and water conservation practices, harvesting of wild crops, and public and private parks and recreation areas involving minimal structural development.

Replacement System: A system intended to replace:

- 1) — an existing system which either malfunctioning or being upgraded with no significant change of design flow or use of the structure; or
- 2) — any existing overboard wastewater discharge.

Shopping Center: Any concentration of two or more retail stores or service establishments under one ownership or management containing 15,000 sq. ft. or more of gross floor space.

Significant River Segments: See Appendix B or 38 M.R.S.A. § 437.

Street: Any vehicular right-of-way that is (1) an existing Town, state or county road; (2) shown upon a subdivision plat approved by the Planning Board; (3) accepted or laid out and taken through action of the Town; (4) a private right-of-way approved by the Town; (5) a street shown on a subdivision plan in which the Town has reserved rights under the provisions of 23 M.R.S.A. § 3032; or (6) a privately owned road, that is not intended to be dedicated as a public street

Any vehicular Right-of-Way that is:

- 1) an existing Town, state or county road;
- 2) shown upon a subdivision plat approved by the Planning Board;
- 3) accepted or laid out and taken through action of the Town;
- 4) a private Right-of-Way approved by the Town;
- 5) a street shown on a subdivision plan in which the Town has reserved rights under the provisions of 23 M.R.S.A. § 3032; or
- 6) a privately owned road, that is not intended to be dedicated as a public street.

Undue Hardship: As used in this Ordinance, the words "undue hardship" shall mean all of the following:

- 1) that the land in question cannot yield a reasonable return; and
- 2) that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and
- 3) that the granting of a variance will not alter the essential character of the locality; and
- 4) that the hardship is not the result of action taken by the applicant or a prior owner.

~~A variance is not justified unless all elements are present in the case.~~

Zone A: A Special Flood Hazard Area which has a 1% annual chance of flooding.

Zone AE: The base floodplain where base flood elevations are provided.

Part 3: Article 4, entitled, "Performance Standards" is hereby amended as follows:

ARTICLE 4: GENERAL PERFORMANCE STANDARDS

~~Performance standards found in this Article apply to any project reviewed by the Town unless otherwise allowed/permitted in other sections of this Ordinance.~~

E) Farm Stand

- 1) ~~A permanent farm standard must meet the setbacks requirements, whereas a temporary and movable farm stand may be located within the front lot line setback.~~

Commented [LRI]: Yvette - per comment in my 4/2/26 email:

I think this language could be problematic. As drafted, this sentence can be read to say that if the use is allowed or permitted in other sections of the Ordinance, then the standards in Article 4 would not apply to those. I do not think that is the intention and could have unintended consequences. For example, there are many standards in Article 4 that, I imagine, are intended to apply to ALL uses (regardless of whether they are "otherwise allowed/permitted in other sections" of the ordinance) such as lighting, erosion and sedimentation control, road standards, subsurface waste disposal, signs, etc... To avoid a potentially negative unintended consequence, I would advise revising this language to something like the following:

The general performance standards found in this Article apply to any project reviewed by the Town in addition to criteria applicable to specific uses otherwise allowed/permitted in other sections of this Ordinance.)

~~2) A farm stand shall not be larger than 250 sq. ft.~~

F) Lighting

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.~~
- ~~e) 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.~~

- 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; or
- d) emergency lighting by police, fire and rescue authorities.

J) Signs

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

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

K) Solar Energy Systems

- ~~2) 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.~~
- ~~3) 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.

~~4)~~

Part 4: Article 5, entitled, "Land Use Districts" is hereby amended as follows:

TABLE 5.1: LAND USES PERMITTED IN ZONING DISTRICTS

KEY

~~District~~

~~R/A~~ Residential/Agricultural District

~~VDI~~ Village I District

~~VDH~~ 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^A~~ Annual License and ~~SB^M~~ 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.~~

PS

Use-specific performance standards exist. See Article 10 Section E.

DISTRICT

R/A: Residential/Agricultural District

VDI: Village I District

VDII: Village II District

REVIEWING AUTHORITY

A: Allowed without a permit

CEO: Permitted with permit from Code Enforcement Officer

LPI: Local Plumbing Inspector

NP: Not permitted

P: Permit Required

RC: Permitted with permit from Road Commissioner

SB^A: Select Board Annual License or SB^M: Select Board 5-year license

SD: Permitted under Article 9-Subdivision from Planning Board

SPR: Site Plan Review approval from Planning Board

See Footnotes at the end of the Table. All uses are subject to the general performance standards of Article 4. Land uses also subject to the use-specific standards of Article 10 are denoted by a ‘Y’ in the PS column.

<u>LAND-USES</u>	<u>DISTRICT</u>		
	<u>R/A</u>	<u>VDI</u>	<u>VDH</u>
Agricultural & Resource Uses-			
Access onto Town Road	RC	RC	RC
Agriculture	A	A	A
Agriculture products processing	SPR	SPR	SPR
Boarding and riding stables (private)	CEO ¹	CEO ¹	CEO ¹
Cannabis Cultivation Facility	SPR & SB ^A	SPR & SB ^A	SPR & SB ^A
Extractive industry	SPR	SPR	SPR
Earthmoving (less than 100 cubic yards)	A	A	A
Earthmoving (100 cubic yards or greater)	CEO ³	CEO ³	CEO ³

Farm Stand	SPR ⁶	SPR ⁶	SPR ⁶
Gravel Pit	SPR	SPR	SPR
Greenhouse (under 10,000sf)	CEO ¹	CEO ¹	CEO ¹
Greenhouse (10,000sf or greater)	SPR	SPR	SPR
Hoop House	A	A	A
Indoor Growing Facility	SPR ⁵	SPR ⁵	SPR ⁵
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 ³	CEO ³	CEO ³
Agricultural or Resource Use not specified above	CEO ³	CEO ³	CEO ³
Accessory structures, uses or services (for items above)	P ³	P ³	P ³
<u>Residential Uses</u>			
Condominiums	PB	PB	PB
Single-family dwelling	CEO ¹	CEO ¹	CEO ¹
Two-family dwelling	CEO ¹	CEO ¹	CEO ¹
Accessory Dwelling Unit	CEO & LPI ²	CEO & LPI ²	CEO & LPI ²
Individual campsites	A	A	A

Multi-family dwelling (3 or more)	PB and CEO ¹	PB and CEO ¹	PB and CEO ¹
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 ¹	CEO ¹	CEO ¹
Accessory structures, uses or services (for items above)	P ⁴	P ⁴	P ⁴
<u>Industrial Uses-</u>			
Automobile Graveyard	NP	NP	SPR & SB ^A
Automobile Recycling Business	NP	NP	SPR & SB ^M
Airport (Public Use)	SPR	NP	SPR
Air Strip (Private Use)	SPR ⁶	NP	SPR ⁶
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	SRP ⁶	SPR ⁶	SPR ⁶
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 ¹	CEO ¹	CEO ¹
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 ⁺	CEO ⁺	CEO ⁺
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 ^A	SPR & SB ^A	SPR & SB ^A
Commercial complex	SPR	SPR	SPR
Commercial Kitchen	SPR ⁵	SPR ⁵	SPR ⁵
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 ⁴	A ⁴	A ⁴
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 ¹	CEO ¹	CEO ¹
Accessory structures, uses or services (for items above)	SPR	SPR	SPR

¹ A Building Permit from the Code Enforcement Officer is required.

² 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)

³ A Land Use Permit from the Code Enforcement Officer is required.

⁴ 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.

⁵ 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.

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

<u>LAND USES</u>	<u>DISTRICT</u>			<u>PS</u>
	<u>R/A</u>	<u>VDI</u>	<u>VDII</u>	
<u>Agricultural & Resource Uses-</u>				
<u>Access onto Town Road</u>	<u>RC</u>	<u>RC</u>	<u>RC</u>	
<u>Agriculture</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u>Agriculture Products Processing</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	

<u>LAND USES</u>	<u>DISTRICT</u>			<u>PS</u>
	<u>R/A</u>	<u>VDI</u>	<u>VDII</u>	
<u>Boarding and Riding Stables (Private)</u>	<u>CEO¹</u>	<u>CEO¹</u>	<u>CEO¹</u>	
<u>Cannabis Cultivation Facility</u>	<u>SPR & SB^A</u>	<u>SPR & SB^A</u>	<u>SPR & SB^A</u>	
<u>Extractive Industry</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Earthmoving (Less than 100 Cubic Yards)</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u>Earthmoving (100 Cubic Yards or Greater)</u>	<u>CEO³</u>	<u>CEO³</u>	<u>CEO³</u>	
<u>Farm Stand</u>	<u>SPR⁶</u>	<u>SPR⁶</u>	<u>SPR⁶</u>	<u>Y</u>
<u>Gravel Pit</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>Y</u>
<u>Greenhouse (Under 10,000 Sf)</u>	<u>CEO¹</u>	<u>CEO¹</u>	<u>CEO¹</u>	
<u>Greenhouse (10,000 sf or Greater)</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Hoop House</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u>Indoor Growing Facility</u>	<u>SPR⁵</u>	<u>SPR⁵</u>	<u>SPR⁵</u>	
<u>Non-Permanent Structure</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u>Non-Roadside or Cross-Country Distribution Lines (Greater than 34.5kv)</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>Y</u>
<u>Solar Energy System – Large</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>Y</u>
<u>Solar Energy System – Small</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>Y</u>
<u>Subsurface Wastewater Disposal System</u>	<u>LPI</u>	<u>LPI</u>	<u>LPI</u>	
<u>Timber Harvesting</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u>Windmill</u>	<u>CEO³</u>	<u>CEO³</u>	<u>CEO³</u>	
<u>Agricultural or Resource Use Not Specified Above</u>	<u>CEO³</u>	<u>CEO³</u>	<u>CEO³</u>	
<u>Accessory Structures, Uses or Services (For Items Above)</u>	<u>P³</u>	<u>P³</u>	<u>P³</u>	

<u>LAND USES</u>	<u>DISTRICT</u>			<u>PS</u>
	<u>R/A</u>	<u>VDI</u>	<u>VDII</u>	
<u>Residential Uses-</u>				
<u>Condominiums</u>	<u>SD</u>	<u>SD</u>	<u>SD</u>	
<u>Single-Family Dwelling</u>	<u>CEO¹</u>	<u>CEO¹</u>	<u>CEO¹</u>	
<u>Two-Family Dwelling</u>	<u>CEO¹</u>	<u>CEO¹</u>	<u>CEO¹</u>	
<u>Accessory Dwelling Unit</u>	<u>CEO & LPI²</u>	<u>CEO & LPI²</u>	<u>CEO & LPI²</u>	
<u>Individual Campsites</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u>Multi-Family Dwelling (3 or More)</u>	<u>SD and CEO¹</u>	<u>SD and CEO¹</u>	<u>SD and CEO¹</u>	
<u>Manufactured Housing Park</u>	<u>SD</u>	<u>SD</u>	<u>SD</u>	<u>Y</u>
<u>Subdivision</u>	<u>SD</u>	<u>SD</u>	<u>SD</u>	
<u>Home Occupation</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u>Non-Permanent Structure</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u>Temporary Building</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u>Residential Use Not Specified Above</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	
<u>The Construction, Alteration, Relocation, Demolition or Replacement of any Building or Part Thereof.</u>	<u>CEO¹</u>	<u>CEO¹</u>	<u>CEO¹</u>	
<u>Accessory Structures, Uses or Services (For Items Above)</u>	<u>P⁴</u>	<u>P⁴</u>	<u>P⁴</u>	
<u>Industrial Uses-</u>				
<u>Asphalt/Concrete Plant/Fabrication</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>Y</u>
<u>Automobile Graveyard</u>	<u>NP</u>	<u>NP</u>	<u>SPR & SB^A</u>	<u>Y</u>

<u>LAND USES</u>	<u>DISTRICT</u>			<u>PS</u>
	<u>R/A</u>	<u>VDI</u>	<u>VDII</u>	
<u>Automobile Recycling Business</u>	<u>NP</u>	<u>NP</u>	<u>SPR & SB^M</u>	<u>Y</u>
<u>Airport (Public Use)</u>	<u>SPR</u>	<u>NP</u>	<u>SPR</u>	
<u>Air Strip (Private Use)</u>	<u>SPR⁶</u>	<u>NP</u>	<u>SPR⁶</u>	
<u>Bulk Oil & Fuel Storage (Over 500 Gallons, Except For On-Site Usage)</u>	<u>NP</u>	<u>SPR</u>	<u>SPR</u>	
<u>Food Processing Facility</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>Y</u>
<u>Junkyard</u>	<u>NP</u>	<u>NP</u>	<u>SPR & SB^M</u>	<u>Y</u>
<u>Landfill</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Light Manufacturing</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Lumber Yard</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Manufacturing</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Pulp Mill</u>	<u>NP</u>	<u>NP</u>	<u>SPR</u>	
<u>Sawmill</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Solid Waste Transfer Station</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Warehouse</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>Y</u>
<u>Waste and Nuisance Yard</u>	<u>SRP⁶</u>	<u>SPR⁶</u>	<u>SPR⁶</u>	
<u>Wood Processing Facility</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>Y</u>
<u>Industrial Use Not Specified Above</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>The Construction, Alteration, Relocation, Demolition or Replacement of any Building or Part Thereof.</u>	<u>CEO¹</u>	<u>CEO¹</u>	<u>CEO¹</u>	
<u>Accessory Structures, Uses or Services (For Items Above)</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	

<u>LAND USES</u>	<u>DISTRICT</u>			<u>PS</u>
	<u>R/A</u>	<u>VDI</u>	<u>VDII</u>	
<u>Institutional Uses-</u>				
<u>Cemetery</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Church</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Civic Convention Center</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Community Center</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Governmental Facilities</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Hospital</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Medical Clinic</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Museum</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Outdoor Recreation (Parks, Playgrounds, Etc.)</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Public or Private School</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Public Facility Utility</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Institutional Use Not Specified Above</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>The Construction, Alteration, Relocation, Demolition or Replacement of any Building or Part Thereof.</u>	<u>CEO¹</u>	<u>CEO¹</u>	<u>CEO¹</u>	
<u>Accessory Structures, Uses or Services (For Items Above)</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Commercial Uses-</u>				
<u>Adult Businesses</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Amusement Facility</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Art Gallery/Craft Shop/Gift Shop</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	

<u>LAND USES</u>	<u>DISTRICT</u>			<u>PS</u>
	<u>R/A</u>	<u>VDI</u>	<u>VDII</u>	
<u>Automobile Repair Garage</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>Y</u>
<u>Automobile Sales Business</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Automobile Service Station</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>Y</u>
<u>Bar</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Bed & Breakfast Inn</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>Y</u>
<u>Boarding & Lodging Facility</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>Y</u>
<u>Boarding and Riding Stables (Public)</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Boat Building/Repair</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Campground</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>Y</u>
<u>Cannabis Establishment</u>	<u>SPR & SB^A</u>	<u>SPR & SB^A</u>	<u>SPR & SB^A</u>	<u>Y</u>
<u>Commercial Complex</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>Y</u>
<u>Commercial Kitchen</u>	<u>SPR⁵</u>	<u>SPR⁵</u>	<u>SPR⁵</u>	
<u>Communication Tower</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>Y</u>
<u>Construction Business</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Convenience Store</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Daycare Center / Pre-School</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>Y</u>
<u>Daycare, Home</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>Y</u>
<u>Dry Cleaning</u>	<u>NP</u>	<u>SPR</u>	<u>SPR</u>	
<u>Financial Institution</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>Y</u>
<u>Funeral Home</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Grocery Store</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Gym / Fitness Club</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Health Services</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	

<u>LAND USES</u>	<u>DISTRICT</u>			<u>PS</u>
	<u>R/A</u>	<u>VDI</u>	<u>VDII</u>	
<u>Home-Based Business</u>	<u>A⁵</u>	<u>A⁵</u>	<u>A⁵</u>	
<u>Hotel, Motel</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>Y</u>
<u>Kennel- (Breeding/Boarding Facility)</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>Y</u>
<u>Laundry, (See Dry Cleaning)</u>	<u>NP</u>	<u>SPR</u>	<u>SPR</u>	
<u>Metal Plating</u>	<u>NP</u>	<u>SPR</u>	<u>SPR</u>	
<u>Nursing Home, Care Facility</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Outdoor Recreation (Golf Course, Etc.)</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Professional Offices, Office Building</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Publishing, Printing</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Redemption Center</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Restaurant</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>Y</u>
<u>Repair Service (Other than Auto & Boat)</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Retail Business</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>Y</u>
<u>Salon / Day Spa</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Self-Storage Facility</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>Y</u>
<u>Service Business</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Telecommunication Tower</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>Y</u>
<u>Theater</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Veterinary Clinic</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Wholesale Business</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Windmill Farm</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	
<u>Commercial Use Not Specified Above</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	

<u>LAND USES</u>	<u>DISTRICT</u>			<u>PS</u>
	<u>R/A</u>	<u>VDI</u>	<u>VDII</u>	
<u>The Construction, Alteration, Relocation, Demolition or Replacement of Any Building or Part Thereof.</u>	<u>CEO¹</u>	<u>CEO¹</u>	<u>CEO¹</u>	
<u>Accessory Structures, Uses or Services (For Items Above)</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	

FOOTNOTES FOR TABLE 5.1

¹ A Building Permit from the Code Enforcement Officer is required.

² 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.A. § 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)

³ A Land Use Permit from the Code Enforcement Officer is required.

⁴ 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.

⁵ A Home-based Business is allowed if it meets the Performance Standard in Article 4, Section F. If the Performance Standard in Article 4, Section F is not met, then a 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.

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

Part 5: Article 6, entitled, “Shoreland Overlay Districts” is hereby amended as follows:

A) Purpose

~~The purposes of this Ordinance 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 riparian 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 natural, native vegetation along the shoreline, visual corridors and 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.~~

A) Purpose

The purposes of the Shoreland Zone are:

- 1) to further the maintenance of safe and healthful conditions;
- 2) to prevent and control water pollution;
- 3) to protect fish spawning grounds, aquatic life, bird and other riparian wildlife habitat;
- 4) to protect buildings and lands from flooding and accelerated erosion;
- 5) to protect archaeological and historic resources; to protect commercial fishing and maritime industries;
- 6) to protect freshwater and coastal wetlands;
- 7) to control building sites, placement of structures and land uses;
- 8) to conserve natural, native vegetation along the shoreline, visual corridors and actual points of access to inland and coastal waters;
- 9) to conserve natural beauty and open space; and
- 10) to anticipate and respond to the impacts of development in shoreland areas.

~~C) Districts and Zoning Map~~

~~Official Shoreland Zoning Map. The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map which is made a part of this Ordinance:~~

- ~~a) Resource Protection~~
- ~~b) Limited Residential~~
- ~~e) Limited Commercial~~
- ~~d) General Development I~~
- ~~e) General Development II~~
- ~~f) Commercial Fisheries/Maritime Activities~~
- ~~g) Stream Protection~~

~~D) Scale of Map.~~

~~The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.~~

~~E) Certification of Official Shoreland Zoning Map.~~

~~The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.~~

~~F) Changes to the Official Shoreland Zoning Map:~~

~~If amendments, in accordance with Article 1, Section II, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.~~

~~G) Interpretation of District Boundaries:~~

- ~~1) District boundary lines are shown on the Official Shoreland Zoning Map, as defined in Section I below and as may be determined by a qualified professional.~~
- ~~2) The boundaries of the shoreland area are as defined herein in Section B above.
 - ~~a) Boundaries indicated as following or parallel to shorelines shall be construed to follow or be parallel to the normal high water mark of such shore lines, and in the event of changes in the shore line shall be construed as moving with the actual shore line.~~~~
- ~~3) Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.~~

C) Shoreland Zoning Map and Districts

1) Town of Bowdoinham Official Shoreland Zoning Map

The areas of the Town to which Articles 6 and 7 are applicable are shown on the "Town of Bowdoinham Official Shoreland Zoning Map" dated June 10, 2015, which is hereby made a part of this Ordinance.

2) Map Scale

The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

3) Map Certification

The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.

4) Map Changes

If amendments, in accordance with Article 1, Section I, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

5) Shoreland Zoning Districts

The Shoreland Zone is hereby divided into the following districts as shown on the "Town of Bowdoinham Official Shoreland Zoning Map:"

- a) Resource Protection
 - b) Limited Residential
 - c) Limited Commercial
 - d) General Development I
 - e) General Development II
 - f) Commercial Fisheries/Maritime Activities
 - g) Stream Protection
- 6) Interpretation of District Boundaries
- a) District boundary lines are shown on the Official Shoreland Zoning Map, as defined in Section E below and as may be determined by a qualified professional.
 - b) The boundaries of the shoreland area are as defined herein in Section B above.
 - (i) Boundaries indicated as following or parallel to shorelines shall be construed to follow or be parallel to the normal high water mark of such shore lines, and in the event of changes in the shore line shall be construed as moving with the actual shore line.
 - c) Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

~~D) Table of Uses~~

~~All land use activities, as indicated in Table 6.1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Article 7. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.~~

~~— Key to Table 1:~~

~~Yes — Allowed (no permit required but the use must comply with all applicable land use standards.)~~

~~No — Prohibited~~

~~PB — Allowed with permit issued by the Planning Board.~~

~~CEO — Allowed with permit issued by the Code Enforcement Officer~~

~~LPI — Allowed with permit issued by the Local Plumbing Inspector~~

~~— Abbreviations:~~

~~RP — Resource Protection — GD — General Development I and General Development II~~

~~LR — Limited Residential — CFMA — Commercial Fisheries/Maritime Activities~~

~~LC — Limited Commercial — SP — Stream Protection~~

The following notes are applicable to the Land Uses Table 6.1 on the following page:

¹ Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.

² In RP not allowed in areas so designated because of wildlife value.

³ Provided that a variance from the setback requirement is obtained from the Board of Appeals.

⁴ Functionally water dependent uses and uses accessory to such water dependent uses only (See note on previous page).

⁵ See further restrictions in Article 7, Section D.13.

⁶ Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.

⁷ Except as provided in Article 7, Section D.8.c.

⁸ Single family residential structures may be allowed by special exception only according to the provisions of Article 7, Section C., Special Exceptions. Two family residential structures are prohibited.

⁹ Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.

¹⁰ Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

¹¹ Permit not required but must file a written "notice of intent to construct" with CEO.

¹² Permit not required but must notify the CEO in writing prior to any clearing or removal.

TABLE 6.1. LAND USES IN THE SHORELAND ZONE

<u>LAND USES</u>	<u>DISTRICT</u>					
	<u>SP</u>	<u>RP</u>	<u>LR</u>	<u>LC</u>	<u>GD</u>	<u>CFMA</u>
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes	yes

3. Forest management activities except for timber harvesting & land management roads	yes	yes	yes	yes	yes	yes
4. Timber harvesting	yes	yes	yes	yes	yes	yes
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO	CEO ¹²	CEO ¹²	CEO ¹²	CEO ¹²
6. Fire prevention activities	yes	yes	yes	yes	yes	yes
7. Wildlife management practices	yes	yes	yes	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes	yes	yes	yes
9. Mineral exploration	no	yes ¹	yes ¹	yes ¹	yes ¹	yes ¹
10. Mineral extraction including sand and gravel extraction	no	PB ²	PB	PB	PB	PB
11. Surveying and resource analysis	yes	yes	yes	yes	yes	yes
12. Emergency operations	yes	yes	yes	yes	yes	yes
13. Agriculture	yes	PB	yes	yes	yes	yes
14. Aquaculture	PB	PB	PB	yes	yes	yes
15. Principal structures and uses						
A. — One and two family residential, including driveways	PB ³	PB ⁸	CEO	CEO	CEO	no
B. — Multi-unit residential	no	no	PB	PB	PB	no
C. — Commercial	no	no ⁹	no ⁹	PB	PB	PB ⁴
D. — Industrial	no	no	no	no	PB	PB ⁴
E. — Governmental and institutional	no	no	PB	PB	PB	PB ⁴
F. — Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB ³	PB	CEO	CEO	CEO	PB ⁴
16. Structures accessory to allowed uses	PB ³	PB	CEO	CEO	yes	yes

17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland						
a.—Temporary	CEO ¹⁰	CEO ¹⁰	CEO ¹⁰	CEO ¹⁰	CEO ¹⁰	CEO ¹⁰
b.—Permanent	PB	PB	PB	PB	PB	PB ⁴
18. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI	no
19. Home occupations	PB	PB	PB	CEO	yes	yes
20. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI	LPI
21. Essential services	PB ⁵	PB ⁵	PB	PB	PB	PB
A.—Roadside distribution lines (34.5kV and lower)	CEO ⁵	CEO ⁵	yes ¹¹	yes ¹¹	yes ¹¹	yes ¹¹
B.—Non-roadside or cross-country distribution lines (greater than 34.5kV)	PB ⁵	PB ⁵	PB	PB	PB	PB
C.—Other essential services	PB ⁵	PB ⁵	PB	PB	PB	PB
22. Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes	yes
23. Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO	CEO ⁴
24. Individual, private campsites	CEO	CEO	CEO	CEO	CEO	CEO
25. Campgrounds	no	no ⁶	PB	PB	PB	no
26. Road construction	PB	no ⁷	PB	PB	PB	PB ⁴
27. Land management roads	yes	yes	yes	yes	yes	yes
28. Parking facilities	no	no ⁶	PB	PB	PB	PB ⁴
29. Marinas	PB	no	PB	PB	PB	PB
30. Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes	yes	yes
31. Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO	CEO

32. Signs	yes	yes	yes	yes	yes	yes
33. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO	CEO
34. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO
35. Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB	PB

F) Table of Uses

All land use activities, as indicated in Table 6.1, Land Uses in the Shoreland Zone, shall conform with all of the applicable Shoreland Zoning Standards in Article 7. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

DISTRICT

RP: Resource Protection

GD: General Development I and General Development II

LR: Limited Residential

CFMA: Commercial Fisheries/Maritime Activities

LC: Limited Commercial

SP: Stream Protection

REVIEWING AUTHORITY

A: Allowed (no permit required but the use must comply with all applicable land use standards.)

P: Prohibited

PB: Allowed with permit issued by the Planning Board.

CEO: Allowed with permit issued by the Code Enforcement Officer

LPI: Allowed with permit issued by the Local Plumbing Inspector

FOOTNOTES APPLICABLE TO TABLE 6.1, LAND USES IN THE SHORELAND ZONE.

¹ Requires permit from the Code Enforcement Officer if more than 100 sq. ft. of surface area, in total, is disturbed.

² In RP not allowed in areas so designated because of wildlife value.

³ Provided that a variance from the setback requirement is obtained from the Board of Appeals.

⁴ Functionally water-dependent uses and uses accessory to such water dependent uses only (See note on previous page).

⁵ See further restrictions in Article 7, Section D.13.

⁶ Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.

⁷ Except as provided in Article 7, Section D.8.c.

⁸ Single family residential structures may be allowed by special exception only according to the provisions of Article 7, Section C., Special Exceptions. Two-family residential structures are prohibited.

⁹ Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.

¹⁰ Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

¹¹ Permit not required but must file a written “notice of intent to construct” with CEO.

¹² Permit not required but must notify the CEO in writing prior to any clearing or removal.

TABLE 6.1. LAND USES IN THE SHORELAND ZONE

<u>LAND USES</u>	<u>DISTRICT</u>					
	<u>SP</u>	<u>RP</u>	<u>LR</u>	<u>LC</u>	<u>GD</u>	<u>CFMA</u>
<u>1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>2. Motorized vehicular traffic on existing roads and trails</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>3. Forest management activities except for timber harvesting & land management roads</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>4. Timber harvesting</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>5. Clearing or removal of vegetation for activities other than timber harvesting</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO¹²</u>	<u>CEO¹²</u>	<u>CEO¹²</u>	<u>CEO¹²</u>
<u>6. Fire prevention activities</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>7. Wildlife management practices</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>8. Soil and water conservation practices</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>9. Mineral exploration</u>	<u>P</u>	<u>A¹</u>	<u>A¹</u>	<u>A¹</u>	<u>A¹</u>	<u>A¹</u>
<u>10. Mineral extraction including sand and gravel extraction</u>	<u>P</u>	<u>PB²</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>11. Surveying and resource analysis</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>

<u>LAND USES</u>	<u>DISTRICT</u>					
	<u>SP</u>	<u>RP</u>	<u>LR</u>	<u>LC</u>	<u>GD</u>	<u>CFMA</u>
<u>12. Emergency operations</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>13. Agriculture</u>	<u>A</u>	<u>PB</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>14. Aquaculture</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>15. Principal structures and uses</u>						
<u>A. One and two family residential, including driveways</u>	<u>PB³</u>	<u>PB⁸</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>P</u>
<u>B. Multi-unit residential</u>	<u>P</u>	<u>P</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>P</u>
<u>C. Commercial</u>	<u>P</u>	<u>P⁹</u>	<u>P⁹</u>	<u>PB</u>	<u>PB</u>	<u>PB⁴</u>
<u>D. Industrial</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>PB</u>	<u>PB⁴</u>
<u>E. Governmental and institutional</u>	<u>P</u>	<u>P</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB⁴</u>
<u>F. Small non-residential facilities for educational, scientific, or nature interpretation purposes</u>	<u>PB³</u>	<u>PB</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>PB⁴</u>
<u>16. Structures accessory to allowed uses</u>	<u>PB³</u>	<u>PB</u>	<u>CEO</u>	<u>CEO</u>	<u>A</u>	<u>A</u>
<u>17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland</u>						
<u>a. Temporary</u>	<u>CEO¹⁰</u>	<u>CEO¹⁰</u>	<u>CEO¹⁰</u>	<u>CEO¹⁰</u>	<u>CEO¹⁰</u>	<u>CEO¹⁰</u>
<u>b. Permanent</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB⁴</u>

<u>LAND USES</u>	<u>DISTRICT</u>					
	<u>SP</u>	<u>RP</u>	<u>LR</u>	<u>LC</u>	<u>GD</u>	<u>CFMA</u>
<u>18. Conversions of seasonal residences to year-round residences</u>	<u>LPI</u>	<u>LPI</u>	<u>LPI</u>	<u>LPI</u>	<u>LPI</u>	<u>P</u>
<u>19. Home occupations</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>CEO</u>	<u>A</u>	<u>A</u>
<u>20. Private sewage disposal systems for allowed uses</u>	<u>LPI</u>	<u>LPI</u>	<u>LPI</u>	<u>LPI</u>	<u>LPI</u>	<u>LPI</u>
<u>21. Essential services</u>	<u>PB⁵</u>	<u>PB⁵</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>A. Roadside distribution lines (34.5kV and lower)</u>	<u>CEO⁵</u>	<u>CEO⁵</u>	<u>A¹¹</u>	<u>A¹¹</u>	<u>A¹¹</u>	<u>A¹¹</u>
<u>B. Non-roadside or cross-country distribution lines (greater than 34.5kV)</u>	<u>PB⁵</u>	<u>PB⁵</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>C. Other essential services</u>	<u>PB⁵</u>	<u>PB⁵</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>22. Service drops, as defined, to allowed uses</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>23. Public and private recreational areas involving minimal structural development</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO⁴</u>
<u>24. Individual, private campsites</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>
<u>25. Campgrounds</u>	<u>P</u>	<u>P⁶</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>P</u>
<u>26. Road construction</u>	<u>PB</u>	<u>P⁷</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB⁴</u>
<u>27. Land management roads</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>28. Parking facilities</u>	<u>P</u>	<u>P⁶</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB⁴</u>
<u>29. Marinas</u>	<u>PB</u>	<u>P</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>30. Filling and earth moving of <10 cubic yards</u>	<u>CEO</u>	<u>CEO</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>

<u>LAND USES</u>	<u>DISTRICT</u>					
	<u>SP</u>	<u>RP</u>	<u>LR</u>	<u>LC</u>	<u>GD</u>	<u>CFMA</u>
<u>31. Filling and earth moving of >10 cubic yards</u>	<u>PB</u>	<u>PB</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>
<u>32. Signs</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>33. Uses similar to allowed uses</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>
<u>34. Uses similar to uses requiring a CEO permit</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>
<u>35. Uses similar to uses requiring a PB permit</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>

Part 6: Article 7, entitled, “Shoreland Zoning” is hereby amended as follows:

A) Shoreland Zone Application & Review Procedures

2) Fees

b) Technical Review Fee

In addition to the application fee, the applicant shall be responsible for paying for a technical review fee. The initial deposit for the technical review fee may be five hundred dollars (\$500.00) to cover the Town’s legal and technical costs for hiring independent consulting services to review engineering and other technical submissions associated with the application, and to ensure compliance with regulations, if necessary.

(i) The Planning Board may reduce the amount of the technical review fee or eliminate the fee if it determines that the scale or nature of the project will require little or no outside review.

(iv) If the balance in this special account is drawn down by 75%, the applicant shall be notified, and the applicant shall bring the balance back up to the original deposit amount. The Planning Board shall continue to notify the applicant and require a deposit as necessary whenever the balance of the escrow account is drawn down by 75% of the original deposit.

3) Review Process

a) Code Enforcement Officer Review Procedure

~~a) Planning Board Review Procedure~~

- ~~(i) The complete application form, evidence of payment of the required fees, and the required plans and related information must be submitted to the Town Planner at least twenty-one (21) days prior to the meeting at which it is to be considered.~~
- ~~(ii) Within seven (7) days of receipt of the application, the Town Planner shall review the material and make a preliminary determination on whether or not the submission is complete.
 - ~~(A) If the application is determined to be incomplete, the applicant shall be notified in writing of this finding, which shall specify the additional materials required to make the application complete, the applicant shall be advised that the application will not be reviewed until the additional information is submitted, and all additional information must be submitted no later ten (10) days prior to the meeting at which it is to be considered. Failure to submit the additional information within six months shall be deemed an abandonment of the application.
 - ~~(1) As soon as the application is determined to be preliminarily complete, the applicant shall be notified in writing of this finding, and~~
 - ~~(2) notice of the application shall be sent by first class mail to all abutting property owners.~~~~~~
- ~~(iii) Once the application is placed on the agenda, the Planning Board shall review the material and determine whether or not the submission is complete. If the application is determined to be incomplete, the Board shall notify the applicant in writing of this finding, shall specify the additional materials required to make the application complete and shall advise the applicant that the application will not be considered by the Board until the additional information is submitted to the Board. These steps, except the notification requirements, shall be repeated until the application is found to be complete.~~
- ~~(iv) After the Planning Board has determined that a complete application has been filed, it shall begin its substantive review of the application within thirty (30) days of this finding.~~
- ~~(v) The Planning Board may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted and investigate the development proposal. The Board may schedule this visit either before or after the first meeting at which the application is considered. The Board may decide not to hold an on-site inspection when the site is snow covered.
 - ~~(A) If a review is pending during a period when there is more than one foot of snow cover, the deadline by which the Planning Board shall take final action may be extended. This extension shall not exceed thirty (30) days after the site is clear of snow and the Board is able to conduct an on-site inspection.~~~~
- ~~(vi) The Planning Board may hold a public hearing within 30 days of the filing of the completed application. The Planning Board shall give written notice of the date, time, and place of the public hearing at which the application will be considered, to the applicant, and all abutting property owners by first class mail. The determination of the names and owners shall be based upon the records of the local Assessor's Office.~~

The Planning Board shall publish the time, date, and place of the hearing at least one time, the date of the first publication to be at least seven (7) days prior to the hearing in a newspaper of area wide circulation.

- (vii) ~~If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or statute administered by the municipality.~~
- (viii) ~~Failure of any property owner to receive notice under this section for any reason shall not necessitate a new hearing and shall not invalidate any action by the Planning Board.~~
- (ix) ~~All time limits provided for in this section may be extended by mutual agreement of the applicant and Planning Board.~~

b) Planning Board Review Procedure

(i) The complete application form, evidence of payment of the required fees, and the required plans and related information must be submitted to the Town Planning Department Staff at least twenty-one (21) days prior to the meeting at which it is to be considered. (ii) Within seven (7) days of receipt of the application, the Town Planning Department Staff shall review the material and make a preliminary determination on whether or not the submission is complete.

(A) If the application is determined to be incomplete, a member of the Town Planning Department Staff shall notify the applicant in writing of this finding. The notice shall specify the additional materials required to make the application complete, shall advise the applicant that the application will not be reviewed until the additional information is submitted, and state that all additional information must be submitted no later ten (10) days prior to the meeting at which it is to be considered. Failure to submit the additional information within six (6) months shall be deemed an abandonment of the application.

(B) As soon as the application is determined to be preliminarily complete, the applicant shall be notified in writing of this finding, and notice of the application shall be sent by first class mail to all abutting property owners.

(ii) Within seven (7) days of receipt of the application, the Town Planning Department Staff shall review the material and make a preliminary determination on whether or not the submission is complete.

(A) If the application is determined to be incomplete, a member of the Town Planning Department Staff shall notify the applicant in writing of this finding. The notice shall specify the additional materials required to make the application complete, shall advise the applicant that the application will not be reviewed until the additional information is submitted, and state that all additional information must be

submitted no later ten (10) days prior to the meeting at which it is to be considered. Failure to submit the additional information within six (6) months shall be deemed an abandonment of the application.

(B) As soon as the application is determined to be preliminarily complete, the applicant shall be notified in writing of this finding, and notice of the application shall be sent by first class mail to all abutting property owners.

(iii) Within thirty (30) days of the receipt of a preliminarily complete application, the Planning Board shall review the material and determine whether or not the submission is complete. If the application is determined to be incomplete, the Planning Board shall notify the applicant in writing of this finding, shall specify the additional materials required to make the application complete, and shall advise the applicant that the application will not be considered by the Planning Board until the additional information is submitted to the Planning Board. These steps, except the notification requirements, shall be repeated until the application is found to be complete.

(iv) After the Planning Board has determined that a complete application has been filed, it shall begin its substantive review of the application within thirty (30) days of this finding. The Planning Board may also schedule a public hearing within thirty (30) days of determining that it has received a complete application.

(A) If the Planning Board decides to schedule a public hearing on the application, the public hearing shall occur within 30 days of the filing of the completed application. The Planning Board shall give written notice of the date, time, and place of the public hearing at which the application will be considered to the applicant, and all abutting property owners by first-class mail. The determination of the names and owners shall be based upon the records of the local Assessor's Office. The Planning Board shall publish the time, date, and place of the hearing at least once, the date of the first publication to be at least seven (7) days prior to the hearing, in a newspaper of area-wide circulation.

(v) The Planning Board may hold an on-site inspection of the site to review the existing conditions, field-verify the information submitted and investigate the development proposal. The Board may schedule this visit either before or after the first meeting at which the application is considered. The Board may decide not to hold an on-site inspection when the site is covered in snow.

(A) If a review is pending during a period when there is more than one foot of snow cover, the deadline by which the Planning Board shall take final action may be extended. This extension shall not exceed thirty (30) days after the site is clear of snow and the Board is able to conduct an on-site inspection.

(vi) Failure of any property owner to receive notice under this section for any reason shall not necessitate a new hearing and shall not invalidate any action by the Planning Board.

(vii) All time limits provided for in this section may be extended by mutual agreement of the applicant and Planning Board.

c) Procedure for Public Hearing of an Application

(i) The purpose of the public hearing is to allow the applicant and affected property owners to provide information as part of the record that the Planning Board will use in considering its action on the application. Testimony presented at the hearing should be related to factual information about the application and related submissions and the project's compliance with the review standards and other regulations and requirements of this ordinance or other ~~municipal~~ Town ordinances.

(ii) The Planning Board Chair shall provide the applicant or his/her representative with an opportunity to make any statement or presentations at the beginning of the hearing. The Chair shall then allow the members of the Planning Board to ask questions of the applicant and for the applicant to answer those questions. Following Planning Board questions, the Chair shall open the public hearing to the public for statements, information submissions, or questions about the project. At the close of the public comment period, the Chair shall afford the applicant an opportunity to answer any questions raised by the public, rebut any statements or information submitted, and cross-examine anyone offering testimony on the application. The Chair may allow the applicant this opportunity after each member of the public testifies if that is deemed to be desirable. At the conclusion of the applicant's response, the hearing shall be closed.

d) Procedure for Final Action on an Application

(i) The Planning Board shall act to deny, to approve, or to approve the application with conditions. The Board may impose such conditions as are deemed advisable to assure compliance with the approval criteria and performance standards of this article.

(ii) If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or statute administered by the Town.

(iii) In issuing its decision, the Planning Board shall make written findings of fact that establish whether the proposed development does or does not meet the standards of approval, performance standards, and other requirements of this Ordinance.

(iv) The Planning Board shall notify the applicant of the action of the Planning Board, including the findings of fact and any conditions of approval.

C) Approval Criteria

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. The Planning Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

1) will maintain safe and healthful conditions;

[...]

13) will be in compliance with the Town's Floodplain Management provisions; and

14) will be in conformance with the provisions of Article 7, Section D, Performance Standards.

D) Performance Standards

~~1) Minimum Lot Standards:~~

Minimum Lot	Minimum Area (sq. ft.)	Shore Frontage (ft.)
a) Residential per dwelling unit	40,000	200
b) Governmental, Institutional, Commercial or Industrial per principal structure		
(i) Within the Shoreland Zone Adjacent to Tidal Areas, Exclusive of Those Areas Zoned for Commercial Fisheries and Maritime Activities-	40,000	200
(ii) Within the Shoreland Zone Adjacent to Tidal Areas Zoned for Commercial Fisheries and Maritime Activities	NONE	NONE
(iii) Within the Shoreland Zone Adjacent to Non-tidal Areas	60,000	300
e) Public and Private Recreational Facilities		
(i) Within the Shoreland Zone Adjacent to Tidal and Non-Tidal Areas	40,000	200

1) Minimum Lot Standards

a) Residential per dwelling unit:

Minimum Lot Area: 40,000 sq. ft.

Minimum Shore Frontage: 200 ft.

b) Governmental, Institutional, Commercial or Industrial per principal structure:

(i) Within the Shoreland Zone Adjacent to Tidal Areas, Exclusive of Those Areas Zoned for Commercial Fisheries and Maritime Activities

Minimum Lot Area: 40,000 sq. ft.

Minimum Shore Frontage: 200 ft.

(ii) Within the Shoreland Zone Adjacent to Tidal Areas Zoned for Commercial Fisheries and Maritime Activities

Minimum Lot Area: NONE

Minimum Shore Frontage: NONE

(iii) Within the Shoreland Zone Adjacent to Non-tidal Areas

Minimum Lot Area: 60,000 sq. ft.

Minimum Shore Frontage: 300 ft.

c) Public and Private Recreational Facilities

(i) Within the Shoreland Zone Adjacent to Tidal and Non-Tidal Areas

Minimum Lot Area: 40,000 sq. ft.

Minimum Shore Frontage: 200 ft.

2) Principal and Accessory Structures

~~f) Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes 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 coastal or freshwater wetland, (unless permitted by the 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 access alternative exists on the property.~~

f) Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided:

(i) that the structure is limited to a maximum of four (4) ft. in width;

(ii) that the structure does not extend below or over the normal high-water line of a water body or upland edge of a coastal or freshwater wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. § 480-C); and

(iii) that the applicant demonstrates that no reasonable access alternative exists on the property.

9) Roads and Driveways

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

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

~~(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:~~

Grade	Spacing
(Percent)	(Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

(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:

<u>Grade (Percent)</u>	<u>Spacing (Feet)</u>
<u>0-2</u>	<u>250</u>
<u>3-5</u>	<u>200-135</u>
<u>6-10</u>	<u>100-80</u>
<u>11-15</u>	<u>80-60</u>

<u>16-20</u>	<u>60-45</u>
<u>21 +</u>	<u>40</u>

17) Timber Harvesting

b) Slash treatment

Timber harvesting and related activities shall be conducted such that slash or debris is not left below the normal high-water line of any water body or stream, or the upland edge of a coastal or freshwater wetland. This section does not apply to minor, incidental amounts of slash that result from timber harvesting and related activities otherwise conducted in compliance with this section.

(iii) Timber harvesting and related activities must leave adequate tree cover and shall be conducted so that a well-distributed stand of trees is retained. This requirement may be satisfied by following one of the following three options:

(C) Option 3 (Outcome based), which requires:

(1) An alternative method proposed in an application, signed by a Licensed Forester or certified wildlife professional, submitted by the landowner or designated agent to the State of Maine Department of Conservation's Bureau of Forestry (Bureau) for review and approval, which provides equal or better protection of the shoreland area than this rule.

Option 3 does not become effective until the legislative effective date of the statewide standards.

Landowners must designate on the Forest Operations Notification form required by ~~12 M.R.S.A. chapter 805, subchapter 5~~ 12 M.R.S.A. §§ 8881-8888, which option they choose to use. If landowners choose Option 1 or Option 2, compliance will be determined solely on the criteria for the option chosen. If landowners choose Option 3, timber harvesting and related activities may not begin until the Bureau has approved the alternative method.

(vii) Slope Table

Filter strips, skid trail setbacks, and land management road setbacks must be maintained as specified in Article 7.D.17, but in no case shall be less than shown in the following table.

~~Average slope of land between~~ ——— ~~Width of strip between exposed~~

~~exposed mineral soil and shoreline~~ ~~mineral soil and the shoreline~~
~~(feet along surface of the ground)~~ ~~(percent)~~

0 ————— 25
 10 ————— 45
 20 ————— 65
 30 ————— 85
 40 ————— 105
 50 ————— 125
 60 ————— 145
 70 ————— 165

<u>Average slope of land between exposed mineral soil and shoreline (feet along surface of the ground)</u>	<u>Width of strip between exposed mineral soil and the shoreline (percent)</u>
<u>1</u>	<u>25</u>
<u>10</u>	<u>45</u>
<u>20</u>	<u>65</u>
<u>30</u>	<u>85</u>
<u>40</u>	<u>105</u>
<u>50</u>	<u>125</u>
<u>60</u>	<u>145</u>
<u>70</u>	<u>165</u>

18) Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

b) Except in areas as described in Article 7.D.18.a, above, within one hundred (100) feet, horizontal distance, from any other water body, stream, or the upland edge of a coastal or freshwater wetland, a buffer strip of vegetation shall be preserved as follows:

(i) There shall be no cleared opening greater than 250 sq. ft. in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a single footpath not to exceed six (6) ft. in width as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline provided that a clear line of sight to the water through the buffer strip is not created.

(ii) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Article 7.D.18.b.ii a "well-distributed stand of trees" shall be defined as maintaining a rating score of 16 points or more in each 25-foot by 50-foot rectangular (1250 sq. ft.) area as determined by the following rating system.

Diameter of Tree at 4 1/2 feet Above Ground Level (inches)	Points
2 < 4 in.	1
4 < 8 in.	2
8 < 12 in.	4
12 in. or greater	8

<u>Diameter of Tree at 4.5 ft. Above Ground Level (inches)</u>	<u>Points</u>
2 < 4 in.	1
4 < 8 in.	2
8 < 12 in.	3
12 in. or greater	4

22) Erosion and Sedimentation Control

a) All activities which involve filling, grading, excavation or other similar activities which result in un-stabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting 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 structures such as retaining walls or riprap.

Part 7: Article 8, entitled, "Floodplain Management" is hereby amended as follows:

A) Purpose & Definitions

- 2) It is the intent of the Town of Bowdoinham, ~~Maine~~ ME, to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.
- 4) Referenced flood zones in this Section are defined by FEMA and are available on FEMA's website. Specifically, the following terms are used: Zone A: A Special Flood Hazard Area which has a 1% annual chance of flooding. Zone AE: The base floodplain where base flood elevations are provided.

B) Floodplain Application & Review Procedures

2) Fees

a) Application Fee

An application must be accompanied by an application fee, plus all mailing and advertising costs for the processing of the application. The fee shall be non-refundable. This application fee shall be paid to the ~~municipality~~ Town. The application fees shall be as follows:

- b) An additional fee may be charged if the Code Enforcement Officer and/or the Board of Appeals wants the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the Town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the ~~municipality~~ Town at the expense of an applicant until the applicant has been given an opportunity to be heard on the subject.

5) Application Submission Requirements.

~~The application~~ All applications for a Flood Hazard Development Permit shall include:

- a) the name, address and phone number of the applicant, owner, and contractor;

[...]

- ~~m) [Items n-q apply only to new construction and substantial improvements.]~~

In addition to the required documents set forth above, applications for a Flood Hazard Development Permit for new construction or substantial improvement shall include:

- m) The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or to a locally established datum in Zone A only, of the:
 - (i) base flood at the proposed site of all new or substantially improved structures, which is determined:

C) Development Standards

All developments in areas of special flood hazard shall meet the following applicable standards:

~~7) Manufactured Homes—New or substantially improved manufactured homes located within:~~

~~a) Zones AE shall:~~

- ~~(i) be elevated such that the lowest floor (including basement) of the manufactured home is at least three feet above the base flood elevation;~~
- ~~(ii) be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,~~
- ~~(iii) be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
 - ~~(A) over the top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,~~
 - ~~(B) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).~~
 - ~~(C) all components of the anchoring system described in subsections A and B above shall be capable of carrying a force of 4800 pounds.~~~~

~~b) Zone A shall:~~

- ~~(i) be elevated on a permanent foundation, as described in subsection a.ii above, such that the lowest floor (including basement) of the manufactured home is at least three feet above the base flood elevation utilizing information obtained pursuant to Article 8.B.5.n.i.B, Article 8.B.4.a.ii and 8.D.4; or,~~
- ~~(ii) in the absence of all the data described above in subsection i, at least three feet above the highest adjacent grade to the structure; and~~
- ~~(iii) meet the anchoring requirements of a.iii above.~~

7) Manufactured Homes

- a) New or substantially improved manufactured homes located within Zones AE shall:

(i) be elevated such that the lowest floor (including basement) of the manufactured home is at least three (3) ft. above the base flood elevation;

(ii) be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and

(iii) be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

(A) Over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 ft. long require one additional tie per side); or by,

(B) Frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 ft. long require four additional ties per side).

(C) All components of the anchoring system described in subsections A and B above shall be capable of carrying a force of 4800 pounds.

b) New or substantially improved manufactured homes located within Zone A shall:

(i) be elevated on a permanent foundation, as described in subsection a.ii above, such that the lowest floor (including basement) of the manufactured home is at least three (3) ft. above the base flood elevation utilizing information obtained pursuant to Article 8.B.5.m.i.B, Article 8.B.4.a.ii and 8.D.4; or

(ii) in the absence of all the data described above in subsection i, at least three (3) ft. above the highest adjacent grade to the structure; and

(iii) meet the anchoring requirements of a.iii above.

13) Containment Walls

New construction or substantial improvement of any containment wall located in Zones AE and A shall:

a) Have the containment wall elevated to at least one foot above the base flood elevation;

b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

c) Be certified by a licensed professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the

provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article 8.B.5.p.

14) Wharves, Piers and Docks

New construction or substantial improvement of wharves, piers, and docks are permitted in Zones AE and A, in and over water and seaward of the mean high tide if the following requirements are met:

- a) wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and
- b) for commercial wharves, piers, and docks, a licensed professional engineer shall develop or review the structural design, specifications, and plans for the construction.

Part 8: Article 9, entitled, "Subdivision" is hereby amended as follows:

B) Administrative Procedures

3) Fees

a) Application Fee

- (i) An application for subdivision must be accompanied by an application fee, plus all mailing and advertising costs for the processing of the application. The fee shall be non-refundable. This application fee shall be paid to the ~~municipality~~ Town. The application fees shall be as follows:

C) Application Submission Requirements

The Planning Board 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.

1) Site Inventory & Analysis Requirements

- a) The Site Inventory & Analysis submission must include the following information unless the Planning Board, by formal vote, waives the submission of specific items of information based upon a finding that the information is not needed to determine the optimal utilization of the parcel.
- b) ~~Eight (8)~~ Nine (9) copies of a Site Locus Map drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The location map shall show:
 - (i) existing subdivisions within one thousand (1,000) ft. of the proposed subdivision;

- (ii) locations and names of existing streets;
 - (iii) an outline of the proposed subdivision and any remaining portion of the owner's property if the formal application will cover only a portion of the owner's entire contiguous holding; and
 - (iv) the Tax Map and Lot Number of the parcel proposed to be subdivided.
- c) ~~Eight (8)~~ Nine (9) copies of an accurate scale Site Inventory Plan of the parcel at a scale of not more than fifty (50) ft. to the inch showing the existing conditions of the area proposed to be subdivided based upon published sources and showing the following:
- d) ~~Eight (8)~~ Nine (9) copies of a Site Analysis Map at the same scale as the inventory plans (see b above) highlighting the opportunities and constraints of the site in a bubble diagram or annotated format. This map should enable the Planning Board to determine:
- e) ~~Eight (8)~~ Nine (9) copies of a Site Analysis Narrative describing the existing conditions of the site, the constraints and opportunities created by the site, the open space conservation potential of the site, and the proposed development. This submission should include any preliminary studies done related to the site including wetland delineations, traffic studies, market studies, or other information that will help the Board understand the project.

2) Subdivision Plan Application Requirements

- a) The application for subdivision plan approval shall include ~~eight (8)~~ nine (9) copies of the following required information.
- b) Application Form, including:
- (i) the proposed name of the subdivision, or identifying title, and the name of the municipality in which it is located, plus the assessor's map and lot numbers; and
 - (ii) an indication of the type of water supply system(s) to be used in the subdivision.
- d) Subdivision Plan

The Subdivision Plan shall be submitted as full-sized copies of one or more maps or drawings or more if requested by the Planning Board, which may be printed or reproduced on paper, with all dimensions shown ~~in feet or decimals of a foot.~~

~~The preliminary plan shall be drawn to a scale of not more than one hundred feet to the inch.~~ The Subdivision Plan shall be drawn to a scale of not more than one hundred (100) ft. to the inch and shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. In order to facilitate the addition of the subdivision into the municipal property records, this information shall also be made available in a format compatible with the assessor's records.

~~The preliminary plan shall have the following:~~ The Subdivision Plan shall contain the following information:

(i) A boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. ~~The corners of the parcel on the Right of Way shall be located on the ground and marked by monuments. The plan shall indicate the type of monument found or to be set at each lot corner.~~

(A) The corners of the parcel shall be located on the ground and marked by monuments.

(B) The plan shall indicate the type of monument found or to be set at the corner of each proposed lot within the subdivision.

(vi) The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features. ~~The location of any trees larger than 24 inches in diameter at breast height shall be noted on the plan. Any contiguous forested area with more than five trees greater than 24 inches in diameter at breast height shall be depicted as a group on the plan. On wooded sites, the plan shall indicate the area where clearing for lawns and structures shall be permitted and/or any restrictions to be placed on clearing existing vegetation.~~

(A) The location of any trees larger than 24 inches in diameter at breast height shall be noted on the plan. Any contiguous forested area with more than five trees greater than 24 inches in diameter at breast height shall be depicted as a group on the plan.

(B) On wooded sites, the plan shall indicate the area where clearing for lawns and structures shall be permitted and/or any restrictions to be placed on clearing existing vegetation.

(xi) The location, names, and present widths of existing streets and highways within three hundred (300) ft. of any proposed intersection, existing and proposed easements, building lines, parks and other open spaces on or adjacent to the subdivision. ~~The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. In order to facilitate the addition of the subdivision into the municipal property records, this information shall also be made available in a format compatible with the assessor's records.~~

~~(xviii) A map showing the location of all test pits dug on the site shall be submitted. The location of all test pits dug on the site (this may be submitted as a separate map).~~

e) Supporting Documents

In addition to the Subdivision Plan, the following Supporting Documents are required, as applicable.

(i) Verification of right, title, or interest in the property.

~~(ii) A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.~~ A copy of the most recently recorded deed for the parcel, including a copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

(vi) Written offers to convey title to the municipality of all public open spaces shown on the plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the applicant or lot owners are to be maintained shall be submitted. ~~If open space or other land is to be offered to the Town, subject to Town Meeting approval, written evidence that the municipal officers are satisfied with the legal conditions and documentation shall be provided.~~

(A) If open space or other land is to be offered to the Town, subject to Town Meeting approval, written evidence that the municipal officers are satisfied with the legal conditions and documentation shall be provided.

(ix) A storm water management plan, prepared by a licensed professional engineer in accordance with the Stormwater Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection (1995) or current edition. ~~The Board may waive submission of the storm water management plan when the proposed subdivision will not involve grading which changes drainage patterns and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.~~

(A) The Planning Board may waive submission of the storm water management plan when the proposed subdivision will not involve grading which changes drainage patterns and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

(xiv) An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from Trip Generation Manual, 1991 edition or current edition, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions. ~~The Planning Board may require a Traffic Impact Study if the proposed subdivision will generate over 100 trips per day.~~

(A) The Planning Board may require a Traffic Impact Study if the proposed subdivision will generate over 100 trips per day.

- 4) Subdivision Amendments
- a) The applicant shall submit ~~ten (10)~~ nine (9) copies of the following:

D) Application Review Procedures

- 1) Pre-Application Procedures (Minor & Major Subdivisions)
 - a) ~~Staff Workshop~~ Pre-application Planning Meeting

Prior to submitting a formal application, the applicant or his/her representative shall schedule a pre-application ~~conference~~ planning meeting with the Town Planner and other relevant Town staff. The pre-application ~~conference~~ meeting shall be informal and informational in nature. There shall be no fee for a pre-application review, and such review shall not cause the plan or any related application to be a pending application or proceeding under 1 M.R.S.A. § 302. No decisions on the substance of the plan shall be made at the pre-application ~~conference~~ meeting.

- (i) Purposes of ~~Workshop~~ the Pre-application Planning Meeting are:

- (A) to allow the Town staff to understand the nature of the proposed use and the issues involved in the proposal;
- (B) to allow the applicant to understand the development review process and required submissions;
- (C) to identify issues that need to be addressed in future submissions; and
- (D) to make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.

- ~~(ii) Site Inspection. The Town Planner may schedule a site inspection if deemed necessary and offer guidance on any requests for waivers and variations from the submission requirements.~~

- (ii) Information required for the Pre-application Planning Meeting includes:

- (A) the proposed site, including its location, size, and general characteristics;
- (B) the nature of the proposed use and potential development;
- (C) any issues or questions about existing municipal regulations and their applicability to project; and
- (D) any requests for waivers from the submission requirements.

- (iii) Site Visit

The Town Planning Department Staff may schedule a site visit if deemed necessary and offer guidance on any requests for waivers and variations from the submission requirements.

b) Planning Board Workshop

The applicant may request to meet with the Planning Board to discuss the Town's requirements and procedures. If the applicant requests a meeting with the Planning Board, the Town ~~Planner~~ Planning Department Staff will schedule the item as a pre-application meeting at the next available meeting of the Planning Board. This meeting shall be informational in nature.

(i) Purposes of ~~Workshop~~ the Planning Board Workshop are:

- (A) to allow the Planning Board to understand the nature of the proposed use and the issues involved in the proposal;
- (B) to allow the applicant to understand the development review process and required submissions;
- (C) to identify issues that need to be addressed in future submissions; and
- (D) to make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.

(ii) Information Required for the Planning Board Workshop includes:

- (A) the proposed site, including its location, size, and general characteristics;
- (B) the nature of the proposed use and potential development;
- (C) any issues or questions about existing municipal regulations and their applicability to project; and
- (D) any requests for waivers from the submission requirements.

c) Site Inventory & Analysis

(i) After the ~~Staff Workshop~~ Pre-application Planning Meeting and the optional Planning Board Workshop, ~~if requested by the applicant,~~ the applicant shall submit the Site Inventory & Analysis Application to the Town ~~Planner~~ Planning Department.

(ii) The Site Inventory & Analysis review must be completed prior to the submission of the formal subdivision application. The Planning Board shall authorize the submission of the formal application when the Site Inventory & Analysis review is complete.

(iii) The Site Inventory & Analysis review procedures are intended to provide the applicant and the Planning Board with a better understanding of the site and the opportunities and constraints imposed on its use by both the natural and built

environment. The focus of the Site Inventory & Analysis process is on the overall utilization of the parcel. It is anticipated that this analysis will result in a subdivision plan that reflects the conditions of the site; those areas most suitable for conservation and open space will be preserved, those areas most suitable for the proposed use will be utilized, while those that are not suitable for development or that present significant constraints will be avoided to the maximum extent possible.

(iv) The Planning Board may waive the site inventory and analysis process or reduce the information to be included in the site inventory and analysis for minor subdivisions or for amendments to approved subdivision plans if the Planning Board finds that the scale or complexity of the project or the characteristics of the site make the process or information unnecessary to understand the development opportunities and constraints of the site.

~~iv) The Site Inventory & Analysis shall be submitted at least twenty-one days prior to a scheduled meeting of the Board.~~

~~(v) Upon receipt of the Site Inventory & Analysis materials, the Town Planner shall review the material and determine whether all materials on the checklist have been submitted.~~

(v) The Site Inventory & Analysis review procedures shall be as follows:

(A) The Site Inventory & Analysis shall be submitted at least twenty-one (21) days prior to a scheduled meeting of the Planning Board.

(B) Upon receipt of a Site Inventory & Analysis, the Town Planning Department Staff shall give a dated receipt to the applicant. Within seven (7) days of the receipt of a Site Inventory & Analysis submission, the Town Planning Department Staff shall review the material and make a preliminary determination on whether or not the submission is complete.

(1) If the submission is determined to be incomplete, the ~~Town Planner~~ Planning Department Staff shall notify the applicant in writing of this finding, shall specify the additional material required to make the submission complete, shall advise the applicant that the application will not be reviewed until the additional information is submitted, and that all additional information must be submitted no later than ten (10) days prior to the meeting at which it is to be considered. These steps shall be repeated until all materials have been submitted.

~~(2) When the submission is determined to be complete, the Town Planner will place the item on the agenda for review by the Planning Board and distribute copies of the submission to the members of the Planning Board, Town Manager, Code Enforcement Officer, Public Works Director, and Fire Chief, and where appropriate, Harbormaster and Water District. When the submission is determined to be complete by the Town Planning Department Staff, the applicant shall be notified in writing of this finding and the item placed on the agenda for review by the Planning Board. An on-site inspection will be~~

scheduled, and copies of the submission will be distributed to the members of the Planning Board, Town Manager, Code Enforcement Officer, Public Works Director, and Fire Chief, and where appropriate, Harbormaster and Water District.

(C) The Town Planning Department shall, at the applicant's expense, notify all abutting property owners of the pending application and the date, time, and place of the meeting at which the Planning Board will review the Site Inventory & Analysis submission.

(D) The applicant, or applicant's duly authorized representative, shall attend the meeting of the Planning Board to present the Site Inventory & Analysis. Failure to attend the meeting to present the plan shall result in a delay in the Board's consideration of the plan until the next meeting which the applicant or representative attends.

(G) The Planning Board shall review the submission to determine if the information provides a clear understanding of the site and identifies opportunities and constraints that help determine how it should be used, areas that are appropriate for conservation areas, and areas that are appropriate for development. The Planning Board shall also consider any input received from members of the staff or public. The outcome of the review process is the identification by the Planning Board of the issues and constraints that must be addressed in the formal subdivision application. ~~Review of the Site Inventory and Analysis will be considered complete upon a finding by the Planning Board that the appropriate areas have been determined for development and for conservation or open space.~~

(H) Review of the Site Inventory & Analysis will be considered complete upon a finding by the Planning Board that the appropriate areas have been determined for development and for conservation or open space.

d) Rights not Vested

The Pre-application Planning Meeting with the Town Planner and other relevant Town staff, the submittal or review of the sketch plan preliminary materials or Site Inventory & Analysis, or the on-site inspection shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of 1 M.R.S.A. § 302.

2) Subdivision Plan Application Procedures (Minor & Major Subdivisions)

The Planning Board may require, where it deems necessary to make a determination regarding the criteria for approval from 30-A M.R.S.A. § 4404, or the standards ~~from Section 1-844~~ of this ordinance, that a Minor Subdivision application comply with some or all of the submission requirements for a Major Subdivision application.

- a) A formal Subdivision Plan application will not be received until the review of the Site Inventory & Analysis is completed.
- b) ~~The subdivision plan application shall be submitted at least twenty one days prior to a scheduled meeting of the Board.~~ complete application form, evidence of payment of the required fees, and the required plans and related information must be submitted to the Town Planning Department Staff at least twenty-one (21) days prior to the Planning Board meeting at which it is to be considered.
- c) The applicant, or applicant's duly authorized representative, shall attend the meeting of the Planning Board to present the subdivision plan. Failure to attend the meeting to present the plan shall result in a delay in the Board's consideration of the plan until the next meeting which the applicant or representative attends.
- d) When an application for Subdivision Plan approval of a subdivision is submitted, the Town ~~Planner~~ Planning Department Staff shall:
- (i) date stamp the application;
 - (ii) notify by first-class mail, abutting property owners that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project;
 - (iii) notify the clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary; and
 - (iv) notify the Planning Board, Select Board, Town Manager, Road Commissioner, Code Enforcement Officer, Public Works Director, Solid Waste Manager, Recreation Director, Community & Economic Development Director, and Fire Chief, and where appropriate, Harbormaster and Water District of the pending application.
- (e) Within seven (7) days of the receipt of a formal subdivision plan application, the Town Planning Department Staff shall review the material and make a preliminary determination on whether or not the submission is complete.
- (i) ~~If the application is determined to be incomplete, the applicant shall be notified in writing of this finding, which shall specify the additional materials required to make the application complete, shall advise the applicant that the application will not be reviewed until the additional information is submitted, and all additional information must be submitted no later ten (10) days prior to the meeting at which it is to be considered.~~ If the application is determined to be incomplete, a member of the Town Planning Department Staff shall notify the applicant in writing of this finding. The notice shall specify the additional materials required to make the application complete, shall advise the applicant that the application will not be reviewed until the additional information is submitted, and state that all additional information must be submitted no later ten (10) days prior to the Planning Board meeting at which it

is to be considered. Failure to submit the additional information within six (6) months shall be deemed an abandonment of the application.

(ii) ~~When the submission~~ As soon as the application is determined to be preliminarily complete, the Town Planner will place the item on the agenda for review by the Planning Board and distribute copies of the submission to the members of the Planning Board, Town Manager, Code Enforcement Officer, Public Works Director, and Fire Chief, and where appropriate, Harbormaster and Water District. the applicant shall be notified in writing of this finding. Town Planning Department Staff will place the item on the agenda for review by the Planning Board and distribute copies of the submission to the members of the Planning Board, Town Manager, Code Enforcement Officer, Public Works Director, and Fire Chief, and where appropriate, Harbormaster and Water District.

(f) Within thirty (30) days of the receipt of a preliminarily complete subdivision application, the Planning Board shall review the material and determine whether or not the submission is complete. If the application is determined to be incomplete, the Planning Board shall notify the applicant in writing of this finding, shall specify the additional materials required to make the application complete, and shall advise the applicant that the application will not be considered by the Planning Board until the additional information is submitted. These steps, except for the notification requirements, shall be repeated until the application is found to be complete.

(g) Upon determination that a complete application has been submitted for review, the Board shall determine whether to hold a public hearing on the subdivision plan application. After the Planning Board has determined that a complete application has been filed, it shall begin its substantive review of the proposed subdivision plan application within thirty (30) days of this finding and shall decide whether to hold a public hearing on the subdivision plan application.

(i) If the Planning Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days of determining that it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of general circulation in the Town at least once, the date of the first publication to be at least seven (7) days prior to the hearing. A copy of the notice shall be mailed by the Town to the property owners within five hundred (500) ft. of the parcel on which the proposed development is located.

(h) The Planning Board may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted, and investigate the subdivision proposal. The Board may schedule this visit either before or after the first meeting at which the application is considered. Written notice of the on-site inspection shall be provided to all parties entitled to notice under subsection (e.ii.) above. The Board may decide not to hold an on-site inspection when the site is covered in snow.

(i) If a review is pending during a period when there is more than one foot of snow cover, the deadline by which the Planning Board shall take final action may be extended. This extension shall not exceed thirty (30) days after the site is clear of snow and the Board is able to conduct an on-site inspection.

~~(vi) — Prior to approving the subdivision application, the following approvals shall be obtained in writing, where applicable:~~

~~(A) — Maine Department of Environmental Protection, under the Site Location of Development Act, Natural Resources Protection Act, or if a wastewater discharge license is needed.~~

~~(B) — Maine Department of Human Services, if the applicant proposes to provide a common water system for the lots in the subdivision or if an engineered subsurface wastewater disposal system(s) is to be utilized.~~

~~(C) — U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.~~

~~(vii) — Before the Board grants approval of the subdivision plan, the applicant shall meet the performance guarantee requirements.~~

(i) Within sixty (60) days from the public hearing or within one-hundred twenty (120) days of determining that an application is complete, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Planning Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria for approval contained in 30-A M.R.S.A. § 4404 and the standards of this ordinance. If the Board finds that all the criteria of the statute and the standards of this ordinance have been met, they shall approve the final plan. If the Board finds that any of the criteria of the statute or the standards of this ordinance have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Board.

3) Subdivision Amendments

~~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.~~

~~(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 applicable to the original subdivision still apply.~~

a) If the revision involves the creation of additional lots or dwelling unit, and

(i) if the applicant is the developer, or the subdivision is less than five years old:

(A) the procedures for preliminary plan approval shall be followed; and

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

(ii) if the applicant is the purchaser of one of the lots within the subdivision:

(A) the procedures for preliminary plan approval shall be followed;

(B) 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); and

(C) the lot sizes, density, open space, and any restrictions applicable to the original subdivision still apply.

b) If the revision involves a modification of the approved plan (such as relocation of rights-of-way, changes of grade by more than 1%, etc.), without the creation of additional lots or dwelling units:

(i) the Code Enforcement Officer shall notify the Planning Board of the proposed change and the reason for the change.

(A) If no Planning Board member objects to the proposed change within seven days, the Code Enforcement Officer shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board within five days.

(B) If any member of the Planning Board objects to the change, a formal plan amendment must be submitted for Planning Board consideration as stated in subsection a, above.

(ii) ~~The Code Enforcement Officer may approve the modifications of a property line, if the proposed lots will meet the standards in Article 5 of this Ordinance. The Code Enforcement Officer may approve modifications to an existing property line without notifying the Planning Board, provided that the modified lots meet the standards in Article 5 of this Ordinance.~~

c) The applicant shall record the approved amended subdivision plan at the Sagadahoc County registry of deeds and shall submit a copy of the recorded plan to the Town.

c) Site Inventory & Analysis

(i) After the ~~Staff Workshop~~ Pre-application Planning Meeting and the optional Planning Board Workshop, ~~if requested by the applicant,~~ the applicant shall submit the Site Inventory & Analysis Application to the Town ~~Planner~~ Planning Department.

B) (ii) The Site Inventory & Analysis review must be completed prior to the submission of the formal subdivision application. The Planning Board shall authorize the submission of the formal application when the Site Inventory & Analysis review is complete. or for amendments to approved subdivision plans if the Planning Board finds that the scale or complexity of the project or the characteristics of the site make the process or information unnecessary to understand the development opportunities and constraints of the site.

~~(iv) The Site Inventory & Analysis shall be submitted at least twenty-one days prior to a scheduled meeting of the Board.~~

~~(v) Upon receipt of the Site Inventory & Analysis materials, the Town Planner shall review the material and determine whether all materials on the checklist have been submitted.~~

(v) The Site Inventory & Analysis review procedures shall be as follows:

(iii) The Site Inventory & Analysis review procedures are intended to provide the applicant and the Planning Board with a better understanding of the site and the opportunities and constraints imposed on its use by both the natural and built environment. The focus of the Site Inventory & Analysis process is on the overall utilization of the parcel. It is anticipated that this analysis will result in a subdivision plan that reflects the conditions of the site; those areas most suitable for conservation and open space will be preserved, those areas most suitable for the proposed use will be utilized, while those that are not suitable for development or that present significant constraints will be avoided to the maximum extent possible.

The Planning Board may waive the site inventory and analysis process or reduce the information to be included in the site inventory and analysis for minor subdivisions

(A) The Site Inventory & Analysis shall be submitted at least twenty-one (21) days prior to a scheduled meeting of the Planning Board.

(B) Upon receipt of a Site Inventory & Analysis, the Town Planning Department Staff shall give a dated receipt to the applicant. Within seven (7) days of the receipt of a Site Inventory & Analysis submission, the Town Planning Department Staff shall review the material and make a preliminary determination on whether or not the submission is complete.

(1) If the submission is determined to be incomplete, the Town ~~Planner~~ Planning Department Staff shall notify the applicant in writing of this finding, shall specify the additional material required to make the submission complete, shall advise the applicant that the application will not be reviewed until the additional information is submitted, and that all additional information must be

submitted no later than ten (10) days prior to the meeting at which it is to be considered. These steps shall be repeated until all materials have been submitted.

(2) ~~When the submission is determined to be complete, the Town Planner will place the item on the agenda for review by the Planning Board and distribute copies of the submission to the members of the Planning Board, Town Manager, Code Enforcement Officer, Public Works Director, and Fire Chief, and where appropriate, Harbormaster and Water District.~~ When the submission is determined to be complete by the Town Planning Department Staff, the applicant shall be notified in writing of this finding and the item placed on the agenda for review by the Planning Board. An on-site inspection will be scheduled, and copies of the submission will be distributed to the members of the Planning Board, Town Manager, Code Enforcement Officer, Public Works Director, and Fire Chief, and where appropriate, Harbormaster and Water District.

(C) The Town Planning Department shall, at the applicant's expense, notify all abutting property owners of the pending application and the date, time, and place of the meeting at which the Planning Board will review the Site Inventory & Analysis submission.

(D) The applicant, or applicant's duly authorized representative, shall attend the meeting of the Planning Board to present the Site Inventory & Analysis. Failure to attend the meeting to present the plan shall result in a delay in the Board's consideration of the plan until the next meeting which the applicant or representative attends.

(E) Within forty-five (45) days of the first Planning Board meeting at which the Site Inventory & Analysis is discussed or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall complete its review of the Site Inventory & Analysis.

(F) The Planning Board shall schedule an on-site inspection of the site to review the existing conditions, field-verify the information submitted, and investigate the development proposal. The Board may schedule this visit either before or after the first meeting at which the application is considered. A written notice for such site inspections shall be published at least once in a newspaper of general circulation in the community, and the date of the publication shall be at least seven (7) days prior to the site inspection. Notice shall also be sent by first-class mail to all property owners of record within five hundred (500) ft. of the parcel on which the proposed development is located.

(1) If a review is pending during a period when there is more than one foot of snow cover, the deadline by which the Planning Board shall take final action on the site inventory and analysis may be extended. This extension shall not

exceed thirty (30) days after the site is clear of snow and the Board is able to conduct an on-site inspection.

(G) The Planning Board shall review the submission to determine if the information provides a clear understanding of the site and identifies opportunities and constraints that help determine how it should be used, areas that are appropriate for conservation areas, and areas that are appropriate for development. The Planning Board shall also consider any input received from members of the staff or public. The outcome of the review process is the identification by the Planning Board of the issues and constraints that must be addressed in the formal subdivision application. ~~Review of the Site Inventory and Analysis will be considered complete upon a finding by the Planning Board that the appropriate areas have been determined for development and for conservation or open space.~~

(H) Review of the Site Inventory & Analysis will be considered complete upon a finding by the Planning Board that the appropriate areas have been determined for development and for conservation or open space.

d) Rights not Vested

The Pre-application Planning Meeting with the Town Planner and other relevant Town staff, the submittal or review of the sketch plan-preliminary materials or Site Inventory & Analysis, or the on-site inspection shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of 1 M.R.S.A. § 302.

2) Subdivision Plan Application Procedures (Minor & Major Subdivisions)

The Planning Board may require, where it deems necessary to make a determination regarding the criteria for approval from 30-A M.R.S.A. § 4404, or the standards ~~from Section 1-811~~ of this ordinance, that a Minor Subdivision application comply with some or all of the submission requirements for a Major Subdivision application.

a) A formal Subdivision Plan application will not be received until the review of the Site Inventory & Analysis is completed.

b) The subdivision plan application shall be submitted at least twenty one days prior to a scheduled meeting of the Board. complete application form, evidence of payment of the required fees, and the required plans and related information must be submitted to the Town Planning Department Staff at least twenty-one (21) days prior to the Planning Board meeting at which it is to be considered.

c) The applicant, or applicant's duly authorized representative, shall attend the meeting of the Planning Board to present the subdivision plan. Failure to attend the meeting to present the plan shall result in a delay in the Board's consideration of the plan until the next meeting which the applicant or representative attends.

d) When an application for Subdivision Plan approval of a subdivision is submitted, the ~~Town Planner~~ Planning Department Staff shall:

- (i) date stamp the application;
- (ii) notify by first-class mail, abutting property owners that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project;
- (iii) notify the clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary; and
- (iv) notify the Planning Board, Select Board, Town Manager, Road Commissioner, Code Enforcement Officer, Public Works Director, Solid Waste Manager, Recreation Director, Community & Economic Development Director, and Fire Chief, and where appropriate, Harbormaster and Water District of the pending application.

(e) Within seven (7) days of the receipt of a formal subdivision plan application, the Town Planning Department Staff shall review the material and make a preliminary determination on whether or not the submission is complete.

~~(i) If the application is determined to be incomplete, the applicant shall be notified in writing of this finding, which shall specify the additional materials required to make the application complete, shall advise the applicant that the application will not be reviewed until the additional information is submitted, and all additional information must be submitted no later ten (10) days prior to the meeting at which it is to be considered. If the application is determined to be incomplete, a member of the Town Planning Department Staff shall notify the applicant in writing of this finding. The notice shall specify the additional materials required to make the application complete, shall advise the applicant that the application will not be reviewed until the additional information is submitted, and state that all additional information must be submitted no later ten (10) days prior to the Planning Board meeting at which it is to be considered. Failure to submit the additional information within six (6) months shall be deemed an abandonment of the application.~~

~~(ii) When the submission~~ As soon as the application is determined to be preliminarily complete, the Town Planner will place the item on the agenda for review by the Planning Board and distribute copies of the submission to the members of the Planning Board, Town Manager, Code Enforcement Officer, Public Works Director, and Fire Chief, and where appropriate, Harbormaster and Water District. the applicant shall be notified in writing of this finding. Town Planning Department Staff will place the item on the agenda for review by the Planning Board and distribute copies of the submission to the members of the Planning Board, Town Manager, Code Enforcement Officer, Public Works Director, and Fire Chief, and where appropriate, Harbormaster and Water District.

(f) Within thirty (30) days of the receipt of a preliminarily complete subdivision application, the Planning Board shall review the material and determine whether or not the submission is complete. If the application is determined to be incomplete, the Planning Board shall notify the applicant in writing of this finding, shall specify the additional materials required to make the application complete, and shall advise the applicant that the application will not be considered by the Planning Board until the additional information is submitted. These steps, except for the notification requirements, shall be repeated until the application is found to be complete.

(g) Upon determination that a complete application has been submitted for review, the Board shall determine whether to hold a public hearing on the subdivision plan application. After the Planning Board has determined that a complete application has been filed, it shall begin its substantive review of the proposed subdivision plan application within thirty (30) days of this finding and shall decide whether to hold a public hearing on the subdivision plan application.

(i) If the Planning Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days of determining that it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of general circulation in the Town at least once, the date of the first publication to be at least seven (7) days prior to the hearing. A copy of the notice shall be mailed by the Town to the property owners within five hundred (500) ft. of the parcel on which the proposed development is located.

(h) The Planning Board may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted, and investigate the subdivision proposal. The Board may schedule this visit either before or after the first meeting at which the application is considered. Written notice of the on-site inspection shall be provided to all parties entitled to notice under subsection (e.ii.) above. The Board may decide not to hold an on-site inspection when the site is covered in snow.

(i) If a review is pending during a period when there is more than one foot of snow cover, the deadline by which the Planning Board shall take final action may be extended. This extension shall not exceed thirty (30) days after the site is clear of snow and the Board is able to conduct an on-site inspection.

(vi) Prior to approving the subdivision application, the following approvals shall be obtained in writing, where applicable:

(A) Maine Department of Environmental Protection, under the Site Location of Development Act, Natural Resources Protection Act, or if a wastewater discharge license is needed.

~~(B) — Maine Department of Human Services, if the applicant proposes to provide a common water system for the lots in the subdivision or if an engineered subsurface wastewater disposal system(s) is to be utilized.~~

~~(C) — U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.~~

~~(vii) — Before the Board grants approval of the subdivision plan, the applicant shall meet the performance guarantee requirements.~~

(i) Within sixty (60) days from the public hearing or within one-hundred twenty (120) days of determining that an application is complete, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Planning Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria for approval contained in 30-A M.R.S.A. § 4404 and the standards of this ordinance. If the Board finds that all the criteria of the statute and the standards of this ordinance have been met, they shall approve the final plan. If the Board finds that any of the criteria of the statute or the standards of this ordinance have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Board.

3) Subdivision Amendments

~~e) 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:~~

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

~~(iv) the scope of review shall be the entire subdivision.~~

~~d) 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.~~

~~(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 applicable to the original subdivision still apply.~~

a) If the revision involves the creation of additional lots or dwelling unit, and

(i) if the applicant is the developer, or the subdivision is less than five years old:

(A) the procedures for preliminary plan approval shall be followed; and

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

(ii) if the applicant is the purchaser of one of the lots within the subdivision:

(A) the procedures for preliminary plan approval shall be followed;

 (B) 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); and

 (C) the lot sizes, density, open space, and any restrictions applicable to the original subdivision still apply.

b) If the revision involves a modification of the approved plan (such as relocation of rights-of-way, changes of grade by more than 1%, etc.), without the creation of additional lots or dwelling units:

~~(ii) The Code Enforcement Officer may approve the modifications of a property line, if the proposed lots will meet the standards in Article 5 of this Ordinance. The Code Enforcement Officer may approve modifications to an existing property line without notifying the Planning Board, provided that the modified lots meet the standards in Article 5 of this Ordinance.~~

c) The applicant shall record the approved amended subdivision plan at the Sagadahoc County registry of deeds and shall submit a copy of the recorded plan to the Town.

F) Final Approval and Filing

1) All approved applications are conditional upon receiving all permits needed for the project by other agencies in writing, including, but not limited to the following, as applicable:

a) Maine Department of Environmental Protection, under the Site Location of Development Act, Natural Resources Protection Act, or if a wastewater discharge license is needed.

b) Maine Department of Human Services, if the applicant proposes to provide a common water system for the lots in the subdivision or if an engineered subsurface wastewater disposal system(s) is to be utilized.

c) U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.

G) Performance Standards & Design Standards

1) Vehicular Access

a) Performance Standards

(i) At a minimum, provision shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to:

(A) safeguard against hazards to traffic and pedestrians on existing streets and within the subdivision;

(B) provide safe and convenient circulation on adjacent public streets and within the subdivision; and

(C) minimize the number of new points of vehicle access onto the existing public road system.

(iii) Streets shall be named in accordance with the ~~Road Addressing Ordinance E-911 System~~. The developer shall either install street name, traffic safety, and control signs meeting Town specifications or reimburse the Town for the costs of their installation. Street lighting shall be installed by the developer as approved by the Board.

b) Design Standards

(ix) Reserve strips controlling access to streets shall be prohibited except where their control is placed with the ~~municipality~~ Town.

d) Maintenance Guarantee

~~(iii) If the applicant fails to maintain the private street, the Town may provide the same level of summer and winter maintenance that it provides to public streets upon twenty-four (24) hours written notice to the applicant and may withdraw funds from the escrow account to cover its costs for labor, equipment, and materials to provide the maintenance. If the Town uses this cost recovery provision, it shall provide the applicant with a written account of the work performed, costs, and withdrawals from the escrow account.~~

5) Water Supply

a) Water Quality

Water supplies shall meet the primary drinking water standards contained in the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231). If existing water quality contains contaminants in excess of the secondary drinking water standards in the Maine Rules Relating to Drinking Water, that fact shall be disclosed in a note on the plan to be recorded in the Registry of Deeds.

10) Shoreland

b) Whenever situated entirely or partially within the watershed of any pond or lake or within two hundred and fifty (250) ft. of any wetland or river as defined in ~~Title 38, chapter 3, subchapter I, article 2B, 38 M.S.R.A. § 436-A~~, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

c) When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of five hundred (500) ft.

(i) To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than two hundred and fifty (250) ft. which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.

(ii) The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, ~~Title 38, chapter 3, subchapter I, article 2B, 38 M.S.R.A. § 436-A~~, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of ~~section 4401, subsection 1, 30-A M.S.R.A. § 4401, subsection 1~~, on September 23, 1983.

14) Groundwater

a) Projects that involve on-site water supply or sewage disposal systems with a total capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply with the standards for safe drinking water as established by the State of Maine in 10-144A C.M.R. 231.

15) Wildlife Habitat

b) Design Standard

(vi) If the proposed subdivision includes other important wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the comprehensive plan, the restrictions on activities in and around these areas shall be reviewed by the Department or a qualified wildlife biologist, and their comments presented in writing to the Planning Board.

16) Natural Areas

a) If any portion of the subdivision is located within an area designated as a unique natural area by the Comprehensive Plan or the Maine Natural Areas Program, the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation. The Planning Board may require the applicant to seek the advice of the Maine Natural Areas Program.

24) Compliance with Ordinances

b) Any future division shall constitute a revision to the plan and shall require approval from the Planning Board based upon the criteria of the subdivision statute at the time of the revision, the standards of the Town's Subdivision Ordinance then in effect, and any conditions placed on the original approval.

I) Waivers

1) Waivers of Submission Requirements Authorized

d) The Planning Board shall review the request and either approve, modify, or deny it by formal vote of the Board.

2) Waivers of Standards Authorized

c) The Planning Board shall review the request and either approve, modify, or deny it by formal vote of the Board.

3) Waivers may only be granted in accordance with subsections 1 and 2 above. When granting waivers, the Planning Board may set conditions so that the purposes of this Ordinance are met.

J) Inspections & Violations

2) Violations

a) No plan of a division of land within the municipality which would constitute a subdivision shall be recorded in the Registry of Deeds until a final plan has been approved by the Planning Board in accordance with this ordinance.

b) A person shall not convey, offer or agree to convey any land in a subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds.

d) No public utility, water district or any utility company of any kind shall serve any lot in a subdivision for which a final plan has not been approved by the Planning Board.

e) Development of a subdivision without Planning Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a plan approved as provided in this ordinance and recorded in the Registry of Deeds.

Part 9: Article 10, entitled, "Site Plan Review" is hereby amended as follows:

B) Administration Procedures and Application Fees

1) Review and Approval Authority

~~————The Code Enforcement Officer is authorized to review and act on Tier I Site Plans Review applications. The Code Enforcement Officer is also authorized to review and act on applications to amend existing site plans when the proposed amendment would be classified as Tier I under subsection (B)(2)(b) below. The Code Enforcement Officer may, at his or her discretion, refer any such applications or amendment applications to the Planning Board for review. Only the Planning Board is authorized to review and act on Tier II and Tier III Site Plan Review applications and applications to amend existing site plans when the proposed amendment would be classified as Tier II or III under subsections (B)(2)(c) or (d) below. In considering site plans under this section, the Planning Board or Code Enforcement Officer~~

~~may act to approve, disapprove, or approve the application with conditions as are authorized by these provisions.~~

a) The Code Enforcement Officer is authorized to review and act on Tier I Site Plans Review applications. The Code Enforcement Officer is also authorized to review and act on applications to amend existing site plans when the proposed amendment would be classified as Tier I under subsection (B)(2)(b) below. The Code Enforcement Officer may, at his or her discretion, refer any such applications or amendment applications to the Planning Board for review.

b) Only the Planning Board is authorized to review and act on Tier II and Tier III Site Plan Review applications and applications to amend existing site plans when the proposed amendment would be classified as Tier II or III under subsections (B)(2)(c) or (d) below.

c) In considering site plans under this section, the Planning Board or Code Enforcement Officer may act to approve, disapprove, or approve the application with conditions as are authorized by these provisions.

2) Classification of Projects

~~a) The Town Planner~~ Code Enforcement Officer shall classify each proposed project as either Tier I, II, or III project, or as a project amendment.

c) Tier II projects shall include the following projects:

(v) ~~All cannabis uses require a Site Plan Review Permit, unless it meets the requirements of a Tier III application in subsection d below. All projects involving cannabis uses, unless the project meets the requirements of a Tier III application in subsection d below.~~

(ix) ~~Solar Energy Systems require a Site Plan Review Permit, unless it meets the requirements of a Tier III application in subsection d. below. Project classified as Solar Energy Systems – Large, unless the project meets the requirements of a Tier III application in subsection d below.~~

d) Tier III projects shall include the following projects:

(v) ~~Projects requiring review which are not classified as a Tier II development project.~~

3) Fees

a) Application Review Fee

(i) ~~An application for site plan review must be accompanied by an application fee, plus all mailing and advertising costs for the processing of the application. The fee shall not be refundable. This application fee shall be paid to the~~

~~municipality.~~ The fee shall not be refundable and shall be paid to the Town. The application fee shall be as follows:

C) Application Submission Requirements

2) Submission Requirements for Site Inventory & Analysis (Tier III applications only)

~~The site inventory and analysis is intended to provide both the applicant and the Planning Board with a better understanding of the site and the opportunities and constraints imposed on its use by both the natural and built environment.~~ The Site Inventory & Analysis is a preliminary process intended to provide both the applicant and the Planning Board with a better understanding of the site and the opportunities and constraints imposed on its use by both the natural and built environment, prior to full Tier III Site Plan Review. It is anticipated that this analysis will result in a development plan that reflects the conditions of the site; those areas that are suitable for the proposed use will be utilized, while those that are not suitable or present significant constraints will be avoided to the maximum extent possible. Therefore, the submission requirements provide that the applicant submit basic information about the site and an analysis of that information.

The Site Inventory & Analysis submission must contain, at a minimum, the following information:

- e) ~~Eight (8)~~ Nine (9) copies of an accurate scale inventory plan of the parcel at a scale of not more than one hundred (100) ft. to the inch showing as a minimum:
- f) ~~Eight (8)~~ Nine (9) copies of a narrative describing the existing conditions of the site, the proposed use and the constraints or opportunities created by the site. This submission should include any traffic studies, utility studies, market studies or other preliminary work that will assist the Planning Board in understanding the site and the proposed use.
- g) ~~Eight (8)~~ Nine (9) copies of any requests for waivers from the submission requirements for the site plan review application.

3) Submission Requirements for Site Plan Review Applications (Tier II and Tier III)

The submission documents requested for Site Plan Review are meant to provide the Planning Board with detailed information about the existing site conditions and the changes that are being proposed in a manner that makes them easy to understand and review under the provisions of this Ordinance. Typically, much of this documentation is found in formal Site Plan documents created by a contractor or project architect ("The Plan"); however, the Planning Board accepts less formal documents as long as the required information is provided. Site Plan Review applications must contain a "Plan" document that can be signed upon approval of the application. The Plan is a map and must contain the information described below in Sections 3.e. and 3.f. Additional information required for submission can be included as separate documents not shown on the Plan or on the Plan as specified in Section 3.g. Additional requirements for Tier III projects are found in Section 3.h. Applications for Site Plan Review must be submitted on application forms provided by the

Town. Projects classified as Tier II projects shall go through a simplified review process. The Planning Board shall have the authority to waive any review standards if it finds they are inapplicable to Tier II projects.

- (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.~~
- (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) ~~Eight (8) copies of written materials plus eight (8) 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. ~~the location of all required building setbacks, yards, and buffers.~~
 - b. ~~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.~~
 - c. ~~the name, registration number and seal of the person who prepared the plan, if applicable.~~
 - (2) ~~General Information:~~
 - a. ~~record owner's name, address, and phone number and applicant's name, address and phone number, if different.~~
 - b. ~~names and addresses of all property owners within two hundred (200) feet of any and all property boundaries.~~
 - c. ~~sketch map showing the general location of the site within the municipality based upon a reduction of the tax maps.~~
 - d. ~~the tax map and lot number of the parcel or parcels on which the project is to be located.~~
 - e. ~~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.~~
 - f. ~~cost of the proposed development.~~

- ~~g. 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 an 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.~~
- ~~h. evidence of the applicant's technical capability to carry out the project as proposed.~~

~~(3) Existing Conditions Plan including the following:~~

- ~~a. zoning classification(s), including overlay and/or subdistricts, of the property and the location of zoning district boundaries if the property is located in two (2) or more zoning districts or subdistricts or abuts a different district.~~
- ~~b. the bearings and length of all property lines of the property to be developed and the source of this information.~~
- ~~c. location and size of any existing sewer and water mains, culverts and drains, on-site sewage disposal systems, wells, underground tanks or installations, and power and telephone lines and poles on the property to be developed and on abutting streets or land that may serve the development and an assessment of their adequacy and condition to meet the needs of the proposed use. Appropriate elevations must be provided as necessary to determine the direction of flow.~~
- ~~d. location, names, and present widths of existing public and/ or private streets and rights of way within or adjacent to the proposed development.~~
- ~~e. The location, dimensions and ground floor elevation of all existing buildings on the site.~~
- ~~f. the location and dimensions of existing driveways, parking and loading areas, walkways, and sidewalks on or immediately adjacent to the site.~~
- ~~g. location of intersecting roads or driveways within two hundred (200) feet of the site.~~
- ~~h. the location of open drainage courses, wetlands, stonewalls, graveyards, fences, stands of trees, and other important or unique natural areas and site features, including but not limited to, floodplains, deer wintering areas, significant wildlife habitats, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, and historic and/ or archaeological resources, together with a description of such features.~~
- ~~i. the direction of existing surface water drainage across the site, and any off-site drainage facilities that will be used.~~
- ~~j. the location, front view, dimensions, and lighting of existing signs.~~

- k. ~~location and dimensions of any existing easements and copies of existing covenants or deed restrictions.~~
- l. ~~the location of the nearest fire hydrant or other water supply for fire protection.~~

(4) Proposed Development Activity

- a. ~~estimated demand for water supply and sewage disposal, together with the location and dimensions of all provisions for water supply and wastewater disposal, and evidence of their adequacy for the proposed use, including soils test pit data if on-site sewage disposal is proposed.~~
- b. ~~the direction of proposed surface water drainage across the site, and from the site, with an assessment of impacts on downstream properties.~~
- c. ~~provisions for handling all solid waste, including hazardous and special wastes, and the location and proposed screening of any on-site collection or storage facilities.~~
- d. ~~the location, dimensions, and materials to be used in the construction of proposed driveways, parking and loading areas, and walkways and any changes in traffic flow onto or off site.~~
- e. ~~a grading plan showing the existing and proposed topography of the site at two (2) foot contour intervals, or such other interval as the Planning Board may determine~~
- f. ~~proposed landscaping and buffering.~~
- g. ~~the location, dimensions, and ground floor elevation of all proposed buildings or building expansion proposed on the site.~~
- h. ~~location of proposed signs together with the method for securing the sign.~~
- i. ~~location and type of exterior lighting.~~
- j. ~~the location of all utilities, including fire protection systems.~~
- k. ~~a general description of the proposed use or activity.~~
- l. ~~an estimate of the peak hour and daily traffic to be generated by the project.~~
- m. ~~the existing and proposed method of handling stormwater runoff, erosion and sedimentation control measures, and water quality and/or phosphorous export management provisions.~~
- n. ~~A written statement from any utility district providing service to the project as to the adequacy of the water supply in terms of quantity and pressure for both domestic and fire flows.~~
- o. ~~Breakdown of proposed project costs.~~
- p. ~~Approval Block. Space must be provided on the plan drawing for the signatures of the Planning Board and date together.~~

The Plan shall be submitted as full-sized copies of one or more maps or drawings or more if requested by the Planning Board, which may be printed or reproduced on paper, with all dimensions shown. The submission must contain at least the information on the Plan and additional information specified in this section, unless specifically waived in writing:

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) nine (9) copies of all written materials, including nine (9) sets of maps or drawings as noted in the sections below. Formal maps or drawings must be at a sufficient scale to allow review of the items listed under the approval criteria. Forty (40) ft. to the inch is preferred, but in no case shall the scale exceed one hundred (100) ft. to the inch.

d) The Plan (maps and drawings) must include:

(i) The location of all required building setbacks, yards, and buffers.

(ii) 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.

(iii) The name, registration number and seal of the person who prepared the document(s), if applicable.

e) The existing conditions found on the Plan must include:

(i) The bearings and length of all property lines of the property to be developed and the source of this information.

(ii) Location and size of any existing sewer and water mains, culverts and drains, on-site sewage disposal systems, wells, underground tanks or installations, and power and telephone lines and poles on the property to be developed and on abutting streets or land that may serve the development and an assessment of their adequacy and condition to meet the needs of the proposed use. Appropriate elevations must be provided as necessary to determine the direction of flow.

(iii) Location, names, and present widths of existing public and/ or private streets and rights-of-way within or adjacent to the proposed development.

(iv) The location, dimensions and ground floor elevation of all existing buildings on the site.

(v) The location and dimensions of existing driveways, parking and loading areas, walkways, and sidewalks on or immediately adjacent to the site.

(vi) The existing topography of the site at two (2) foot contour intervals, or such other interval as the Planning Board may determine

(vii) The direction of existing surface water drainage across the site, and any off-site drainage facilities that will be used.

(viii) If grading is proposed, the existing topography of the site at two (2) foot contour intervals, or such other interval as the Planning Board may determine.

f) The proposed development activities found on the Plan must include:

(i) The direction of proposed surface water drainage across the site, and from the site, with an assessment of impacts on downstream properties.

(ii) The location and proposed screening of any on-site collection or storage facilities of solid waste, including hazardous and special wastes.

(iii) The location, dimensions, and materials to be used in the construction of proposed driveways, parking and loading areas, and walkways and any changes in traffic flow onto or off-site.

(iv) If grading is proposed, a grading plan showing the proposed topography of the site at two (2) foot contour intervals, or such other interval as the Planning Board may determine.

(v) Proposed landscaping and buffering.

(vi) The location, dimensions, and ground floor elevation of all proposed buildings or building expansion proposed on the site.

(vii) Location and type of exterior lighting.

(viii) The location of all utilities, including fire protection systems.

(ix) The proposed method of stormwater management, including water quality and/or phosphorous export management provisions.

(x) The proposed method of erosion and sedimentation control measures

(xi) Approval block. Space must be provided on the plan drawing for the signatures of the Planning Board and date together.

g) Additional information that must be provided, either on the Plan or in supplemental information, must include:

(i) Record owner's name, address, and phone number and applicant's name, address and phone number, if different.

(ii) Names and addresses of all property owners within two hundred (200) ft. of any and all property boundaries.

- (iii) Sketch map showing the general location of the site within the municipality based upon a reduction of the tax maps.
- (iv) The tax map and lot number of the parcel or parcels on which the project is to be located.
- (v) 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.
- (vi) Cost of the proposed development.
- (vii) 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 an 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.
- (viii) Evidence of the applicant's technical capability to carry out the project as proposed.
- (ix) Zoning classification(s), including overlay and/or subdistricts, of the property and the location of zoning district boundaries if the property is located in two (2) or more zoning districts or subdistricts or abuts a different district.
- (x) A written statement from any utility district providing service to the project as to the adequacy of the water supply in terms of quantity and pressure for both domestic and fire flows.
- (xi) Breakdown of proposed project costs.
- (xii) Location of intersecting roads or driveways within two hundred (200) ft. of the site.
- (xiii) The location of open drainage courses, wetlands, stonewalls, graveyards, fences, stands of trees, and other important or unique natural areas and site features, including but not limited to, floodplains, deer wintering areas, significant wildlife habitats, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, and historic and/ or archaeological resources, together with a description of such features.
- (xiv) The location, front view, dimensions, and lighting of existing signs.
- (xv) Location and dimensions of any existing easements and copies of existing covenants or deed restrictions.
- (xvi) The location of the nearest fire hydrant or other water supply for fire protection.

(xvii) Estimated demand for water supply and sewage disposal, together with the location and dimensions of all provisions for water supply and wastewater disposal, and evidence of their adequacy for the proposed use, including soils test pit data if on-site sewage disposal is proposed.

(xviii) Provisions for handling all solid waste, including hazardous and special wastes.

(xix) Location and dimensions of proposed signs together with the method for securing the sign.

(xx) A general description of the proposed use or activity.

(xxi) An estimate of the peak hour and daily traffic to be generated by the project.

4) Site Plan Amendments

The applicant shall submit ~~ten (10)~~ nine (9) copies of the following:

D) Site Plan Application Review Procedures

1) The Planning Board or Code Enforcement Officer shall use the following procedures in reviewing applications for site plan review.

2) Tier I application

a) The applicant shall submit a complete application including all submission requirements to the Code Enforcement Officer.

~~(i) Once the Code Enforcement Officer receives the application, notice shall be sent by first class mail to all abutting property owners.~~

~~(ii) The Code Enforcement Officer shall review the application within ten (10) days of the receipt of the application to determine whether or not the submission is complete. If the application is determined to be incomplete, the applicant shall be notified in writing of this finding, which shall specify the additional materials required to make the application complete and shall advise the applicant that the application will not be reviewed until the additional information is submitted. Failure to submit the additional information within six months shall be deemed an abandonment of the application.~~

b) The Code Enforcement Officer shall review the application within ten (10) days of the receipt of the application to determine whether or not the submission is complete and shall send notice of the application by first class mail to all abutting property owners.

c) If the application is determined to be incomplete, the applicant shall be notified in writing of this finding, which shall specify the additional materials required to make the application complete and shall advise the applicant that the application will not be reviewed until the additional information is submitted. Failure to submit the additional information within six (6) months shall be deemed an abandonment of the application.

3) Tier II and III applications

a) ~~Staff Workshop~~ Pre-application Planning Meeting

Prior to submitting a formal application, the applicant or his/her representative shall schedule a pre-application ~~conference~~ planning meeting with the Town Planner and other relevant Town staff. The pre-application ~~conference~~ meeting shall be informal and informational in nature. There shall be no fee for a pre-application review, and such review shall not cause the plan or any related application to be a pending application or proceeding under 1 M.R.S.A. § 302. No decisions on the substance of the plan shall be made at the pre-application ~~conference~~ meeting.

(i) Purposes of ~~Workshop~~ the Pre-application Planning Meeting are:

(A) to allow relevant Town Staff to understand the nature of the proposed use and the issues involved in the proposal;

b) Site Inventory & Analysis

(ii) Applicants with projects classified as Tier III projects shall submit a Site Inventory & Analysis for Planning Board review. This review must be completed prior to the submission of the formal site plan review application.

(A) ~~Except~~ A Site Inventory & Analysis shall not be required for an Amendment to a Site Plan.

(iv) The Planning Board shall review the submission to determine if the information provides a clear understanding of the site and identifies opportunities and constraints that help determine how it should be used and developed.

(v) The outcome of the review process shall be a determination by the Planning Board of the issues and constraints that must be addressed in the formal site plan review application.

(vi) The Planning Board shall review the Site Inventory & Analysis with the applicant and shall authorize the submission of the formal application when the site analysis is complete.

(vii) The Planning Board shall also act on any requests for waivers.

(viii) The Site Inventory & Analysis review procedure shall be as follows:

(A) ~~All submission requirements shall be submitted to the Town Planner at least twenty-one (21) days prior to the meeting at which it is to be considered. The Site Inventory & Analysis shall be submitted to the Town Planning Department Staff at least twenty-one (21) days prior to a scheduled meeting of the Planning Board.~~

(B) Upon receipt of a Site Inventory & Analysis, the Planner Town Planning Department Staff shall give a dated receipt to the applicant. Within seven (7) days of the receipt of a Site Inventory & Analysis submission ~~for a major development~~, the Planner Town Planning Department Staff shall review the material and make a preliminary determination on whether or not the submission is complete.

~~(1) If the submission is determined to be incomplete, the applicant shall be notified in writing of this finding, which shall specify the additional material required to make the submission complete, shall advise the applicant that the application will not be reviewed until the additional information is submitted, and that all additional information must be submitted no later ten (10) days prior to the meeting at which it is to be considered. If the submission is determined to be incomplete, the Town Planning Department Staff shall notify the applicant in writing of this finding, shall specify the additional material required to make the submission complete, shall advise the applicant that the application will not be reviewed until the additional information is submitted, and that all additional information must be submitted no later ten (10) days prior to the meeting at which it is to be considered. These steps shall be repeated until all materials have been submitted.~~

~~(2) When the submission is determined to be complete by the Planner, the applicant shall be notified in writing of this finding and the item placed on the agenda for informal review by the Board and an on-site inspection may be scheduled.~~

~~(3) Upon receipt of a complete application, the Planner shall notify the Selectmen, Town Manager, Fire Chief, Road Commissioner, Public Works Director, Solid Waste Manager, Recreation Director, Community & Economic Development Director and the Code Enforcement Officer and abutting property owners of the pending application.~~

(2) When the submission is determined to be complete by the Town Planning Department Staff, the applicant shall be notified in writing of this finding and the item placed on the agenda for review by the Planning Board. An on-site inspection may be scheduled, and copies of the submission will be distributed to the Select Board, Town Manager, Fire Chief, Road Commissioner, Public Works Director, Solid Waste Manager, Recreation Director, Community & Economic Development Director and the Code Enforcement Officer and abutting property owners of the pending application.

(C) The Town Planning Department shall, at the applicant's expense, notify all abutting property owners of the pending application and the date, time, and place of the meeting at which the Planning Board will review the Site Inventory & Analysis submission.

(D) Within forty-five (45) days of the first Planning Board meeting at which the Site Inventory & Analysis is discussed or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall complete its review of the Site Inventory & Analysis.

(F) The Planning Board shall complete its review of the submission and notify the applicant in writing of its findings.

c) Site Plan Application Review Procedure

(ii) The complete application form, evidence of payment of the required fees, and the required plans and related information must be submitted to the Town ~~Planner~~ Planning Department Staff at least twenty-one (21) days prior to the Planning Board meeting at which it is to be considered.

(iii) Upon receipt of a formal site plan review application, the Town Planning Department Staff shall:

(A) give a dated receipt to the applicant;

(B) notify by first-class mail, abutting property owners that an application for site plan review has been submitted; and

(C) notify the notify the Planning Board, Select Board, Town Manager, Road Commissioner, Code Enforcement Officer, Public Works Director, Solid Waste Manager, Recreation Director, Community & Economic Development Director, and Fire Chief, and where appropriate, Harbormaster and Water District of the pending application.

(iv) Within seven (7) days of the receipt of a formal development review application, the Town Planner Planning Department Staff shall review the material and make a preliminary determination on whether or not the submission is preliminarily complete.

~~(A) If the application is determined to be incomplete, the applicant shall be notified in writing of this finding, which shall specify the additional materials required to make the application complete, shall advise the applicant that the application will not be reviewed until the additional information is submitted, and all additional information must be submitted no later ten (10) days prior to the meeting at which it is to be considered. If the application is determined to be incomplete, a member of the Town Planning Department Staff shall notify the applicant in writing of this finding. The notice shall specify the additional materials required to make the application complete, shall advise the applicant that the application will not be reviewed until the additional information is submitted, and state that all additional information must be submitted no later ten (10) days prior to the meeting at which it is to be considered. Failure to submit the additional information within six (6) months shall be deemed an abandonment of the application.~~

(B) As soon as the application is determined to be preliminarily complete, the applicant shall be notified in writing of this finding. ~~The notification requirements of subsection (d) below shall be met and the item placed on the agenda for substantive review within thirty (30) days of this finding.~~ Town Planning Department Staff will place the item on the agenda for review by the Planning Board and distribute copies of the submission to the members of the Select Board, Town Manager, Road Commissioner, Code Enforcement Officer, Public Works Director, Solid Waste Manager, Recreation Director, Community & Economic Development Director, and Fire Chief, and where appropriate, Harbormaster and Water District.

~~(D) Upon receipt of a formal site plan review application, the Planner shall give a dated receipt to the applicant and shall notify the Selectmen, Town Manager, Fire Chief, Road Commissioner, Public Works Director, Solid Waste Manager, Recreation Director, Community & Economic Development Director and the Code Enforcement Officer and abutting property owners of the pending application.~~

(v) Within thirty (30) days of the receipt of a preliminarily complete formal site plan review application, the Planning Board shall review the material and determine whether or not the submission is complete. If the application is determined to be incomplete, the Planning Board shall notify the applicant in writing of this finding, shall specify the additional materials required to make the application complete, and shall advise the applicant that the application will not be considered by the Planning Board until the additional information is submitted to the Planning Board. These steps, except the notification requirements, shall be repeated until the application is found to be complete.

(vi) After the Planning Board has determined that a complete application has been filed, it shall begin its substantive review of the proposed development within thirty (30) days of this finding. The Planning Board shall also schedule a public hearing within thirty (30) days of determining that it has received a complete application.

(A) The public hearing shall be held within 30 days of the filing of the completed application. The Planning Board shall give written notice of the date, time, and place of the public hearing at which the application will be considered to the applicant and all property owners of record within five hundred (500) ft. of the parcel on which the proposed development is located by first-class mail. The determination of the names and owners shall be based upon the records of the local Assessor's Office. The Planning Board shall publish the time, date, and place of the hearing at least once, the date of the first publication to be at least seven (7) days prior to the hearing, in a newspaper of area-wide circulation.

(vii) The Planning Board may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted and investigate the development proposal. The Board may schedule this visit either before or after the first meeting at which the application is considered. ~~The Board may decide not to hold an on-site~~

~~inspection when the site is snow covered. Written notice of the on-site inspection shall be provided to all parties entitled to notice under subsection (d) above. Written notice of the on-site inspection shall be provided to all parties entitled to notice under subsection (iv.B.) above. The Board may decide not to hold an on-site inspection when the site is covered in snow.~~

~~(H) — The Planning Board shall hold a public hearing within 30 days of the filing of the completed application. The Planning Board shall give written notice of the date, time, and place of the public hearing at which the application will be considered to the applicant and all property owners of record within five hundred (500) feet of the parcel on which the proposed development is located by first class mail. The determination of the names and owners shall be based upon the records of the local Assessor's Office. The Planning Board shall publish the time, date, and place of the hearing at least once, the date of the first publication to be at least seven (7) days prior to the hearing in a newspaper of area wide circulation.~~

d) Procedure for Public Hearing of an Application

(i) The purpose of the public hearing is to allow the applicant and affected property owners to provide information as part of the record that the Planning Board will use in considering its action on the application. The testimony presented at the hearing should be related to factual information about the application and related submissions and the project's compliance with the review standards and other regulations and requirements of this ordinance or other Town ordinances.

(ii) The Planning Board Chair shall provide the applicant or his/her representative with an opportunity to make any statement or presentations at the beginning of the hearing. The Chair shall then allow the members of the Board to ask questions of the applicant and for the applicant to answer those questions. Following Board questions, the Chair shall open the public hearing to the public for statements, information submissions, or questions about the project. At the close of the public comment period, the Chair shall afford the applicant an opportunity to answer any questions raised by the public, rebut any statements or information submitted, and cross-examine anyone offering testimony on the application. The Chair may allow the applicant this opportunity after each member of the public testifies if that is deemed to be desirable. At the conclusion of the applicant's response, the hearing shall be closed.

e) Procedure for Final Action on an Application

(ii) In issuing its decision, the Planning Board shall make written findings of fact that establish whether the proposed development does or does not meet the standards of approval, performance standards, and other requirements of this Ordinance.

(iii) The Planning Board shall notify the applicant of the action of the Planning Board, including the findings of fact and any conditions of approval.

F) General Performance Standards

The Planning Board may waive any of the general performance standards based upon a written request of the applicant. Such a request should be made at the time of the Site Inventory & Analysis review or at the initial review of the application if no Site Inventory & Analysis review is required. A waiver of any general performance standard may be granted only if the Board finds that the standard is not required for the proposed project to be in compliance with the approval criteria.

G) Use-Specific Performance Standards

10) Cannabis Establishments

c) All cannabis and cannabis products shall be in a secured facility that meets state requirements for the registered or licensed premises under ~~Title 22, Chapter 558-C or Title 28-B, 22 M.R.S.A. §§ 2421-2430 or 28-B M.R.S.A.~~, as applicable. Any outdoor area approved for cannabis cultivation under this ordinance must be enclosed and equipped with locks or other security devices that permit access only by a person authorized to have access to the area. The ~~municipality~~ Town shall keep confidential any security plans that are submitted as part of the application process.

11) Commercial Complex

d) A commercial complex is required to submit the following information and documents to the Town prior to a business joining the complex, to ensure compliance with its permit.

i) Business name, type of use and description of business.

ii) Unit and square footage to be occupied by the business.

iii) Any proposed construction for business.

iv) Number of employees allowed for business.

v) Designated parking and loading area(s) for business.

vi) Description of proposed daily traffic for business.

vii) Location and size of business signage.

viii) Location for storage of special, hazard or radioactive wastes, and types of wastes to be stored there.

ix) Copy of State Fire Marshall Permit or Certification for the business.

x) Copy of any State and/or Federal permits required for the business.

xi) Copy of rental/lease agreement, which addresses use of any common areas, maintenance of assigned business areas and common areas, solid waste disposal.

installation & maintenance of utilities, and any proposed construction for said business.

12) Daycare, Center / Pre-School

a) Day Care Centers / Pre-Schools and ~~Nursery Schools~~ shall have at least one thousand (1,000) sq. ft. of lot area per child.

21) Non-Roadside or Cross-Country Distribution Lines (greater than 34.5kV) and Gas Transmission Pipelines

a) The applicant must demonstrate:

(i) the proposed cost and benefits of the proposed project;

(ii) potential impacts on abutters, the environment and wildlife habitat; and

(iii) how potential impacts on abutters, the environment and wildlife habitat will be minimized.

24) Self-Storage Facility

~~a) A Self Storage Facility is a fully enclosed structure with individual, secured units (accessed with or without supervision) used for the exclusive purpose of storage of non-hazardous business or personal materials.~~

~~25) Solar Energy System~~

~~a) Agricultural Soils: Preference shall be given to locating the system on previously developed, degraded, or marginally productive portions of the property. If the project is to be located over land identified in the Comprehensive Plan as Prime Agricultural Soil, Farmland of Statewide Importance, or Farmland Soils of Local Importance, the plan shall minimize soil disturbance in the installation of the solar energy system with the goal of preserving future agricultural uses and shall include habitat for native plants and pollinators or incorporate a dual-use agricultural operation.~~

~~b) Abandonment or Decommissioning:~~

~~(i) Removal Requirements: At such time that the solar energy system has reached the end of its useful life or has been abandoned consistent with the Abandonment description within this standard, it shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Site Plan review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:~~

~~(A) Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site.~~

~~(B) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.~~

~~(C) Stabilization or re-vegetation of the site as necessary to minimize erosion.~~

~~(ii) Abandonment: Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar energy system shall be considered abandoned when it fails to operate for more than one year without the written consent of the Site Plan Review Authority. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town of Bowdoinham (town) retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned or decommissioned installation.~~

~~(iii) Surety: The applicant will provide financial assurance for the decommissioning costs in the form of a performance bond, surety bond, "evergreen" letter of credit, or other means acceptable to the Town, for the total cost of decommissioning. The applicant will have the financial assurance mechanism in place prior to construction. The applicant shall, upon the request of the Town, update the estimated costs of decommissioning. Every five years after the start of construction, updated proof of acceptable financial assurance must be submitted to the Town for review.~~

H) General Provisions

~~7) A commercial complex is required to submit the following information and documents to the Town prior to a business joining the complex, to ensure compliance with its permit.~~

- ~~a) Business name, type of use and description of business.~~
- ~~b) Unit and square footage to be occupied by the business.~~
- ~~c) Any proposed construction for business.~~
- ~~d) Number of employees allowed for business.~~
- ~~e) Designated parking and loading area(s) for business.~~
- ~~f) Description of proposed daily traffic for business.~~
- ~~g) Location and size of business signage.~~
- ~~h) Location for storage of special, hazard or radioactive wastes, and types of wastes to be stored there.~~
- ~~i) Copy of State Fire Marshall Permit or Certification for the business.~~
- ~~j) Copy of any State and/or Federal permits required for the business.~~
- ~~k) Copy of rental/lease agreement, which addresses use of any common areas, maintenance of assigned business areas and common areas, solid waste disposal, installation & maintenance of utilities, and any proposed construction for said business.~~

Part 10: Article 11, entitled, "Administration, Enforcement & Penalties" is hereby amended as follows:

B) Permits Required

- 1) It shall be unlawful, without first obtaining a permit from the appropriate reviewing authority, to:
 - a) engage in any activity or use of land or structure requiring approval in the district in which such activity or use would occur; ~~or~~
 - b) expand, change, or replace an existing use or structure; ~~or~~
 - c) renew a discontinued nonconforming use; ~~or~~
 - d) engage in construction, alteration, relocation, demolition or replacement of any building or part thereof; ~~or~~
 - e) perform plumbing work; or
 - f) create a subsurface wastewater disposal system.

C) Permit Application Review Procedure

4) Planning Board

For Setback Determinations the following process shall be used:

- a) The complete application form, evidence of payment of the required fees, and the required plans and related information must be submitted to the ~~Town Planner~~ Town Planning Department Staff at least twenty-one (21) days prior to the Planning Board meeting at which it is to be considered.
- b) Within seven (7) days of receipt of the application, the ~~Town Planner~~ Town Planning Department Staff shall review the material and make a preliminary determination on whether or not the submission is complete.
 - ~~(i) If the application is determined to be incomplete, the applicant shall be notified in writing of this finding, which shall specify the additional materials required to make the application complete, the applicant shall be advised that the application will not be reviewed until the additional information is submitted, and all additional information must be submitted no later ten (10) days prior to the meeting at which it is to be considered. Failure to submit the additional information within six months shall be deemed an abandonment of the application.~~
 - ~~(A) As soon as the application is determined to be preliminarily complete, the applicant shall be notified in writing of this finding, and~~
 - ~~(B) notice of the application shall be sent by first class mail to all abutting property owners.~~
- b) ~~Once the application is placed on the agenda, the Planning Board shall review the material and determine whether or not the submission is complete. If the application is determined to be incomplete, the Board shall notify the applicant in writing of this~~

~~finding, shall specify the additional materials required to make the application complete and shall advise the applicant that the application will not be considered by the Board until the additional information is submitted to the Board. These steps, except the notification requirements, shall be repeated until the application is found to be complete.~~

~~c) After the Planning Board has determined that a complete application has been filed, it shall begin its substantive review of the application within thirty (30) days of this finding.~~

~~d) The Planning Board may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted and investigate the development proposal. The Board may schedule this visit either before or after the first meeting at which the application is considered. The Board may decide not to hold an on-site inspection when the site is covered in snow.~~

~~(i) If a review is pending during a period when there is more than one foot of snow cover, the deadline by which the Planning Board shall take final action may be extended. This extension shall not exceed thirty (30) days after the site is clear of snow and the Board is able to conduct an on-site inspection.~~

~~e) The Planning Board may hold a public hearing within 30 days of the filing of the completed application. The Planning Board shall give written notice of the date, time, and place of the public hearing at which the application will be considered, to the applicant, and all abutting property owners by first class mail. The determination of the names and owners shall be based upon the records of the local Assessor's Office.~~

(i) If the application is determined to be incomplete, a member of the Town Planning Department Staff shall notify the applicant in writing of this finding. The notice shall specify the additional materials required to make the application complete, shall advise the applicant that the application will not be reviewed until the additional information is submitted, and that all additional information must be submitted no later than ten (10) days prior to the Planning Board meeting at which it is to be considered. Failure to submit the additional information within six (6) months shall be deemed an abandonment of the application.

(ii) As soon as the application is determined to be preliminarily complete, the applicant shall be notified in writing of this finding and notice of the application shall be sent by first class mail to all abutting property owners.

c) Once the application is placed on the agenda, the Planning Board shall review the material and determine whether or not the submission is complete. If the application is determined to be incomplete, the Board shall notify the applicant in writing of this finding, shall specify the additional materials required to make the application complete, and shall advise the applicant that the application will not be considered by the Planning Board until the additional information is submitted. These steps, except the notification requirements, shall be repeated until the application is found to be complete.

d) After the Planning Board has determined that a complete application has been filed, it shall begin its substantive review of the application within thirty (30) days of this finding.

The Planning Board may also schedule a public hearing within thirty (30) days of determining that it has received a complete application.

(i) If the Planning Board decides to schedule a public hearing on the application, the public hearing shall occur within 30 days of the filing of the completed application. The Planning Board shall give written notice of the date, time, and place of the public hearing at which the application will be considered to the applicant, and all abutting property owners by first-class mail. The determination of the names and owners shall be based upon the records of the local Assessor's Office. The Planning Board shall publish the time, date, and place of the hearing at least once, the date of the first publication to be at least seven (7) days prior to the hearing, in a newspaper of area-wide circulation.

e) The Planning Board may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted and investigate the development proposal. The Board may schedule this visit either before or after the first meeting at which the application is considered. The Board may decide not to hold an on-site inspection when the site is covered in snow.

(i) If a review is pending during a period when there is more than one foot of snow cover, the deadline by which the Planning Board shall take final action may be extended. This extension shall not exceed thirty (30) days after the site is clear of snow and the Board is able to conduct an on-site inspection.

6) Select Board

The procedure for administering a license shall be as follows:

b) License Application Requirements

(vi) The applicant shall submit ~~seven (7)~~ nine (9) copies of the application and all supporting documentation.

E) Enforcement

~~3) Consent agreements. When the action does not result in the correction or abatement of the violation or nuisance condition, the Code Enforcement Officer, Board of Selectmen, or its authorized agent, may enter into a consent agreement to eliminate violations and to collect civil penalties. Only the Board of Selectmen may enter into a consent agreement that would allow an illegal structure or use to continue. However, within shoreland areas, such consent agreement shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that: the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is not evidence that the owner acted in bad faith; or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in the substantial environmental damage.~~

3) Consent Agreements

When the action does not result in the correction or abatement of the violation or nuisance condition, the Code Enforcement Officer, Board of Selectmen, or its authorized agent, may enter into a consent agreement to eliminate violations and to collect civil penalties.

(a) Only the Board of Selectmen may enter into a consent agreement that would allow an illegal structure or use to continue.

(b) Within shoreland areas, such consent agreement made by the Board of Selectmen shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that:

(i) the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is not evidence that the owner acted in bad faith; or

(ii) unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in the substantial environmental damage.

5) Penalty

In addition to the administrative fees in a-c above, fines shall be assessed in accordance with ~~Title 30-A, MRSA Section 4452.~~ 30-A M.R.S.A. § 4452. Each day that the violation occurs shall constitute a separate offense, beginning with the day following notification by the Code Enforcement Officer of such violation.

Part 11: Article 12, entitled, "Appeals" is hereby amended as follows:

A) Appointment and Composition

- 1) The municipal officers shall appoint members of the Board of Appeals in accordance with the requirements of Title 30-A MRSA Section 2691. 30-A M.R.S.A. § 2691.

C) Powers and Duties

The powers and duties of the Board of Appeals shall be as follows:

- 1) Administrative Appeals
2) Variances

To authorize variances within the limitations set forth in this Ordinance.

a) Variances may be granted only from the following dimensional requirements in Article 5.D and Article 7.D: frontage, lot area/size, density, lot width, structure height, percentage of coverage, and setback requirements.

(i) The Board of Appeals shall not grant a variance from dimensional requirements unless it finds that:

(B) the strict application of the terms of this Ordinance to the petitioner and the petitioner's property would cause undue hardship.

The term "undue hardship" as used in this subsection means:

- (1) the land in question cannot yield a reasonable return unless a variance is granted; ~~and~~
- (2) the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; ~~and~~
- (3) the granting of a variance will not alter the essential character of the locality; and
- (4) the hardship is not the result of action taken by the applicant or a prior owner.

(ii) Disability variance

A disability variance may be granted pursuant to the following:

(B) The board may grant a variance to an owner of a dwelling who resides in the dwelling and who is a person with a permanent disability for the construction of a place of storage and parking for a noncommercial vehicle owned by that person and no other purpose. The width and length of the structure may not be larger than 2 times the width and length of the noncommercial vehicle. The owner shall submit proposed plans for the structure with the request for the variance pursuant to this paragraph to the board.

- (1) The person with the permanent disability shall prove by a preponderance of the evidence that the person's disability is permanent.
- (2) For purposes of this paragraph, "noncommercial vehicle" means a motor vehicle as defined in ~~Title 29-A, section 101, subsection 42~~ 29-A M.R.S.A. § 101(42) with a gross vehicle weight of no more than 6,000 pounds, bearing a disability registration plate issued pursuant to ~~Title 29-A, section 521~~ 29-A M.R.S.A. § 521, and owned by the person with the permanent disability.
- (3) The board may impose conditions on the variance granted pursuant to this subsection.

(C) For purposes of this subsection, "disability" has the same meaning as a physical or mental disability under ~~Title 5, section 4553-A. 5~~ M.R.S.A. § 4553-A.

b) In areas subject to Article 8: Floodplain Management:

(ii) Variances shall be granted only upon:

(A) a showing of good and sufficient cause; ~~and~~

(B) a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; ~~and~~

(C) a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and

(D) a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:

(1) that the land in question cannot yield a reasonable return unless a variance is granted; ~~and;~~

(2) that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; ~~and;~~

(3) that the granting of a variance will not alter the essential character of the locality; and

(4) that the hardship is not the result of action taken by the applicant or a prior owner.

F) Application Procedure

4) The applicant shall submit ~~eight (8)~~ nine (9) copies of all application materials.

H) Decisions

3) Notice of any decision shall be sent by certified mail or hand delivered to the applicant, his or her representative or agent, the Planning Board, the Code Enforcement Officer, and the Select Board ~~Board of Selectmen~~ within seven (7) days of the decision.

Part 12: 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

