

The Land Use Ordinance  
of the  
Town of Van Buren

1998

## The Land Use Ordinance of the Town of Van Buren

Adopted by the Residents on: 03/11/98  
Richard L. Cyr, Town Clerk

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## **Section 1 - Legal Status Provisions**

### **1. Purposes**

The purpose of this Ordinance is to:

- A. Protect the health, safety, and general welfare of the residents;
- B. Encourage appropriate use of land throughout the Town;
- C. Promote traffic safety;
- D. Provide safety from fire and other elements;
- E. Provide adequate light and air;
- F. Prevent overcrowding of real estate;
- G. Prevent housing development in unsuitable areas;
- H. Provide an allotment of land area in new development sufficient for all the requirements of community life;
- I. Conserve natural resources and Town character;
- J. Provide for adequate public services as an integral part of a comprehensive plan for community development;
- K. Protect archaeological and historic resources, freshwater wetlands, fish spawning grounds, aquatic life, bird and other wildlife habitat, and buildings and lands from flooding and accelerated erosion;
- L. Conserve shore cover, natural beauty, open space, and visual as well as actual points of access to inland waters;
- M. Prevent and control water pollution; and
- N. Assure new development meets the goals and conforms to the policies of the Comprehensive Plan.

### **2. Authority**

This Ordinance has been adopted in accordance with the provisions of Article VIII-A of the Maine Constitution; The provisions of MRSA Title 30-A, Sections 3001 (Home Rule) and 4401 et seq. (Subdivisions); and the State's Growth Management Law MRSA Title 30-A, Section 4311 et seq.; as may be amended.

### **3. Title**

This ordinance shall be known and may be cited as the "Land Use Ordinance of the Town of Van Buren" and shall include the Zoning Ordinance, Site Design Review Ordinance, and the Subdivision Review Ordinance.

### **4. Applicability**

The provisions of this Ordinance shall govern all land, buildings, and structures within the boundaries of the Town of Van Buren.

### **5. Repeal of Prior Ordinances**

Except for the Shore land Zoning Ordinance, all prior Zoning Ordinances, Site Design Review Criteria, and Subdivision Regulation/Ordinance of Van Buren are repealed as of the effective date of this Ordinance.

### **6. Effective Date**

This Ordinance shall take effect and be in force from the date of its adoption: March 11th, 1998.

### **7. Conflict with Other Laws**

Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rule, regulation, ordinance, or resolution, the most restrictive or that imposing the higher standards shall govern.

### **8. Severability**

Should any Section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, the decision shall not affect the validity of this Ordinance, as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

### **9. Availability**

A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

### **10. Administration and Enforcement**

This Ordinance shall be administered by the Planning board or the Code Enforcement Officer, as noted within, and shall be enforced by the Code Enforcement Officer.

## **Section 2 - Zoning Ordinance**

### **1. Title**

This section shall be known and may be cited as the “Zoning Ordinance of the Town of Van Buren”.

### **2. Official Zoning Map**

Districts are located and bounded as shown on the Official Zoning Map which is made a part of this Ordinance. There may for purpose of clarity, necessitate by reasons of scale on the map, be more than one Official Zoning Map. The minimum scale for the Official Zoning Map shall be no less than 1 inch=2000 feet.

#### **A. Certification of the Official Zoning Map**

1. The Official Zoning Map shall be identified by the signature of the Chair of the Town Council, attested by the Town Clerk, and bearing the seal of the Town under the following words:

“This is to certify that this is the Official Zoning Map of the Zoning Ordinance of the Town of Van Buren, Maine” Date: March 11th, 1998.

2. The Official Zoning Map shall be located in the office of the Town Clerk.

#### **B. Changes on the Official Zoning Map**

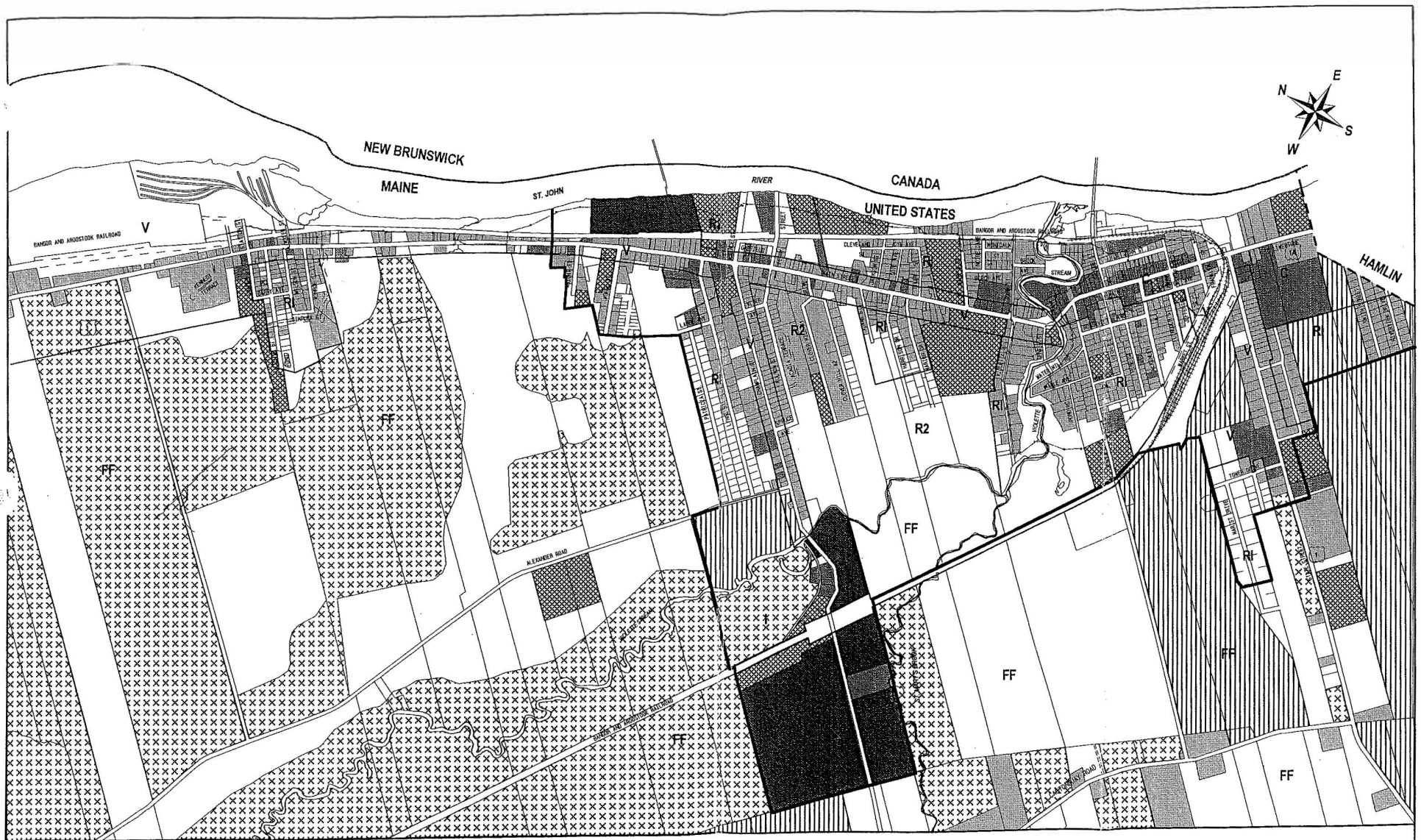
1. If, in accordance with the provisions of this Ordinance and Title 30-A MRSA 4503, changes are made in District boundaries or other matter portrayed on the Official Zoning Map, changes to the map shall be made within 14 days after the amendment has been approved by the Town Council. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until signed by the Chair of the Town Council and attested by the Town Clerk. In addition, the following wording shall be reflected on the Official Zoning Map:

“On \_\_\_\_\_ by official action of the Town, the following change(s) was (were) made: (insert brief description of the nature of change).” Immediately beneath the entry the Town Clerk shall place their signature.

2. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change shall be considered a violation of this Ordinance and punishable as provided for within this Ordinance.

#### **C. Replacement of the Official Zoning Map**

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Town Council shall adopt a new Official Zoning Map.



# LEGEND:

RI  
R2  
FF  
V

INTERNATIONAL BOUNDARIES  
TOWNSHIP BOUNDARIES

RESIDENTIAL T  
RESIDENTIAL II  
FARM/FOREST  
VILLAGE DISTRICT

C  
I

COMMERCIAL  
INDUSTRIAL  
ZONING BOUNDARIES  
GROWTH AREA

RESIDENTIAL AREA  
COMMERCIAL AREA  
VACANT  
INDUSTRIAL AREA

FORESTED AREA  
AGRICULTURE  
INSTITUTIONAL

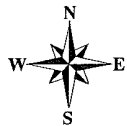
SCALE:



**VAN BUREN**  
URBAN AREA  
OFFICIAL ZONING MAP

DATE: 9/7/94

REVISED: 9/15/97



LEGEND:

- |     |                          |
|-----|--------------------------|
|     | INTERNATIONAL BOUNDARIES |
|     | TOWNSHIP BOUNDARIES      |
|     | RESIDENTIAL              |
|     | COMMERCIAL               |
|     | INDUSTRIAL               |
|     | FORESTED                 |
|     | AGRICULTURE              |
|     | VACANT                   |
|     | GROWTH AREA              |
| RI  | RESIDENTIAL I            |
| RII | RESIDENTIAL II           |
| C   | COMMERCIAL               |
| V   | VILLAGE DISTRICT         |
| I   | INDUSTRIAL               |
| FF  | FARM/FOREST              |

NOTE: FOR INFORMATION OF THE URBAN AREA PROPOSED LAND USE  
SEE THE URBAN AREA PROPOSED LAND USE MAP

SCALE:



**VAN BUREN**  
TOWNWIDE OFFICIAL ZONING MAP

DATE: 8/26/94 REVISED: 2/20/96



### 3. Establishment of Zoning Districts

#### A. For the purposes of this Ordinance, the Town is hereby divided into the following **Zoning Districts**

##### 1. **Village District (V)**

The Village District is created to provide for areas of compact residential growth; to provide areas where the location of public facilities can serve the greatest number of people; to allow a maximum diversity of use; and to protect the historical and architectural integrity of the existing village area.

##### 2. **Residential-1 District (R-1)**

The Residential-1 District is created to provide areas for residential growth in such a manner and at such locations as are compatible with existing development and the ability of the community to provide essential services and utilities; to provide areas for public, semi-public, and other use compatible with and complementary to residential development; and to provide convenient access to businesses facilities. This District consists of single-family dwellings. Certain additional uses which meet the requirements of this Ordinance may be permitted which will contribute to balanced neighborhoods and enhance the attractiveness of the community.

##### 3. **Residential-2 District (R-2)**

The Residential-2 District is created to provide areas for residential growth in such a manner and at such locations as are compatible with existing development and the ability of the community to provide essential services and utilities; to provide areas for commercial, public, and semi-public uses compatible with and complementary to residential development; and to provide convenient access to businesses facilities. This District includes a mix of single and/or multi-family dwellings. Certain additional uses which meet the re requirements of this Ordinance may be permitted which will contribute to balanced neighborhoods and enhance the attractiveness of the community.

##### 4. **Farm and Forest District (F-F)**

The Farm and Forest District is created to provide for very low-density rural housing; to protect from suburban development pressures, agricultural and forest land capable of economic production, so as to safeguard this sector of the Town's economic base and to avoid the irretrievable loss of land well suited for food production; and to help landowners to qualify for property tax abatement under the Farm and Open Space Land Law and the Tree Growth Tax Law.

##### 5. **Commercial District (C)**

The Commercial District is created to encourage the location of commercial uses in areas best suited for such development; to provide effective controls on commercial uses, by virtue of their size or external effects that could create nuisances, unsafe, or unhealthy conditions; to avoid the economic disadvantage of providing essential services to commercial facilities which would occur if commercial facilities were developed in a strip fashion along highways or major thoroughfares; and to concentrate commercial development to the mutual advantage of customers and merchants.

##### 6. **Industrial District (I)**

The Industrial District is created to encourage the location of industrial uses in areas best suited for such development; to provide effective controls on those use which, by virtue of their size or external effects could otherwise create nuisances, unsafe, or unhealthy conditions; to avoid the economic disadvantage of providing essential services to industrial facilities developed in a strip fashion along highways or major thoroughfares; and to concentrate industrial development in areas conveniently located with respect to transportation systems.

#### B. **Special Protection Overlay Districts**

For the purposes of this Ordinance, Van Buren hereby has two special protections overlay Districts; for the sand and gravel aquifers and for the Van Buren Utility District's well head. The overlay Districts are intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning grounds, fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and areas of natural beauty; and to protect and maintain the quality of surface and ground waters. The overlay Districts shall be superimposed over underlying Districts and land uses are subject to **both** the standards in the underlying and the overlay Districts.

1. Sand and Gravel Aquifer Overlay District

- a. This District includes sand and gravel aquifers as identified on the Maine Geological Survey “*Hydrogeologic Data for Significant Sand and Gravel Aquifers*” maps, as well as, a 250’ buffer drawn around the known boundaries of these aquifers (buffers shall be updated as the aquifer mapping is updated).
- b. All future non-residential land uses on the aquifer and within the 250’ buffer shall be subject to the review and approval of the Planning Board. Such approval shall be granted upon showing that such uses shall not cause groundwater contamination or contaminate or disturb the normal course of surface water run-off.
- c. All construction or activity involving the displacement of soil on the aquifer and within the 250’ buffer shall follow soil erosion control measures as outlined in Best Management Practices.
- d. No vehicle carrying pesticides, fertilizers, or other toxic or hazardous chemicals or substances shall pump water from the aquifer. Penalties of heavy fines and suspension of licenses shall be imposed for handling potentially toxic or hazardous chemicals or substances within the aquifer or for the contamination of any waters within the aquifer.

2. Wellhead Protection Overlay District

- a. The Wellhead Protection District (WPD) is created to protect the public water supply for the Town by preventing contaminants from reaching the well and realizing that drinking water is essential to the survival (VBWD) wellhead as may be delineated on the official zoning map. All land use activity regulated by this applicant at the VBWD prior to the issuance of any permit.
- b. No new or existing aboveground or underground storage of fuel, except for household heating fuel, or chemical tank or toxic or hazardous materials shall be permitted or expanded within the WPD, except for water treatment chemicals or materials of the VBWD.
- c. All construction or activity involving the displacement of soil within the WPD shall follow Best Management Practices. The Planning Board may adopt, by reference, additional Best Management Practices. In so doing the Planning Board shall hold a public hearing.
- d. No vehicle carrying pesticides, fertilizers, or other potentially toxic or hazardous chemicals or substances shall pump water from the WPD. Penalties of heavy fines and suspension of licenses shall be imposed for handling potentially toxic or hazardous chemicals or substances within the WPD or for the contamination of any waters within the WPD.
- e. The Town and the VBWD shall have the right to install groundwater monitoring wells and shall further maintain the right to sample such wells on properties within the WPD when the Town or the VBWD can clearly show that groundwater monitoring in the area will serve to protect the public water supply from existing or potential threats.
- f. When and where applicable within the WPD, the CEO shall have the right, upon 24-hour notice, to enter, inspect, and to determine whether all premises which have groundwater pollution control devices or management practices are in good condition and working properly. Such testing shall be at the VBWD’s expense. If such testing indicates that the groundwater has been contaminated above the State Primary and Secondary Drinking Water Standards, then further testing shall be at the expense of the land owner in question. Additionally, the owner shall reimburse the VBWD for expenses incurred in the initial well installation and testing.
- g. The collection and disposal of petroleum products, chemicals, and wastes used in construction should conform to the following:
  1. Petroleum products, chemicals, and wastes shall be collected and stored in closed, clearly marked, water tight containers.
  2. Containers shall be removed regularly for disposal to prevent spills and leaks which can occur due to construction specifications for the project.

3. Fertilizers and landscape chemicals such as herbicides and pesticides shall be applied following appropriate Best Management Practices.
- h. Storm water Runoff/Snow and Ice Control
  1. Drainage systems, including detention basins, drainage ways, and storm sewer systems, shall be maintained in order to insure they function properly.
  2. Chemicals and wastes shall be stored in such a manner as to prevent rainfall from contacting them.
  3. Runoff from parking lots should be diverted to storm water drains where applicable.
  4. Snowmelt from parking lots should be diverted to storm water drains.
  5. Parking lots should be maintained on a yearly basis.
  6. Sand/salt mixtures with a reduced portion of salt should be used for snow and ice control.
- i. Industrial and Maintenance Operations
  1. A plan detailing the reuse, recycling, or proper disposal of waste chemicals shall be kept, maintained, and updated as needed. Provisions shall be provided for implementing the plan.
  2. Buildings, rooms, and areas where chemical potential pollutants are used, handled, or stored shall be designed to contain spills and or leaks.
    - a. Floor drains shall not be used except as required by fire regulations; and
    - b. A waterproof dike shall be placed around areas to contain accidental spills. The dike shall have an equivalent volume to the amount of material stored or used in the room.
  3. Spill/leakage prevention and detection programs shall be maintained and updated.
    - a. Plans shall insure the regular collection and transport of chemicals; and
    - b. Plans shall provide for inspection of containers and storage areas on a regular basis.
  4. A spill clean-up plan shall be maintained and updated annually. The plan shall:
    - a. Insure adequate materials and equipment are available;
    - b. Insure that personnel are trained; and
    - c. Insure that the local fire department is knowledgeable of clean-up procedures.
  5. Wash waters and other diluted wastes shall be adequately treated consistent with State law and the current pre-treatment ordinances.
    - a. Wastes shall be discharged to sewer systems where possible; and
    - b. Grease traps and oil separators shall be installed where necessary and shall be maintained on a regular basis.
- j. Septic/Sewage Disposal
  1. Sewer/septic systems shall be designed by a Maine Registered Professional Engineer using sound engineering practices. On-site sewage disposal shall be according to the State of Maine Subsurface Wastewater Disposal Rules.
  2. Construction of sewers and septic systems shall be carefully inspected to insure proper installation.
  3. Septic systems and related piping shall be tested for leakage and certified by the LPI that they are water tight prior to use. Sewer systems shall be tested for leakage, according to State standards or municipal ordinance/District regulations.
  4. Provisions shall be made to maintain sewer and septic systems.
  5. Sewers and drainage systems shall be designed to insure that storm water does not enter sanitary sewers.
  6. For cluster systems, 1000 gallon septic tank capacity shall be provided for each 300 gallons of flow. Design flows for leach fields shall be less than 2500 gallons per day.
  7. Chemicals, industrial wastes, floor drains and storm water drains and storm water drains (i.e. roof drains) shall not be discharged to septic systems.

k. Waste Disposal Handling

1. Inert Fill

- a. Waste disposal areas shall be setback 75 feet from wetlands as defined in the Maine Natural Resources Protection Act (NRPA);
- b. Wastes shall be placed a minimum of 2 feet above the seasonal high ground water table; and
- c. For wastes other than concrete, stone, and brick, documentation from a laboratory that wastes are inert shall be provided.

2. Transfer Station/Recycling Facilities

- a. All storage areas shall be located a minimum of 5 feet above the seasonal high ground water table;
- b. Sanitary wastes shall be disposed of into a public sewer or in accordance with the “*State of Maine Subsurface Wastewater Disposal Rules*;;
- c. If water clean-up of facilities is used, it shall be discharged to a public sanitary sewer. If no public sanitary sewer is available, dry clean-up procedures shall be used;
- d. Gravel, asphalt, or concrete pads or steel or aluminum containers shall be used for storage facilities for white goods and tires;
- e. Facilities shall not be located in 100 year floodplain;
- f. An Operating Manual shall insure that only non-hazardous municipal solid waste is accepted;
- g. For recycling facilities, an Operating Manual shall insure that only clean, marketable recyclable are collected; and
- h. For recycling facilities, storage of residuals shall be accomplished to prevent spillage and leakage.

3. Municipal, Commercial, Industrial, and Other Special Wastes

- a. All handling, storage, and transfer shall comply with MDEP rules; and
- b. Storage and transfer areas shall comply with the management practices listed in 2. above.

4. Junkyards/Metal Processing

- a. Fluids shall be removed in a secure area and stored for appropriate disposal;
- b. Fluids shall be disposed in accordance with state and federal laws; and
- c. Records shall be maintained to indicate the quantities of fluids handled.

l. Chemical and Petroleum Handling and Storage

1. Non-hazardous chemicals shall be substituted for hazardous varieties whenever possible.
2. A detailed inventory shall be maintained.
3. Provisions shall be made to clean-up all spills immediately with an absorbent material or other methods and dispose of them properly.
4. Hazardous materials shall be stored in secure, corrosion, resistant containers.
5. Storage shall be in above-ground, corrosion resistant tanks. The following provisions shall be complied with:
  - a. A diked area shall be provided around tanks to contain spills. The volume of diked area shall equal the volume of product stored;
  - b. A roof shall be provided over containment areas to prevent collection of rain water; and
  - c. Drains shall not be installed in containment areas.
6. If underground storage is necessary, tanks shall be approved by the MDEP. The system, including piping, shall be tested prior to use. Underground piping and transmission lines shall be inspected and tested upon installation and on annual basis, thereafter.
7. All floors shall be concrete or an impermeable, hardened material. Sub-floor synthetic containment liners shall be inspected to contain spills or leaks which occur inside buildings with earth or gravel floors.

8. Non-bulk storage of chemicals shall be inside. Such storage areas shall comply with the following:
    - a. Floor drains shall not be used;
    - b. If floor drains are required by the fire regulations, they shall be discharged to a holding tank. Tanks shall be pumped by a licensed oil or hazardous waste hauler, as appropriate. Tanks shall be equipped with gauges to determine used capacity; and
    - c. Storage and handling areas shall have waterproof dikes around perimeter so as to contain spills.
  9. Tanks shall be equipped with automatic shutoffs and/or high level alarms.
  10. Spill and leak detection programs shall be maintained and updated annually.
  11. Oil and water separators shall not be used to remove dissolved compounds or oil and greases which had been subjected to detergents.
  12. Loading areas shall be covered to prevent the mixing of storm water and spilled chemicals. Concrete or other impermeable pads shall be provided under transfer and handling areas.
  13. Exterior transfer and handling areas shall be slope as to prevent runoff from other areas from entering the handling area, but to contain small quantities of spilled product.
  14. Procedures shall be established to catch and store chemicals spilled at loading docks and other transfer areas.
  15. Provisions shall be made to periodically inspect and test tanks and lines for leaks.
  16. The facility and equipment shall be designed to:
    - a. Prevent tank overflows; and
    - b. Prevent line breakage due to collision
  17. Provisions shall be made to have:
    - a. Emergency diking materials available; and
    - b. Emergency spill cleanup materials available.
  18. The facility and equipment shall be designed to:
    - a. Prevent tank overflows; and
    - b. Prevent line breakage due to collision
  19. Exterior transfer and handling sites shall be graded and sloped to prevent runoff for other areas from entering the handling areas.
  20. Residential storage tanks for home heating fuel shall be located in cellars or on a concrete slab above the ground if outside.
- m. Sand and Gravel Mining
1. Limit Depth of Excavation.
    - a. Excavation shall be limited to 5 feet above the seasonal high water table;
    - b. If excavation is proposed such that there will be less than 5 feet separation between excavation limits and the ground water table, a hydro geologic investigation must be done to assess the potential adverse impact including potential adverse impact including potential contamination and reduction in recharge of this proposal; and
    - c. If water supply wells are present within 500 feet of the proposed excavation, ground water level monitoring wells shall be installed.
  2. Haul roads shall be watered to control dust. Salting and oiling of roads is prohibited.
  3. Petroleum Storage
    - a. If petroleum is proposed for storage above ground, a fully contained storage and refueling area shall be provided. Provisions must be made for rain falling in the containment area. A

roof is preferable. For large operations, a covered, impermeable refueling/maintenance area shall be provided;

b. A spill prevention plan shall be maintained and updated; and

4. A reclamation plan shall be provided, maintained, and used.

n. Agriculture/Open Space/Power Lines

1. Soil tests shall be used to determine proper amounts of nutrients and limestone (pH adjustment).
2. Nutrients shall be applied uniformly and only at levels required.
3. Split fertilizer applications should be used for new planting, where possible.
4. A slow release form of fertilizer should be used, where possible.
5. Nutrients shall not be applied to very shallow soils or exposed bedrock.
6. Chemical fertilizer application equipment shall be calibrated.
7. Irrigation shall be scheduled to minimize leaching potential.
8. Limit applications of nitrogen fertilizers to the spring or fall.
9. Nutrients shall not be applied during winter months when ground is frozen or snow covered.
10. Fertilizers and manure shall be stored in properly located and constructed facilities during periods when application is not suitable.
11. All federal and state laws regulating pesticides shall be followed.
12. Material safety data sheets shall be kept accessible.
13. Application of fertilizers and pesticides shall be accomplished by certified applicators.
14. Secure, safe storage shall be provided for used pesticide containers and dispose of containers accordance from federal and state law.

o. Silvaculture

1. Silvicultural Chemical Handling and Storage.
  - a. For the spillage or disposal of oils, fuels, coolants or hazardous wastes on the ground during maintenance or repair, the appropriate collection and disposal of such substances shall take place;
  - b. The Best Management Practices for Chemical Use and Storage should be followed;
  - c. The Best Management Practices for Waste Disposal shall be followed; and
  - d. Salt/sand storage areas shall be covered.

**C. Rules Governing District Boundaries**

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

1. Boundaries indicated as approximately following the center lines of roads, highways, alleys, railroad rights-of-way, rivers, or streams shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Town limits shall be construed as following such limits.
4. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline.
5. Sources for the delineation of the Special Flood Hazard areas shall be the Van Buren Flood Insurance Map.
6. Sources for the delineation of the Aquifer Protection District shall be the latest edition of the Maine Geologic Survey "*Hydrogeologic Data for Significant Sand and Gravel Aquifers*".
7. Boundaries indicated as parallel to or extensions of features indicated in subsections A through D above shall be construed as being parallel to or extensions of such features. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

8. Where physical or cultural features existing on the ground are at variance with those shown on the Official zoning Map, or other circumstances not covered by subsections A through G above, the Board of Appeals shall interpret the District boundaries.

**D. Lots Divided by District Boundaries**

When a lot of record is divided by a use District zoning boundary, other than the boundary to an overlay zone, the following rules shall apply:

1. On lots of two (2) acres or less in area, the lot shall be used as if the entire lot were in the District which comprises the larger portion.
2. On lots larger than two (2) acres, the District with the more restrictive regulations shall be followed in each portion.

**4. District Regulations**

**A. Basic Requirement**

Permitted uses and uses requiring Site Design Review in Districts shall conform to all applicable specifications and requirements. A plumbing Permit, Land Use Permit, and/or Certificate of Occupancy shall be required for all buildings, uses of land and buildings, and sanitary facilities, according to the provisions of this Ordinance.

**B. Land Use Requirements**

Except as hereinafter specified, no building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, moved, or altered and no new lot shall be created unless in conformity with all of the regulations herein specified for the District in which it is located.

**C. General Requirements for Specific Districts**

**1. Commercial District**

- a. Dwelling units in a building fronting on Main Street.

There shall be no dwelling units allowed in any building on the street level floor on Main Street in the Commercial District.

**D. District Regulations**

Land uses in conformance with the provisions of this Ordinance are shown in the following table.

Key to Land Use Chart

CEO	=	Requires CEO Review and Permit
PB	=	Requires Review by Planning board and Permit from CEO
NO	=	Prohibited Use

Land Use	Zoning District					
	V	R-1	R-2	F-F <sup>2</sup>	C	I
Abattoir	NO	NO	NO	PB	NO	PB
Adult Entertainment <sup>3</sup>	NO	NO	NO	PB	NO	NO
Agricultural Product Storage and/or Processing	NO	NO	NO	PB	NO	PB
Agriculture	NO	NO	NO	CEO	NO	PB
Airport	NO	NO	NO	PB	NO	NO
Antique Sales	CEO	NO	NO	PB	CEO	NO
Art Gallery or Crafts Studio	CEO	NO	NO	CEO	CEO	NO
Assembly and Packaging Facility	NO	NO	NO	PB <sup>1</sup>	NO	PB
Assisted Living Facility	CEO	PB	PB	CEO	NO	NO
Auction Building	CEO	No	No	PB	CEO	CEO
Automobile (Vehicle) Body Shop	NO	NO	NO	PB <sup>1</sup>	NO	CEO
Automobile (Vehicle) Car Wash	NO	NO	NO	CEO <sup>1</sup>	CEO	CEO
Automobile (Vehicle) Graveyard	NO	NO	NO	PB	NO	PB
Automobile (Vehicle) Repair	CEO	PB	PB	CEO	NO	NO

Automobile (Vehicle) Sales	CEO	NO	NO	NO	CEO	CEO
Automobile (Vehicle) Service Station	PB	NO	NO	PB <sup>1</sup>	PB	NO
Automobile ( Vehicle) Storage	NO	NO	NO	PB	NO	PB
Bakery	CEO	NO	NO	NO	CEO	NO
Bank or Financial Service	CEO	NO	NO	NO	CEO	NO
Bed and Breakfast	CEO	CEO	CEO	CEO	CEO	NO
Boarding House	PB	PB	CEO	CEO	PB	NO
Building Materials-Storage and Sale	CEO	NO	NO	PB <sup>1</sup>	PB	PB
Bulk Grain Storage	NO	NO	NO	CEO	NO	CEO
Bulk oil and/or Gas Terminal	NO	NO	NO	NO	NO	PB
Campground/RV Park	NO	NO	NO	PB	NO	NO
Cemetery	NO	NO	NO	PB	NO	NO
Church, Synagogue, and/or Parish House	CEO	NO	PB	CEO	PB	NO
Cluster Residential Subdivision	NO	PB	PB	PB	NO	NO
Commercial Greenhouse	PB	NO	NO	CEO	CEO	PB
Commercial Recreation, indoor	CEO	NO	NO	CEO	CEO	PB
Commercial Recreation, Outdoor	NO	NO	NO	PB	NO	NO
Community Center	PB	NO	NO	CEO	PB	NO
Community Residence for Developmentally Disabled	CEO	PB	PB	PB	NO	NO
Community Residential Home	CEO	NO	PB	PB	NO	NO
Community Shelter-Victims Domestic Violence	CEO	PB	PB	PB	NO	NO
Conference Center	CEO	NO	NO	PB	PB	NO
Confined Feeding Operation	NO	NO	NO	PB	NO	NO
Congregate Housing	CEO	NO	CEO	CEO	NO	NO
Correction/Detention Facility	NO	NO	NO	PB	NO	PB
Day/Night Care	CEO	CEO	CEO	CEO	CEO	NO
Demolition Waste Disposal	NO	NO	NO	PB	NO	PB
Dwelling, Multi-family	PB	NO	PB	PB <sup>1</sup>	NO	NO
Dwelling, Single-Family	CEO	CEO	CEO	CEO	NO	NO
Dwelling, Two-Family (Duplex)	CEO	NO	CEO	CEO	NO	NO
Farm Stand	CEO	NO	CEO	CEO	CEO	NO
Fire, Police, or Ambulance Station	PB	NO	NO	CEO	PB	NO
Firewood Processing	NO	NO	NO	CEO	NO	CEO
Funeral Home	CEO	NO	NO	PB <sup>1</sup>	NO	NO
Golf Course	NO	NO	PB	CEO	NO	NO
Group Home	CEO	PB	PB	PB	NO	NO
Home Occupation One	CEO	CEO	CEO	CEO	CEO	NO
Home Occupation Two	PB	PB	PB	PB	NO	NO
Hospital, Clinic, or Out-Patient Care	CEO	NO	NO	PB <sup>1</sup>	PB	NO
Hotel, Motel, or Inn	PB	NO	NO	PB <sup>1</sup>	PB	NO
Indoor Amusement Facility	CEO	NO	NO	NO	CEO	NO
Industry, Heavy	NO	NO	NO	NO	NO	PB
Industry, Light	CEO	NO	NO	PB <sup>1</sup>	CEO	PB
Intermediate Care Facility	CEO	PB	PB	PB	NO	NO
Junkyard	NO	NO	NO	PB	NO	PB
Kennel	NO	NO	NO	CEO	NO	NO
Laundry or Dry Cleaning	CEO	NO	NO	NO	CEO	CEO
LIVE Stock and Poultry	NO	NO	NO	CEO	NO	NO
Long Term Care Facility	CEO	NO	NO	PB	NO	NO
Manufacturing	NO	NO	NO	PB <sup>1</sup>	NO	PB
Mobile Home, Newer	CEO	NO	NO	CEO	NO	NO
Mobile Home, Older	NO	NO	NO	CEO	NO	NO



Mobile Home Park	NO	NO	PB	PB <sup>1</sup>	NO	NO
Modular Home	CEO	CEO	CEO	CEO	NO	NO
Mineral Exploration	NO	NO	NO	PB	NO	PB
Mineral Extraction	NO	NO	NO	PB	NO	PB
Mineral storage	NO	NO	NO	PB	NO	PB
Museum	CEO	NO	NO	CEO	CEO	NO
Newspaper and Printing Plant	PB	NO	NO	PB <sup>1</sup>	PB	PB
Nursing Home, Group Home, Hospice	PB	PB	PB	NO	NO	NO
Owner Operated General Store or Grocery Store	CEO	NO	NO	CEO	CEO	NO
Parking Lot	CEO	NO	NO	NO	CEO	NO
Personal Service Business	CEO	NO	NO	NO	CEO	NO
Pharmacy, Retail Medical Supply Store	CEO	NO	NO	NO	CEO	NO
Professional Office	CEO	NO	NO	CEO	CEO	NO
Private Club	CEO	PB	PB	CEO	CEO	NO
Public and Government Facility	PB	NO	NO	NO	PB	NO
Public and Private School	PB	NO	PB	PB <sup>1</sup>	PB	NO
Public Utility or Communication Structure	PB	NO	PB	PB	PB	CEO
Railroad Facility	NO	NO	NO	NO	NO	CEO
Recycling Facility	CEO	NO	NO	CEO	CEO	CEO
Recycling Collection Point	CEO	NO	NO	CEO	CEO	CEO
Research, Testing, or development Laboratory	NO	NO	NO	NO	NO	PB
Restaurant	CEO	NO	NO	PB <sup>1</sup>	CEO	NO
Retail Business	CEO	NO	NO	NO	CEO	NO
Retail Use with Outdoor Sales or Service	PB	NO	NO	NO	PB	NO
Retail Establishment with <5000 SF of Gross Floor Area	CEO	NO	NO	NO	PB	NO
Riding Stable	NO	NO	NO	CEO	NO	NO
Sawmill	NO	NO	NO	PB	NO	PB
Second or Third Story Apartment	PB	NO	CEO	CEO	PB	NO
Septage Spreading and/or Storage	NO	NO	NO	PB	NO	NO
Service Office with <5000 SF of Gross Floor Area	CEO	NO	NO	NO	CEO	NO
Shopping Center	PB	NO	NO	NO	PB	NO
Sludge Spreading and/or Storage	NO	NO	NO	PB	NO	NO
Tradesman's Shop	CEO	NO	NO	CEO	CEO	CEO
Trucking Distribution Terminal	NO	NO	NO	NO	PB	PB
Veterinary Hospital	PB	NO	NO	PB <sup>1</sup>	PB	PB
Wholesale Business	CEO	NO	NO	PB <sup>1</sup>	CEO	CEO
Warehouse	NO	NO	NO	PB	NO	PB
Water Treatment and Pumping Facility	NO	NO	NO	PB	PB	PB
Structure Accessory to Permitted Use	CEO	CEO	CEO	CEO	CEO	CEO
Use Similar to Prohibited Use	NO	NO	NO	NO	NO	NO
Use Similar to Use Requiring CEO Review and Permit	CEO	CEO	CEO	CEO	CEO	CEO
Use Similar to Use Requiring Planning board Review and Permit from CEO.	PB	PB	PB	PB	PB	PB

#### Key to Land Use Chart

CEO = Requires CEO Review and Permit  
 PB = Requires Review by Planning board and Permit from CEO  
 NO = Prohibited Use

<sup>1</sup> Allowed only within 1500 feet of the VBWD and/or VBSD system. Where allowed, connection to water and/or sewer system will be required, be designed and installed at owner's expense, be reviewed and approved by VBWD

and/or VBSD, and meet standards and specifications of respective utility district(s) and those contained within this Ordinance.

<sup>2</sup> Certain commercial and industrial uses may be allowed in the FF District upon proof by the applicant and approval by the Planning Board that the use is-Natural Resource Based Use, as defined herein.

<sup>3</sup> Where allowed, 1) a special amusement permit shall be obtained from Town Council, and 2) the closest property line on which the adult entertainment use is located must be no less than 1500' from the closest property line of any church, house of worship, religious institution/center, public or private school, day care facility, hospital/clinic, nursing home, public building, residence, or public park.

## 5. Dimensional Requirements

- A. Lots and structures in all Districts shall meet or exceed the dimensional requirements listed below.
- B. Height requirements do not apply to barns, barn silos, flagpoles, chimneys, transmission towers, steeples, windmills, cooling towers, elevator bulkheads, sky lights, ventilators, and other necessary appurtenances carried above roofs; nor towers, stacks, spires, if not used for human occupancies; nor to ornamental towers, observatory towers, television and radio broadcasting towers and antennas and similar structures that do not occupy more than twenty-five (25) percent of the lot area; nor to churches and public institutional buildings; nor similar structures usually erected at a greater height than the principal building, however such accessory structures or appurtenances require a erected at a greater height than the principal building, however such accessory structures or appurtenances require a lot line setback distance of no less than its height.
- C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirement, herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements, herein.
- D. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- E. The front yard setback requirements of this Ordinance for dwellings shall not apply to any lot where the average setback on developed lots located wholly or in part within 100 feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum setback required. In such cases the front yard setback on such lot may be less than the required setback, but not less than the average of the existing setbacks on the developed lots.

### ARTICLE 37

To see if the voters of the Town of Van Buren will vote to change the Land Use Chart to allow private clubs in the Residential I and residential II District with review by the Planning Board.

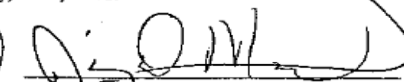
### RECOMMEND YES

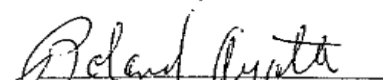
The Registrar of Voters will hold Office while the polls are open to correct any error or change of name or address in the voting list; to accept the registration of any person eligible to vote and to accept new enrollments.

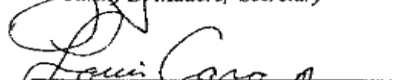
A person who is not registered as a voter may not vote in any election.

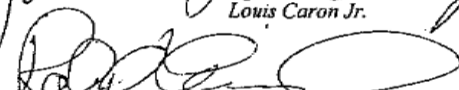
Given under our hands this 29th day of May, A.D., 2001.

  
Glen Vuillancourt, Chairman

  
Jimmy D. Madore, Secretary

  
Roland Ayotte

  
Louis Caron Jr.

  
Robert Larnard

VAN BUREN TOWN COUNCIL

**Dimensional Requirements Table**

Zoning District	Dimensional Requirements			Minimum Setback Dimensions			
	Minimum Lot Size	Minimum Lot Frontage	Maximum Building Coverage	Principal and Accessory Structures (1)			
				Front (2) (from ROW)	Side (Each)	Rear	Maximum Height
Village V	W/Sewer 10,000 SF WO/Sewer 20,000 SF	W/Sewer 100'  WO/Sewer 200'	40%	20'(3)	10'	10'	35'
Residential-1 R-1	15,000 SF	150'	40%	20'	10'	10'	35'
Residential-2 R-2	Single Family 15,000SF Duplex 20,000SF Multi-Family 30,000SF, plus 5,000SF each additional unit.	Single Family 150' Duplex 200' Multi-Family 200', plus 50' Each additional unit.	Single Family 40% Duplex 40% Multi-Family 30% plus 2.5% Each additional unit.	Single Family 20' Duplex 30' Multi-Family 50'	Single Family 20' Duplex 30' Multi-Family 50'	Single Family 20' Duplex 30' Multi-Family 50'	35'
Farm and forest F-F	160,000SF	300'	4%	100'	75'	75'	75'
Commercial C	10,000SF	75'	75%	40'	30' Total for both Sides One Side can be no less than 5'	20'	35'
Industrial	100,000SF	300'	75%	100'	75'	75'	35'

- (1) No garage or other accessory building shall be located in the required front yard. When located to the rear of the principal building, the accessory building shall be set back at least 10' from the side or rear lot lines.
- (2) Where the location of the front property line is in doubt, it shall be deemed to be located at a distance from the centerline of the road, such (distance) is one-half the known or assumed width from the road right-of-way.
- (3) See: Non –residential parking requirements contained within this Ordinance.

## 6. Non-Conformance

### A. General

1. Continuance, Enlargement, and Reconstruction: Any non-conforming use, non-conforming lot of record or non-conforming structure may continue to exist, but may not be extended, reconstructed, enlarged, or structurally altered except as specified below.
2. Transfer of Ownership: Non-conforming structures, non-conforming lots of record, and non-conforming uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
3. Restoration or Replacement: This Ordinance allows the normal upkeep and maintenance of non-conforming uses and structures; repairs, renovations, or modernizations which do not involve expansion of the non-conforming use or structure and the value of which is less than 25 percent of the market value of the structure before the repair is started; and such other changes in a non-conforming use or structure as Federal, State, or local building and safety codes may require. Any non-conforming use or structure which is hereafter damaged or destroyed by fire or any cause other than the willful act of the owner or their agent, may be restored or reconstructed within one (1) years of the date of said damage or destruction, provided that:
  - a. The non-conforming dimensions of any restored or reconstructed structure shall not exceed the non-conforming dimensions of the structure it replaces;
  - b. Any non-conforming structure shall not be enlarged except in conformity with this Ordinance and the "*State of Maine Subsurface Wastewater Disposal Rules*"; and
  - c. Any non-conforming use shall not be expanded in area.
4. Essential Service: Nothing within this Section shall restrict the extension, reconstruction, enlargement, or structural alteration of essential services. All plans for the extension, reconstruction, enlargement, or structural alteration of essential services shall be reviewed by the Planning Board.
5. Shore land areas: In designated shore land areas, any non-conformance shall be required to meet the standard for that non-conformance contained in the Van Buren Shore land Zoning Ordinance.

### B. Non-Conforming Use

1. Resumption Prohibited: a lot, building, or structure in or on which a non-conforming use is discontinued for a period exceeding one (1) year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use, even if the owner has not intended to abandon the use.
2. A Structure Non-Conforming as to Use: Except for single-family dwellings, a building or structure non-conforming as to use shall not be enlarged unless the non-conforming use is terminated. Except in a Resource Protection District of the Van Buren Shore land Zoning Ordinance, single family dwellings, which are non-conforming uses, may be enlarged as long as the dimensional requirements of the District in which they are located are met. A non-conforming use of part of a building or structure shall not be extended throughout other parts of the building or structure unless those parts of the building or structure were manifestly arranged or designed for such use prior to the adoption of this Ordinance, or of any amendment making such use non-conforming.
3. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use is equally or more appropriate to the District than the existing non-conforming use, and the impact on adjacent properties is less adverse than the impact of the former use as determined by the board of Appeals. The case shall be heard as an administrative appeal. The determination of appropriateness shall require written findings on the probable changes in traffic (volume and type), parking, noise, potential for litter, wastes or by-products, fumes, odors, or other nuisances likely to result from such change of use. The General Requirements section of this Ordinance (See: Sec.6) shall apply to such requests to establish new non-conforming uses.
4. Use of Land: A non-conforming use of land may not be extended into any part of the remainder of a lot of land. A non-conforming use of land which is accessory to a non-conforming use of a building shall be discontinued at the same time the non-conforming use of the building is discontinued. In the case of earth

removal operations, the removal of earth may not be extended as a non-conforming use beyond the required setback lines of the specific lot upon which such operations were in progress when such use became non-conforming, as required by the performance standards for extractive industries. Adjacent lots in the same or different ownership shall not be eligible for exemption under the non-conforming use provisions unless earth removal operations were in progress on these lots before these provisions were enacted.

The provision of required off-street parking for an existing non-conforming use shall not be considered the expansion of the use.

### C. Non-Conforming Structures

Pertaining to dimensional requirements, applications regarding non-conforming use shall be reviewed under the provisions above.

1. Enlargement Controlled: A non-conforming, non-residential structure shall not be added to or enlarged unless: such addition or enlargement conforms to all the regulations of the District in which it is located; the addition does not increase the non-conformity of the structure; or a variance is obtained. In addition, state laws must be adhered to.
  - a. Exclusive of the Shore land Zoning Ordinance which regulates expansions of structures in Shore land districts (see: Van Buren Shore land Zoning Ordinance), the addition of an open patio with no structures of steps or the enclosure of an existing deck shall not constitute the expansion of a non-conforming structure and shall meet all the dimensional requirements of this Ordinance.
  - b. The placing of a foundation below a lawfully existing non-conforming structure shall not constitute the expansion of the structure so long as the first floor space of the structure is not increased.
  - c. Construction or expansion of a foundation under an existing dwelling which expands habitable space shall be considered an expansion and shall be subject to the applicable provisions of the “State of Maine Subsurface Wastewater Disposal Rules”.
2. Discontinuance: Discontinuance of the use of a legally existing non-conforming structure shall not constitute abandonment of the structure. Conforming use of the structure may be commenced at any time.
3. Lack of required Parking or Loading Space: A building or structure which is non-conforming as to the requirements for off-street parking and/or loading space shall not be enlarged, added to, or altered unless off-street parking and/or loading space is provided to bring parking and/or loading space into conformance with the requirements of this Ordinance for both the addition or alteration and for the original building or structure, or a variance is obtained.
4. Non-Conforming Dwelling: A non-conforming dwelling unit, which is less than the required setback from the property line(s), may be expanded for residential uses only to the limit of the existing intersecting building lines, after providing a sketch plan to and obtaining a permit from the CEO; provided that the new expansion does not cause the maximum building lot coverage and/or maximum building height to exceed the lot coverage and/or height allowed by the zoning ordinance for the zoning district in which the expansion will be made. The expansion shall be used for residential purposes only, such as, but not limited to: porches, decks, sunrooms, or garages.

### D. Non-Conforming Lots of Record

For the purposes of this subsection, lots of record originates prior to February 10<sup>th</sup>, 1988.

1. Vacant Lots: A vacant non-conforming lot may be built upon provided that such lot is in separate ownership and not contiguous with any other vacant lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can be met. Variance of setback or other requirements not involving area or width shall be obtained only by action of the Board of Appeals.
2. Built Lots: A non-conforming lot that was built upon prior to the enactment or subsequent amendment of this Ordinance is subject to the following restrictions. The structure(s) may be repaired, maintained, or improved, and may be enlarged in conformity with all dimensional requirements of this Ordinance except lot area, lot width, or lot frontage. If the proposed enlargement of the structure(s) cannot meet the

dimensional requirements of this Ordinance a variance shall be obtained by action of the Board of Appeals.

3. Contiguous Built Lots: If two (2) or more contiguous lots or parcels are in single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principle use exists on each lot, the non-conforming lots may be conveyed separately or together, providing the State Minimum Lot Size Law and the "State of Maine Subsurface Wastewater Disposal Rules: are complied with. If two (2) or more principal uses existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot.
4. Contiguous Lots - Vacant or Partially Built: If two(2) or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of those lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if two (2) or more of the lots are vacant or contain only an accessory structure, the lots shall be combined to the extent necessary to meet the dimensional standards, except where rights have vested, or the lots have frontage on parallel roads and state laws are complied with.
5. Lot Width and Area Requirements: If a non-conforming lot of record or combination of lots and portions of lots with continuous frontage in single ownership are on record as of the effective date of this Ordinance, the lands involved shall be considered to be a single parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Ordinance. No division of the parcel shall be made which leaves remaining any lot width or area below the requirements stated in this Ordinance.

#### **E. Vested Rights**

Non-conforming use rights cannot arise by the mere filing of a notice of intent to build, an application for land use permits, or an application for required state permits and approvals. Such rights arise when substantial construction of structures and development infrastructure improvements for Town approved subdivisions began prior to or within twelve (12) months of the adoption of this Ordinance, or in the case of pending applications when substantial review of an application has commenced. Such construction must be legal at the time it is commenced and the owner must be in possession of an in compliance with all validly issued permits, both state and local.

## **Section 3 - Site Design Ordinance**

### **1. Title**

This section shall be known and may be cited as the “*Site Design Ordinance of the Town of Van Buren*”.

### **2. Applicability of Site design Review**

- A. Site Design Review in conformity with the criteria and standards of this Section shall be required for the following:
  - 1. Uses in each District which require Site Design Review as identified in the land use chart, above;
  - 2. A change in use when the new use is subject to Site Design Review;
  - 3. Resumption of conforming uses which have been discontinued for at least one (1) year which would require Site Design Review if being newly established;
  - 4. The construction of a commercial building, industrial building, or other non-residential building, when the gross impervious surface is 6000 square feet or greater;
  - 5. The addition (s) to a commercial building, industrial building, or other non-residential building, having a total gross floor area in excess of four thousand (4000) square feet cumulatively within a three (3) year period;
  - 6. The construction of any parking area (s) in excess of ten 9100 parking spaces;
  - 7. The construction of any impervious surface in excess of four thousand (4000) square feet cumulatively within a three (3) year period;
  - 8. The alteration of a water course, ditch, or swale;
  - 9. The change of use of any portion of any existing building or structure in excess of four thousand (4000) square feet cumulatively within any three (3) year period;
  - 10. The change in on-site vehicle access of any existing parking lot or driveway; or
  - 11. Filling, grading, or excavation projects which move in excess of one thousand (1000) cubic yards of materials.
- B. Site Design Review shall not be required for:
  - 1. Single-family and two-family (duplex) residential dwelling unit development, including their basement excavations.
  - 2. Multi-family, cluster, and mobile home park development, including their basement excavations. (It shall be noted that multi-family, cluster, and mobile home park development, including their basement excavations will require subdivision review.)
  - 3. The normal and customary repairs, replacement, and/or maintenance not requiring structural elements, decorative changes in existing structures or buildings, provided that the activity is in conformance with federal, state, and/or local laws and does not involve any other physical modifications or changes requiring a permit under this Ordinance.
  - 4. The normal and customary practices and structures associated with agriculture and borrow pits approved or established prior to the effective date of this Ordinance.

### **3. Site Design Approval**

- A. All applicable development projects shall require the review and approval of the Planning board as provided by this Ordinance.
- B. A public hearing may be scheduled for any application if the proposed development poses the potential for on the application.
- C. All site design approvals shall expire within one (1) year of the date of final approval, unless work thereunder is commenced and 50 percent of the approved Plan is completed and an extension is approved by the CEO for an must be made. There will be no additional charge.
- D. In the event that a site design is recorded with the Registry of Deeds without final approval, the design shall be considered null and void, and the CEO shall institute proceedings to have the design stricken from the records of the Registry of Deeds. Any site design not recorded in the Registry of Deeds within ninety (90) days of the date of final approval shall become null and void.

- E. Final approval of a site design shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the Plan to be dedicated to the municipality, approval of the design shall, not constitute an acceptance by the municipality of such areas. The Planning board shall require the design to contain appropriate notes to this effect. The Planning board may also require the filing of a written agreement between the applicant and the municipal officers covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

#### **4. Site Design Notification**

- A. The Town Clerk shall notify all property owners within (500) feet of the property involved and such other property owners as the Planning board may deem necessary. It shall be the responsibility of the applicant to supply the names and mailing addresses of the abutting or other identified property owners. Failure to provide full documentation could delay the application. The notice shall include a description of the nature of the applicant's proposal and the time and place of any meeting or the public comment time period required.
- B. The town Clerk shall notify the identified property owners of the application at least fourteen (14) days before the first workshop meeting and first public meeting, if a public meeting is necessary, where the application will be discussed. A final decision shall not be made on the application for a period of thirty (30) days after the date the Planning board has determined that the application is complete to provide an opportunity for public comment.
- C. The agenda of any meetings shall be published in a local newspaper at least seven (7) days before the date of the meeting and displayed in two (2) places of general public access. The agenda notice shall include a brief description of the application and the Ordinance(s) by which the proposal is to be reviewed.

#### **5. Fees and guarantees**

- A. An application for site design approval shall be accompanied by a fee for commercial, industrial, or other non-residential applications. This application fee shall be made payable to the "*Town of Van Buren*" and shall not be refundable.
- B. The Planning Board may request the Town council require that an expert consultant (s) review one or more submissions of an application and report as to compliance or non-compliance with this Ordinance, and advise if necessary, of procedures which will result in compliance. The consultant shall estimate the cost of such review and the applicant shall deposit with the municipality the full estimated cost which the municipality shall place in an escrow account. The municipality shall pay the consultant from the escrow account. If the balance in the escrow account is drawn down by 75 percent, the CEO shall notify the applicant and require an additional amount. Any balance in the account remaining after a final decision on the application has been rendered shall be returned to the applicant. The consultants shall be fully qualified to provide the required information and shall be mutually acceptable to the municipality and the applicant.
- C. At the time of final approval, the applicant may be required to tender a performance guarantee (See: Sec. 13, "*Performance Guarantees*", herein) adequate to cover the total costs of all required improvements, taking into account the time-span of the guarantee and the effects of inflation upon costs. The conditions and amount of the guarantee shall be reasonably necessary to ensure the completion of all improvements required as condition of approval of the application, in such form as approved by the Planning Board and the Town council. The municipality shall have access to the site to review the progress of the work and shall have the authority to review all records and documents related to the project.
- D. The applicant shall provide a one-year defect bond upon completion of all public improvements. The amount of the defect bond shall be ten percent (10%) of the amount of those public improvements approved as part of the site design. The bond shall be placed in an account in the municipality's name. the bond, including accrued interest, remaining in the account and which has not been spent or appropriated shall be returned to the applicant within three-hundred and sixty-five (365) days from the date of final approval.
- E. Irrespective of any other provision of this Ordinance, the application shall not be considered complete if the applicant fails to pay any of the fees, bonds, or guarantees, or appeals any fee, bond, or guarantee determination. If the applicant appeals the payment of any fees, bonds, or guarantees to the Board of Appeals,



the board shall decide whether the fee, bond, or guarantee is reasonable for the purpose found necessary. The fee, bond, or guarantee shall be placed into an appropriate account in the municipality's name. The money, including any accrued interest, remaining in the account and which has not been spent or appropriated, shall be returned to the applicant within thirty (30) days from the date of final approval.

## **6. Site Design Review Procedure and Requirements**

- A. A person informed by the CEO that they require site design review approval shall file a site design review application with the CEO on forms provided for the purpose. It shall be the responsibility of the applicant to demonstrate that the proposed use meets all of the design criteria and standards, herein.
- B. All applications shall be made by the owner of the property or their agent, as designated in writing by the owner. A site design application must be diligently pursued from the date of submission.
- C. The CEO shall make an initial determination of the completeness of all applications. An application requiring review and approval by the Planning Board shall be subject to the final determination by the Planning Board. An application requiring review and approval by the CEO shall be subject to the final determination by the CEO. Any application which the CEO initially determines to be incomplete shall be returned to the applicant by the CEO with written notice of the additional information required. The written notice shall set forth those items which need to be submitted and that the applicant will have one hundred and twenty (120) days to complete the application. If the applicant fails to submit any item specified within the one hundred twenty (120) days of the date of said notice from the CEO, the application shall expire and shall be deemed null and void. Nothing in this Section shall prevent the CEO from requiring additional information as otherwise permitted or required by the terms of this Ordinance. At such time that the additional information has been supplied, the CEO shall pass the application on for review and final determination of completeness.
- D. An application shall not be considered as having pending status and shall be subject to changes in local, state, or federal laws until at which time it has been determined to be a complete application.
- E. The Planning Board may require the applicant to undertake any study which it deems reasonable and necessary to assure that the requirements of the Ordinance are met. The cost of all such studies shall be borne by the applicant.
- F. The following application process shall be followed to facilitate site design review.
  - 1. Upon receipt of an application for site design review, the CEO shall determine and schedule the development for either concept or Final Plan review. The CEO may advise the applicant whether Concept Plan review is appropriate prior to submission of a Final Plan; however, the applicant shall determine whether to seek concept or Final Plan review prior to submitting an application for Final Plan review. Neither concept nor Final Plan review shall occur unless there is evidence that the required public notice has been given and the material required by this Ordinance is filed in a timely manner. The application is distributed to the appropriate municipal departments. Final determination as to the completeness of applications for Concept Plan and Final Plan review shall be made by the Planning board.
  - 2. Concept Plan Review  
Concept Plan review is intended to provide the applicant with an opportunity to discuss the proposed development; obtain CEO and Planning board comments prior to expending significant resources in furtherance of specific development plans; and gain an understanding of the review procedures, requirements, and standards. The Planning Board may identify issues that are to be addressed in the Final Plan application. No decision is made during the Concept Plan review.
  - 3. Final Plan Review  
Within sixty (60) days after determining that an application is complete, a public hearing on the proposed development may be called if the development poses the potential for significant impacts to municipal facilities or natural resources, or either the applicant, or the Planning Board determines that additional workshops are necessary. The Planning board shall issue a written decision approving, approving with conditions, denying, or tabling the Final Plan. If the Planning board tables the item, an additional public hearing must be held. If the Planning Board shall vote to approve the site design application, the CEO shall issue a permit, provided that all other requirements of the Ordinance are met.

4. Statement of Findings

All findings and decisions by the Planning board denying or conditionally approving any site design shall be made in writing or reduced to writing within thirty (30) days of the decision and shall state the reason(s) therefore sufficient to appraise the applicant and any interested member of the public of the basis for the decision. Except for the appeal of any fee, bond, or guarantee, the decisions regarding site designs are appealable by the applicant to the Superior Court.

5. Applications Requiring Other Public Agency Review

- a. The Planning Board may approve complete final applications subject to the condition that all necessary permits be received from agencies such as, but not limited to, the Army Corps of Engineers, Maine Human Services. However, the Planning Board may require that approvals required by state or federal law be submitted to the municipality prior to final approval upon finding that the permits from state or federal agencies may have a significant effect on the site design application.
- b. The Planning Board may request copies of the application to be forwarded to another municipal committee(s). The comments of the committee(s) are advisory to the Planning Board and shall pertain to the application's conformance with the review criteria of this Ordinance. The Planning Board may postpone final decisions regarding the application until such time as the comment from the municipal committee(s) has been submitted.

7. **Site Design Application Requirements.**

A. Required Number of Copies

Final application for site design review shall consist of five (5) copies of the required information. The applications are to be submitted to the CEO no later than twenty-one (21) days prior to the meeting at which the item is to be heard.

B. Concept Site Design Plan

1. The Planning Board may review applications as a Concept Plan. These are applications that do not meet the Final Plan requirements. At a minimum, Concept Plan applications shall include the following information:
  - a. Concept Plan Requirements
    1. Name and address of the owner of record and applicant (if different);
    2. Name of the proposed development;
    3. Names and addresses of all property owners within 500 feet of the edge of the property line and others indicated by the Planning board as being impacted;
    4. Names and addresses of all consultants working on the project;
    5. Graphic scale and north arrow;
    6. A copy of the deed to the property, option to purchase the property, or other documentation to demonstrate right, title, or interest in the property on the part of the applicant;
    7. Location and dimensions of any existing or proposed easements and copies of existing covenants or deed restrictions;
    8. Name, registration number, and seal of the land surveyor, architect, engineer, and/or similar professional who prepared the Plan;
    9. All property boundaries, land area, and zoning designations of the site, regardless of whether all or part is being developed at this time;
    10. Size, shape, and location of existing and proposed buildings on the site including dimensions of the buildings and setbacks from property lines;
    11. Location and layout design of vehicular parking, circulation areas, loading areas, and walkways including curb cuts, driveways, parking space, and vehicle turn around area dimensions;
    12. Location and names of streets and rights-of-way within and within 200' adjacent to the proposed development;
    13. Proposed finish grades and graphic arrows indicating the direction of storm-water runoff;
    14. Conceptual treatment of on and off site storm-water management facilities;
    15. Location and sizes of existing and proposed sewer and water services including connections;
    16. Conceptual treatment of landscaping buffers, screens, and plantings;

17. Location of outdoor storage areas, fences, signs (front view and dimensions), advertising features, and solid waste receptacles;
18. Context map illustrating the area surrounding the site which will be affected by the proposal including all streets, sidewalks, intersections, storm-water drainage ways, sanitary sewer lines, and pump stations, nearby properties and buildings, zoning Districts, and geographic features such as, but not limited to, wetlands, natural features, historic sites, flood plains, significant scenic areas, and significant wildlife habitats as provided in the Comprehensive Plan; and
19. Plans for all proposed exterior lighting including the location, type of light, radius of light, manufacturer's specifications sheet, and the ground level intensity in foot-candles.

b. Project Description

The project description is to describe the proposal, its scheme of development, and proposed land uses. The Project description shall also include estimates from qualified professionals as to the anticipated gallons per day of wastewater, the number of vehicles entering and leaving the site during the day (and at peak traffic hours), the increased amount of storm-water runoff, and the rate of the storm-water runoff of the post-development site.

C. Final Site Design Plan

The final Site Design Plan application shall include all information required in the Concept Plan requirements, above and in addition shall require the following information:

1. Boundary Survey. Prepared by a licensed Maine surveyor indicating the boundaries, artificial monuments, encumbrances, and topography of the site.
2. Storm Water Management Plan. Prepared by a Maine Registered Engineer analyzing the proposal's impact on existing storm-water facilities and watersheds. The storm-water management plan shall include a map of all watersheds significantly impacted by the proposal and identify all areas of existing or anticipated flooding, locations of existing and proposed culverts, pipes, detention ponds, and flow restrictions to be affected by the proposal. The storm-water management plan shall comply with the review criteria found in this Ordinance.
3. Finish Grading Plan. Prepared by a Maine Registered Engineer or landscape architect indicating the final grading of the site, the amount of fill to be imported to or exported from the site, and graphic arrows indicating the direction of storm-water run-off.
4. Site Improvement Details. Including sufficient information to enable the creation of an itemized cost estimate for all required on/or off-site improvements.
5. Building Elevations. Scale plans of exterior building surfaces including materials, doorways, and advertising features.
6. Additional Information. Additional information as deemed necessary to review the proposal's conformance with the site design review criteria and Sec. 6, "*General Requirements*", herein. Additional information may address items such as, but not be limited to, traffic, wetlands, high-intensity soils, environmental analyses, or the interpretation of the data by municipal consultants. Additional information shall be financed pursuant to the consulting fees of this Ordinance.
7. Topography. General topography of the site.
8. Soil Survey. High-intensity soils classifications of the soils located on the site.
9. Variances/Restrictions. A copy of any variances granted or deed restrictions on the subject use or property. Such variances and/or restrictions shall be noted on the final (recording) copy of the plan.

D. Waiver of required Information

The Planning board may waive the submittal of required application materials upon finding that the specific information is unnecessary in order to review the application's conformance. Such waiver(s) shall be noted on the final (recording) copy of the plan.

E. Final Copies of the Plan

The applicant shall submit three (3) signed copies of the final approved plan to the CEO. One copy shall be forwarded to the Planning board as part of its permanent records. One copy shall be forwarded to the Tax Assessor. One copy shall be kept by the CEO.

**8. Site Design Review Criteria**

The review criteria contained in Sec. 5, “*Review Criteria*”, herein, shall be utilized in reviewing applications for site design approval. The standards are not intended to discourage creativity, invention, or innovation. The Planning board may waive the criteria presented in this subsection upon a determination that the criteria are not applicable to the proposed development or are not necessary to carry out the intent of this Ordinance.

**9. Site Design general Requirements**

The “*General Requirements*” contained in Sec. 6 and the “*Access Management, Off-Street Parking, Loading, and Road Design and Construction*” contained in Sec. 7, herein, as applicable, shall apply to all proposed development.

**10. Conditional Approval of Site Designs**

- A. The Planning Board may impose any condition upon approval of any site design for the following reasons:
  - 1. To minimize or abate, to the extent feasible, any adverse impact of the proposed development on the value or utility of other private property, or on public property or facilities; or
  - 2. To bring the development into compliance with the requirements of this Ordinances; or
  - 3. To migrate any other adverse effects of the proposed development.
- B. Such conditions may include, but are not limited to, the imposition of a time limit for the conditional use; the employment of specific engineering, construction, or design technologies; modes of operation or traffic patterns; and may also include the construction of on or off-site improvements including, without limitation, roads, intersection improvements, sidewalks, sewers, and drainage courses. All such conditions shall be consistent with the purposes set forth in this Ordinance.

**11. Revisions to Approved Site Plans**

The site shall be developed and maintained as depicted in the approved site design and the written submission of the applicant. Modification of any approved site design shall require the prior approval of a revised site design by the Planning Board pursuant to the terms of this Ordinance. Any such parcel lawfully altered prior to the effective date of this Ordinance shall not be further altered without approval as provided herein. Modification or alteration shall mean and include any deviations from the approved site design, including but not limited to, topography, vegetation, and impervious surfaces shown on the site design. Field changes for site designs may be made by the CEO and are limited to minor variations necessary to deal with unforeseen difficulties that arise during the course of construction involving such technical detail as utility location and substitution of equivalent plantings and shall not include any substantial alteration of the approved plan or change any condition imposed by the Planning Board.

**12. Post Application Submissions**

Following site design approval and prior to issuance of any permit, the applicant shall submit copies of the contract plans and specifications, in reproducible form, showing the design of all infrastructure improvements, including without limitation all streets, sewers, drainage structures, and landscaping, to the CEO for review and approval for compliance with the municipality’s construction standards. Thereafter, all departures from such plans may be approved by the CEO as “field changes”, subject to *Revisions of Approved Site Designs*, above. Nothing herein shall diminish the obligation of the applicant to supply plans or specifications as provided in this Ordinance.

## Section 4 - Subdivision Ordinance

### 1. Title

This Section shall be known and may be cited as “*Subdivision Ordinance of the Town of Van Buren.*”

### 2. Applicability of Subdivision Review.

- A. Subdivision review, in conformity with the procedures, criteria, and standards of this Section, shall be required for all development that meets the definition of “*Subdivision*” as contained within Sec. 19, “*Definitions*”, herein.
- B. Subdivision review does not apply to:
  - 1. Any subdivisions approved before September 23, 1971, in accordance with laws then in effect;
  - 2. Subdivisions in actual existence on September 23, 1971, that did not require approval under prior law; or
  - 3. A subdivision, a plan of which had been legally recorded in the Aroostook County Registry of Deeds, before MDOT, and the FAA.

### 3. Procedures for Subdivision Review

- A. Introduction. Every applicant for subdivision approval shall obtain and submit a written application to the CEO. The Planning Board shall review all requests for subdivision approval. On all matters concerning subdivision review, the Planning Board shall maintain a permanent record of all its meetings, proceedings, and correspondences.
- B. Agendas. In order to establish an orderly, equitable, and expeditious procedure for reviewing subdivisions and to avoid unnecessary delays in processing applications for subdivision review, the Planning board shall cause a written agenda for each meeting to be prepared and distributed. Applicants shall request to be placed on the Planning board’s first open agenda by contacting the CEO. Applicants who attend a meeting, but who are not on the Planning Board’s agenda may be heard, but, only after all agenda items have been completed, and then only if a majority of the Planning board so votes. The Planning Board shall take no action on any application not appearing on the Planning Board’s written agenda.
- C. Joint Meeting. If any portion of a subdivision crosses municipal boundaries, the Planning board from each of the adjoining municipalities shall meet jointly to discuss the application. The planning boards can waive in writing the requirement for a joint meeting or hearing. However, when a subdivision crosses the municipal boundaries each planning board shall consider the impacts on traffic.
- D. Resubdivision. The further division of a lot within a subdivision, as defined herein, existing after September 23, 1971, or the change of a lot size therein, or the relocation of any road or lot line within an approved subdivision shall require the written approval of the Planning Board. Such re-subdivision activity shall comply with all provisions of this Ordinance.
- E. Review Procedure. This Ordinance shall provide for a multi-stage application review procedure consisting of three (3) stages:
  - 1. Pre-Application and Sketch Plan,
  - 2. Preliminary Plan, and
  - 3. Final Plan.

### 4. Pre-Application Meeting, On-Site Inspection, and Subdivision Sketch Plan Procedures.

- A. Purpose. The purpose of the pre-application meeting and on-site inspection is for the applicant to present general information regarding the proposed subdivision to the Planning Board and receive the Planning Board’s comments prior to the expenditure of substantial sums of money on surveying, soils identification, and engineering by the applicant.
- B. Procedure
  - 1. Application: All applications for sketch plan review of a subdivision shall be obtained from and submitted to the CEO.
  - 2. Sketch Plan: The sketch plan shall show, in simple sketch form, the proposed layout of roads, lots, buildings, and other features in relation to existing conditions. The sketch plan, which does not have to be engineered and may be a free-hand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It shall be most

helpful to both the applicant and the Planning Board for the site conditions such as steep slopes, wet areas, and vegetative cover to be identified in a general manner. The sketch plan shall be accompanied by:

- a. A copy of a portion of the USGS topographic map of the area showing the outline of the proposed subdivision, unless the proposed subdivision is less than ten (10) acres in size; and
  - b. A copy of that portion of the soil survey covering the subdivision, showing the outline of the proposed subdivision.
3. Inspection: Within thirty (30) days of the pre-application meeting, the Planning Board shall hold an on-site inspection of the property. The applicant shall place “flagging” at the centerline of any proposed roads, and at the approximate intersections of the road centerlines and lot corners, prior to the on-site inspection. Lot line flags shall be different colors from the centerline flags. The Planning board reserves the right to postpone the in-site inspection if the Planning Board determines that the on-site inspection is not possible due to surface conditions of the site, such as, but not be limited to, snow cover, flooding rains, and frozen ground.
  4. Presentation: The applicant shall present the sketch plan and make a verbal presentation regarding the proposed subdivision at the first scheduled Planning Board meeting when time is available. Following the applicant’s presentation, the Planning board may ask questions and make suggestions to be incorporated by the applicant into the Preliminary Plan application.
  5. Contour Interval: At the pre-application meeting, or when the applicant decides to proceed to the next stage of subdivision review, the Planning Board shall inform the applicant in writing of the required contour interval on the Preliminary Plan. Contour shall be drawn at 2’ intervals, unless indicated otherwise by the Planning Board.
- C. Rights Not Vested. The pre-application meeting, the submittal for review of the sketch plan, 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 Title 1, MRSA, §302.
- D. Establishment of File. Following the pre-application meeting, the CEO shall establish a file of the proposed subdivision for use by the Planning Board and the CEO. All correspondence and submissions regarding the pre-application meeting and application shall be maintained in the file.
- E. Waiver of Application Requirements. Where the Planning board finds that extraordinary and unnecessary hardships may results from the strict compliance with this Ordinance, or where there are special circumstances of a particular plan, the Planning board may waive, in writing, any of the application requirements, non-statutory criteria/performance standards, or general requirements---provided that such waiver shall not have the effect of nullifying the purpose of the Ordinance, the land use plan, the Shoreland Zoning Ordinance, or any other federal, state, and local rule, law ordinance, or regulation. Any such wavier shall be duly noted on the Final Recording Plan. In granting any waiver, the Planning Board shall require such conditions as shall, in its judgment, secure substantially the objectives of the requirements so waived.
5. **Preliminary Subdivision Plan Procedure and Requirements**
- A. **Preliminary Subdivision Plan Procedure**
1. Within six (6) months after the pre-application sketch plan meeting with the Planning Board, the applicant shall submit an application for approval of a Preliminary Plan at least fourteen (14) days prior to a scheduled meeting of the Planning Board. Applications shall be submitted to the CEO for review for completeness and passes on to the Planning Board for final determination of completeness. All applications for Preliminary Plan approval for a subdivision shall be accompanied by an application fee payable by check to the “*Town of Van Buren*”. The Preliminary Plan shall approximate the layout shown on the sketch plan, plus any recommendations made by the Planning Board. Failure to do so shall require resubmission of a sketch plan to the Planning Board.
  2. The Planning Board may require that an expert consultant(s) be hired to assist in its review of an application. The applicant shall pay a reasonable fee necessary for such services. The Planning Board shall provide the applicant with notice of its intent to require such a fee, the purpose of the fee, and its approximate amount. The applicant with notice of its intent to require such a fee, the purpose of the fee,

and its approximate amount. The applicant shall be given an opportunity to be heard on the purpose and the amount before the Planning Board. After either being heard or waiving the right, the applicant shall pay the fee or appeal payment of the fee to the Board of Appeals.

3. Irrespective of any other provision of this Ordinance or any other ordinance, the Planning Board shall not accept the application as complete if the applicant fails to pay the fee(s) or appeals the fee(s) determination. If the applicant appeals the payment of the fee(s) to the Board of Appeals, the Board shall decide whether the fee(s) is/are reasonable for the purpose found necessary by the Planning Board. The fee(s) shall be placed in an interest bearing escrow account in the "Town of Van Buren's" name. The money, including accrued interest, remaining in the account and which has not been spent or appropriated, shall be returned to the applicant within thirty (30) days after the Planning Board issues its final decision.
4. The applicant, or duly authorized representative shall attend the meeting of the Planning Board to present the Preliminary Plan application.
5. Within thirty (30) days of receiving the Preliminary Plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Planning Board shall cause notification to be made to the applicant in writing of the specific material needed to complete the application.
6. Upon receiving an application for review, whether the application is complete or not, the Planning Board shall:
  - a. Issue a dated receipt to the applicant.
  - b. Determine whether to hold a public hearing on the Preliminary Plan application.
  - c. Have the CEO notify by mail: all property owners within 500 feet of the property involved or such other property owners as the Planning Board may deem necessary. The notice shall indicate a subdivision application has been received, include a description of the nature of the applicant's proposal, and the Ordinance(s) by which the application is to be reviewed.
  - d. Have the CEO notify the Municipal Clerk and the Chair of the Planning Board of the neighboring municipality(ies) if any portion of the proposed subdivision includes or crosses the municipal boundary.
7. If the Planning Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days of determining it has received a complete application and shall prepare an agenda. No less than ten (10) days prior to the hearing, the CEO shall notify by mail: all property owners within 500 feet of the property involved and such other property owners as the Planning Board may deem necessary, it shall be the responsibility of the applicant to supply the names and mailing addresses of the abutting or other identified property owners; the person making application; and Planning Board members. The CEO shall also cause notice to be posted in the Town Office, the Post Office, and two (2) other prominent locations in Town. The notice shall include a description of the nature of the applicant's proposal, the Ordinance(s) by which the application is to be reviewed, and the time and place of any meeting or the public comment time period.
8. Within thirty (30) days from the date of the public hearing or within sixty (60) days of determining a complete application has been received, 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 Planning Board shall make findings of fact on the application, and approve, approve with conditions, or deny the Preliminary Plan application. The Planning Board shall specify in writing its findings of facts and reasons for any conditions or denial.
9. When granting approval to a Preliminary Plan, the Planning Board shall state in writing the conditions of such approval, if any, with respect to:
  - a. The specific changes which the Planning Board shall require in the Final Plan;
  - b. The character and extent of the required improvement for which waivers may have been requested and which the Planning Board find may be waived without jeopardy to the public health, safety, and general welfare; and

- c. The construction items for which cost estimates and performance guarantees shall be required as prerequisite to the approval of the Final Plan.
10. Approval of a Preliminary Plan by the Planning Board shall not constitute approval of the Final Plan or intent to approve the Final Plan, but rather it shall be deemed an expression of approval of the design of the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval to the Planning Board upon fulfillment of the requirements of this Ordinance and the conditions of preliminary approval, if any. Prior to the approval of the Final Plan, the Planning Board may require additional changes as a result of the further study of the subdivision or as a result of new information received.

**B. Preliminary Subdivision Plan Requirements**

The Preliminary Plan application shall consist of the following items.

1. Application form.
2. Location Map. The location map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Planning Board to locate the subdivision within the Town. The location map shall show:
  - a. Any existing subdivisions in the proximity of the proposed subdivision.
  - b. Locations and name of existing and proposed roads.
  - c. Boundaries and designations of shoreland zoning districts.
  - d. An outline of the proposed subdivision and any remaining portion of the owner's property if the Preliminary Plan submitted covers only a portion of the owner's entire contiguous holding.
3. Seven (7) full size sets (no greater than 24" X 36") of the Preliminary Plan and application shall be submitted to the CEO. These maps or drawings 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 (100') to the inch. Plans for the subdivision containing more than one hundred (100) acres can be drawn at a scale of not more than two hundred feet (200') to the inch provided all necessary detail can easily be read. The CEO shall distribute to each Planning Board member a set of the Preliminary Plan(s) and application no less than seven (7) days prior to the meeting for their review and comment.
4. The application for Preliminary Plan approval shall include the following information. The Planning board may require additional information to be submitted, where it finds it necessary in order to determine whether the review criteria of Title 30-A MRSA, § 4404 are met.
  - a. Proposed name of the subdivision and lot number(s).
  - b. Verification of right, title, or interest in the property.
  - c. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances made and bearing the seal and signature of the Maine Licensed Professional Surveyor. The corners of the parcel shall be located on the ground and marked by artificial monuments.
  - d. A copy of the most recently recorded deed for the parcel, if applicable. A copy of any and all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
  - e. A copy of any future covenants or deed restrictions intended to cover all or part of the lots in the subdivision.
  - f. Indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by subsurface wastewater disposal systems test pit analyses, prepared by a Maine Licensed Site Evaluator or Registered Soil Scientist shall be provided. A map showing the location of all test pits dug on the site, the location of subsurface wastewater disposal systems within 100 feet of the property lines on adjacent parcels, and the locations of the proposed subsurface wastewater disposal systems shall be submitted.
  - g. Indication of the type of water supply system(s) to be used in the subdivision.
  - h. The date the plan was prepared, North point, and graphic map scale.
  - i. The names and addresses of the record owner, applicant, adjoining property owners, and individual or company who prepared the plan.
  - j. A high intensity soil survey by a Maine Registered Soil Scientist.



- k. Wetland areas shall be identified, regardless of size.
- l. 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 (DBH) shall be shown on the plan. On wooded sites, the plan shall indicate the area where clearing for lawns and structures shall occur.
- m. The location of all rivers, streams, and brooks within or directly adjacent to the proposed subdivision.
- n. Contour lines at the interval specified by the Planning Board, showing elevations in relation to the Mean Sea Level.
- o. The shoreland zoning district, if applicable, in which the proposed subdivision is located and the location of any shoreland zoning boundaries affecting the subdivision.
- p. The location of existing and proposed culverts and drainage ways on or adjacent to the property to be subdivided.
- q. The location, names, and present widths of existing roads, highways, easements, building lines, parks, and other usable open spaces on or adjacent to the subdivision.
- r. The width and location of any roads, public improvements, or usable open space shown within the subdivision.
- s. The proposed lot lines with approximate dimensions and lot areas.
- t. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- u. The locations of any usable open space to be preserved and a description of proposed ownership, improvement, and management of usable open space.
- v. If any portion of the subdivision is in a floodprone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.
- w. A hydrogeologic assessment prepared by a Maine Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, when the subdivision is not served by public sewer and any part of the subdivision is located over a sand and gravel aquifer, as shown on "Hydrogeologic Data for Significant Sand and Gravel Aquifers" maps of the Maine Geological Survey. The Planning Board may require a hydrogeologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on ground water quality. These cases include extensive areas of shallow to bedrock soils and where the proposal intends to use a shared or common subsurface waste water disposal system.
- x. 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 the "Trip Generation Manual", latest 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 condition.
- y. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife.
- z. If any portion of the proposed subdivision is in the direct watershed of a Great Pond and qualifies for the simplified review procedure for phosphorus control the plan shall indicate the location and dimensions of vegetative buffer areas or infiltration systems and the application shall include a long-term maintenance plan for all phosphorus control measure.

If any portion of the proposed subdivision is in the direct watershed of a Great Pond, and does not qualify for the simplified review procedure for phosphorus control, the following shall be submitted or indicated on the plan.

- 1. A Phosphorus Impact Analysis and Control Plan conducted using the procedures set forth in "Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluation New Development," published by the Maine Department of Environmental Protection, latest edition. The Analysis and Control Plan shall include all worksheets, engineering calculations, and construction specifications and diagrams for control measures, as required by the Technical Guide.
- 2. A long-term maintenance plan for all phosphorus control measures.
- 3. The contour lines shown on the plan shall be at an interval of no less than ten (10) feet.
- 4. Area with sustained slopes greater than 25 percent covering more than one acre.

- aa. A List of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the Town or an District. These lists shall include, but not be limited to:

Recreation facilities	Stormwater drainage	Police and fire protection
Wastewater treatment	Solid waste disposal	Water supply
Road maintenance and snow removal		

- bb. The applicant shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.

## **6. Final Subdivision Plan Procedure and Requirements**

### **A. Final Subdivision Plan Procedure**

1. Within Twelve (12) months of the approval of the Preliminary Plan by the Planning Board, the applicant shall submit the application to the CEO at least fourteen (14) days prior to a scheduled meeting of the Planning Board. If the application for the Final Plan is not submitted within twelve (12) months after Preliminary Plan approval, the Planning Board may require resubmission of the Preliminary Plan, except as stipulated below. Applications submitted to the CEO shall be reviewed for completeness and passed on the Planning Board for final determination of completeness. All applications for Final Plan approval for a subdivision that did not pay a Preliminary Plan fee shall be accompanied by an application fee equal to the Preliminary Plan fee payable by check to the "*Town of Van Buren*". The Final Plan shall approximate the layout shown on the Preliminary Plan, plus any changes required by the Planning Board.
2. If an applicant cannot submit the Final Plan within twelve (12) months, due to delays caused by other regulatory bodies, or for other reasons, the applicant may request an extension from the Planning Board. Such a request for an extension to the filing deadline shall be made, in writing, to the CEO who shall pass the request along to the Planning Board for discussion at their next regularly scheduled meeting prior to the expiration of the filing period. In considering the request for an extension, the Planning Board shall make findings of fact that the applicant has made due progress in preparation of the Final Plan and in pursuing approval of the plans before other agencies, and that local ordinances or regulations which may impact on the proposed development have not been amended.
3. Irrespective of any other provision of this Ordinance or any other ordinance, the Planning Board shall not accept the application as complete if the applicant fails to pay any fee(s) or appeals the fee(s) determination. If the applicant appeals the payment of the fee(s) to the Board of Appeals, the board shall decide whether the fee(s) is/are reasonable for the purpose found necessary by the Planning Board. The fee(s) shall be placed in an interest bearing escrow account in the "*Town of Van Buren's*" name. The money, including accrued interest, remaining in the account and which has not been spent or appropriated, shall be returned to applicant within thirty (30) days after the Planning Board issues its final decision.
4. Prior to submittal of the Final Plan application, the following approvals shall be obtained in writing, where applicable:
  - a. Maine Departments 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 public water system;
  - c. Maine Department of Human Services, if an engineered subsurface wastewater disposal system(s) is to be utilized; and
  - d. US Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.
5. Within thirty (30) days of the receipt of the Final Plan application, the Planning Board shall determine whether the Final Plan application is complete and cause the applicant to be notified in writing of its determination. If the application is not complete, the Planning Board through the CEO, shall notify the applicant of the specific material needed to complete the application.

6. Upon receiving an application for final review, whether the application is complete or not, the Planning board shall issue a dated receipt to the applicant. The Planning Board shall determine whether to hold a public hearing on the Final Plan application.
7. The applicant, of their duly authorized representative, shall attend the meeting of the Planning Board or public hearing to discuss the Final Plan.
8. If the Planning Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days of determining it has received a complete application, shall prepare an agenda, and no less than ten (10) days prior to the hearing, the CEO shall notify by mail: all property owners within 500 feet of the property involved and applicant to supply the names and mailing addresses of the abutting or other identified property owners; the Town Office, the Post Office, and two (2) other prominent location in Town. The notice shall include a description of the nature of the applicant's proposal, the Ordinance(s) by which the application is to be reviewed, and the time and place of any meeting or the public comment time period.
9. The Planning Board may, through the Chair, notify the Town Manager, Town Council, utility providers, Police Chief and Fire Chief of the proposed subdivision, the number of lots/units proposed, the length of roadways, and the size and construction characteristics of any residential, commercial, or industrial buildings. The Planning Board shall request that the notified officials respond in writing upon the adequacy of existing capital facilities to service the proposed subdivision within ten (10) days.
10. Before the Planning Board grants approval of the Final Plan, the applicant shall meet the performance guarantee requirements of Sec. 13, herein, if applicable.
11. Within thirty (30) days from the public hearing of within sixty (60) days of having determined a complete application was submitted, if no public hearing is held, or within another time limit as may be otherwise mutually agreed to be the Planning Board and the applicant, the Planning Board shall make findings of fact, and conclusions relative to the review criteria for approval contained in Title 30-A MRSA, §4404 (Statute) and this Ordinance. If the Planning Board finds that all the criteria of the Statute and the criteria, standards, and requirements of this Ordinance have been met, they shall approve the Final Plan. If the Planning Board finds that any of the criteria of the Statute or criteria, standards, and requirements of the Ordinance have not been met, the Planning Board shall either deny the application, or approve the application with condition to ensure all criteria, standards, and requirements shall be met by the subdivision. The reasons for any conditions shall be stated in the records of the Planning Board.

**B. Final Subdivision Plan Requirements.**

1. The Final Plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet (100') to the inch. Plans for subdivisions containing more than one hundred (100) acres may be drawn at a scale of not more than two hundred feet (200') to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24" X 36" in size. Space shall be reserved on the plan for endorsement by the Planning Board. Two recording plans on Mylar transparencies and three paper copies of the Mylar transparencies of the recording plan shall be submitted. In addition, seven (7) copies of the plan reduced to a size of 8 ½ by 11 inches or 11 by 17 inches, and all accompanying information, shall be submitted to the CEO and mailed to each Planning Board member no less than seven (7) days prior to the meeting.
2. The Final Plan shall include all of the required information contained in the above Preliminary Plan Requirements, updated and noted as necessary, and be accompanied by the following information:
  - a. If different than those submitted with the Preliminary Plan, a copy of any proposed deed restrictions intended to cover all or part of the lots or swellings in the subdivision.
  - b. If different than those submitted with the Preliminary Plan, the location, names, widths, and geometrics of existing and proposed roads, assess points, highways, easements, buildings, parks and other usable open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing, and length of every road 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. The location, bearing, and length of road lines, lot lines, and parcel boundary lines shall bear the seal and signature of a Maine Licensed Professional Surveyor.

- c. An erosion and sedimentation control plan prepared in accordance with the “Main Erosion and Sedimentation Control Handbook for Construction: Best Management Practices”. Published by the soils and Water Conservation and Main Department of Environmental Protection, latest edition. The Planning Board may waive submission of the erosion and sedimentation control plan only if the subdivision is not in the watershed of a Great Pond, the proposed subdivision will not involve grading which changes drainage patterns, and addition of impervious surfaces such as driveways, roofs and parking areas is less than 5 percent of the area of the subdivision.
- d. A stormwater management plan, prepared by a registered professional engineer in accordance with “Stormwater Management for Maine: Best Management Practices”, latest edition, published by the Maine DEP. Another methodology may be used if the applicant can demonstrate it is equally applicable to the site. The Planning Board may waive submission of the stormwater management plan only if the subdivision is not in the watershed of a Great Pond, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as driveways, roofs, and parking areas is less than 5 percent, and the addition of impervious surfaces such as driveways, roads, and parking areas is less than 5 percent of the area of the subdivision.
- e. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. A Phase I Environmental Site Assessment Review states. Written offers to convey title to the Town of all public ways and usable open spaces shown on the plan. And copies of agreements or other documents showing the manner in which usable open spaces to be retained by the developer of lot owners are to be maintained shall be submitted. If proposed roads and/or usable open spaces or other land is to be offered to the Town, written evidence that the Town council is satisfied with the legal sufficiency of the written offer to convey title shall be included.
- f. A list of construction items, with cost estimates, that shall be completed by the developer prior to the sale/lease of lots, and evidence that the developer has financial commitments or resources to cover these costs.
- g. A performance bond may be required to secure completion of all public improvements required by the Planning Board, and written evidence that the Town Council is satisfied with the legal sufficiency of the bond.
- h. The Final Plan shall be accompanied by certification either by a duly authorized Maine registered Engineer and/or by the CEO for the roads and utilities; or the VBWS for the water and/or sewer facilities as required by the Planning Board, that the design of water and sewer facilities and roads and utilities in the proposed subdivision conform to the requirements of all applicable, federal state, and local rules, laws, and regulation. The cost of inspection shall be borne by the applicant or subdivider.
- i. Suitable space to record on the approved plan, the date, and conditions of approval, if any. This space shall be similar to the following example:

**Town of Van Buren**

Approved by the Planning Board

Signed: \_\_\_\_\_

Chair of the Planning Board

\_\_\_\_\_

(space for all Planning Board members to sign)

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Conditions: \_\_\_\_\_

### **C. Final Subdivision Approval and Filing.**

1. A plan may be reviewed by the Planning Board, however, no plan shall be approved by the Planning Board as long as the applicant is in violation of provision of federal, state, or local laws, rules, ordinance, and regulations.
2. Upon findings of fact and determination that all standards in Title 30-A MRSA, §4404, and this Ordinance have been met, and upon voting to approve the subdivision, the Planning Board shall sign the Final Plan(s). The Planning Board shall specify in writing its findings of fact and reasons for any conditions or denial. One copy of the signed recording plan on Mylar transparency shall be taken by the applicant to the Aroostook county Registry of Deeds, one copy of the signed Final Plan on Mylar transparency shall be retained by the Town as part of the permanent record, and one paper copy of the Mylar transparency of the recording plan shall be retained by the Planning Board. Any subdivision not recorded in the Aroostook County Registry of Deeds with ninety (90) days of the date upon which the plan is approved and signed by the Planning Board shall become null and void.
3. At the time the Planning Board grants Final Plan approval, it may permit the plan to be divided into two or more sections subject to any conditions the Planning Board deems necessary in order to ensure the orderly development of the plan. If any official notified of the proposed subdivision informs the Planning Board that their department or district does not have adequate capital facilities to service the subdivision, the Planning Board shall require the plan to be divided into two or more sections subject to any conditions the Planning Board deems necessary in order to allow the orderly planning, financing, and provision of public services to the subdivision. If the expansion, addition, or purchase of the needed facilities is included in the Town's capital improvements program, the time period of the phasing shall be no longer than the time period contained in the capital improvements program for the expansion, addition, or purchase.
4. Whenever the initial approval or any subsequent amendment of a subdivision is based in part on the granting of a waiver from any applicable subdivision standard, that fact must be expressly delineated on the face of the Final Recording Plan(s).
  - a. In the case of an
    1. Indicated the name of the property owner
    2. Identify the property by reference to the last recorded deed in its chain of title; and
    3. Indicate the fact that a waiver, including any conditions on the waiver, has been granted and the date of granting.
  - b. The waiver is not valid until it is recorder as provided in this paragraph. Recording of the waiver must occur within ninety (90) days of the final subdivision approval or approval under Title 38, where applicable, whichever date is later, or the waiver is null and void.
5. No changes, erasures, modifications, or revision shall be made in any Final Plan after approval has been given by the Planning Board and endorsed in writing on the plan, unless the revised Final Plan is first submitted and the Planning Board approves any modification. The Planning Board shall make findings that the revised oaln meets the criteria of Title 30-A MRSA, §4404, and the criteria, standards, and requirements of the Ordinance. In the event that a plan is recorded without complying with this requirement, the Town shall provide to the Aroostook county Registry of Deeds an affidavit to be recoded over or attached to the plan. The Planning Board may institute proceedings to have the plan stricken from the records of the Aroostook county Registry of Deeds.
6. The approval by the Planning Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the Town of any road, easement, or other usable open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the Town, approval of the plan shall not constitute an acceptance by the Town of such areas. The acceptance of dedicated lands shall be made only by the legislative body of the town. The Planning Board shall require the plan to contain appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Town covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

7. Except in the case of a phased development plan failure to complete substantial construction of the subdivision within one (1) year of the date of approval and signing of the plan shall render the plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Planning Board shall have a notice placed in the Aroostook County Registry of Deeds to the effect.

**D. Subdivision Review Criteria.**

When reviewing a proposed subdivision, the Planning Board shall review the application for conformance with the specified subdivision review criteria in Sec. 5, "Review Criteria", herein, and shall make findings of fact that each designated criteria has been met prior to the approval of the Final Plan. The designated subdivision review criteria can not be waived.

**E. General Requirements for Subdivision Review.**

The "General Requirements" contained in Sec. 6 and the "Access Management, Off-Street Parking, Loading, and Road Design and Construction Standards" contained in Sec. 7, herein, as applicable, shall apply to all proposed subdivision. These standards are intended to clarify the review criteria and provide guidance.

## Section 5 – Review Criteria

The review criteria contained within this Section shall be utilized in reviewing applications for site design and subdivision approval. The standards are not intended to discourage creativity, invention, or innovation. The Planning Board may waive the criteria presented in this Section upon a determination that the criteria is not applicable to the proposed development or is not necessary to carry out the intent of this Ordinance. **The review criteria in bold can not be waived when reviewing a subdivision – they are statutory – required by Title 30-A, MRSA Section 4404.**

1. Advertising Features. The size, location, design, color, texture, material, and lighting of all signs and outdoor lighting fixtures shall not detract from the design of proposed buildings or neighboring properties and shall be in conformance with the requirements for “Signs” in Sec. 11, herein.
2. Archaeological/Historic Sites. Any proposed development proposal involving structural devilment or soil disturbance on or adjacent to sires listed on, or eligible to be listed by, the national Register of Historic Places or the Van Buren Historical Society, and to determine the presence of listed or eligible properties, as determined by the Planning Board, shall be submitted by the applicant to the Maine Historic Preservation Commission and Can Buren Historical Society for review and comment, at least 20 days prior to final action being taken by the Planning Board. The Planning Board should consider comments received from the Commission and Society prior to rendering a decision on the application.
3. Buffering. The proposal shall provide for adequate on-site buffering in the vicinity of property boundaries, when required. On-site buffering is required:
  - A. Wherever commercial, industrial or other non-residential development is proposed adjacent to or across a road from residential or agricultural uses of Districts; and
  - B. As required by Sec. 6, (4), herein.
4. Buildings. The bulk, location, and height of proposed buildings or structures shall not cause health or safety problems to existing uses, including, without limitation, those resulting from any substantial reduction in light and air or any significant wind impact.
5. Conformance with Comprehensive Plan. The Proposed development shall be located and designed in such a manner as to be in conformance with the municipality’s comprehensive plan.
6. Design Relationship to Site and Surrounding Properties. The proposed development should provide a reasonably unified response to the design constraints of the site and is sensitive to nearby developments by virtue of the location, size, design, and landscaping of buildings, driveways, parking areas, stormwater management facilities, utility storage areas, and advertising features.
7. Emergency Vehicle Access. All site design applications shall be reviewed by the Fire Chief and shall be in conformance with Sec. 7, “Access Management ...”, herein. The proposed development shall be located and designed in such a way as to provide and maintain convenient and safe access and response time for emergency vehicles or mitigates inadequate access or response time by providing adequate safety features as part of the proposed development.
8. Erosion and Sedimentation Control. The proposed development shall include adequate measures to control erosion and sedimentation and will not contribute to the degradation of nearby streams, water courses, or lowlands by virtue of soil erosion or sedimentation. The erosion and sedimentation control measures are to be in conformance with the most current standards of the “Erosion and Sedimentation for Maine: Best Management Practices” and shall be in conformance with Sec. 6, (9), herein. The procedures outlined in the soil erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages. Topsoil shall be considered part of the development and shall not be removed from the site, except for surplus topsoil for roads, parking areas, and building excavations.
9. Existing Landscaping. The landscape should be preserved in its natural state, insofar as practicable, by minimizing to the greatest extent feasible any disturbance or destruction of significant existing vegetation, including mature trees over four (4) inches in diameter measured at 4.5 feet from ground level, soils, and significant vegetation buffers. If a site includes a ridge or ridges above the surrounding areas and provides for scenic vistas for surrounding areas, special attempts shall be made to preserve the natural environment of the skyline of the ridge. Existing vegetation and bufferin landscaping are potential methods of preserving scenic vistas

10. Exterior Lighting. Exterior lighting shall be designed to encourage energy conservation and efficiency, to ensure the safe movement of people and vehicles, and to minimize adverse impacts on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public and shall be in conformance with Sec. 6, (10), herein.
11. Financial and Technical Capacity. The developer shall provide evidence of adequate financial and technical capacity to meet all applicable standards of this Ordinance and federal, state, and local regulations.
12. Flood Areas. Based on the Federal Emergency Management Agency's (FEMA) Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, the developer shall prove whether the development is/is not in a floodprone area. If the development, or any part of it, is in such an area the applicant shall determine the 100- year flood elevation and flood hazard boundaries within the development. The proposed Plan shall include a condition of plat approval requiring that principal structures on lots shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.
13. General Requirements. The proposed development shall meet the applicable requirements of Sec. 6, "*General Requirements*", herein, except as may be waived by the Planning Board.
14. Infrastructure. The proposed development shall be designed so as to be consistent with off premises infrastructure, such as, but not limited to, sanitary and storm sewers, wastewater treatment facilities, roadways, sidewalks, trail systems, and street lights, existing or planned by the municipality.
15. Mineral Exploration. Any mineral exploration to determine the nature and extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance. A permit from the Planning Board shall be required for mineral exploration which exceeds the above limitations. (See: Sec. 9, herein)
16. Natural Areas. The proposal shall not cause significant adverse impacts to natural resources or areas such as wetlands, significant geographic features, significant wildlife and marine habitats, and natural fisheries. A copy of the application shall be provided to the Maine Department of Inland Fisheries and Wildlife and to the local office of the Maine Department of Environmental Protection for timely review and comment. The proposal should be consistent with the recommendations of the Departments. (See: Sec. 6, (14), herein)
17. Noise. The proposed development shall not raise noise levels to the extent that abutting or nearby residents are adversely affected. (See: Sec. 6, (19), herein)
18. Open Space.
  - A. Common open space shall be contiguous, wherever possible.
  - B. Common open space, as shown on any approved development plan, shall contain a notation that common open space areas shall not be further developed for any other use.
  - C. When reviewing the location and type of open space designated in an application, the Planning Board shall require:
    1. Individual lots, buildings, streets, and parking areas to be designed and situated:
      - a. To minimize alterations of the natural site;
      - b. To avoid the adverse effects of shadows, noise, and traffic on the residents of the site; and
      - c. To relate to the surrounding properties, to improve the view from and of buildings.
    2. Diversity and originality in lot layout and individual building, street, parking, and lot layout shall be encouraged.
    3. Open space shall include irreplaceable natural features located on the tract (such as, but not limited to, stream beds, significant stands of trees, individual trees of significant size, and rock outcroppings).
    4. Open space intended for recreation or public use shall be determined by the size, shape, topographic, and location requirements of the site.
19. Parking and Vehicle Circulation. The proposed development shall provide for adequate parking and vehicle circulation and be in conformance with Sec. 7, "*Access Management*," herein. A copy of the application shall be



provided to the appropriate municipal authority(ies) for timely review and comment. The layout of the site shall provide for the safe movement of passenger, service, and emergency vehicles throughout the site.

20. Pedestrian Circulation. The proposed development should provide for a system of pedestrian circulation within the development. The system should connect with existing sidewalks if they exist in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system should be designed to link residential units with recreational and commercial facilities, other common facilities, school bus stops, existing sidewalks in the neighborhood, and shall be in conformance with Sec. 7, "*Access Management, ...*" and Sec. 6, (26), herein, when applicable. A copy of the application shall be provided to the appropriate municipal authority(ies) for timely review and comment.
21. Phosphorus Export. Proposed development within the watershed of a lake or pond shall be designed to limit phosphorous runoff. The Planning Board shall keep an accurate record of permits issued by watershed using an appropriate record keeping system, and shall review actual development rates and recommend adjustments at five (5) year intervals, subject to a reasonable appropriation by the municipality to conduct such an assessment, or the availability of adequate state or regional grant programs or technical assistance programs. Phosphorus export from a proposed development shall be calculated according to the procedures defined in "*Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*", (Maine DEP et. al., 1989, as amended). Phosphorus control measures shall meet the design criteria contained in "*Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*", (Maine DEP et. al., 1989, as amended). The Planning Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimizing road lengths, and shall encourage the use of non-structural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds. (See: Sec. 6, (15), herein).
22. Pollution.
  - A. The proposed development shall not, for any period of time, discharge across the boundaries of the lot on which it is located toxic and noxious matter in concentrations in excess of one-fourth of the maximum allowable concentrations set forth in Table I of the Industrial Hygiene standards, Maximum Allowable Concentration, Chapter 5 of the "*Air Pollution Abatement Manual*," latest edition.
  - B. The proposed development shall not result in undue water or air pollution and shall be in conformance with Sec. 6, (31), herein. In making this determination the Planning Board shall consider:
    1. The elevation of land above sea level and its relation to the floodplains;
    2. The nature of the soils and subsoils and their ability to adequately support waste disposal;
    3. The slope of the land and its effect on effluents;
    4. The availability of streams for disposal of effluents; and
    5. The applicability of state and local health and water resource rules and regulations.
  - C. No emission of dust, ash, smoke, or other particulate matter or gas shall be allowed which can cause damage to human or animal health, vegetation or property by reason of concentration or toxicity, which can cause soiling beyond the property boundaries, or which fail to meet or cannot meet the standards established by the Maine Department of Environmental Protection.
  - D. The proposed development shall not produce offensive or harmful odors perceptible beyond the property boundaries.
23. River, Stream, or Brook. Any river, stream, or brook within or abutting a proposed development shall be identified on any maps submitted as part of the application. For purposes of this Ordinance, "River, Stream, and Brook" has the same meaning as in Title 38, §480-B, subsection 9.
24. Sanitary Sewage. Connection to a sanitary sewer system shall be at the expense of the developer, or, if in the opinion of the Planning Board, service by a public sewer system is not feasible, the Board may allow individual subsurface wastewater disposal systems to be used. The proposed development will not cause an unreasonable adverse effect to the sewerage treatment facilities, will not aggravate an existing unhealthy situation, and shall be in conformance with Sec. 6, (25), herein. A copy of the application shall be provided to the public sewer provider for timely review and comment.

25. Scenic Vistas and Areas. The proposed development shall not result in the loss of scenic vistas or visual connection to scenic areas as identified in the municipality's comprehensive plan.
26. Site Conditions.
- A. During construction, the site shall be maintained and left each day in a safe and sanitary manner. The site area shall be regularly sprayed to control dust from construction activity.
  - B. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris, and excess or scrap building materials shall be removed or destroyed immediately upon request and to the satisfaction of the CEO.
  - C. No changes in elevation shall be made of any lot or site by the removal of earth to another lot or site other than as shown on an approved site design plan. Minimal changes in elevations or contours necessitated by field conditions may be made only after approval has been obtained from the CEO.
27. Spaghetti Lots. The proposed development shall not create lots with a lot depth to frontage ratio of greater than 5:1.
28. Stormwater Management. The plan provides for adequate stormwater management facilities so that the post development runoff rate will be no greater than the predevelopment rate, the removal of stormwater will not adversely affect neighboring properties, and that there is no adverse downstream impact. Proposed stormwater detention facilities and calculations shall provide for the control of twenty-five year storm frequency rates. On-site absorption shall be utilized to minimize discharges whenever possible. The design, construction, and maintenance of private facilities are not anticipated to cause the expenditure of additional municipal resources for maintenance of private stormwater management facilities. Maintenance responsibilities shall be reviewed to determine their adequacy. Emphasis shall be placed on the protection of floodplains and wetlands; preservation of stream corridors; establishment of drainage rights-of-way; and the adequacy of the existing system; and the need for improvements, both on and off site, to adequately control the rate, volume, and velocity of storm drainage. (See: Sec. 6, (27), herein)
29. Surface Waters. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland or Great Pond as defined in Title 38, chapter 3, subchapter I, article 2-B, §435-449, the development will not adversely affect the quality of that body of water, unreasonably affect the shoreline of that body of water, and shall be in conformance with Sec. 6, (15), "Impact on Water Quality or Shoreline", herein.
30. Traffic. The proposed development will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways, public roads or pedestrian walkways existing or proposed. Vehicular access to the site shall be on roads which have adequate capacity to accommodate the additional traffic generated by the development. The Planning Board may require mitigation when the proposed development is anticipated to result in a decline in service, below Level of Service "C", of nearby roadways of intersections. Levels of service are defined by the "Highway Capacity Manual, Special Report #209", published by the Research Board, National Research Council, Washington DC, 1985. If an existing intersection is functioning at a Level of Service of "D" or lower prior to the development, the project shall not reduce the current level of service. A copy of the application shall be provided to the appropriate municipal authority(s), and to the Maine Department of Transportation if on a state maintained road, for timely review and comment. The Planning Board may approve a development not meeting this requirement if the applicant demonstrates that:
- A. A public agency has committed funds to construct the Improvements necessary to bring the level of access to this standard; or
  - B. The applicant will assume financial responsibility for the Improvements necessary to bring the level of service to this standard and will guarantee the completion of the improvements within one (1) year of project approval.
31. Utilities. Utilities such as, but not limited to, natural gas, propane, electric, telephone, and cable TV services located above ground shall be located so as not to be unsightly or hazardous to the public and shall be landscaped or otherwise buffered so as to screen the components from public view. The underground placement of utilities is encouraged. (See: Sec. 6, (32), herein)

32. Waste Disposal. The proposed development shall provide for adequate disposal of solid wastes and hazardous wastes. A copy of the application shall be provided to the solid waste coordinator for timely review and comment. (See: Sec. 6, (6) and (33), herein)
- A. All solid waste shall be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.
  - B. All hazardous waste shall be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted.
  - C. All commercial and Industrial developments shall devote floor space suitable to accommodate two (2) recycling containers designed to hold at least one cubic yard of recyclable materials.
33. Water Supply. The development shall be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water. The proposed development will not cause the depletion of local water resources or be inconsistent with the service plan of the water district. A copy of the application shall be provided to the district for timely review and comment. (See: Sec. 6, (34), herein)
34. Wetlands. All wetlands within the proposed development shall be identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of wetlands may be done with the help of the local soil and water conservation district.

## Section 6 – General Requirements for Land Uses

The following General Requirements are applicable to land use activities within the Town, to include site design and subdivision development proposals. These standards are intended to clarify review criteria and provide guidance. In reviewing a proposed development, the Planning Board shall review the application for conformance to the applicable standards and make findings of fact for each prior to approval of the Final Plan. The burden of proof of conformance is with the applicant, who shall provide clear and convincing evidence that the proposed Final Plan meets the standards and the review criteria.

### 1. **Archaeological/Historic Sites.**

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed by, the National Register of Historic Places or the Van Buren Historical Society, and to determine the presence of listed or eligible properties, as determined by the Planning Board, shall be submitted by the applicant to the Maine Historic Preservation Commission and Van Buren Historical Society for review and comment, at least 20 days prior to final action being taken by the Planning Board. The Planning Board shall consider comments received from the Commission and Society prior to rendering a decision on the application.

### 2. **Basement Drainage.**

If lots are being created to accommodate structures with basements, the applicant shall show that the floor of any basement(s) can be drained to the ground surface, or storm drains, if they are required to be installed, or that the spring water table is one (1) foot below the level of the basement floor.

### 3. **Bed and Breakfast.**

- A. There shall be no less than one parking space on the property for each rental room in addition to the spaces required for the dwelling unit.
- B. There shall be one bathroom provided for the rental rooms, in addition to the bathroom for the dwelling unit.
- C. Each rental room shall not be less than ten by twelve (10 X 12) feet horizontal dimensions.
- D. Each rental room shall be equipped with an approved smoke detector.
- E. The bed and breakfast shall comply with all appropriate provisions of "*Eating and Lodging Rules 10-144A-CMR 201*".

### 4. **Buffers and Screening.**

- A. A landscaped buffer strip of no less than fifteen (15) feet in width and six (6) feet in height shall be provided to minimize the visual impact of adverse characteristics such as, but not limited to, storage areas, parking spaces, driveways, loading areas, exposed machinery, sand and gravel extraction operations, and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse, and to protect abutting residential properties from the intrusion of noise, light, and exhaust fumes from such non-residential buildings and uses. The buffer areas shall be maintained and vegetation replaced to ensure continuous year round screening.
- B. Where no natural vegetation or berms can be maintained, or due to varying site conditions, the landscaping may consist of fences, walls, tree plantings, hedges, or combinations thereof.
- C. Any abutting residential property shall be effectively screened by a continuous landscaped area no less than six (6) feet in height along lot lines adjacent to the residential properties, except that driveways shall be kept open to provide visibility for entering and leaving.
- D. Where a potential safety hazard to small children would exist, physical screening / barriers shall be used to deter entry to such premises.
- E. There shall be no paving, parking, or structures located in the buffer area.
- F. The Planning Board may allow a buffer area of less width when site conditions, such as natural features, vegetation, topography, or site improvements, such as additional landscaping, berming, fencing, or low walls, make a lesser area adequate to achieve the purposes of this Ordinance.

### 5. **Campground and/or Recreational Vehicle Park.**

A campground and/or recreational vehicle (RV) park shall conform to the minimum requirements imposed under State licensing procedures of (10-144A CMR 205) "*Tent and Recreational Vehicle Parks...*" and the following (in case of possible conflict, the stricter rule shall apply). For the purposes of this Section "RV" shall include: travel RV, pick-up coach, motor home, camping trailer, dependent RV, and self-contained RV.

A. General.

1. A campground and/or RV park shall have no less than ten (10) acres of land and all campground and/or RV park sites (sites) or structures shall be located at least 100 feet from any property line and 200 feet from any residence, exclusive of the residence belonging to the owner.
2. Sites shall be laid out and screened in such a manner that none are within view from public roads, navigable rivers, or existing residence. Any combination of evergreen planting, landscaped earthen berms, or solid fencing may be used to achieve this screening standards, when sites would otherwise be visible from the locations described above.
3. No trailers or mobile homes, other than RVs, shall be permitted within any campground and/or RV park, temporarily or otherwise. No RVs shall be stored or exhibited for sale within the campground and/or RV park. Permanent or long-term dwellings or shelter devices are specifically prohibited.
4. Tent sites and RV sites shall be laid out so that the density of each developed acre of land shall not exceed the standards below (in terms of sites per acre of land, excluding circulation roads). Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

	Non-Shoreland	Shoreland Areas
Tent Sites	14 per acre	8 per acre
Rv and Travel Trailer Sites	11 per acre	7 per acre

5. The minimum frontage of a tent site or RV site along any shoreline of a waterbody shall be 100 feet. The minimum setback from the normal high-water line shall be 100 feet for all tent sites or RV sites, other vehicles, and temporary or permanent structures.
6. No tent site or RV site shall be located within a Resource Protections District or within the 100 year floodplain.

B. Parking and Circulation.

1. A minimum of three hundred (300) square feet of off-street parking plus maneuvering space shall be provided for each tent site or RV site. RVs shall be parked in spaces so that:
  - a. There shall be a minimum of 50 feet between vehicles; and
  - b. There shall be a minimum of 75 feet between all RVs and tents, and all public rights-of-way located inside the boundaries of the campground.
2. Vehicular access shall be provided onto a hard-surfaced adequate for the volume and type of traffic likely to be generated. Grades and sight distances specified in the Road Design and Construction Standards, within this Ordinance, shall be observed in designing all intersections. Roads shall be constructed of at least 12" of bank- run gravel (no stone larger than 4"), 2" of crushed gravel (1/2" chips) and two (2) applications of liquid asphalt (1/2 gallon per sq. yd. each application). The minimum width of roadways shall be twelve (12) feet for one- way roads and twenty-two (22) feet for two-way roads. No vehicle parking shall be permitted on the roadway.

C. Health and Safety.

1. Each tent site or RV site shall be provided with a picnic table and trash receptacle. The park management shall dispose of refuse from said containers by transporting the refuse in a closed truck or in enclosed containers or bags to an approved disposal area at least once every three (3) days.
2. A campground and/or RV park shall provide water and sewerage disposal systems, sanitary facilities, and convenience facilities in accordance with the regulations of 10-144A CMR 205 and the "*State of Maine Subsurface Wastewater Disposal Rules*". All RV sites shall be equipped with water and sewage hook-ups, and connected to approved distribution or disposal systems.
3. Fire extinguishers capable of dealing with electrical and wood fires shall be kept in all service buildings. A suitable ingress and egress shall be provided so that the campground or RV park may be readily

served in emergency situations. 24-hour emergency communication service (e.g. telephones) shall be provided.

**D. Planning and Review.**

1. Roads, parking, sites, and required facilities shall be planned in accordance with the basic principles outlined below, and shall be shown on the proposed plan which is submitted for review and approval.

- a. A logical sequence of entry and circulation should be created: entrance, administration, storage, parking, sites, toilets, laundry, playing fields, or shoreline.
- b. Sites should be clustered in groups according to intensity of use (low density, medium density, etc.) and also related to common support service areas (laundries, play areas, etc.) serving a number of site clusters. The purpose is to minimize road length, increase accessibility, and preserve open space.
- c. Footpaths and roads should follow "desired lines" of pedestrian and vehicular movement between sites and all jointly used facilities. Parking areas may be grassed, reinforced with open concrete blocks.
- d. Access roads shall be laid out as loops to the greatest extent practicable, although "cul-de-sacs" or "dead ends" may be allowed to serve up to twenty (20) campsites.

2. A soil erosion and sedimentation control plan approved by the County Soil and Water Conservation District shall be submitted. In addition to data on soils, slopes, and drainage, a vegetation map showing the following items may be required:

- a. The major types of vegetation should be identified and described (as to age, height, openness or density, and pattern, either natural or reforested).
- b. New planting should be selected to provide screening and shelter, to tolerate existing and proposed site conditions, and to blend compatibly with existing natural vegetation.
- c. All vegetative clearing should avoid creating straight line edges between open land and surviving stands.
- d. Areas of activity and/or traffic should be sited to avoid wildlife areas (such as thickets for birds and small mammals, or deer yards and trails).

**6. Disposal of Solid Waste.**

If additional solid waste from the proposed development exceeds the capacity of the Town's solid waste facility, causes the Town's facility to no longer be in compliance with its license from the Department of Environmental Protection, or causes the Town to exceed its contract with a non-town's facility, the applicant shall make alternate arrangements for the disposal of solid waste. The alternate arrangements shall be at a disposal facility which is in compliance with its license. The Planning Board may not require the alternate arrangement to exceed a period of five (5) years.

**7. Easements for Natural Drainage Ways.**

Where a development is traversed by a natural water course, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction, or both, as will assure that no flooding occurs and all stormwater can be disposed properly.

**8. Electro-Magnetic Interference.**

No use, activity, or process shall be conducted which produces electro-magnetic interference in the transmission or reception of electrical impulses beyond the lot lines, including radio and television. In all cases federal, state, and local requirements shall be met. Violation of this standard shall be considered a nuisance.

**9. Erosion and Sedimentation Control.**

- A. The procedures outlined in an erosion and sedimentation control plan shall follow Best Management Policies (BMPs) and shall be implemented during the site preparation, construction, and clean-up stages.
- B. All earth changes shall be designed, constructed, and completed in such a manner so that the exposed area of any disturbed land shall be limited to the shortest period of time possible.
- C. The proposed development shall prevent sediment caused by accelerated soil erosion from entering water bodies, freshwater wetlands, and adjacent properties.

- D. Any temporary or permanent facility designed and constructed for the conveyance of water around, through, or from the development shall be designed to limit the water flow to a non-erosive velocity.
- E. Permanent soil erosion control measures for all slopes, channels, ditches, or any disturbed land area shall be completed within fifteen (15) calendar days after final grading has been completed. When it is not possible or practical to permanently stabilize disturbed land, temporary erosion control measures shall be implemented within thirty (30) calendar days of the exposure of soil.
- F. Topsoil shall be considered part of the development and shall not be removed from the site, except for surplus topsoil from roads, parking areas, and building excavations.
- G. When vegetative cover shall be established as a temporary or permanent erosion control measure:
  - 1. Plant species to be used and the seeding rates shall take into account soil, slope, climate, duration, and use of the vegetative cover.
  - 2. Mulch shall be provided at rates appropriate to ensure a minimum of soil and seed loss until an acceptable "catch" of seed is obtained.
  - 3. Reseeding shall be done within a reasonable period of time if there is not an acceptable "catch".
- H. All development plans shall incorporate building designs and road layouts that fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.

#### 10. **Exterior Lighting.**

Lighting may be used which serves security, safety, and operational needs, but which does not directly or indirectly produce deleterious effects on abutting properties or which would impair the vision of a vehicle operator on adjacent roadways. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings.

- A. The maximum height of free standing lights shall be the same as the principal building, but not to exceed forty (40) feet.
- B. The Planning Board shall determine the necessity for lighting of parking areas.
- C. Exterior lighting shall be shielded in such a manner as not to create a hazard or nuisance to the adjoining properties or to the traveling public.
- D. Direct or indirect illumination shall not exceed 0.6 foot-candles upon abutting residential properties.
- E. Required Light Levels:
  - 1. Parking areas or lots: An average of one and one-half (1.5) foot-candles throughout.
  - 2. Intersections of parking areas or lots: Three (3) foot-candles.
  - 3. Maximum at property lines: One (1.0) footcandle.
  - 4. In residential areas: Average of six-tenths (0.6) footcandle.

#### 11. **Fire Protection.**

- A. Fire hydrants connected to the public water supply system shall be located no further than 500 feet from any building.
- B. Hydrants, or other provisions for drafting water, shall be provided to the specifications of the Fire Department. Minimum pipe size connecting dry hydrants to ponds or storage vaults shall be six (6) inches.
- C. Where a dry hydrant or other water source is not within the right-of-way of proposed or existing street, an easement to the Town shall be provided to allow access. A suitable accessway to the hydrant or other water source shall be constructed.
- D. A proposed subdivision of 5- 10 lots, not served by a public water supply, shall provide for a minimum storage capacity of 10,000 gallons. Additional storage capacity of 2,000 gallons per lot over 10 lots shall be provided. The Planning Board may require additional storage capacity upon a recommendation from the Fire Chief. Where ponds are proposed for water storage, the capacity of the pond shall be calculated based on the lowest water level less an equivalent of three (3) feet of ice.

#### 12. **Home Occupations.**

Home occupations shall be of two (2) types: Home Occupation I and Home Occupation 2. After reviewing the application, the CEO shall determine the type of home occupation. Home Occupation 1 is non-intrusive, with no external indications that a home occupation is being conducted on the property, and has no additional impacts on the neighborhood. Home Occupation 2 is intrusive, with external indications that a home occupation is being conducted on the property, and has additional impacts on the neighborhood.

### Home Occupation 1

- A. The use of a dwelling unit or property for a home occupation shall be clearly incidental to and compatible with the residential use of the property and surrounding residential uses.
- B. There shall be no change in the outside appearance of the building or premise that shall cause the premise to differ from its residential character by use of colors, materials, construction, lighting, sounds, or noises.
- C. Exterior storage of materials, such as, but not limited to, trash and any other exterior evidence of home occupation shall be located and screened so as not to detract from the residential character of the principal building.
- D. There shall be no exterior signs or displays representative of products sold or manufactured on premises.
- E. The following requirements shall be satisfactorily demonstrated to the CEO before a permit is issued:
  - 1. The home occupation shall employ only resident(s) of the dwelling unit.
  - 2. The home occupation shall be carried on wholly within the principal or accessory structure.
  - 3. The home occupation shall not occupy more than 35 percent of the total floor area of the structure (excluding basement floor area).
  - 4. Objectionable noise, vibrations, smoke, dust, electrical disturbance, odors, heat, glare, or other nuisance shall not be permitted.
  - 5. No additional parking shall be provided other than parking provided to meet the normal requirements of the dwelling unit.
  - 6. No additional traffic shall be generated by the home occupation.
  - 7. The sale of products which are crafted, assembled, or substantially altered on the premises is prohibited.
  - 8. The home occupation shall not use utilities beyond that normal for residential properties.
  - 9. The home occupation shall not involve the use of heavy commercial vehicles for daily delivery from or to the premises.
- F. Should all of the above conditions not be maintained on a continual basis once the permit has been issued, the Planning Board shall review the permit and its conditions for approval, and if necessary schedule a public hearing to determine whether the permit should be rescinded.
- G. All other applicable standards of this ordinance shall also be observed.

### Home Occupation 2

- A. The use of a dwelling unit or property for a home occupation shall be clearly incidental to and compatible with the residential use of the property and surrounding residential uses.
- B. There shall be no change in the outside appearance of the building or premise that shall cause the premise to differ from its residential character by use of colors, materials, construction, lighting, sounds, or noises.
- C. Exterior storage of materials, such as, but not limited to, trash and any other exterior evidence of home occupation shall be located and screened so as not to detract from the residential character of the principal building.
- D. Exterior display, exclusive of a sign, shall be limited to no more than two (2) single items representative of products sold or manufactured on premises, regardless of the number of articles which are sold or manufactured.
- E. Only one non-illuminated, non-internally lit sign, not exceeding two (2) square feet, shall be permitted and must meet the other applicable standards for signs within this Ordinance (See: Sec. II, herein).
- F. The following requirements shall be satisfactorily demonstrated to the CEO before a permit is issued:
  - 1. The home occupation shall employ no more than three (3) persons other than resident family members.
  - 2. The home occupation shall be carried on wholly within the principal or accessory structure.
  - 3. The home occupation shall not occupy more than 35 percent of the total floor area of the structure (excluding basement floor area).
  - 4. Objectionable noise, vibrations, smoke, dust, electrical disturbance, odors, heat, glare, or other nuisance shall not be permitted.
  - 5. In addition to the off-street parking provided to meet the normal requirements of the dwelling, off-street parking shall be provided for each employee and user of the home occupation as provided for within this Ordinance.
  - 6. No traffic shall be generated by such home occupation in a volume greater than would normally be expected.
  - 7. The operation of the home occupation shall be limited to 8:00 AM to 9:00 PM and to those items which are crafted, assembled, or substantially altered on the premises, to catalog items ordered off the premises



by customers, and to items which are accessory and incidental to a service which is provided on the premises.

8. The home occupation shall not use utilities beyond that normal for residential properties.
9. The home occupation shall not involve the use of heavy commercial vehicles for daily delivery from or to the premises.
- G. Should all of the above conditions not be maintained on a continual basis once the permit has been issued, the Planning Board shall review the permit and its conditions for approval, and if necessary schedule a public hearing to determine whether the permit should be rescinded.
- H. All other applicable standards of this Ordinance shall also be observed.

### **13. Hotels, Motels, and Inns.**

For the purposes of this ordinance, the terms hotel, motel, and inn are used interchangeably.

- A. A green space, not less than twenty (20) feet wide, shall be maintained open and green with grass, bushes, flowers, or trees all along each side lot line, the rear lot line, the front line of such lot, except for entrance and exit driveways. The green space shall not be used for automobile parking.
- B. If cooking or eating facilities are provided in any units, each unit shall be considered a dwelling unit and the development shall meet all applicable standards for multi-family development in this ordinance, including the residential density requirements of the appropriate District. If three (3) or more multi-family units are to be constructed within a five (5) year period the development shall be considered a subdivision and shall also be reviewed through the Subdivision Ordinance.
- C. Each unit shall contain not less than two-hundred (200) square feet of habitable floor area enclosed by walls and roof, exclusive of any adjoining portions of roofed or covered walkways. Each sleeping room shall not be less than twelve by fifteen (12x15) feet horizontal dimensions, exclusive of bath. Each unit shall include private bathroom facilities.
- D. On each lot, one apartment may be provided for a resident owner, manager, or other responsible staff person.
- E. Building construction plans shall be reviewed and approved by the Fire Chief.
- F. Recreational vehicle parking stalls shall be designed to accommodate the traveling public with a minimum stall width of eleven (11) feet and stall depth of thirty-two (32) feet. Angled parking stall width and depths shall be increased by 10 percent and 25 percent above the parking standards contained in this Ordinance.
- G. All hotel, motel, and inn development shall be connected to the public sewer and water systems where provided. Where public sewer and water systems are not available, an adequate on-site septic system, in accordance with the "*State of Maine Subsurface Wastewater Disposal Rules*", shall be provided to serve the maximum number of guests or customers who can be accommodated. Plans or written specifications, or both, for such systems shall be submitted to the Planning Board before final approval is granted by the Board. Where any doubt exists as to the adequacy of such proposed systems, the Board shall obtain the advice of a sanitary engineer or other qualified person and any cost of such service shall be paid by the applicant.
- H. No building shall be closer than fifty (50) feet from a property line.
- I. All other relevant standards of this ordinance shall be observed.

### **14. Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas, or Public Access to the Shoreline.**

#### **A. Preservation of Natural Beauty and Aesthetics.**

1. The Plan shall, by notes on the Final Plan and deed restrictions, limit the clearing of trees to those areas designated on the Plan for preservation.
2. A development in which the land cover type at the time of application is forested shall maintain a wooded buffer strip no less than fifty (50) feet in width along all existing public roads. The buffer may be broken only for driveways and roads.
3. The development should be designed to minimize the visibility of buildings from existing public roads; yet, maximize the natural features of the site, whenever possible. When the development contains no forest or insufficient forested portions to include all buildings, the development should be designed to minimize the appearance of building when viewed from existing public roads.
4. The Planning Board may require that the application include a landscape plan that would show the preservation of any existing trees larger than 18" inches diameter breast height, the replacement of trees and vegetation, and graded contours.

5. When a proposed road traverses open fields, the plans should include the planting of street trees. Street trees shall include a mix of tall shade trees and medium height flowering species. Trees should be planted no more than fifty (50) feet apart.
6. When a proposed development contains a ridge line, the Plan shall restrict tree removal and prohibit building placement within fifty (50) feet vertical distance of the ridge top. These restrictions shall appear as notes on the final recording Plan and as covenants in the deed.

**B. Retention of Usable Open Spaces and Natural or Historic Features.**

1. The development should reserve between five and ten percent of the area of the development as open space order to provide for the recreational needs of the occupants of the development and/or to maintain the scenic or natural beauty of the area. In determining the need for open space the Planning Board shall consider the recreation plan for open space or recreation facilities in the area surrounding the development and the policies of the plan for meeting those needs; the proximity of the development to neighboring dedicated open space or recreation facilities; the type of development; and the demographic characteristics of potential occupants in the development; and the density or lot sizes of the development.
2. If any portion of the development is located within an area designated as a critical natural area, or the Department of Economic and Community Development's Natural Areas Program, the Plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.
3. If any portion of the development is designated a site of historic or prehistoric importance, by the comprehensive plan, or the Maine Historic Preservation Commission, appropriate measures for the protection of the historic or prehistoric resources shall be included in the Plan.
4. The development should reserve sufficient undeveloped land to provide for the recreational needs of the occupants. The percentage of usable open space to be reserved would depend on: the identified needs for outdoor recreation in that portion of Town according to the comprehensive plan; the proposed lot sizes within the development; the expected demographic makeup of the occupants of the development; and the site characteristics. A site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry, have a total frontage on one or more roads of at least 200 feet, and have no major dimensions of less than 200 feet.
5. Land reserved for usable open space purposes shall be of a character, configuration, and location suitable for the particular use intended.
6. Sites selected primarily for scenic or passive recreation purposes should have such access as the Planning Board may deem suitable and no less than twenty-five (25) feet of road frontage. The configuration of such sites should be deemed adequate by the Planning Board with regard to scenic attributes and significant wildlife habitat to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.
7. Reserved usable open space land may be dedicated to the Town.

**C. Protection of Significant Wildlife and Important Habitat Areas.**

1. If any portion of a proposed development lies within:
  - a. 250 feet of the following areas identified and mapped by the Department of Inland Fisheries and Wildlife as:
    1. Habitat for species appearing on the official state or federal lists of endangered or threatened species;
    2. High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;
    3. Shorebird nesting, feeding, and staging areas;
    4. Critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission, or
    5. 1,320 feet of an area identified and mapped by the Department of Inland Fisheries and Wildlife as a high or moderate value deer wintering area or travel corridor, or
    6. Other important habitat areas identified in the local comprehensive plan,

the applicant shall demonstrate that there shall be no adverse impacts on the habitat and the species it supports. A report prepared by a wildlife biologist, selected or approved by the Planning Board shall be submitted. This report shall assess the potential impact of the development on the significant

habitat and adjacent areas that are important to the maintenance of the affected species and shall describe appropriate mitigation measures to ensure that the development shall have no adverse impacts on the habitat and the species it supports.

2. Protection of Deer Wintering Areas. The applicant shall contact the Regional Biologist of the Maine Department of Inland Fisheries and Wildlife at the Planning Board's request to determine whether any portion of the proposed development lies within an identified deer wintering area. A letter should be prepared by the Wildlife Biologist stating whether there is or is not a deer wintering area on the plat. If there is an identified deer wintering area, the Plan shall include the limits of the area on the Plan and a management plan prepared by a wildlife biologist for any identified deer wintering areas. The management plan shall provide for approximately 50 percent of the area to be maintained in mature softwoods. The management plan will be reviewed by the IF&W Wildlife Biologist for acceptance and their comments will be forwarded to the Planning Board.
- D. Public Access to the Shoreline. Any existing public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way, or should be included in the usable open space, with provisions made for continued public access.

#### 15. **Impact on Water Quality or Shoreline.**

- A. GPA Lakes. No application for development in the direct drainage area of a GPA lake should be approved unless the development will have no significant impact on the water quality of the lake or any downstream lakes. The direct drainage area of a lake is that portion of a lake's watershed which drains to the lake through tributaries or overland runoff without passing through another lake. In determining the significance of impact on the lake the Planning Board shall consider:
  1. Past degradation of the lake's water quality;
  2. The cumulative impact of this development and any other developments or activities subsequent to the establishment of this policy; and
  3. The assimilative capacity of the lake.

It shall be the applicant's responsibility to provide the Planning Board with any information necessary to evaluate the magnitude of the impact of the proposed development on the lake.

- B. Phosphorus Export.
  1. Any development within the watershed of a Great Pond shall make provisions to limit the post development phosphorus export. The Planning Board shall keep an accurate record of permits issued within the watershed.
  2. Simplified Phosphorus Review. The simplified review may be used for a:
    - a. Proposed development of three or four lots with less than 200 feet of new or upgraded road with a cumulative driveway length not exceed 450 feet for a three lot subdivision or 600 feet for a four lot subdivision;
    - b. Proposed development of three or four lots with no new or upgraded road with a cumulative driveway length not to exceed 950 feet for three lot subdivisions or 1,100 feet for four lot subdivisions; or
    - c. Proposed developments consisting of multi-family dwellings that have less than 20,000 square feet of disturbed area including building parking, driveway, lawn, subsurface waste water disposal systems, and infiltration areas, and new or upgraded roads not exceeding 200 linear feet.

A proposed development which creates lots which could be further divided such that five or more lots may result shall be subject to the standard review procedures unless there are deed restrictions prohibiting future divisions of the lots.

3. Standard Review. This subsection shall apply to proposed developments which do not qualify for the simplified review. Phosphorous export from a proposed development shall be calculated according to the procedures in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine DEP, latest edition. When a proposed development creates lots which are more than twice the required minimum lot size and there are no deed restrictions proposed to

prohibit future divisions, the applicant shall either calculate phosphorus loading based on the maximum feasible number of lots, and shall design controls adequate to limit the resulting phosphorus loading, or shall reserve a portion of the permitted phosphorus export for future divisions.

4. Maintenance and Use Restrictions for Phosphorus Control Measures.

Provisions for monitoring, inspections, and maintenance of phosphorus control measures shall be included in the application.

a. General Requirements for Buffer Strips.

1. Buffer strips shall provide sufficient area for travel lanes between areas of designated wildlife habitat.
2. The construction, alteration, maintenance, and other activities in buffer strips shall not adversely affect wildlife and fisheries lifecycles.
3. There shall be no unreasonable disturbance to:
  - a. Designated deer wintering areas.
  - b. Habitat of any species declared threatened or endangered by the Maine Department of Inland Fisheries and Wildlife or the U.S. Fish and Wildlife Service.
  - c. Nesting sites for bird colonies.
4. The buffer strip shall be maintained permanently and any plant material which does not live will be replaced within one year.
5. Screen planting, when used, shall be so placed that at maturity it shall be 8 feet in height and be no closer than three feet from any road or property line.
6. Fencing and screening will be so located within the owner's property line to allow access for maintenance on both sides without intruding upon abutting properties.

b. Vegetative Buffer Areas. Individual lot owners shall be required to maintain buffer areas on their individual lots in accordance with the following standards, to be specified in recorded deed restrictions and as notes on the final recording Plan. Where a vegetative buffer area is to be owned in common by property owners in the development, documentation establishing the lot owners association shall include the following standards.

1. Wooded Buffers. Maintenance provisions for wooded buffers shall provide for either of the follow two options.

a. No Disturbance.

Maintenance and use provisions for wooded buffer areas which are located on hydrologic soil group D soils and within 250 feet of the Great Pond or a tributary, or which are located on slopes over 20 percent shall include the following:

1. Buffers shall be inspected annually for evidence of erosion or concentrated flows through or around the buffer. All eroded areas must be seeded and mulched. A shallow stone trench must be installed as a level spreader to distribute flows evenly in any area showing concentrated flows.
2. All existing undergrowth (vegetation less than four feet high), forest floor duff layer, and leaf litter must remain undisturbed and intact, except that one winding walking path, no wider than six feet, is allowed through the buffer. This path shall not be a straight line to the Great Pond or tributary and shall remain stabilized.
3. Pruning of live tree branches that do not exceed twelve feet above the ground level is permitted provided that at least the top two-thirds of the tree canopy is maintained.
4. No cutting is allowed of trees except for normal maintenance of dead, windblown, or damaged trees.
5. Buffers shall not be used for all-terrain vehicle or vehicular line to the Great Pond or tributary and shall remain stabilized.
6. Pruning of live tree branches that do not exceed twelve feet above the ground level is permitted provided that at least the top two-thirds of the tree canopy is maintained.
7. No cutting is allowed of trees except for normal maintenance of dead, windblown, or

damaged trees.

8. Buffers shall not be used for all-terrain vehicle or vehicular traffic.
9. Limited disturbance.

Maintenance and use provisions for other buffer areas may include the following:

1. There shall be no cleared openings and an evenly distributed stand of trees and other vegetation shall be maintained.
2. Activity within the buffer shall be conducted so as to minimize disturbance of existing forest floor, leaf litter and vegetation less than four feet in height. Where the existing ground cover is disturbed and results in exposed mineral soil, that area shall be immediately stabilized to avoid soil erosion.
3. Removal of vegetation less than four feet in height is limited to that necessary to create a winding foot path no wider than six feet. This path shall not be a straight line to the Great Pond or a tributary. The path must remain stabilized.
4. Pruning of live tree branches that do not exceed 12 feet in height above the ground level is permitted provided that at least the top two-thirds of the tree canopy is maintained.
5. Where the removal of storm-damaged, diseased, unsafe, or dead trees results in a cleared opening being created, those openings shall be replanted with native trees at least three feet in height unless existing new tree growth is present.
6. Buffers shall not be used for all terrain vehicle or vehicular traffic.

2. Non-Wooded Buffers.

- a. Non-wooded buffers may be allowed to revert or to be planted to forest, in which case the standards above shall apply.
- b. A buffer must maintain a dense, complete and vigorous cover of "non-lawn" vegetation which shall be mowed no more than once a year. Vegetation may include grass, other herbaceous Species, shrubs and trees.
- c. Activity within the buffer shall be conducted so as to prevent damage to vegetation and exposure of mineral soil. Burning of vegetation shall be prohibited.
- d. Buffers shall not be used for all-terrain vehicles or other vehicular traffic.

c. Infiltration Systems. Individual lot owners shall be responsible for maintenance of individual infiltration systems according to the standards specified in "*Phosphorus Control in Lake Watersheds: Technical Guide for Evaluating New Development*", published by the Maine DEP, revised May, 1990. Requirements for maintenance shall be included in deed restrictions and as notes upon the final recording Plan. As an alternative to maintenance by individual lot owners, the applicant may designate some other entity to be contracted to take the responsibility, and shall include the above referenced maintenance provisions in any contractual agreement. Where infiltration systems serve more than one lot, a lot owners association shall be established and the above referenced maintenance provisions shall be referenced in the documentation establishing the association.

d. Wet Ponds. A lot owners association shall be established to maintain wet ponds, unless the Town or some other public entity agrees to assume inspection and maintenance duties. Documentation establishing the association or establishing an agreement with a public entity shall include the maintenance standards specified in the manual "*Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*", published by the Maine DEP, revised May, 1990.

C. Cutting or removal of vegetation along water bodies shall not increase water temperature, result in shoreline erosion or sedimentation of water bodies.

**16. Kennels and Veterinary Hospitals.**

- A. Structures or pens for housing or containing the animals shall be located not less than one hundred (100) feet from any residential property line existing at the time of the permit.
- B. All pens, runs, or kennels, and other facilities shall be designed, constructed, and located on the site in a

manner that will minimize the adverse effects upon the surrounding properties.

- C. The owner or operator of a kennel shall maintain the premises in a clean, orderly, and sanitary condition at all times.
- D. Temporary storage containers for any kennel, or veterinary wastes containing or including animal excrement, shall be kept tightly covered at all times.
- E. If an incineration device is to be installed by the applicant, the applicant shall provide evidence that they have obtained approval from the Maine Department of Environmental Protection.
- F. No owner of animals or operator of a kennel shall allow any animals to create objectionable noise disturbance, odors, or other nuisances.
- G. All other relevant standards of this Ordinance shall also be observed.

#### **17. Lots and Density.**

- A. There shall be no more than one principal building and its accessory buildings erected on any one lot.
- B. Any lot containing a residential building shall abut a public street for a distance of not less than 50 feet.
- C. Every lot that is to be offered for sale for development shall be such that any buyer, with or without knowledge of the lot's physical characteristics, shall be able to have a principal structure, adequate access, adequate water supply and quality, and adequate sewage disposal on that lot.
- D. Lot dimensions and building setback dimensions shall meet the requirements of the Zoning District in which the development is located. Any lot intended for use as a year-round residence shall be connected either to the Town's public sewer system or to an approved subsurface wastewater disposal system. Any residential lot served by an approved subsurface wastewater disposal system shall be a minimum of one acre.
- E. Wherever possible, side lot lines shall be perpendicular to the road.
- F. Depth and width of lots shall be adequate to provide for the off-road service, loading, and parking facilities for vehicles required by the type of use and development.
- G. Corner lots shall be increased in size wherever necessary in order that any structure to be placed thereon shall conform to the minimum front setback line from each road. Any new corner lots should be encouraged to have access onto the road with the least amount of traffic volume or impact.
- H. The division of parcels into lots with more than twice the required minimum lot size required by the Zoning Ordinance should be laid out in such a manner as either to provide for future legal subdivision or to allow the opening of future roads. Deed restrictions and notes on the final recording Plan shall either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the plan and require approval from the Planning Board, subject to all applicable federal, state, or local ordinances or regulations, and any conditions placed on the original approval.
- I. If a lot on one side of a river, stream, or brook, fails to meet the minimum requirements for lot size, it should be combined with a lot on the other side of the river, stream, or brook to meet the minimum lot size requirement for the Zoning District in which the development is located.
- J. In areas served by a postal carrier, lots shall be numbered in such a manner so as to facilitate mail delivery. Even numbers shall be assigned to lots on one side of the road and odd numbers on the opposite side. Where the proposed development contains the extension of an existing road approved by the Planning Board, but not yet constructed, the lot numbers shall correspond with the existing lot numbers. The lot numbering shall be reviewed and approved by the Postmaster and CEO.
- K. Double frontage lots and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A vegetative buffer strip of at least ten (10) feet wide, across which there shall be no right of access, shall be provided along each lot abutting such a traffic artery or other disadvantaged use.
- L. All lots must abut a public way, unless an access road meeting the following criteria has been constructed within a deeded right-of-way having a minimum width of fifty (50) feet. The access road shall be constructed to a minimum width of twelve (12) feet if serving one dwelling unit, and eighteen (18) feet if serving two (2) dwelling units. The access road shall contain a minimum depth of eighteen (18) inches of bank-run gravel and have drainage ditches and culverts at all appropriate points. Such an access road shall serve no more than two (2) dwelling units. Any access road serving between three (3) and five (5) dwelling units shall meet the "Private" road design and construction standards, but need not be paved. Any access road serving more than five (5) dwelling units shall meet the "Private" road design and construction standards and it shall be paved. All lots shall have adequate right-of-way access for emergency vehicles to enter, turn around, and exit.

- M. Land susceptible to flooding and land not suitable for housing or road development and land which may be hazardous to life, health, or property shall not be accepted as part of a development for residential purposes, but may be used, with the approval of the Planning Board, for parks, playgrounds, or other open-space uses.
- N. No lots created shall have a lot depth to frontage ratio of greater than 5 to 1.

#### 18. Monumentation.

- A. No person, firm, corporation, or other legal entity shall sell or convey any land within a new subdivision or non-residential development unless, prior to the conveyance of said land, monuments have been set within each lot sold or conveyed in conformance with this subsection (See: Title 30-A, MRSA, §4406 (2)).
- B. If artificial monuments have not been set at the time of the Final Plan submission, that fact shall be indicated by notation on the Final Plan. Said notation shall also indicate that monuments will be set prior to the sale or conveyance of any lot.
- C. All monuments required by this subsection shall be set along any street, road, way, or parcel to be dedicated to the municipality prior to the acceptance of any street, road, way, or parcel by the municipality.
- D. Monument, monument location, and artificial monument settings shall conform with the requirements of the Maine Board of Licensure for Professional Land Surveyors, latest edition.
- E. Artificial monuments shall be located in a manner and be of sufficient size, composition, and material that:
  - 1. The likelihood of their disturbance is minimal;
  - 2. The monument is capable of being detected with electromagnetic metal detectors;
  - 3. Their life expectancy, under normal circumstances, shall exceed 25 years; and
  - 4. The person who placed the monument can be identified with certainty by inspection of the monument.
- F. Monuments shall be set at all corners and angle points of the property boundaries where the interior angle of the boundaries is 135° or less.

#### 19. Noise.

- A. The maximum permissible sound pressure level of any continuous, regular, or frequent source of sound produced by any activity shall be limited by the time period and land use District listed in the following chart. Sound levels shall be measured at least 4 feet above ground at the property boundary.
- B. The levels specified may be exceeded by 10 dBA for a single 15 minute period per day. Noise shall be measured by a meter set on the A-weighted response scale, slow response. The meter shall meet the American National Standards Institute (ANSI S1.4-1961) "*American Standard Specification for General Purpose Sound Level Meters*".
- C. No person shall engage in construction activities, on a site abutting any residential use, between the hours of 10 PM and 7 AM which exceed those limits established for residential Districts. Otherwise the following activities shall exempt from these regulations:
  - 1. Sounds emanating from construction and maintenance activities conducted between 7 AM - 10 PM.
  - 2. Sounds emanating from safety signals, warning devices, emergency pressure relief valves, and other emergency activities.
  - 3. Sounds emanating from traffic on public transportation facilities.

**Sound Pressure Level Limits** (Measured in dB (a) scale)

	7 AM – 10 PM	10 PM – 7 AM
Residential Districts	55	45
Commercial Districts	60	50
Industrial Districts	65	50

#### 20. Preservation of

##### Natural Features.

The Planning Board may require that a proposed non-residential or subdivision development preserve such natural features as trees, streams, water courses, and scenic views. The road and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as much as practical.

#### 21. Rear Lots.

Rear lots may be developed for any permitted use if they are or can be provided with a right-of-way, which complies with the following provisions:

- A. The right-of-way must be conveyed by deed recorded in the Aroostook County Registry of Deeds to the owner of the rear lot and shall be a minimum of 50 feet in width.
- B. A legal description of the right-of-way by metes and bounds shall be attached to any land use permit application for construction on the rear lot.
- C. Except for lots recorded on the effective date of this Ordinance, the right-of-way deed must be recorded in the Aroostook County Registry of Deeds, Northern Office at the time the rear lot is first deeded out as a separate parcel.
- D. Creation of the right-of-way to serve the rear lot shall not create a non-conforming front lot by reducing such lot's required road frontage below the minimum, or, if the front lot is already non-conforming with respect to road frontage, reduce its road frontage at all.
- E. The access road within the right-of-way shall meet the following provisions:
  - 1. If serving a single dwelling unit the access road shall be constructed to a minimum width of nine (9) feet.
  - 2. If serving two (2) dwelling units the access road shall be constructed to a minimum width of eighteen (18) feet. The access shall contain a minimum depth of eighteen (18) inches of bank-run gravel and have drainage ditches and culverts at all appropriate points.
  - 3. Any access road serving between three (3) and five (5) dwelling units shall meet the "Private" road design and construction standards, but need not be paved.
  - 4. Any access serving more than five (5) dwelling units shall meet the "Residential" road design and construction standards. All lots shall have adequate right-of-way access for emergency vehicles to enter, turn around, and exit.
- F. If the right-of-way is brought up to standards as set forth in the Town's Road Design and Construction Standards, further dwellings may be constructed on a rear lot with Planning Board approval, provided all other space and bulk requirements are met for each dwelling. For purposes of such approval, the sale or lease of additional lots or the construction of an additional dwelling or dwellings served by the right-of-way shall be considered in the same manner and under the same restrictions and requirements as if such division or construction were a subdivision.
- G. Each single-family dwelling on a back lot shall be located within an area large enough to hold a circle with a minimum diameter equal to the required road frontage as required for a single-family dwelling in the District.
- H. A lot of record which could otherwise be legally built upon, but which is served by a right-of-way which does not comply, herein, may nevertheless be used for a single-family dwelling with CEO approval.

## **22. Reservation or Dedication and Maintenance of Usable Open Space and Common Land, Facilities, and Services.**

- A. All usable open space common land, facilities, and property shall be owned by:
  - 1. The owners of the lots or dwelling units by means of a lot-owners association;
  - 2. An association which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or
  - 3. The Town.
- B. Further subdivision of the common land or usable open space and its use for other than non-commercial recreation agriculture or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land. When usable open space is to be owned by an entity other than the Town, there shall be a conservation easement deeded to the Town prohibiting future development.
- C. The common land or usable open space shall be shown on the Final Plan with appropriate notations on the Plan to indicate that:



1. It shall not be used for future building lots; and
2. Which portions of the usable open space, if any, may be dedicated for acceptance by the Town.

D. The Final Plan application shall include the following:

1. Covenants for mandatory membership in the lot owners association setting forth the owners' rights, interests, and privileges in the association and the common property and facilities, to be included in the deed for each lot or dwelling.
2. Draft articles of incorporation of the proposed owners association as a non-profit corporation; and
3. Draft by-laws of the proposed lot owners association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities.

E. In combination, the documents referenced in paragraph D above shall provide for the following:

1. The homeowners association shall have the responsibility of maintaining the common property or facilities.
2. The association shall levy annual charges against all owners of lots or dwelling units to defray the expenses connected with the maintenance, repair and replacement of common property and facilities and tax assessments.
3. The association shall have the power to place a lien on the property of members who fail pay dues or assessments.
4. The developer or applicant shall maintain control of the common property, and be responsible for its maintenance until development sufficient to support the association has taken place. Such determination shall be made by the Planning Board upon request of the lot owners association, applicant, or developer.

**23. Residences Excluded from Industrial Districts.**

Residential uses are specifically excluded from Industrial Districts except for any quarters for a watchman, caretaker, or janitor, or other such use clearly incidental to a lawful industrial use.

**24. Satellite Receiving Dish.**

No satellite receiving dish, greater than 40" in diameter, shall be located between a building and a public road. For the purposes of this subsection, a satellite receiving dish shall be considered an accessory structure.

**25. Sewage Disposal.**

**A. Public Sewage Disposal**

1. Any non-residential or subdivision development within 1000 feet of a public sewage disposal system, at its nearest point, shall make provisions for connection to the public system. When public sewage disposal service shall not be available at the time of construction, a "capped system" may be installed within the development, at the discretion of the Planning Board and after consultation with the Van Buren Sewer Department (VBSD), to allow future connection when service becomes available without excavation within the right-of-way of any road within the development.
2. When a development is proposed to be served by the public sewage system, the complete collection system within the development, including manholes and pump stations, shall be installed at the expense of the applicant.
3. The VBSD shall certify that providing public sewage service to the proposed development is within the capacity of the system's existing collection and treatment system or improvements planned to be complete prior to the construction of the development.
4. The VBSD shall review and approve the construction drawings for the public sewage system. The size and location of laterals, collectors, manholes, and pump stations shall be reviewed and approved in writing by the District.

5. The public sewage disposal system(s) and related equipment for the development shall be designed by a Maine Registered Professional Engineer in full compliance with the requirements of the "State of Maine Subsurface Wastewater Disposal Rules" and shall be approved by the Planning Board.

**B. Private Sewage Disposal.**

1. When a proposed development is not within 1000 feet of a public sewage disposal system, at its nearest point, connection to the public system should not be encouraged. Sewage disposal shall be by a private subsurface wastewater disposal system. The developer may install and connect to the public sewage disposal system totally at their own expense and in conformance with the standards and specifications of the VBSD.
2. The applicant shall submit evidence of site suitability for subsurface wastewater disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the "*State of Maine Subsurface Wastewater Disposal Rules*".
  - a. The Site Evaluator shall certify, in writing, that all test pits which meet the requirements for a new system represent an area large enough to install a disposal area on soils which meet the "*State of Maine Subsurface Wastewater Disposal Rules*".
  - b. On lots in which the limiting factor has been identified as being within 12-15 inches of the surface, exclusive of shoreland areas, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the Plan and restricted so as not to be built upon.

**26. Sidewalks.**

Sidewalks should be installed on one side of the street in all new non-residential or subdivision developments within the Urban Compact Area. Where sidewalks exist adjacent to a proposed development outside of the Compact Area, sidewalks shall be installed connecting to existing sidewalks. Where installed, sidewalks shall meet the following minimum requirements.

- A. Where utilities or other appurtenances are present within five (5) feet of the curb, the typical width of the sidewalk should be seven (7) feet. Where no utilities are present, a sidewalk width of five (5) feet is acceptable. Sidewalks shall be located a minimum of five (5) feet from the curb facing or edge of shoulder if the street is not curbed. Preferably, utility poles, fire hydrants, and traffic signs should be placed behind the sidewalk.

**B. Bituminous Sidewalks.**

1. The "subbase" aggregate course shall be no less than twelve (12) inches thick after compaction.
2. The hot bituminous pavement surface course shall be MDOT plant Mix Grade D constructed in one (1) lift no less than two (2) inches thick after compaction.

**C. Portland Cement Concrete Sidewalks.**

1. The "subbase" aggregate course shall be no less than twelve (12) inches thick after compaction.
2. The Portland Cement concrete shall be reinforced with six (6) inch square, W 2.0 wire mesh and shall be no less than four (4) inches thick.

**D. Brick, Pavement Stone, Cobblestone, or Flagstone Sidewalks.**

Excavation shall be to the required depth and width and the layers shaped and compacted to a firm even surface. All soft and yielding material shall be removed and replaced with acceptable material. A brick, pavement stone, cobblestone, or flagstone sidewalk should be constructed in four (4) layers:

1. The first layer is a "subbase" aggregate course no less than twelve

(12) inches thick after compaction.

2. The second layer is a hot bituminous pavement course of MDOT plant Mix Grade D constructed in one (I) lift no less than one (1) inch thick after compaction.
  3. The third layer is a course of fine sand no less than one (1) inch thick after compaction.
  4. The fourth layer is either the bricks, pavement stones, cobblestones, or flagstones.

E. Curb-Cut Ramps.

Curbs and sidewalks should be designed with curb-cut ramps at all pedestrian crosswalks to provide adequate access for the safe and convenient movement of physically handicapped persons. The following criteria should be considered in the design of curb-cut ramps:

1. At each intersection with a pedestrian crosswalk, curb-cut ramps should be provided on all comers. At T-intersections, ramps should be located on the side opposite the minor intersecting road.
  2. Curb-cut ramps should be located and protected to prevent their obstruction by parked vehicles.
3. At marked pedestrian crosswalks, curb-cut ramps should be contained entirely within the markings, excluding any flared sides.
  4. The function of the curb-cut ramp should not be compromised by other roadway features, such as, but not limited to guardrails, catch basins, manholes.

**27. Stormwater Management.**

- A. Adequate provision shall be made for disposal of stormwater generated within the development, and any drained ground water, through a management system of swales, culverts, underdrains, and storm drains.
- B. All components of the stormwater management system shall be installed at the developer's expense and designed to infiltrate, detain, or retain water falling on the site so as to limit peak discharge rates to predevelopment levels for the 2-year, 10-year, and the 25-year frequency, 24-hour duration storms, based on rainfall data for Caribou, ME.
- C. The proposed stormwater management system shall be designed by a Maine Registered Professional Engineer.
- D. The design of piped or open channel systems shall be based on a ten (10) year flow frequency without overloading or flooding beyond channel limits. In addition, the areas expected to be flooded by runoff of a twenty-five (25) year frequency shall be designated, and no structures shall be planned within such area.
- E. Rights-of-way or easements shall be designated for all components of the stormwater management system lying outside of established road lines. Wherever the storm drainage system is not within the right-of-way of a public road, perpetual easements shall be provided to the Town allowing maintenance and improvement of the system. Such rights-of-way shall be at least twenty-five (25) feet in width.
- F. The stormwater management system shall take into consideration the upstream runoff which must pass over or through the development site. The system shall be designed to pass upstream flows generated by a twenty-five (25) year frequency through the proposed development without overloading the system or flooding areas not specifically planned for such flooding.
- G. Downstream drainage requirements shall be studied to determine the effect of the proposed development. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the development. The applicant shall be responsible for financing any improvements to existing drainage systems required to handle the increased stormwater flows.
- H. Where permanent embankment type storage or retention basins are planned, the basins shall be designed as outlined in the Natural Resources Conservation Service Engineering Field Manual or other appropriate references.
- I. Any grading or other construction activity on the site shall not cause unreasonable alteration of natural drainage ways such that drainage, other than that which occurred prior to development, shall adversely affect adjacent parcels of land and that drainage ways flowing from adjacent parcels of land to the development site shall be impeded.
- J. The developer shall maintain all components of the stormwater management system until it is formally accepted by the Town, or is placed under the jurisdiction of a legally created association that shall be

responsible for the maintenance of the system. The charter of such an association must be acceptable to the Planning Board.

- K. The stormwater management system shall be fully coordinated with project site plans, including consideration of road patterns, pedestrian ways, open space, building siting, parking areas, recreational facilities, and other utilities, especially sanitary wastewater disposal facilities.
- L. When the construction of a development is to occur in phases, the planning of the stormwater management system should encompass the entire site which may ultimately be developed, and not limited to an initial or limited phases of the development.
- M. The minimum pipe size for any storm drainage pipe shall be fifteen (15) inches for driveway entrances and eighteen (18) inches for cross culverts. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two (2) feet. Minimum depth of cover material shall be 24" from the pipe crown. Pipe shall be bedded in a fine granular material, containing no stones larger than three (3) inches, lumps of clay, or organic matter, reaching a minimum of six (6) inches below the bottom of the pipe extending to six (6) inches above the top of the pipe. Outlets shall be stabilized against soil erosion by stone rip-rap or other suitable materials which reduce water velocity. Catch basins shall be installed where necessary and located at the curb line.
- N. The physical, biological, and chemical properties of the receiving waters shall not be unreasonably degraded by the stormwater runoff from the development site.

O. Storm Drainage Construction Standards.

1. Materials.

- a. Storm drainage pipes shall conform to the requirements of MDOT Standard Specifications for Highways and Bridges, latest edition, materials specifications §706 for non-metallic pipe and §707 for metallic pipe. Plastic (polyethylene) pipes shall not be installed except in closed systems such as road underdrains. Bituminous coated steel pipes shall not be used.
- b. Where the storm drainage pipe is to be covered by ten (10) feet or more of fill material, pipe material with a fifty (50) year life shall be used. These materials include concrete pipe, polymer coated galvanized corrugated steel pipe, polyvinylchloride (PVC) pipe, and corrugated aluminum alloy pipe.

2. Pipe Gauges.

Metallic storm drainage pipe shall meet the following thickness requirements depending on pipe diameter:

Inside Diameter	Material	
	Galvanized CMP Aluminum/Zinc Coated CMP Corrugated Aluminum Alloy	Aluminum Coated CMP Polymer Coated CMP
15" to 24"	14 ga.	16 ga.
30" to 36"	12 ga.	14 ga.
42" to 54"	10 ga.	12 ga.
60" to 72"	8 ga.	10 ga.

- 3. Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing by action of the Board, after consultation with the Highway Superintendent.
- 4. Manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of 400 foot intervals.

- P. Upon completion, each catch basin or manhole shall be cleaned of all accumulation of silt, debris, or foreign matter and shall be kept clean until final acceptance.

**28. Street Trees, Esplanades, and Open Green Spaces.**

Street trees, esplanades, and open space areas may be required at the discretion of the Planning Board. Where

such improvements are required, they shall be incorporated in the Final Plan and executed by the developer as construction of the development progresses.

#### **29. Swimming Pools.**

- A. A swimming pool constructed either above-ground or below-ground level designed to hold more than 10,000 gallons of water installed after the effective date of this Ordinance shall require a permit issued by the CEO.
- B. The swimming pool shall meet accessory structure setback requirements for the District it is to be located in. All mechanical equipment for the purposes of filtering, heating, pumping, cleaning, filling, draining, or any other maintenance related activity shall be set back a minimum of ten (10) feet from all property lines.
- C. Enclosures of swimming pools shall comply with the provisions of Title 22, MRSA, §1632 or the following whichever is more stringent: Each swimming pool shall be enclosed by a fence or wall at least four (4) feet in height with no openings larger than two (2) inches in width and built so as to deter children. Any building or structure meeting the height and opening requirement may be included as part of the required enclosure. All gates and door openings through the enclosure shall be equipped with a self-closing and self-latching device for keeping the gate/door securely latched at all times when not in use.
- D. The CEO shall issue the permit upon determining from plans or specifications presented by the applicant that the pool meets all requirements.

#### **30. Temporary Dwellings.**

- A. Purpose: To provide for the temporary habitation of one dwelling during the construction or renovation of a second dwelling on a lot.
- B. The CEO may issue a Temporary Dwelling permit for the purpose of the owner residing in one dwelling while a new dwelling is constructed or an existing dwelling is renovated, only if all of the following are met:
  - 1. The temporary structure to be resided in during the construction or renovation of the second (primary) structure shall be connected to an approved subsurface sewage disposal system.
  - 2. All zoning setbacks and lot coverage requirements of this Ordinance shall be met to the greatest extent possible.
  - 3. The owner must reside in one of the structures during construction or renovations.
  - 4. The structure which is not to be the principle residence shall be resided in for not more than twelve (12) months from the date of the issuance of the permit for the construction of the primary residence.
  - 5. Within twelve (12) months from the date of the issuance of a permit, in the case of a mobile home, it shall be removed from the lot and other structures shall be converted to an accessory structure or removed.
  - 6. Prior to the issuance of a land use permit for the construction and renovation on a lot where a temporary residential structure will be located, the owner shall sign a binding agreement with the Town that the provisions of this subsection shall be complied with.

#### **31. Toxic and Noxious Discharges.**

No use shall for any period of time discharge across the boundaries of the lot on which it is located toxic and noxious matter in concentrations in excess of one-fourth of the maximum allowable concentrations set forth in Table 1 of the Industrial Hygiene standards, Maximum Allowable Concentration, Chapter 5 of the "Air Pollution Abatement Manual," latest edition, which is hereby incorporated in and made a part of this subsection by reference.

#### **32. Utilities.**

- A. Easements for utilities, either within or beyond the proposed development, as may be necessary shall be provided for where necessary and shall be at least twenty-five (25') feet wide.
- B. Whenever practical, the applicant should be encouraged to install underground conduits and other necessary subsurface structures to provide electric power, telephone, and cable service throughout the development.

Such underground structures shall be constructed according to the requirements of the utility company involved.

C. Dig Safe.

1. Before commencing any excavation work, the applicant shall notify all underground facilities operators and DIG-SAFE in accordance with Maine State Law. For information purposes only, the following is a list of facility operators and contact numbers:

Facility Operator	Type Facility	Contact	Contact Number
Van Buren Light and Power	Electric Service Street Lights	-	868-3321 or 1-888-344-7233
Bell Atlantic	Telephone	DIG-SAFE	1-888-344-7233
Frontier Cable	Cable TV	DIG-SAFE	1-888-344-7233
Van Buren Water District	Sanitary Sewer	-	868-2285
Van Buren Water District	Water	-	868-2285
Van Buren Highway Department	Storm Sewers Traffic Signs Local Roads	Highway Foreman	868-2886

2. Where the applicant is required, or has removed, for the convenience of work any traffic sign, sign, or similar improvement, the applicant shall restore same to its original place and in as good a condition as was originally found.
3. The applicant shall be responsible for protecting, within the work zone, any existing and right-of-way or survey monuments during construction. If it is apparent the construction work may or will disturb monumentation, the applicant shall contact a Professional Land Surveyor so that monumentation can be located and offset prior to excavation.
4. If the excavation/construction work disturbs or removes any existing property or right-of-way monumentation or survey marker, the applicant shall, at their expense, have the monument re-set by a Professional Land Surveyor.
5. All traffic regulatory signs that must be removed to progress the work shall be temporarily relocated and shall remain in service as directed by the Highway Foreman.

**33. Waste Material Accumulations Regulated.**

Deposits or accumulations of rubbish, junk, junk automobiles and parts thereof, discarded articles of any kind, household, industrial, or commercial wastes shall not be made in any District except at a dumping place or places designated as such by the Town Council. Provided, however, that nothing in this subsection shall be construed to prohibit the establishment or operation of commercial automobile graveyards and junkyards as permitted under the terms of this Ordinance.

**34. Water Supply.**

A. Public Water Supply.

1. Any development within 1000 feet of a public water supply, at its nearest point, shall connect to the public water supply system.
2. When a development is to be served by a public water supply system, the complete system within the development, including fire hydrants, shall be installed at the expense of the developer. The size and location of mains, gate valves, hydrants, service connections shall be reviewed and approved in writing by

the Van Buren Water District (VBWD). Service provided shall be a minimum of 20 psi. and 500 gallons per minute. The Fire Chief shall review the system for minimal provision of service.

3. A proposed development shall not generate a demand on the source, treatment facilities, or distribution system of the VBWD beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the development. The developer shall be responsible for paying the costs of system improvements necessary to the District's system improvement plan, as necessary, to alleviate existing deficiencies.
4. The public water supply system(s) plan and related equipment for the development shall be designed by a Maine Registered Professional Engineer in full compliance with the requirements for drinking water within the State of Maine and shall be approved by the Planning Board.

B. Private Individual Wells.

1. When a proposed development is not within 1000 feet of a public water supply, at its nearest point, the water supply shall be from individual wells. The developer may install and connect to the public water supply system totally at their own expense and in conformance with the standards and specifications of the VBWD.
2. Due to the increased chance of contamination from surface water, dug wells shall be prohibited. The applicant shall prohibit dug wells by deed restrictions and a note on the final recording Plan.
3. Wells shall not be constructed within 100 feet of the traveled way of any road. If located downhill from the road, or within 50 feet of the traveled way of any road, or if located uphill of the road, this restriction shall be included as a note on the final recording Plan and deed restriction to the effected lots.
4. Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of potential contamination.
5. Lot design shall permit placement of wells, subsurface wastewater disposal areas, and reserve sites for subsurface water disposal areas in compliance with the requirements for drinking water within the State of Maine and with the "State of Maine Subsurface Wastewater Disposal Rules".

## Section 7 – Access Management, Off-Street Parking, Loading, and Road Design and Construction Standards

The following standards are applicable to all land use activity within the Town, including site design and subdivision review.

### 1. Access Management

#### A. General.

1. These standards shall apply to vehicular access into a proposed development. In a residential subdivision these accesses may be roads within the subdivision or access to individual lots. In non-residential development the access may be a driveway into a parking lot or a road into the development. If the access to the residential subdivision and the non-residential development is a road, the Road Design and Construction Standards contained herein shall be met. Where there is a conflict between standards, the stricter or more stringent shall apply.
2. Where a lot has frontage on two or more roads, the access to the lot shall be provided to the lot across the frontage and to the road where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.
3. Accessways to non-residential developments or to multi-family developments shall be designed to avoid queuing of entering vehicles on any road. Left lane storage capacity shall be provided to meet anticipated demand. A warrant analysis to determine the need for a left-turn storage lane shall be done, if necessary.

- B. Sight Distances. Access should be designed in profile and grading and located to provide the required sight distance measured in each direction. Sight distances should be measured from the driver's seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle a minimum of 10 feet behind the curbline or edge of shoulder, with the height of the eye 3.5 feet, to the top of an object 4.5 feet above the pavement. The required sight distances are listed below for various designed speed limits. Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

#### **Sight Distances\***

Design Speed (MPH)	Minimum ** (feet)	Desired *** (feet)
25	175	250
30	210	300
35	245	350
40	280	400
45	315	450

\*Required exiting sight distance for a standard passenger vehicle to safely enter onto a 2-lane roadway from a complete stop, allowing approaching vehicles to adjust speed to avoid a collision.

\*\*Approximately equivalent to 1.5 times the average stopping distance on wet pavement, 3% downgrade, as documented by AASHTO, 1990

\*\*\*Ten times the design speed.

- C. Vertical Alignment. Access shall be flat enough to prevent the dragging of any vehicle undercarriage. Accesses shall slope upward or downward from the gutter line on a straight slope of 3 percent or less for at least 75 feet. Following this landing area, the steepest grade on the access shall not exceed 8 percent.
- D. Design Standards. New access design shall be based on the estimated volume using the access classification defined below. Traffic volume estimates should be as defined in the "*Trip Generation Manual*", latest edition, published by the Institute of Transportation Engineers.



Low Volume Access:	Less than 50 vehicle trips per day
Medium Volume Access:	50 or more vehicle trips per day

1. Low Volume Accesses (Driveway).

- Skew Angle. Low volume access shall be two-way operation and shall intersect the road at an angle as nearly 90 degrees as development conditions permit, but in no case less than 75 degrees.
- Curb Radius. The curb radius shall be between 10' and 25' (5-10'), with a preferred radius of 20' (10').
- Curb-Cut Width. On a two-way access the curb-cut width shall be between 40' and 54' (22-46'), with a preferred width of 40' (36').
- Access Width. The width of the access shall be between 20' and 24' (12-16'), with a preferred width of 20' (16') feet.

2. Medium Volume Accesses (Roadway and Driveway are same).

- Skew Angle. Medium volume access shall be either one-way or two-way operation and shall intersect the road at an angle as nearly 90 degrees as development conditions permit, but in no case less than 75 degrees.
- Curb Radius. Curb radii will vary depending if the access has one-way or two-way operation. On one-way accesses, the curb radii shall be 30' for right turns into and out of the development, with a 5' radius on the opposite curb. On a two-way access the curb radii shall be between 25 and 40', with a preferred radius of 30'.
- Curb-Cut Width. On a two-way access the curb-cut width shall be between 74 and 110' with a preferred width of 86'. On a one-way access the curb-cut width shall be between 46 and 70', with a preferred width of 51'.
- Access Width. On a two-way access the width shall be between 24 and 30', with a preferred width of 26', however where truck traffic is anticipated, the width may be no more than 30'. On a one-way access the width shall be between 16 and 20', with a preferred width of 20'.

## Design Standards

Preferred Dimension in ( )

	Skew Angle	Curb Radii	Curb-Cut Width	Access Width
<b>Low Volume Access:</b>				
Roadway:	90 degrees	10-25' (20')	40-54' (40')	20-24' (20')
Driveway:	90 degrees	5-10 (10')	22-46' (36')	12-16' (16')
<b>Medium Volume Access: (roadway and driveway are same)</b>				
Two-Way Access:	90 degrees	25-40' (30')	74-110' (86')	24-26' (26') <sup>1</sup>
One-Way Access	90 degrees	30' for right turns 5' on the opposite	46-70' (51')	16-20' (18')

<sup>1</sup>Where truck traffic is anticipated the width should be no more than 30 feet.

E. Access Location and Spacing.

- Minimum Corner Clearance. Corner clearance shall be measured from the point of tangency for the corner to the point of tangency for the access. In general the maximum corner clearance should be provided as practical based on site constraints. Minimum corner clearances are listed below based upon access volume and intersection type.

### Minimum Standards for Corner Clearance

Driveway Type	Minimum Corner Clearance (feet)	
	Intersection Signalized	Intersection Unsignalized
Low Volume	150	50
Medium Volume	150	50

If based on the above criteria, full access to the site cannot be provided on either the major or minor roads, the site shall be restricted to partial access. Alternately, construction of a shared access drive with an adjacent parcel is recommended.

2. Access Spacing. Accesses and road intersections shall be separated from adjacent accesses and property lines as indicated below, in order to allow roads to effectively serve their primary function of conducting through traffic. This distance shall be measured from the access point of tangency to the access point of tangency for spacing between accesses and from the access point of tangency to a projection of the property line at the edge of the roadway for access spacing to the property line. Where two (2) or more two-way driveways connect a single development to any one (1) road, a minimum clear distance of one hundred (100) feet measured along the right-of-way line shall separate the closest edges of any two (2) such driveways. If one (1) driveway is two-way and one (1) is a one-way driveway, the minimum distance shall be seventy-five (75) feet.

#### **Minimum Access Spacing**

Access Type	Minimum Spacing to Property	Minimum Spacing to Adjacent Access by Access Type <sup>2</sup> (Dsp) <sup>3</sup>	
	Line (Dpl) <sup>1</sup> (feet)	Low (feet)	Medium (feet)
Low Volume	5	*	75
Medium Volume	10	-	100

<sup>1</sup> Dpl measured from point of tangency of driveway to projection of property line on road-way edge.

<sup>2</sup> For two or more driveways serving a single parcel, or from a proposed driveway from an existing driveway.

<sup>3</sup> Dsp measured from point of tangency of driveway to point of tangency of adjacent driveway.

\* Low volume driveways are not permitted in combination with other driveway types on a single lot.

3. Shared Driveways. No part of any driveway shall be located within a minimum of five (5) feet of a side property line. However the Planning Board may permit a driveway serving two (2) or more adjacent sites to be located on/or within five (5) feet of a side property line between the adjacent sites. Proof of easement shall be provided by the applicant to the Planning Board.
4. Acceleration Lanes. Where a driveway serves right-turning traffic from a parking area providing two hundred (200) or more parking spaces and the road has an ADT volume exceeding seven thousand five hundred (7,500) vehicles, an acceleration lane shall be provided which is at least two hundred (200) feet long and at least ten (10) feet wide measured from the road curbline. A minimum thirty-five (35) feet curb return radius shall be used from the driveway to the acceleration lane.
5. Deceleration Lanes. Where the same conditions exist as in the previous paragraph and a driveway serves as an entrance to a development, a deceleration lane shall be provided for traffic turning right into the driveway from the road. The deceleration lane shall be at least two hundred (200) feet long and at least ten (10) feet wide measured from the road curbline. A minimum thirty-five (35) foot curb return radius shall be used from the deceleration lane into the driveway.

#### **F. Number of Accesses.**

The maximum number of accesses onto a single road is controlled by the available site frontage and the table above. In addition, the following criteria shall limit the number of accesses independent of frontage length.

1. No low volume traffic generator shall have more than one two-way access onto a single roadway.
2. No medium volume traffic generator shall have more than two two-way accesses onto a single roadway.

**G. Construction and Materials/Paving.**

1. All accesses entering a curbed road shall be curbed with materials matching the road curbing. Sloped curbing is required around all raised channelization islands or medians.
2. All commercial and industrial accesses regardless of access volume shall be paved with bituminous concrete pavement within 30 feet of the roadway right-of-way. The remainder of the driveway should be constructed to the following specifications (MDOT Standard Specifications, section 703.06):
  - a. graded to a crown of no less than .5":12"; and
  - b. constructed of 12" Type D subbase gravel and 3" Type A base gravel.
3. Dust control shall be approved by the CEO prior to being applied and shall be applied at time of construction with either calcium chloride, or an approved alternative, by being mixed with the gravel or sprayed on at completion of the access.
4. As a means of prolonging the life of a driveway and creating a pervious surface, 4 oz. woven or unwoven stabilization geo-textile may be used, as can properly constructed geo-web and blocks, grass paving rings, or other similar devices approved by the CEO.

**2. Off-Street Parking and Loading,**

**A. General.**

1. A permitted use in any District shall not be extended, and no structure shall be constructed or enlarged, unless off-street vehicle parking is provided in accordance with the standards of this Section.
2. All parking spaces shall be 9 feet x 19 feet.
3. Parking areas with more than two (2) parking spaces shall be arranged so that it is not necessary for vehicles to back into the street.
4. Required off-street parking for all land uses shall be located on the same lot as the principal building or facility. Except, required off-street parking in non-residential Districts may be provided on a lot under the same ownership as the owner requiring the additional off-street parking. Such parking scheme shall be approved by the Board of Appeals. The additional parking must be within 300' measured along the roadway right-of-way. Evidence of ownership shall be required.
5. The joint use of a parking area by two or more principal buildings or uses may be approved as an administrative appeal by the Board of Appeals where it is clearly demonstrated that said parking area would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees on such establishments.
6. Parking spaces shall be provided as required and made available for use prior to the issuance of the Certificate of Occupancy.

**B. Additional Requirements for Non-Residential Development.**

1. Access points from a public road to non-residential development shall be so located as to minimize traffic congestion and to avoid generating traffic on local access streets of a primarily residential character.
2. All parking areas, driveways, and other areas serving ten (10) or more vehicles shall be paved with bituminous concrete or an equivalent surfacing over a gravel sub-base at least 6" in thickness, and shall have appropriate bumper or wheel guards where needed.
3. All driveway entrances and exits shall be kept free from visual obstructions higher than three (3) feet above street level for a distance of 25 feet measured along the intersecting driveway and street lines in

order to provide visibility for entering and leaving vehicles.

4. Loading facilities shall be located entirely on the same lot as the building or use to be served so that trucks, trailers, and containers for loading or storage shall not be located upon any municipal way.
5. The following minimum off-street loading bays or berths shall be provided and maintained in the case of new construction, alterations, and changes of use:

- a. Retail, office, consumer services, wholesale, warehouse, and industrial operations with a gross floor area of more than 5,000 square feet require the following:

5,001	to	20,000 SF	1 bay
20,001	to	50,000 SF	2 bays
50,0001	to	100,000 SF	3 bays
100,001	to	150,000 SF	4 bays
150,001	to	300,000SF	5 bays

- b. Each 150,000 square feet over 300,000 square feet requires (1) additional bay. No loading docks shall be located to face any street frontage. Provision for handling all freight shall be on those sides of any buildings which do not face on any street or proposed streets.

6. Off-street parking and loading spaces, where not enclosed within a building, shall be effectively screened from view by a continuous landscaped area not less than six (6) feet in height and fifteen (15) feet in width along exterior lot lines adjacent to residential properties, except that driveways shall be kept open to provide visibility for entering and leaving. No off-street parking and loading shall be permitted within the front setback or any setback adjoining a public street, except as specifically authorized in this Ordinance.

C. Parking Lot Design Criteria. (Except for single-family and two-family development)

1. Vehicular Entrance and Exit.

- a. Entrances/exits should be clearly identified by use of signs, curb cuts, and landscaping.
- b. Entrance/exit design shall be in conformance with the standards contained within this Ordinance.

2. Interior Vehicular Circulation.

- a. Major interior travel lanes should be designed to allow continuous and uninterrupted traffic movement.
- b. Access to parking stalls should not be from major interior travel lanes and shall not be immediately accessible from any public way.
- c. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.
- d. Parking aisles should be oriented perpendicular to stores or businesses for easy pedestrian access and visibility.
- e. Enclosures, such as guardrails, curbs, fences, walls, and landscaping, should be used to identify circulation patterns of parking areas and restrict driving movements diagonally across parking aisles, but not to reduce visibility of oncoming pedestrians and vehicles.
- f. Entrance/exits shall be designed to allow adequate stacking of vehicles without blocking interior vehicle circulation lanes.
- g. All parking spaces and access drives shall be at least five (5) feet from any side or rear lot line, except for the additional requirements in buffer yards.
- h. Aisle Width and Parking Angle. The width of all aisles and parking angles providing direct access to individual parking stalls shall be in accordance with the requirements below. Only one-way traffic

shall be permitted in aisles serving single-row parking spaces placed at an angle other than ninety (90) degrees.

**Parking Angle and Aisle Width**

<b>Parking Angle (degrees)</b>	<b>Aisle Width (feet)</b>
0 (parallel parking)	12
30	12
45	13
60	18
90 (perpendicular parking)	25

- i. All interior travel lanes shall be designed to follow the topographic and natural features of the site.
- j. Projects shall provide a clear route for delivery vehicles with appropriate geometric design to allow turning and backing for vehicles expected to use the facility.
- k. Clear routes of access shall be provided and maintained for emergency vehicles to all portions of the site and shall be posted with appropriate signage.
- l. The road network shall provide for vehicular and pedestrian safety, all season emergency access, snow storage, delivery and collection services.
- m. In paved parking areas painted stripes shall be used to delineate parking stalls. Stripes should be a minimum of 4" in width. Where double lines are used, they should be separated a minimum of 12" on center.
- n. In aisles utilizing diagonal parking, arrows should be painted on the pavement to indicate traffic flow.
- o. Bumpers and/or wheel stops shall be provided where overhang of parked cars might restrict traffic flow on adjacent through roads, restrict pedestrian movement on adjacent walkways, or damage landscape materials.
- p. Handicap Parking and Loading.
  - 1. Parking shall be provided as specified in ANSI 4.6. The total number of accessible parking spaces shall be distributed to serve the various accessible entrances as well as possible.
  - 2. If passenger loading zones are provided, then at least one passenger loading zone shall comply with ANSI 4.6.3 or 4.6.5.
  - 3. An accessible space for a van with a side-lift shall be level, adjacent to an eight (8') foot wide sidewalk, and have appropriate signs.

**D. Required Parking Spaces.**

- 1. Parking spaces shall be provided to conform with the number required in the following schedule:

<b>Activity</b>	<b>Minimum Required Parking</b>
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Residential :	
with 2 or more bedrooms	2 spaces per dwelling unit
with 1 bedroom	1.5 spaces per dwelling unit
Elderly Housing	1 space per dwelling unit
Tourist home, boarding, lodging house, motel, hotel, inn	1 space per room/unit rental and for each employee on the largest shift
Church	1 space per three seats based upon max, seating capacity
Schools:	
Primary	1.5 spaces per classroom
Secondary	8 spaces per classroom
Post-Secondary	1 space for each student and 1 space for each faculty and staff member
Child Care Facility	1 space for every 4 children facility is licensed to care for
Private Clubs or Lodges	1 space per every seventy-five (75) square feet of floor space
Theatre, Auditorium, Public Assembly Areas	1 space per three seats based upon max seating capacity
Funeral Homes	1 space for every 100 square feet of floor space
Medical Care Facilities	1 space for every three (3) beds and every two (2) employees on the maximum working shift.
Offices, Banks	1 space for every 150 square feet of floor space
Medical Offices (MD's, OD's)	10 spaces for each doctor, dentist, or other medical practitioner
Veterinarian Clinic, Kennel	5 spaces/veterinarian
Retail and Service Businesses	1 space for every 150 sq. ft. of floor space
Barber/Beauty Shop	4 spaces/chair
Restaurant	1 space per three seats based upon max seating capacity
Industrial Business	1 space/employee on the maximum working shift
Warehouse, Wholesale	1 space/500 sq. ft. floor area business
Flea Market	3 spaces/table
Mixed Use	Total of individual uses
Automobile Repair Garage and Repair Gasoline Filling Stations	5 spaces for each bay or area used for work
Library, Museum, Art Gallery	1 space for each 150 sq. ft. of floor space
Commercial Recreation Facility, Fitness Area	1 space for each 100 sq. ft. of floor area
Motor Vehicle Sales	1 space reserved for customers per thirty vehicles displayed on the lot

#### Notes

1. Where the calculation of the aforementioned parking spaces results in a fractional part of a complete parking space, the parking spaces required shall be construed to be the next highest number.
2. The above are minimum standards, and additional parking spaces shall be required if these prove to be inadequate.
3. Where floor space is to be used in calculating the number of required parking stalls, gross floor area shall be used unless otherwise noted.

### **3. Road Design and Construction Standards.**

The following Road Design and Construction Standards shall apply to all new road construction, shoulders, curbs, drainage systems, culverts, and other appurtenances associated with roads within the Town, unless the applicant can provide clear and convincing evidence that an alternate design or construction standard will meet good engineering practice.

#### **A. General Requirements.**

1. The Planning Board shall not approve any development proposal unless proposed roads are designed in accordance with the specifications contained herein. Approval of the Final Plan by the Planning Board

shall not be deemed to constitute or be evidence of acceptance by the Town of any road or easement.

2. Applicants shall submit to the Planning Board, as part of the final plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed roads and existing roads within 300 feet of any proposed intersections. The plan view shall be at a scale of one inch equals no more than fifty feet (1"=50'). The vertical scale of the profile shall be one inch equals no more than five feet (1"=5'). The plans shall include the following information:
  - a. Date, scale, and North point, indicating, magnetic or true.
  - b. Intersections of the proposed road with existing roads.
  - c. Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, and curbs.
  - d. Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
  - e. Complete curve data shall be indicated for all horizontal and vertical curves.
  - f. Turning radii at all intersections.
  - g. Centerline gradients.
  - h. Size, type, and locations of all existing and proposed overhead and underground utilities, to include but not be limited to electricity, telephone, lighting, and cable television.
3. Upon receipt of plans for a proposed public road the Planning Board shall forward one copy to the Chair of the Town Council and the Highway Department Foreman for review and comment. Plans for roads which are not proposed to be accepted by the Town shall be sent to the Highway Department Foreman for review and comment.
4. Where the applicant proposes improvements within existing public roads, the proposed design and construction details shall be approved in writing by the Highway Department Foreman and/or the Maine Department of Transportation, as appropriate. If the applicant proposes to turn the road over to the Town, the developer shall cause the storm sewers and appurtenances, including catch basins, to be built to the specifications of the Highway Department Foreman. When the road is accepted by the Town, said storm sewer system shall be deeded to the Town at no cost to the Town.
5. No street or way shall be accepted by the Town until the Planning Board and Highway Department Foreman have reviewed the proposed design and construction plan and submitted their comments in writing to the Town Council.
6. Where the development roads are to remain private roads, the following words shall appear on the Final Plan.

"All roads in this development shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town of Van Buren, until they meet the Van Buren Road Design and Construction Standards. The road shall provide adequate emergency vehicle access and turn-around area, conveniently serve the intended properties, and not exceed the legal length for roads established by the Town."

7. Upon completion of road construction and prior to a vote by the Town Council to accept the road, a written certification signed by the Highway Foreman shall be submitted to the Council, certifying that they have made an inspection of the road and that the proposed road meets or exceeds the design and construction requirements of this Ordinance. The applicant shall be required to maintain all improvements and provide for snow removal on roads and sidewalks until acceptance of the improvements by the Town.

**B. Road Design Standards.**

1. Where topographic and other site conditions allow, provision shall be made for road connections to adjoining lots of similar existing or potential use within areas of the Town designated as growth areas in the comprehensive plan; or in non-residential development when such access shall:
  - a. Facilitate fire protection services as approved by the Fire Chief; or

- b. Enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a public road.
2. Where a development borders an existing narrow road (not meeting the width requirements of the standards for roads), or when the development indicates plans for realignment or widening of a road that would require use of some of the land in the development, the plan shall indicate reserved areas for widening or realigning the road marked "*Reserved for Road Realignment (Widening) Purposes.*" When such widening or realignment is included in the Town's capital investment plan, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the Town or state.
  3. Roads which join and are in alignment with roads of abutting or neighboring properties shall bear the same name. Names of new roads shall not duplicate, nor bear phonetic resemblance to the names of existing roads within the Town, and shall be subject to the approval of the Planning Board. No road name shall be the common given name of a person. The developer shall reimburse the Town for the costs of installing road name, traffic safety, and control signs.
  4. Proposed roads shall conform, as far as practicable, to such master or study plan as may have been adopted, in whole or in part, by the Planning Board prior to the submission of a Preliminary Plan.
  5. All roads in the development shall be so designed that, in the opinion of the Planning Board, they will provide safe vehicular travel while discouraging movement of through traffic. Where a development abuts or contains an existing or arterial road, the Planning Board may require marginal access roads, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service roads, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
  6. Where a development borders on or contains a railroad right-of-way, the Planning Board may require a road approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts. Such distances shall also be determined with due regard for approach grades and future grade separations.
  7. Reserve strips controlling access to roads shall be prohibited except where their control is definitely placed with the Town.
  8. The centerline of the roadway shall be the centerline of the right-of-way.
  9. In addition to the design and construction standards herein, dead-end roads shall not be longer than 1000' and shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii:

Property line:	60 feet	(125')
Outer edge of pavement:	50 feet	(100')
Inner edge of pavement:	30 feet	(30')

Where the cul-de-sac is in a wooded area prior to development, a stand of trees shall be maintained within the center of the cul-de-sac. The Planning Board may require the reservation of a twenty (20) foot easement in line with the road to provide continuation of pedestrian traffic or utilities to the next road. The Planning Board may also require the reservation of a fifty (50) foot easement in line with the road to provide continuation of the road where future development is possible.

10. The following road design and construction standards shall apply according to road classification:

#### **Van Buren Road Design and Construction Standards**

	Collector	Residential Local	Private
a. Minimum width of ROW	50'	50'	50'
b. Minimum paved width	24'	20'	18'
c. Minimum shoulder width (each side)	4'	4'	3'
d. Curbing (if required)	vertical	vertical	none
e. Curb reveal	7"	7"	-
f. Minimum roadway grade	0.5%	0.5%	0.5%
g. Maximum roadway grade	6.0%	8.0%	8.0%
h. Maximum shoulder grade	-	5.0%	-



i. Drainage ditch angle ratio: (maximum)			
Shoulder to ditch bottom	3:1	3:1	3:1
Ditch bottom to row	2:1	2:1	2:1
j. Minimum distance ditch bottom to subbase bottom	12"		
k. Maximum grade intersections	3%	within 75 feet of the intersection	
l. Minimum angle intersection (degrees)	90	75	75
m. Minimum center line radii on curves	280'	280'	175'
n. Minimum tangent length between reverse curves	200'	100'	100'
o. Minimum sidewalk; walk	5'	5'	-
Bituminous surface	2"	2"	2"
Crushed base course	2"	2"	2"
Gravel subbase course	12"	12"	12"
Portland cement concrete			
Reinforced with 6" square #10-wire mesh	4"	4"	4"
Sand base if cement used	6"	6"	6"
p. Minimum road base: (after compaction)			
Aggregate subbase (max. size stone 4")	24"	24"	24"
Crushed aggregate base (max. size stone 2")	6"	6"	6"
q. Hot bituminous pavement:			
Surface course	1.00"	0.75"	0.75"
Base course	1.75"	1.75"	1.75"
r. Minimum road crown	0.25":1'	0.25":1'	0.50":1'
s. Property line radii (intersections)	10'	10'	10'
t. Curb radii intersections	30'	20'	-
u. Minimum distance between intersections:			
Same side	400'	300'	300'
Opposite sides	250'	200'	200'

### C. Road Construction Standards

- During construction, the development shall be maintained and left each day in a safe and sanitary manner. The roads shall be regularly sprayed to control dust from construction activity. Following road construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire road right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.
- Curbs shall be installed within all developments at the discretion of the Planning Board. Granite curbing shall be installed on a thoroughly compacted gravel base of six (6) inches minimum thickness. Bituminous curbing shall be installed on the base course of the pavement. The specified traveled way width above shall be measured between the curbs.
- Grades of all roads shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards.
- Cross (four-cornered "+") road intersections shall be avoided insofar as possible or at other important traffic intersections. A minimum distance of 125' feet shall be maintained between centerlines of minor roads and 200' feet between collector roads or a collector and minor road.
- The minimum thickness of material shall meet the specifications in the table below, after compaction.

Road Materials	Collector	Residential	Private
Aggregate Sub-base course (max. sized stone 4")			
Without base gravel	24"	24"	24"
With base gravel	20"	18"	18"
Crushed Aggregate Base Course (max. sized stone 2")	6"	6"	6"
Hot Bituminous Pavement			

Total Thickness	3.00"	3.00"	N/A
Surface Course	1.25"	1.25"	N/A
Base Course	1.75"	1.75"	N/A
Surface Gravel	N/A	N/A	3"

6. Construction Preparation

- Before any clearing has started on the right-of-way, the center line and side lines of the new road shall be staked or flagged at fifty (50) foot intervals.
- Before grading is started, the entire area within the right-of-way necessary for traveled way, shoulders, sidewalks, drainage ways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders, and tree stumps shall be removed from the cleared area.
- All organic materials or other deleterious material shall be removed to a depth of two (2) feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two (2) feet below the subgrade of the roadway. On *soils* which have been identified as not suitable for roadways, either the subsoil shall be removed from the road site to a depth of two (2) feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below, or a MDOT approved stabilization geotextile may be used.
- Except in a ledge cut, side slopes shall be no steeper than a slope of three (3) feet horizontal to one foot vertical, and shall be graded, loamed, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan. Where a cut results in exposed ledge a side slope no steeper than four (4) feet vertical to one foot horizontal is permitted.
- All underground utilities shall be installed prior to paving to avoid cuts in the pavement.

7. Bases and Pavement

a. Bases/Subbase.

- The aggregate subbase course shall be sand or gravel of hard durable particles free from vegetative matter, lumps, or balls of clay and other deleterious substances. The gradation of the part that passes a two (2) inch square mesh sieve shall meet the following grading requirements:

**Percentage by Weight Passing**

Sieve Designation	Square Mesh Sieves
¼ inch	25-70%
No. 40	0-30%
No. 200	0-7%

Aggregate for the subbase shall contain no particles of rock exceeding four (4) inches in any dimension.

- If the aggregate subbase course is found to be not fine-gradeable because of larger stones, then a minimum crushed aggregate base course of a six (6) inches (max. sized stone 2") shall be placed on top of the subbase course. The aggregate base course shall be screened or crushed gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a two (2) inch square mesh sieve shall meet the following grading requirements:

**Percentage by Weight Passing**

Sieve Designation	Square Mesh Sieves
½ inch	45-70%
¼ inch	30-55%
No. 40	0-20%

No. 200	0-5%
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Aggregate for the base shall contain no particles of rock exceeding two (2) inches in any dimension.

b. Pavement Joints.

Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.

c. Pavements.

1. Minimum standards for the base layer of pavement shall be the MDOT specifications for plant mix grade B with an aggregate size no more than 1 inch maximum and a liquid asphalt content between 4.8 percent and 6.0 percent by weight depending on aggregate characteristics. The pavement may be placed between April 15 and November 15, provided the air temperature in the shade at the paving location is 35°F or higher and the surface to paved is not frozen or unreasonably wet.
2. Minimum standards for the surface layer of pavement shall be the MDOT specifications for plant mix grade C or D with an aggregate size no more than 3/4 inch maximum and a liquid asphalt content between 5.8 percent and 7.0 percent by weight depending on aggregate characteristics. The pavement may be placed between April 15 and October 15, provided the air temperature in the shade at the paving location is 50°F or higher.

d. Surface Gravel.

Private rights-of-ways need not be paved and may have a gravel surface. Surface gravel shall be placed on top of the aggregate subbase, shall have no stones larger than two (2) inches in size, and meet the following gradation:

**Percentage by Weight Passing**

Sieve Designation	Square Mesh Sieves
2 inch	95-100%
½ inch	30-65%
No. 200	7-12%

8. Guard Rails.

When and where required by either the Planning Board, guard rails should be designed and constructed in accordance within Section 606-Guard Rails of the Maine Department of Transportation's, "Standard Specifications, Highways and Bridges", latest edition.

**Section 8-Automobile Graveyards, Automobile Recycling, and Junkyards**

The following standards are applicable to all automobile graveyards, automobile recycling, and junkyards within the Town.

1. **General**

- A. This section shall be administered by the Planning Board and enforced by the CEO. No automobile graveyard, automobile recycling businesses, or junkyard permit shall be issued unless the provisions of this Ordinance are complied with. The Planning Board may attach reasonable conditions to any permit issued to insure compliance with the performance standards and requirements of this Section.

- B. Permits shall be renewed annually and expire on December 31st of each year. Permits for an automobile recycling business are renewable annually, provided that the permit holder furnishes a sworn statement, annually, at renewal that the facility complies with the standards of operation applicable at the time of issuance of the permit.
- C. A person operating a business that involves the recycling of vehicles may operate under a permit for an automobile graveyard or a permit for an automobile recycling business.
- D. Once the site design is approved the design does not have to be resubmitted unless there are to be changes to the site. The Town shall annually cause to be inspected the site to ensure that the provisions of this Section and state law are complied with.
- E. An annual fee established by the Town shall be submitted with the permit application, plus the cost of posting and publishing the notice of the required Public Hearing.
- F. The Town may require that an escrow account of \$500 be established by the applicant in the name of the "Town of Van Buren" for the purposes of obtaining independent verification of application data, if necessary. If the balance in the account shall be drawn down by 75 percent, the Town shall notify the applicant and require that the account balance be reestablished by the applicant to the escrow account's indicated amount. The Town shall continue to notify the applicant and require additional payments into the account, as necessary. Any balance remaining in the account after final determination has been made, shall be returned to the applicant.
- G. Upon receipt of a final application, the Planning Board shall hold a Public Hearing in accordance with Title 30-A, MRSA, Section 3754. The Town shall hold a Public Hearing before granting a permit to establish, operate, or maintain an automobile graveyard, automobile recycling business, or junkyard. The Town shall post a notice of such hearing, at least seven (7) and not more than fourteen (14) days before the hearing, in at least two (2) public places in Town and publish a notice in one newspaper in general circulation in Town. The Town shall cause written notice of the application to be made to the Maine Department of Transportation by mailing a copy of the application at least seven (7) days and no more than fourteen (14) days before the hearing.

## 2. **Applicability**

This Section shall apply to the Districts where automobile graveyards, automobile recycling, and junkyards are a permitted use. Automobile graveyards, automobile recycling, and junkyards are prohibited in the remaining Districts.

## 3. **Requirements for New Automobile Graveyards, Automobile Recycling Businesses, and Junkyards**

- A. No person may establish, operate, or maintain an automobile graveyard, automobile recycling businesses, or junkyard without first obtaining a permit from the Town. At the time of filing an application for a permit under this Section, the applicant shall present either a permit from the Maine Department of Environmental Protection (DEP) or a letter from the DEP stating that a permit is not required.
- B. Any application for an automobile graveyard, automobile recycling businesses, or junkyard permit shall contain the following information:
  - 1. The applicant shall submit a site design drawn to a scale not to exceed 1"= 100', on which is shown:
    - a. The name and address of the property owner;
    - b. The boundary lines of the property;
    - c. The exact location of any existing and proposed automobile graveyard, automobile recycling operations, and/or junkyard and their distances to nearby roads and property lines;
    - d. The soils of the site and a description of those soils as reflected from a high intensity soils survey;
    - e. The location of on-site septic system(s) and public and private drinking water wells within 200 feet of the site;
    - f. Topographic contours at intervals of 10';

- g. The location of any sand and gravel aquifer or aquifer recharge area within 300 feet of the site, as mapped by the Maine Geological Survey, or a licensed geologist;
  - h. The location of any residences, schools, churches, cemeteries, public parks, beaches, and playgrounds within 500 feet of the site;
  - i. The location of any waterbodies or inland wetlands areas on the property and/or within 200 feet of the site;
  - j. The boundaries of any 100-year floodplain; and
  - k. The location of all roads within 1000' of the site.
- 2. The names and addresses of all abutting or impacted property owners, as determined by the Planning Board
  - 3. The name(s) and address(es) of the person(s) entity(ies) who will operate the site.
  - 4. The height and material used in any existing and proposed screening.
  - 5. A plan for: containment of fluids and gases, containment and disposal of batteries, and storage or disposal of tires.
  - 6. The location within the site where vehicles are/will be drained, dismantled, or stored.

#### **4. Performance Standards for all Automobile Graveyards, Automobile Recycling Operations, and Junkyards**

The following performance standards shall be required of all automobile graveyards, automobile recycling operations, and junkyards. For purposes of violation and enforcement, each of the following are conditions of a permit:

- A. No permit shall be granted for an automobile graveyard, automobile recycling operation, or junkyard within 1000 feet of the right-of-way of any highway incorporated into the Interstate and Primary Systems or within 600 feet of the right-of-way of any other public way, except for:
  - 1. Those automobile graveyards, automobile recycling operations, or junkyards that are kept entirely screened to ordinary view from the public way at all times by natural objects, plantings, or fences;
    - a. Screening required by this subsection must be well constructed and properly maintained at a minimum height of six (6) feet. A plan for visual screening shall be submitted to the Planning Board for approval in conjunction with the application for a permit. The screen must comply with the rules adopted by the Department of Transportation and the permit shall specify that compliance with these rules is required; and
  - 2. Those automobile graveyards, automobile recycling operations, or junkyards located within areas that have been zoned for industrial use and located more than 600 feet, but less than 1000 feet, from the right-of-way of any highway right-of-way incorporated into the Interstate and Primary Systems.
- B. No permit shall be granted for an automobile graveyard, automobile recycling operation, or junkyard with dismantling or storage within 200 feet of any waterbody or inland wetland.
- C. No permit shall be granted for an automobile graveyard, automobile recycling operation, or junkyard with dismantling or storage within 200 feet of a sand and gravel aquifer or aquifer recharge area as mapped by the Maine Geological Survey or by a licensed geologist.
- D. No permit shall be granted for an automobile graveyard, automobile recycling operation, or junkyard with dismantling or storage within 500 feet of any residences, except for the resident-owner's own home on the lot, school, church, cemetery, public playground, public bathing beach, or public park.
- E. No permit shall be granted for an automobile graveyard, automobile recycling operation, or junkyard with dismantling or storage within 100 feet of any well that serves as a public or private water supply, except for the resident-owner's own home on the lot. This subsection does not apply to wells installed after the effective date of this subsection if the automobile graveyard, automobile recycling operation, or junkyard has already received a permit under this Section.
- F. No vehicles or junk shall be dismantled or stored within the 100-year floodplain.

- G. There will be no disposal or release to the environment of any solid, special, or hazardous wastes.
- H. There will be no open burning of any substances or materials.
- I. No vehicle or junk shall be located within 100 feet from any property line, unless the operator has notarized written permission from the abutting property owners(s), and in no case shall the distance to the property line be reduced less than 50 feet.
- J. To reduce noise, all dismantling, crushing, and other activities shall be done between 7 AM and 5 PM, Monday through Friday. Such activities shall not be conducted on Saturday or Sunday.
- K. All federal and state hazardous waste laws and regulations shall be complied with.
- L. Any automobile graveyard, automobile recycling operation, or junkyard in existence on the effective date of this Section, may remain in operation on the current parcel of land, providing it meets all applicable requirements.
- M. Any automobile graveyard, automobile recycling operation, or junkyard shall not expand unless all applicable requirements are met.
- N. The automobile graveyard, automobile recycling operation, or junkyard will have and maintain safe and efficient access to and from the site for vehicles and emergency response equipment.
- O. No permit may be granted for any automobile graveyard, automobile recycling operation, or junkyard established after October 3, 1973, and located within 100 feet of any highway.
- P. Upon receiving a motor vehicle, the battery shall be removed, and the engine lubricant, transmission fluid, brake fluid, and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to applicable federal and state laws, rules, and regulations regarding disposal of waste oil and hazardous materials. No discharge of any fluids from any motor vehicle or junk shall be permitted into or onto the ground.
- Q. In all instances the burden of proof shall be upon the applicant for the permit.
- R. The Town may apply more stringent restrictions, limitations, and conditions in considering whether to grant or deny any permit application.

## **5. Relationship to Permit**

A person who recycles automobiles, but does not qualify for, or loses, an automobile recycling operation permit, may apply for an automobile graveyard permit.

## **6. Enforcement and Violations**

- A. The State Police, as well as, the Code Enforcement Officer for the Town shall enforce this Section.
- B. Whoever violates this Section or the rules of the Maine Department of Transportation shall be penalized in accordance with Title 30-A, MRSA, Section 4452. Each day that the violation continues constitutes a separate offense.
- C. Violation of any condition, restriction, or limitation inserted in a permit by the Town is cause for revocation or suspension of the permit. No permit can be revoked or suspended without a hearing and notice to the owner or operator of the automobile graveyard, automobile recycling operation, or junkyard. Notice of the hearing must be sent to the owner or operator by registered mail at least seven (7) but not less than fourteen (14) days before the hearing. The notice shall state the date, time, and location of the hearing and contain a statement describing the alleged violation of any conditions, restrictions, or limitations inserted in the permit.

## **Section 9 Mineral Exploration and Extraction**

The following standards are applicable to all mineral exploration and extraction activity within the Town.

### **1. Mineral Exploration**

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the CEO shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled, or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.

### **2. Mineral Extraction**

- A. Any extraction operation that requires a permit from the Maine Department of Environmental Protection (MDEP) under the Site Location of Development Act shall obtain written approval from the MDEP and the Planning Board.
- B. Any mineral extraction activity of less than five (5) acres and/or any mineral extraction activity which will remove more than 1000 cubic yards of product within 12 successive months shall require a permit from the Planning Board.

### **3. Submission Requirements.**

The following submission requirements shall apply to any mineral extraction activity of less than five (5) acres and/or any mineral extraction activity which will remove more than 1000 cubic yards of product within 12 successive months.

- A. Existing and proposed limits of the excavation clearly delineated.
- B. Location, function, and ground areas of all structures, facilities, parking lots, and roads.
- C. Entrance and exit locations.
- D. Gates or other means of access control.
- E. Pre- and post-development topography shall use an interval of two (2) foot contours for pits of less than five (5) acres.
- F. Location of topsoil stockpile area(s).
- G. Areas where natural vegetation will be left and where plantings will be made to screen the extraction operation from view.
- H. Slopes and vegetation for protecting adjacent structures.
- I. Location of any test pits or borings and observation wells documenting the seasonal high water table.
- J. Proposed disposal method of stumps, grubblings, and other debris.
- K. Plan(s) and schedule for reclamation. A reclamation plan shall be filed with and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of subsection 5, Reclamation, below.
- L. For pits of five (5) acres or more, at least one cross section along the axis of the pit and another cross section at a right angle to it. The cross section diagrams should show the existing grade, the proposed final grade including the maximum depth of elevation, depth to the ground water, and the stratigraphy of the surficial deposits at the site.
- M. Location of any significant wildlife habitats as designated by the Maine Department of Inland Fisheries and Wildlife and areas listed under the Maine Department of Economic and Community Development's, Natural Areas Program.

### **4. Review Criteria and Standards**

- A. The area of a working pit shall not exceed four (4) acres
- B. Existing vegetation within a buffer strip shall not be removed. If vegetation within the buffer strip has

been removed or disturbed by activities related to the operation of the extraction operation, that vegetation must be reestablished as soon as practicable. A buffer strip of not less than seventy-five (75) feet shall be maintained between the location of any extraction of materials and all property lines.

- C. A 300 foot separation shall be maintained between any area to store petroleum products and any private drinking water wells.
- D. A 200 foot separation shall be maintained between any excavation and any private drinking water supply in existence prior to that excavation.
- E. A 1000 foot separation shall be maintained between any excavation and any public drinking water supply.
- F. Petroleum products shall not be stored in the pit.
- G. There shall be no storage or dumping on the pit of any substances or materials that could produce harmful leachate.
- H. No oiling of access and haul roads is permitted.
- I. Excavation shall not occur within five (5) feet of the seasonally high water table.
- J. Excavation activities shall not occur below road level within 25 feet of a road right-of-way and shall maintain a 2.5 percent slope away from the right-of-way, except that excavation activities may occur below road level within 25 feet of a private road right-of-way with the written permission of the owner.
- K. No part of any extraction operation, including drainage and run-off control features, shall be permitted within one hundred (100) feet of the normal high water line of a Great Pond, and within seventy-five (75) feet of the normal high water line of any other waterbody, tributary stream, or the upland edge of a wetland.
- L. Erosion and sedimentation control for access roads shall be conducted according to best management practices adopted by the SCS.
- M. There may not be more than two (2) acres of stockpiles within the working pit at any time.
- N. Noise levels shall not exceed applicable noise limits as adopted by the MDEP.
- O. The hours of operation at the site shall conform to the time between sunrise and sunset at Van Buren, ME.
- P. In keeping with the purposes of this Ordinance, the Planning Board may impose other conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

## 5. Reclamation

Within twelve (12) months of the completion of extraction operations, or the expiration of a CEO permit, or which operations shall be deemed complete when less than one thousand (1000) cubic yards of materials are removed in any consecutive twelve (12) month period, the site shall be reclaimed in accordance with a plan approved by the CEO. The affected land must be restored to a condition that is similar to or compatible with the conditions that existed before excavation. Such plan shall include:

- A. A vegetative cover by seeding shall be established within one year of the completion of excavation. Vegetative cover shall be declared acceptable after one year if: (1) the planting of trees and shrubs results in a permanent stand or stand capable of regeneration and succession, sufficient to ensure a 75 percent survival rate; and (2) the planting of all materials results in permanent 90 percent ground coverage.
- B. All structures and facilities shall be removed and, once no longer in productive use, all access roads, haul roads, and other support roads shall be reclaimed.
- C. The final graded slope shall be two to one (2.5:1) slope or flatter.
- D. Reclamation of the pit shall not be made with any substance or material that could either have a harmful leachate or create an impermeable base.
- E. All affected lands shall be reclaimed within one (1) year.



## **Section 10 – Mobile Homes and Mobile Home Parks**

### **1. General Requirements**

- A. All mobile home units to be relocated to within the Town from outside of the Town and any mobile home unit from within the Town to be relocated to another lot within the Town shall be placed on a permanent foundation, have residential siding, and a pitched roof covered with shingles or other materials approved by the CEO. These design requirements shall not be applied to prevent relocation of units within the Town constructed prior to June 15, 1976 that were legally sited in the Town.
- B. It shall be unlawful to locate any mobile home for any residential purpose anywhere in the Town, except in an authorized mobile home park, unless a mobile home permit has been issued in conformity with this Ordinance. Any application for a mobile home permit shall be in writing and in duplicate, signed by the applicant. Such applications shall include such information as lawfully may be required by the CEO and shall include a site plan of suitable scale showing:
  - 1. The shape, size, and location of the lot on which the mobile home is to be placed.
  - 2. The make, model, year, serial number, length and width, number of bedrooms, location of kitchen and cost of mobile home.
  - 3. Any building already on the lot
  - 4. Set back lines of buildings on adjoining lots; and
  - 5. Any other information needed by the Building Inspector, Planning Board or the Board of Appeals to determine whether the provisions of this Section are being observed.
- C. A mobile home may be permitted on the site of a construction project for not more than two consecutive six-months periods provided that a special permit is issued by the Board of Appeals for each six month period. Such permit may only be issued if the Board is satisfied that:
  - 1. The mobile home is a necessary convenience for the construction project and is clearly subordinate to such
  - 2. No health hazards or problems of sanitation will be caused by improper disposal of sewage from the mobile home.
- D. The CEO may issue a special permit for use of a mobile home for a temporary office for up to three (3) months in Districts where offices are permitted or on construction sites anywhere in Van Buren.
- E. A recreational vehicle or camper shall in no case be used as a mobile home and any recreational vehicle in use as a temporary dwelling shall be stationed only in an area where permitted. An RV or travel trailer where not in use may be stored on the premises of the owner.

### **2. Mobile Homes.**

The following standards shall apply to all mobile homes built before June 15, 1976, or not built according to the National Manufactured Housing Construction and Safety Standards Act of 1974, US Code, Title 42, Chapter 70, to be located on an individual lot or in a mobile home park in the Town.

#### **A. Exit Facilities- Exterior Door.**

- 1. Required egress doors shall not be located where a lockable interior door must be used in order to exit.
- 2. Homes shall have a minimum of two (2) exterior doors not less than 12' from each other as measured in any straight line direction regardless of the length of the travel between doors. One of the required doors must be accessible from the doorway of each bedroom without traveling more than 35'.
- 3. All exterior swinging doors shall provide a minimum of 32" wide by 74" high clear opening. All exterior sliding glass doors shall provide a minimum of 32" wide by 72" high clear opening. Locks shall not require the use of a key from the inside.

B. Exit Facilities - Egress Windows and Devices,

Homes shall have the following emergency egress facilities:

1. Every room designed expressly for sleeping purposes, unless it has an exit door, shall have at least one outside window or approved exit device. If an exit window or device is installed, it shall be listed in accordance with procedures and requirements of NFPA Life Safety Code 101, fourth edition.
2. The bottom of the window opening shall not be more than 44" above the floor.
3. Locks, latches, operating handles, tabs, and any other window, screen or storm window devices, which need to be operated in order to permit exiting, shall not be located in excess of 54" from the finished floor.

C. Interior Doors

Each interior door, when provided with a privacy lock, shall have a privacy lock that has an emergency release on the outside to permit entry when the lock has been locked by a locking knob, lever, button or other locking devices on the inside.

D. Fire Detection Equipment

1. At least one operating smoke detector shall be installed in the home in the following locations:
  - a. A smoke detector shall be installed on any wall in the hallway or space communicating with each bedroom area between the living area and the first bedroom door, unless a door separates the living area from that bedroom area, in which case the detector shall be installed on the living area side and bedroom side. Homes having bedroom areas separated by any one or combination of communication areas such as kitchen, dining room, living room, or family room (but not a bathroom or utility room) shall have at least one detector protecting each bedroom area.
  - b. When located in hallways, the detector shall be between the return air intake and the living area.
  - c. The smoke detector shall not be placed in a location which impairs its effectiveness.
  - d. Smoke detectors shall be labeled as conforming with the requirements of Underwriters Laboratory Standards No. 217, Third Edition, 1985.
  - e. Each smoke detector shall be installed in accordance with its listing. The top of the detector shall be located on a wall 6" to 12" below the ceiling. However, when a detector is mounted on an interior wall below a sloping ceiling, it shall be located 6" to 12" below the intersection on the connecting exterior wall and the sloping ceiling (cathedral ceilings).

E. Flame Spread (from the NFPA Life Safety Code 101, fourth edition)

1. Ceiling interior finish shall not have a flame spread rating exceeding 75.
2. Walls or ceilings adjacent to or enclosing a furnace or water heater shall have an interior finish with a flame spread rating not to exceed 25. Sealants and other trim material 2" or less in width used to finish adjacent surfaces within this space are exempt if supported by framing members or by materials having a flame spread rating not exceeding 25.
3. Exposed interior finishes adjacent to the cooking range shall have a flame spread rating not exceeding 50.
4. Kitchen cabinet doors, countertops, back splashes, exposed bottoms, and end panels shall have a flame spread rating not exceeding 200.
5. Finish surfaces of plastic bathtubs, shower units, and tub or shower doors shall not exceed a flame spread rating of 200.
6. No burner of a surface cooking unit shall be closer than 12" horizontal to a window or an exterior door.

F. Kitchen Cabinet Protectors

1. The bottom and sides of combustible kitchen cabinets over cooking ranges, to a horizontal distance of 6" from the outside edge of the cooking range, shall be protected with at least 5/16th" thick gypsum board or

equivalent limited combustible material. One-inch nominal framing members and trim are exempted from this requirement. The cabinet area over the cooking range or cook tops shall be protected by a metal hood with not less than a 3" eyebrow projecting horizontally from the cabinet face. The 5/16th" thick gypsum board or equivalent material which is above the top of the hood may be supported by the hood. A 3/8th" enclosed air space shall be provided between the bottom surface of the cabinet and the gypsum board or equivalent material. The hood shall be at least as wide as the cooking range.

2. The metal hood shall not be required if there is an oven installed between the cabinet and the range.
3. Ranges shall have a vertical clearance above the cooking top of not less than 24" to the bottom of combustible cabinets.

#### G. Carpeting

Carpeting shall not be used in a space or compartment designed to contain only a furnace and/or water heater. Carpeting may be installed in other areas where a furnace or water heater is installed, provided that it is not located under the furnace or water heater.

#### H. Roof Loads

All homes with roofs added after construction shall require a Maine Registered Professional Engineer to inspect the roof to determine that the roof can withhold seventy (70) pounds per square foot.

#### I. Heating and Fuel Burning System

A person holding a master license issued by the State of Maine Oil and Solid Fuel Examining Board shall inspect and certify that the heating and fuel system meets the requirements of NFPA-31 Installation of Oil Burning Equipment as adopted by the Board, or other applicable standards.

#### J. Electrical System

A person holding a master license issued by the State of Maine Electricians Examining Board shall inspect and certify that the electrical system is safe and meets the requirements of the National Electrical Code in effect at the time the home was constructed.

### 3. **Mobile Home Parks**

Mobile home parks must comply with the standards of the Maine Manufactured Housing Board and the Van Buren Subdivision Ordinance, unless otherwise provided in this Section, and shall conform to all applicable federal, state, and local laws and regulations.

- A. It shall be unlawful for any person to construct, maintain, or operate within the limits of the Town of Van Buren any mobile home park unless such person shall first obtain a license thereof. Such license shall be issued by the CEO and shall expire on the 30th day of April following the issuance thereof. An application for a mobile home park license shall be filed with the CEO. Such application shall be in writing and signed by the applicant and shall contain the following information:
  1. Name and address of applicant.
  2. The location of the mobile home park with a clear legal description of its bounds.
  3. A plan drawn to scale of the mobile home park showing in detail, roadways, driveways, trailer sites, service buildings, and playground areas.
  4. A listing of utilities and sanitation facilities.
- B. The CEO shall refer the application to the Planning Board for its consideration and action. Before the Board renders a favorable decision upon the application, there shall be a favorable recommendation in writing from the CEO, Highway Foreman, Police Chief, and Fire Chief, addressing any problems within their respective areas of expertise. Upon receiving the application for license from the Planning Board with its action

endorsed thereon, if such endorsement be favorable, the CEO shall issue the license. The licensing year will be from the 1st of May to the 30th of April at midnight of each year. Licenses shall be transferable on application to the CEO upon full compliance with the terms of this Ordinance.

- C. A mobile home park shall be so located as to be free from hazards or environmental factors which could be injurious to the health, welfare, or safety of occupants such as objectionable smoke, odors, noise, dust, or possibility of flood, erosion, excessive dampness, or infestation by rodents or insects.
- D. The Town shall require each lot in a mobile home park be provided with the following minimal dimension requirements:
  - 1. A mobile home park shall contain a minimum of 10 acres and shall have a minimum frontage on a public road of 50 feet and that portion of the park which contains mobile home park lots shall have a minimum width of 200 feet. There shall be at least five (5) mobile homes park lots available at first occupancy. No less than 10% of the gross area of the mobile home park shall be devoted to recreational facilities which may include usable open space, ornamental space, active recreation, and sports grounds and community buildings.
  - 2. Lots served by a public wastewater disposal system.
    - a. Minimum lot area: 7500SF
    - b. Minimum lot width: 75 feet
  - 3. Lots served by individual subsurface wastewater disposal systems.
    - a. Minimum lot area: 20,000SF
    - b. Minimum lot width: 100 feet
  - 4. Lots served by a central subsurface wastewater disposal system approved by the Maine Department of Human Services.
    - a. Minimum lot area: 12,000 SF
    - b. Minimum lot width: 75 feet
    - c. The overall density of the mobile home park served by a central system shall not exceed one dwelling unit per 20,000 SF of total park area.
  - 5. Minimum Setbacks
    - a. Structures shall not be located less than ten (10') feet from any mobile home park individual lot line.
    - b. Mobile homes in a mobile home park adjacent to a public road shall be set back from the road a distance equal to the setback requirements for other residential development in that District.
    - c. No mobile home park lot may have direct vehicular access onto a state or locally-maintained road.
  - 6. A 50 foot wide buffer strip shall be provided along all property lines that abut residential land. In addition, no structures, roads, or utilities may be placed in the buffer strip except that they may cross a buffer strip to provide services to the mobile home park.
  - 7. No mobile home park lot may be sold or conveyed unless such lot sold meets the lot size and dimensional requirements of the District in which it is located.
- E. Road Design, Circulation, and Traffic Impacts
  - 1. Roads within a park shall be designed by a Maine Registered Professional Engineer.
  - 2. The layout and general development plan for roads and driveways within the park, together with the location and dimensions of access junctions with existing public roads and rights-of-way shall be approved by the Planning Board.
  - 3. Roads which the applicant proposes to be dedicated as public rights-of-way, shall be designed and constructed in accordance with the road design and construction of the Town.
  - 4. Roads which the applicant proposes to remain private rights-of-way shall meet the following minimum geometric design standards.

- a. Minimum right-of-way width: 23'
  - b. Minimum width of traveled way: 20'
5. One-way roads shall have a minimum right-of-way of 18' and a minimum paved surface of 14'. On-street parking shall be prohibited.
  6. No individual lot within a park shall have direct vehicle access onto an existing public road.
  7. On-street parking shall be prohibited unless an 8' parking lane is provided, in which case on-street parking may be permitted only on the side of the road where the parking lane is located.
  8. Curvilinear roads shall be utilized wherever possible. No road within the park shall be more than 200' without a curve or a bend.
  9. Cul-de-sac turnarounds shall have a minimum radii of 50' at the outer edge of the pavement, exclusive of any parking areas.
  10. The intersection of any road within a park and an existing public road shall meet the following standards.
    - a. The angle of intersection shall be ninety (90) degrees. The minimum angle of intersection shall be seventy-five (75) degrees.
    - b. The maximum permissible grade within seventy-five (75') feet of an intersection shall be two (2) percent.
    - c. A minimum sight distance of ten (10') feet for every mile per hour of posted speed limit on the existing road shall be provided. Sight distances shall be measured from the driver's seat of a vehicle that is ten (10') feet behind the curb or edge of shoulder line, with the height of the eye 3 1/2' above the pavement and the height of the object 4 1/4'.
    - d. The centerline of any road within a park intersecting an existing public road shall be no less than 125' from the centerline of any other road intersecting that public road.
  11. The application shall contain an estimate of the average daily traffic (ADT) projected to be generated by the park. Estimates of traffic generation shall be based on the Trip Generation Manual, latest edition, published by the Institute of Traffic Engineers. If the park is projected to generate more than 500 vehicle trips per day, the application shall also include a traffic impact analysis, by a Maine Registered Professional Engineer with experience in transportation engineering.
  12. Any park expected to generate average daily traffic (ADT) of 200 trips or more shall have at least two (2) road connections with existing public roads. Any road within a park with an ADT of 200 trips or more per day, shall have at least two (2) road connections leading to existing public roads, other roads within the park, or other roads shown on an approved subdivision plan.
- F. Utility Requirements. All parks shall provide permanent electrical, water, and sewage disposal connections to each mobile home park lot in accordance with applicable federal, state, and local rules, laws, ordinances, and regulations. No public utility, water, sanitary sewer, grading or construction of roads, grading of lands or lots, construction of buildings, or any utility company of any kind may install services to any development, until a Final Plan of such development shall be duly prepared, submitted, reviewed, approved, and endorsed and unless written authorization attesting to the validity and currency of all local permits required under this Ordinance has been issued. Following installation of service, the installer shall forward the written authorization to the CEO indicating that installation has been completed to the development.
- G. Lighting. Outdoor lighting should be provided to adequately illuminate internal roads and pedestrian walkways. Lights shall be sized and directed to avoid adverse impact on adjacent properties.
- H. Solid Waste Removal. Refuse cans shall be provided which have tight fitting covers and provision shall be made for the regular removal of refuse from the park and any condition which may provide harborage for rodents shall be prevented.
- I. Park Administration
1. The owner or operator of a park shall be responsible for ensuring the maintenance of all park-owned

structures and their sites. Park management shall conform to state laws. Compliance with this Ordinance shall not exempt the park owner, developer, or manager from complying with other applicable federal, state, and local rules, laws, codes, ordinances, and regulations.

2. No development or subdivision which is approved under this Section as a park may be converted to another use without the approval of the Planning Board, and meeting the appropriate lot size, lot width, setback, and other applicable federal, state, and local rules, laws, codes, ordinances, and regulations. The plan to be recorded at the appropriate Aroostook County Registry of Deeds and filed with the Town shall include the following restrictions as well as any other notes or conditions of approval.
  - a. The land within the park shall remain in unified ownership and the fee to lots or portions of the lots shall not be transferred.
  - b. No dwelling unit other than a mobile home shall be located within the park.
3. All mobile home park operators shall be required, as a licensing condition, to have available for inspection by any authorized local and state officials at all times, an accurate register containing the following information:
  - a. Name of each mobile home owner.
  - b. Location within the park- lot number.
  - c. Date of entry and/or departure.
  - d. Make, model, year, serial number, dimension of trailer, number of bedrooms, location of kitchen and cost of the mobile home.

## **Section 11 – Signs**

### **1. Introduction**

It is the intent of this Section to establish standards for signs within the Town. It is further intended that signs shall not detract from the visual environment of a property; that they maintain and enhance the aesthetic environment; they create and maintain an attractive business climate; minimize the possible adverse effect of signs on nearby public and private property; encourage the effective use of signs as a means of communication; and improve and maintain pedestrian and traffic safety. A sign may be erected, placed, established, created, or maintained in the Town only in conformance with this Section. Signs shall relate to the building on which they are located and shall only identify the occupants of the building or advertise the nature of the products and services available within the building. Creativity in sign design is encouraged to allow a variety of signs, subject to the standards and permit requirements of this Section.

### **2. General Requirements**

- A. All permanent on-premise signs erected prior to the effective date of this Ordinance are allowed to be maintained.
- B. Signs shall be placed on the same lot as the use or the activity they are advertising, shall relate to the premises on which they are located, and shall only identify the occupant of such premises and the service available within said premises. There shall be no temporary promotion signs, banners, streamers, or placards erected, suspended, posted, or affixed in any manner outdoors or on the exterior of the premises except as provided in this Section. Product advertising is prohibited except where the product is generic to the business.
- C. Signs must be kept clean, legible, and free from all hazards such as, but not limited to, faulty wiring, loose fastenings, or deterioration, and must be maintained at all times in such condition so as not to be detrimental to the public health or safety, detract from the physical appearance and the natural beauty of the Town, or constitute a distraction or obstruction that may impair traffic safety.
- D. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this Section, all signs shall be constructed of permanent materials, and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
- E. If a building fronts upon more than one (1) road, one additional sign, either wall or free standing, shall be permitted facing the other road in conformance with this Section. Signage cannot be accumulated and used on a single road.
- F. No sign shall be illuminated with flashing, moving, or animated-type lights. Illuminated signs shall be illuminated only with steady white light shielded and directed solely at the sign, concealed from direct view, and constructed in such a manner as to deflect light away from adjacent properties and roads.

### **3. Setbacks**

No sign shall be erected adjacent to any road in such a manner as to obstruct clear and free vision, or where, by reason of its position, shape, color, or wording the sign may interfere with or obstruct the view of, or be confused with any authorized traffic sign, signal, or device or otherwise constitute a hazard to pedestrian or vehicular traffic.

All signs, except for temporary signs, shall meet the following setbacks.

- A. A minimum of twenty (20) feet from the outside edge of the paved portion of any road.
- B. All signs shall be setback a minimum of fifteen (15) feet from side and rear lot lines.

### **4. Sign Dimensions**

Except for temporary signs, the area and height of signs shall be computed as follows:

- A. Computation of Area of Individual Signs

The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

**B. Computation of Area of Multi-Faced Signs**

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both are part of the same sign structure, the sign area shall be computed by the measurement of one of the faces.

**C. Computation of Height**

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be constructed to be the lower of:

1. The existing grade prior to construction; or
2. The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a road or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

**5. Permitted Signs.**

- A. The following signs are permitted and do not require review by the Planning Board or a permit by the CEO, except where noted.
1. One directory sign of the establishments occupying a building may be affixed to the exterior wall of the building at each entrance to the building. Such directory shall not exceed an area determined on the basis of two (2) square feet for each establishment occupying the building.
  2. One sign not exceeding two (2) square feet used to display the principal structure's road or building number.
  3. One real estate sign not exceeding six (6) square feet relating to the sale, rental, or lease of the premises. Such sign shall be removed within one (1) week after the property transaction.
  4. One sign combined for a building contractor, architect, and engineer. Each sign shall not exceed thirty-two (32) square feet, relating to construction projects. Such sign shall be removed within one (1) week after construction is completed.
  5. Official Business Directional Signs (OBDS).
  6. Outdoor signs not exceeding four (4) square feet per sign identifying restrooms, parking, and similar information.
  7. Memorial signs or tablets, names of buildings, and date of construction, or historic markers when cut into masonry, bronze, or other permanent material affixed to the structure or placed on the property.
  8. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
  9. Signs not exceeding four (4) square feet per sign which identify entrances and exits to parking and service areas.
  10. Four (4) or less flags or insignia per lot. Flags of the United States, Maine, Aroostook County, Canada, or any other flag allowed by the Town Council, provided that such flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than 40 feet in height. These flags



shall be flown in accordance with protocol established by the Congress of the United State for the stars and stripes or the Town Council.

11. Traffic safety signs, directional signs, or emergency warning signs, erected by a government agency, a public utility, or the Town.
12. Legal notices, identification, information, or directional signs erected or required by governmental bodies or the Town.
13. Any sign inside a building, not attached to a window or door that is not legible from a property line of the lot that the premise is located.
14. Works of art that do not include a commercial message.
15. Holiday lights and decorations with no commercial message, only between November 15 and January 15.
16. Informational signs of public utility providers regarding their poles, lines, pipes, or facilities.
17. Signs posted within a window or door shall not cover more than 30% of the window or door area.
18. Signs displayed for less than thirty (30) days to advertise school, non-profit, civic, church, and like events.
19. One sign attached to a bam not exceeding thirty-two (32) square feet identifying the name of the farm.
20. Signs describing farm products for sale on the premise, not to exceed thirty-two (32) square feet in total surface area.

B. The following signs require review by the Planning Board and a penni! to be issued by the CEO.

1. On each principal building there is permitted either one wall sign attached or one free standing sign for each occupant.

a. Wall Sign.

1. If the proposed sign is to be attached to a building without the use of overhanging frames or brackets, the "wall sign" shall not extend or project more than twelve (12) inches from the building surface. Cut out letters should not project more than six (6) inches from the building wall.
2. Wall signs shall be restricted to an area not more than fifteen (15) percent of the wall area including windows and doors of the wall upon which such sign is affixed or attached, or eight (8) square feet, whichever is larger, and such signs shall not protrude above the structural wall of which it is a part. Where such sign consists of individual lettering or symbols attached to the building, wall, or window, the area of the sign shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols.
3. If the proposed sign is to be attached to a building with the use of a frame or bracket to project the sign out and not up, the "projecting wall sign" shall extend no lower than ten (10) feet above ground level, project perpendicular from the wall at an angle of ninety (90) degrees, and have a total surface area (accumulated for both sides) not to exceed thirty-two (32) square feel.

b. Free Standing Sign.

1. Free standing signs may be located within the required front yard, but no nearer than five (5) feet from either side lot line or rear lot line and up to, but not overhanging, the road right-of-way.
2. The free standing sign shall not exceed one-hundred and twenty (120) square feet in total area for single faced signs, or sixty (60) square feet on each side of double-faced signs. For lots with more than 200 feet of contiguous road frontage on a single road, the total sign surface area may be increased by 0.4 square feet for every linear foot of the contiguous frontage in excess of 200 feet.
3. The maximum vertical height of a free standing sign shall be twenty-five (25) feet above average ground level.
4. The maximum horizontal width of a free standing sign shall be eight (8) feet.
5. Multi-tenant or unit commercial development which lacks street frontage and is served by a right-of-way may have one free standing sign not to exceed one-hundred and twenty (120) square feet.
6. Appropriate landscaping should be planted and maintained around the base of the sign.

2. One sign, either wall or free standing, not exceeding thirty-two (32) square feet on the premises of public or semi-public buildings, and charitable or religious institutions. These signs may incorporate a bulletin board.
3. Temporary signs displayed for more than thirty (30), but less than ninety (90) days. (See: "Temporary Signs", herein.)
4. Awning and Canopy signs. Canopies over fuel islands shall only advertise fuel and fuel products.
5. Multi-family development or a subdivision with an identifying name (i.e. "Van Buren Mews"):
  - a. One sign shall be mounted flat on the wall or be free standing for each entrance from a public road.
  - b. Signs shall be illuminated only by a steady stationary light(s) of single color shielded and directed solely at the sign and not casting light off the premises.
  - c. The total sign area shall not exceed sixteen (16) square feet a side, be higher than four (4) feet above average ground grade, and be wider than eight (8) feet in width.
  - d. Appropriate landscaping should be planted and maintained around the base of the sign.
6. Signs displayed to advertise garage sales, yard sales, and the like and auctions (requires only a no fee permit from the CEO).
7. Movable signs, such as but not limited to, inflatable signs, tethered balloons, and pennants requires only a no fee permit from the CEO, and shall not exceed thirty-two (32) square feet of total surface area. They shall be used:
  - a. To call attention to and/or to advertise the name of a new business and the products sold or activities to be carried on in connection with a new business. In such case, no sign shall remain at a premises for more than sixty (60) days in any calendar year.
  - b. To advertise a special sale or sales. In such cases, a sign shall be allowed for a period not to exceed sixty (60) days in any calendar year.
  - c. To advertise a special event. In such cases, a sign shall be allowed for a period not to exceed seven (7) days in any calendar year.

## 6. Prohibited Signs

The following types of signs are prohibited.

- A. A sign, other than time and weather devices and barber poles that has moving parts or blinking, moving, or glaring illuminations.
- B. A sign located so that it interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from roads.
- C. A sign painted on or attached to stationary vehicle, except for a sign relating to the sale of the vehicle and a sign identifying the related business when the vehicle is being used in the normal day-to-day operations of that business. For the purpose of this Section, a stationary vehicle means any vehicle not registered and inspected as required by Maine law.
- D. Inflatable signs, tethered balloons, and pennants, except associated with special sales or events.
- E. A sign relating to any premise which has been out of business for more than ninety (90) days. The owner or their agent shall be responsible for removing such sign.
- F. Billboards.
- G. Off-premise signs.
- H. A sign(s) on the roof of a structure.
- I. A sign(s) erected on utility poles or trees, or painted or drawn on rocks or other natural features.
- J. Searchlights.
- K. A sign designed to be transported by trailer on wheels.
- L. "A" frame sign.
- M. Painted sign as part of the physical structure.
- N. Signs that protrude beyond the property line of the lot on which it is placed.

## 7. Non-Conforming Signs.

- A. Non-conforming signs shall be removed within twelve (12) months of the effective date of this Ordinance.
- B. Existing non-conforming temporary signs shall be removed within three (3) months of the adoption of this Ordinance, with future use directed by "Temporary Signs", below.
- C. No non-conforming sign may be enlarged or altered in such a manner as to aggravate the non-conforming condition.
- D. No illumination may be added to any non-conforming sign, except if such illumination complies with the provisions of this subsection.
- E. A non-conforming sign may not be moved except for maintenance, change in message or repair, or replacement to bring the sign into conformity with this Section.
- F. The message of a non-conforming sign may be changed so long as it does not create any new non-conformities.

## **8. Temporary Signs**

- A. Temporary signs may be posted only after a brief application is completed and a no fee permit is obtained from the CEO. The application shall include the precise location(s) of the sign(s). The final location of a temporary sign(s) shall be determined by the CEO. A temporary sign(s) shall be located so as to avoid visual conflict with other signs to have the least impact on the scenic environment, and to take advantage of the natural terrain. Temporary sign(s) shall not be permitted at locations where the information contained thereon may be misinterpreted, misleading, or otherwise confusing to the traveling public. If the CEO determines that there is no need for a temporary sign(s) or the proposed location will cause confusion or increase the risk to health and safety, the CEO shall work with the applicant to find an acceptable location to all parties. If no agreement can be reached between the parties, the CEO shall deny the application and forward the same to the Town Council, who shall place the application on the agenda for the next regular meeting of the Council. The Council shall then determine whether or not there is a significant need for the sign(s) or the proposed location will cause confusion or increase the risk to health and safety, and shall grant or deny the application accordingly. Only one temporary Sign Permit shall be issued per premise per year.
- B. The applicant for a temporary sign shall pay a non-refundable fee.
- C. Except for street banners and political signs, a temporary sign(s) shall be posted for a period not to exceed fourteen (14) days and contain no commercial message.
- D. The applicant shall remove all temporary sign(s) the day after the event or the date indicated on the permit.
- E. No temporary sign, other than a street banner or political sign, shall be larger than six (6) square feet per side.
- F. Street banners shall not be erected more than thirty (30) days prior to the activity to which they pertain. Street banners shall be no lower than fifteen (15) feet from the road surface and not be larger than fifty (50) square feet in area. Permits for hanging street banners across a road shall be issued only upon assumption of complete liability in writing by the person, firm, or corporation hanging the banner for any damage resulting from the placement of said banner. Such liability shall be acknowledged upon the application for the permit.
- G. Political signs shall not be erected more than thirty (30) days prior to the election to which they pertain. Political signs shall not exceeding thirty-two (32) square feet in total area for single faced signs or sixteen (16) square feet on each side of double-faced signs.

## **9. Sign Permit Procedure.**

- A. No sign may be erected, enlarged, illuminated, or substantially altered without first being reviewed and approved by the Planning Board and having a permit issued by the CEO in accordance with the provisions of this Section and/or those of the Shoreland Zoning Ordinance, whichever is more restrictive and applicable. All applications for a sign permit shall be accompanied by the required fee. No action will be taken on an application until all fees have been paid.
- B. An application for a Sign Permit shall be obtained from the CEO. The applicant shall submit the application and required fee to the CEO. The application shall contain all information pertinent to the requirements of this Section, including, but not limited to, detailed drawings to show the dimensions, design, structure, location of each sign, and a statement setting forth the intended use of the proposed sign. An application requiring Planning Board review shall be submitted to the CEO at least seven (7) days prior to a scheduled meeting of the Planning Board. An application and permit may contain multiple signs for the same lot.
- C. Within three (3) days of the receipt of the application, the CEO shall determine whether the application is

complete and notify the applicant in writing of the determination. If the application is not complete, the CEO, shall notify the applicant within three (3) days of the specific material needed to complete the application. Irrespective of any other provision of this Section, the CEO shall not accept the application as complete if the applicant fails to pay any required fee or appeals the fee. Upon receiving an application for review, whether the application is complete or not, the CEO shall issue a dated receipt to the applicant. The applicant, or their duly authorized representative, shall attend the meeting of the Planning Board to discuss the sign.

- D. Within thirty (30) days of having determined a complete application was submitted the Planning Board shall make findings of fact, and conclusions relative to the standards contained within this Section. If the Planning Board finds that all the standards of this Section have been met, the Board shall approve the application and shall cause the CEO to issue a Sign Permit. If the Planning Board finds that any of the standards of this Section have not been met, the Planning Board shall either deny the application, or approve the application with conditions to ensure all of the standards shall be met prior to issuance of the issuance by the CEO. The reasons for any conditions shall be stated in the permanent record of the Planning Board.
- E. Each application for a Sign Permit, requiring a fee, shall be accompanied by the appropriate fee. The Town's legislative body shall establish annually, on the advice of the Planning Board and CEO, a schedule of fees, charges, and expenses for matters pertaining to this Section. The schedule of fees shall be posted in the Town Office. Until all applicable fees have been paid in full, when required, no action shall be taken on any application.

## **10. Sign Administration.**

### **A. Code Enforcement Officer.**

- 1. It shall be the duty of the CEO to enforce the provisions and investigate all complaints of alleged violations of this Section. If the CEO shall find that any provision of this Section is being violated, the CEO shall notify, in writing, the person responsible for such violations, indicating the nature of the violations and ordering the action necessary to correct the violations. The CEO may order the removal of illegal signs or the stopping of work being done, or may take any other action authorized by this Ordinance to insure compliance with, or to prevent violation of its provisions. A copy of such notice shall be submitted to the Town Council and be maintained as a permanent record.
- 2. The CEO shall inspect each sign for which a permit was obtained within six (6) months, or at such earlier date as the applicant may request. The CEO shall affix to the sign a permanent symbol identifying the sign(s) and the applicable permit by number or other reference.

### **B. Board of Appeals.**

It shall be the duty of the Board of Appeals to hear and decide any appeals by any aggrieved party where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the CEO or Planning Board in the enforcement or administration of this Section.

## **11. Sign Violations and Enforcement.**

- A. Any sign erected, moved, enlarged, illuminated, or substantially altered, not in conformance with this Section or an approved permit, shall be forfeited and subject to confiscation. The Town reserves the right to recover any and all costs for the removal and disposal of such sign(s) from the owner or the person placing the sign.
- B. Each sign installed, created, erected, or maintained in violation of this Section shall be considered a separate violation. When any violation of any provision of this Section shall be found to exist, the CEO, is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this Section in the name of the Town. The Town or their authorized agent shall take any steps necessary to preserve the Town's rights, such as, but not limited to, entering into an administrative consent agreement for the purpose of eliminating violations of this Section and recovering fines without Court action. Such agreements shall not allow an illegal sign to continue unless there is clear and convincing evidence that the illegal sign was constructed or conducted as a direct result of erroneous advice given by an authorized Town official and there is no evidence that the owner acted in bad faith, or unless the removal of the sign shall result in a threat or hazard to public health and safety or shall

result in substantial environmental damage.

- C. Any person, firm or corporation being the owner, contractor, or having control or use of any sign who violates any of the provisions of this Section shall upon adjudication be fined in accordance with provisions of Title 30-A, MRSA, Section 4452. Each day such a violation is permitted to exist after notification shall constitute a separate offense. Fines shall be payable to the "*Town of Van Buren*".

## Section 12 – Cluster Development

Cluster development is an option for parcels of 10 acres or greater. The following cluster development standards should be used as a means to preserve open space, including farm and forestland. Cluster development is one of the most important ways of controlling sprawl and minimizing the conversion of open space to residential use, while allowing residential development to take place. Commercial and industrial uses can also be clustered, but under different standards.

A. Purposes. The purposes of this Section are to:

1. Provide for efficient use of land not possible under traditional lot-by-lot size requirements, provided that the net density shall be no greater than is permitted, unless a density bonus is granted to the applicant;
2. Provide for the preservation of parks, recreation, and open space areas;
3. Provide for a more attractive, varied arrangement of dwelling units and open space on a particular parcel;
4. Provide for the location of housing units and other uses where they are least visible and hidden by topography or vegetation, therefore minimizing perceived densities;
5. Provide for orderly development in the rural areas and maintain the rural character of the community by preserving tree masses, stream valleys, woodlands, of views and scenic vistas, and other significant natural features;
6. Provide for reasonable standards for the perpetual maintenance of community or privately owned facilities necessary to service the development;
7. Preserve and protect environmentally sensitive areas; and
8. Allow for new and innovative approaches to housing development and discourage the location of housing units in strip fashion along rural roads.

Notwithstanding other provisions of this and other ordinances relating to dimensional requirements, the Planning Board, in reviewing and approving proposed residential developments, may modify said provisions related to dimensional requirements to permit innovative approaches to housing and environmental design in accordance with the following standards. This shall not be construed as granting variances to relieve hardship.

B. Application Procedures. An application for cluster development shall follow the same procedures as for a standard subdivision and address the following additional requirements:

1. The Planning Board may allow subdivided development on reduced lot sizes in return for open space where the Planning Board determines that the benefits of the cluster approach will prevent the loss of natural features without increasing the net density of the development. Where an applicant elects or is required to cluster, a written application shall be submitted to the Planning Board. Two sketch plans shall be submitted with one layout as a standard traditional subdivision and the other as a cluster development indicating open space and significant natural features. Each lot in the standard traditional subdivision shall meet the minimum lot size and lot width requirements, and if not serviced by public sewer have an area suitable for subsurface wastewater disposal according to the Maine Subsurface Wastewater Disposal Rules. The number of lots in the cluster may exceed the number of lots in the standard subdivision (density bonus), with approval from the Planning Board.
2. A written statement shall describe the natural features which will be preserved or enhanced by the cluster approach. Natural features include, but are not limited to, moderate to high value wildlife and waterfowl habitats, moderate to high yield aquifers, preserving prime agricultural and forestland areas and soils, large trees, woods, ponds, rock outcrops, and other important natural or historic sites. The statement shall also compare the impact upon the community by both proposals. Examples of impacts are municipal costs for roads, schools, school busing, solid waste management, utility efficiency, recreational opportunities, protection of flood water storage areas, and environmental impacts on sensitive lands.
3. For purposes of this Section, the tract or parcel to be developed shall be in single ownership, or the subject of an application filed jointly by the owners of all the property included.
4. Estimated costs of infrastructure development (roads, utilities, etc.) shall accompany the plan. The applicant shall file with the Town, at the time of submission of the Final Plan for subdivision approval, a performance guarantee (See: Sec. 13, herein).

5. Within thirty (30) days of determining that the application is complete, the Planning Board shall determine whether to allow the subdivision to be developed in accordance with the standards of this Ordinance based upon findings that:
  - a. The site contains natural features of the type worthy of preservation; and
  - b. Those natural features could not adequately be preserved in a standard subdivision layout; or
  - c. A clustered development will permit more efficient creation and utilization of infrastructure and provision of municipal and quasi-municipal services than would a standard subdivision layout.

C. Basic Requirements for Cluster Development.

1. Cluster development shall be a minimum of 10 acres and shall meet all requirements for a subdivision, the Town's road design and construction standards, all other applicable federal, state, and local rules, laws, ordinances or regulations.
2. Each building shall be an element of an overall plan for site development. Only developments having a total site plan for structures will be considered. The applicant shall illustrate the placement of buildings and the treatment of spaces, paths, roads, service, and parking and in so doing shall take into consideration all requirements of this Section and this ordinance.
3. The maximum allowed reduction in the size of individual lots is 25 percent. However, a larger reduction can be made if site conditions can be proven by the applicant to support smaller lot sizes.
4. The maximum net density allowed in cluster developments shall be calculated on the basis of the "Qualifying Land Area" standards contained below.
5. Unless a public sewer or community sewage collection and treatment system is provided, no lot shall be smaller than 20,000 square feet. No unit shall be constructed on any lot with soil considered as being "very poorly" drained.
6. The total area of open space within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required, except where density bonuses are permitted.
7. Every building lot that is reduced in area below the amount normally required should about the open space area for a distance of 50 feet, or be within 1000 feet distance from the open space area.
8. Distance between buildings shall not be less than 20 feet.
9. In rural areas, no individual lots shall have frontage on an existing road at the time of development. There shall be a setback of 50 feet from the main public access road and from interior roads that are constructed as part of the cluster development. Access from public ways, internal circulation, and parking shall be designed to provide for vehicular and pedestrian safety and convenience, emergency and fire equipment maneuverability, snow removal, road maintenance, and delivery and collection services.
10. In no case shall shore frontage and setback be reduced below the minimums normally required by the Shoreland Zoning Ordinance.
11. Where a cluster development abuts a body of water, a usable portion of the shoreline, which shall be a minimum of 100 feet, as well as reasonable access to it, shall be a part of the open space land.
12. When individual wells are to be utilized, a drilled well with casing, shall be provided on each lot by the developer/builder. The location of all wells shall be shown on the plan. The applicant shall demonstrate the availability of water adequate in quantity and quality for domestic purposes, as well quantity for fire safety. The Planning Board may require the construction of fire ponds and/or dry hydrants.
13. The location of subsurface sewage disposal systems and an equivalent reserve area for a replacement system(s) shall be shown on the plan. The report of a licensed Site Evaluator shall accompany the plan. The reserve areas shall be restricted so as not to be built upon. The report of a licensed Site Evaluator shall accompany the plan. If the subsurface disposal system in an engineered system, approval from the Department of Human Services, Division of Health Engineering, shall be obtained prior to Planning Board approval.

D. Siting and Buffering Standards.

1. Buildings shall be oriented with respect to views and scenic vistas, natural landscape features, topography, south facing slopes (wherever possible), and natural drainage areas, in accordance with an

overall plan for site development and landscaping. A site inspection shall be conducted by the Planning Board prior to approval. Once approved, the plan shall not be altered in any manner, without prior approval of the Planning Board.

2. Buildings shall be designed and planned to protect bedroom windows from light invasions by vehicle headlights or glare from existing outdoor lighting or illuminated signs, where allowed, insofar as practical.
3. Where parking spaces or storage areas are located in areas abutting existing residential properties, a permanent wood or masonry screen, at least 4 feet high, shall be erected along the property line, in addition to the "green" perimeter strip described below.
4. Other than any land within shoreland zoning, a "green" vegetative perimeter strip, not less than 20 feet wide, shall be maintained with grass, bushes, flowers, scrubs, and/or trees alongside all lot or rear lot lines of the property as a whole, and (except for entrance and exit driveways) along the entire frontage of such lot. Such "green" strip shall not be built upon, paved, or used for parking or storage. There shall be no removal of trees over 4" in diameter within this buffer. In the shoreland zoning area, vegetation shall be retained in its natural state.
5. Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. Adequate provision shall be made for storm waters, with particular concern for the effects of erosion from the site. Erosion resulting from any improvements to the site shall be prevented by landscaping or other means. The Planning Board may require that an erosion and sedimentation control plan be made and that the developer take appropriate measures to prevent and correct soil erosion in the proposed development.
6. All utilities shall be installed underground, whenever possible. Transformer boxes, pumping stations, and meters shall be located so as to not be unsightly, hazardous to the public, or detract from the natural beauty of the development.

E. Preservation and Maintenance of Open Space and Facilities

1. Common open space shall be dedicated upon approval of the project. There shall be no further subdivision of open space. Open space shall be used for agriculture, non-commercial recreation, forestry, or conservation. However, easements for public utilities may be permitted in the open space area, with prior approval of the Planning Board.
2. There shall be no land development within the open space without the prior approval of the Planning Board.
3. The open space(s) shall be shown on the development plan and with appropriate notation on the face thereof to indicate that:
  - a. The open space shall not be used for future buildings lots or development; and
  - b. A part or all of the open space may, at the option of the Town, be dedicated for acceptance by the Town. Such dedication shall take place after final approval of the project. Final acceptance by the Town of dedicated open space rests with the Town.
4. If any or all of the open space is to be reserved as common open space for use by the residents, the by-laws of the proposed homeowners association shall specify maintenance responsibilities and shall be submitted to the Planning Board prior to approval. The developer shall maintain control of such open space(s) and be responsible for its maintenance until development sufficient to support the association has taken place. Such determination shall be made by the Planning Board upon the request of the homeowners association or the developer.
5. Covenants for mandatory membership in the association, setting forth the owner's rights and interest and privileges in the association and the common land, shall be reviewed by the Planning Board and included in the deed for each lot (i.e. annual fee to the association for lawn mowing, snow removal, solid waste management, municipal assessments, neighborhood recreational facilities, etc...). A clause should be added to every deed that any unpaid association fees, plus interest, shall be paid at the time of a deed transfer and the association will receive first "dibs".
6. Open space land may be leased for agriculture or forestry purposes provided that development rights for the open space land are held by the homeowners association. The legal instruments for the development rights shall be submitted to and reviewed by the Planning Board and approved by the homeowners association.



## F. Qualifying Land Area

To determine the number of lots/dwelling units permitted in a subdivision, the applicant shall perform the following calculations and submit evidence in the form of plans and data to verify the calculations.

### Net Buildable Acreage Calculation

A. From the gross acreage of the site (\_\_\_\_\_ acres) subtract the following:

- |  |       |        |
|--|-------|--------|
| 1. Existing road rights-of-way <sup>1</sup> .              | _____ | acres. |
| 2. Proposed rights-of-way <sup>1</sup> .                   | _____ | acres. |
| 3. Noncontiguous land <sup>2</sup> .                       | _____ | acres. |
| 4. 100% of the RP and SP Districts <sup>3</sup> .          | _____ | acres. |
| 5. 100% of the 100 year floodplain land <sup>4</sup> .     | _____ | acres. |
| 6. 100% of the wetland, NRPA Class I and II <sup>4</sup> . | _____ | acres. |
| 7. 50% of the wetland, NRPA Class III <sup>4</sup> .       | _____ | acres. |
| 8. 100% of ponds or lakes.                                 | _____ | acres. |
| 9. 50% of slopes from 15-25%.                              | _____ | acres. |
| 10. 85% of slopes over 25%.                                | _____ | acres. |
| <b>Net Buildable Acreage (NBA)</b>                         | _____ | acres. |

<sup>1</sup> Include shoulder and ditches in width calculation.

<sup>2</sup> Land separated by roads or railroads, or land linked by a strip less than 50' wide.

<sup>3</sup> Resource Protection and Stream Protection.

<sup>4</sup> Where this overlaps, the overlapping acreage shall be counted only once.

### Net Density Calculation:

- |  |       |      |
|--|-------|------|
| A. Multiply the (NBA) by the minimum lot size requirement (SF).  | _____ | lots |
| (This figure is determined by dividing 43,560 by the minimum lot size requirement...i.e. 40,000 square feet = .9183) |       |      |
| B. Multiply the result by 10% (density bonus).   | _____ | lots |
| C. Add the results of "A" and "B". <b>Total Allowable Lots</b>   | _____ | lots |

### Dimensional Standards

- |  |       |      |
|--|-------|------|
| A. Traditional Minimum Lot Size:                                 | _____ | SF   |
| B. Maximum reduction in size of individual lot is: (25%)         | _____ |      |
| C. Clustered Minimum Lot Size: (25% of Traditional Minimum Size) | _____ | SF   |
| D. Minimum Lot Width:  |       |      |
| E. Minimum Yards   |       |      |
| Front (from ROW)   | _____ | feet |
| Rear   | _____ | feet |

Side

\_\_\_\_\_ feet

## **Section 13 – Performance Guarantees**

### **1. Types of Guarantees**

With submittal of the application for Final Plan approval and required by the Planning Board, the applicant shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs. The conditions and the amount of the performance guarantee shall be established by the CEO after reviewing the cost estimates for improvements submitted with the Final Plan by the developer and the review of those estimates for accuracy by the appropriate Town Officials, departments, utilities, and/or agencies.

- A. Escrow Account. A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the "Town of Van Buren", the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the applicant, the Town of Van Buren shall be named as owner or co-owner, and the consent of the Town shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the Town has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements.
- B. Performance Bond. A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the Town. The bond documents shall specifically reference the application for which approval is sought.
- C. Letter of Credit. An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for construction and may not be used for any other project or loan.
- D. Phasing of Development. The CEO or Planning Board may approve plans to develop an application in separate and distinct phases. This may be accomplished by limiting final approval to those areas abutting that section of any proposed road which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of development in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.
- E. Conditional Agreement. The CEO or Planning Board may provide for the applicant to enter into a binding agreement with the Town in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the Final Plan, on the condition that:
  - 1. (Subdivisions only) No more than four (4) lots may be sold or built upon;
  - 2. It is certified by the Planning Board that all of the required improvements have been installed in accordance with all local Ordinances and the regulations of the appropriate utilities; or
  - 3. A performance guarantee, acceptable to the Town, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.

Notice of the agreement and any conditions shall be indicated on the Final Plan which is recorded at the Aroostook County Registry of Deeds, Northern Office. Release from the agreement shall follow the procedures for release of the performance guarantees contained herein.

### **2. Contents of Guarantee**

The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the applicant shall be in default and the Town shall have access to the funds to finish construction.

### **3. Release of Guarantee**

Prior to the release of any part of the performance guarantee, the Town Council shall determine to its satisfaction, in part upon the report of the Planning Board and the CEO and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that

portion of the improvements for which the release is requested.

#### **4. Default**

If, upon inspection, the CEO finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, they shall so report in writing to the Town Manager, Town Council, the Planning Board, and the applicant or builder. The Town shall take any steps necessary to preserve the Town's rights.

#### **5. Extension**

The Planning Board may recommend a maximum extension of 12 months to the guaranteed performance period when the applicant can demonstrate, to the satisfaction of the Planning Board and the Town Officers, good cause for such extension. Such recommendation shall be referred to the Town Officers for official action.

## **Section 14 – Permits, Administration, and Enforcement**

### **1. General.**

- A. No application for a Land Use Permit or Certificate of Occupancy shall be accepted unless accompanied by any necessary fees, a copy of the deed to the property in question, a scaled site plan, and a general narrative of intended work to be submitted by the owner, authorized agent, and/or contractor.
- B. No Land Use Permit or Certificate of Occupancy shall be issued for the construction, alteration, enlargement, moving, use, or change of use of any land or building unless the required fees are paid and the CEO determines that all of the requirements have been met and that the development shall conform in all respects to the applicable provisions of this Ordinance and with other applicable federal, state, and local rules, laws, regulations, and ordinances.
- C. Application for a permit made after the activity for which the permit is required ("after-the-fact permit") shall be accompanied by a fee equal to double the amount of the initial fee.
- D. Standard Conditions of Approval for All Development Permits. The following conditions shall apply to all development permits in Van Buren.
  - 1. The permit certificate must be posted in a visible location on the property during development of the site and construction of all structures approved by the permit.
  - 2. The applicant shall secure and comply with all applicable licenses, permits, and authorizations of all federal, state, and local agencies.
  - 3. Setbacks of all structures, including accessory structures, from waterbodies, roads, and property boundary lines shall be as specified in conditions of permit approval.
  - 4. In the event the applicant should sell or lease the property, the buyer or lessee shall be provided a copy of the approved permit and advised of the conditions of approval. The new owner or lessee must contact the CEO to have the permit transferred into the new name and to reflect any changes proposed from the original application and permit approval.
  - 5. The scenic character and healthful condition of the area covered under the permit shall be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.
  - 6. Once construction is complete, the applicant shall notify the CEO that all requirements and conditions of approval have been met. The applicant shall submit all information requested by the CEO demonstrating compliance with the terms of the application and the conditions of approval. Following notification of completion, the CEO may arrange and conduct a compliance inspection.

### **2. Land Use Permit.**

- A. No building or structure shall be erected, altered, enlarged, or moved until a Land Use Permit has been issued by the CEO. Permits shall expire one year from date of issue and may be renewed once. There shall be a renewal fee. All intended activities as stated in the original permit shall begin within the term of the permit issuance date and be completed within two (2) years from date of issuance of the permit. If significant progress on construction has not been made within six (6) months from the date the permit was issued, the permit shall expire. If such activities are not begun and completed within the time limitation, the permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Town. All applications for permits shall be in accordance with the applicable provisions of this Ordinance.
- B. Application for a Land Use Permit shall be in writing and contain all information pertinent to the requirements of this Ordinance, including a statement setting forth the intended use of the proposed new, altered, or relocated building or structure. The CEO shall issue the permit if they find, after proper examination of the application, that the building or structure and its intended use will comply with the provisions of this Ordinance.
- C. There shall be submitted with all applications for a Land Use Permit, two (2) copies of a site plan drawn to scale showing: the exact dimensions of the lot to be build upon; all buildings, existing and proposed (location, shape, size, and height), setbacks); required off-street parking and loading spaces; existing, proposed, and such additional information as may be necessary to determine and provide for enforcement of this Ordinance. A soil suitability test may be required for construction on land not served by public sewer.

- D. One copy of the site plan shall be returned to the applicant when approved by the CEO who shall have marked such copy approved and attested to same by their signature on such copy together with the permit. The second copy of such application and plans, similarly marked, approved or disapproved, shall be retained by the CEO and shall be kept on file as a public record in the Town Office. Failure of the CEO to issue written notice of a decision within thirty (30) days of the date of filing of the application shall constitute refusal of the permit. A plumbing and electrical permit shall be obtained before a land use permit is issued.

**3. Certificate of Occupancy.**

- A. No land use shall be changed in use, nor building or structure hereafter completed, altered, enlarged, or relocated, or changed in use until a Certificate of Occupancy has been issued by the CEO, stating that the proposed use complies with applicable provisions of this Ordinance and with all applicable federal, state, and local rules, laws, regulations, and ordinances. Any person who sells, leases, or occupies a new building in the Town after the effective date of this Ordinance and prior to the issuance of a Certificate of Occupancy by the CEO shall be in violation of this Ordinance and subject to its penalties.
- B. An application for a Certificate of Occupancy shall be applied for at the same time of application for the Land Use Permit. No permit for the excavation, erection, repairs, or alterations to any building shall be issued until an application has been made for a Certificate of Occupancy.
- C. A Certificate of Occupancy shall be required for the following uses:
1. The increase in the number of dwelling units in a building.
  2. The establishment of any home occupation.
  3. A change in a non-conforming use of land or building.
  4. The occupancy and use or change of use of vacant land except for the raising of crops.
  5. A change in use of an existing building, whether or not alteration is involved.
- D. Prior to the issuance of the Certificate of Occupancy, the CEO shall check and determine that all requirements under the applicable provisions of this Ordinance and with all applicable federal, state, and local rules, laws, regulations, and ordinances have been met.
- E. Any person desiring to change the use, but not the structure of the building or structure erected, or the use of the premises, shall apply in writing to the CEO for a Certificate of Occupancy setting forth the new use under the application. The CEO, under finding after examination that such new use complies with the provisions of this Ordinance, shall issue the Certificate of Occupancy applied for.

**4. Code Enforcement Officer Shall Act.**

The CEO shall act upon all applications for a Land Use Permit or Certificate of Occupancy within fifteen (15) days after receipt of an application. Notice of refusal to issue the Land Use Permit or Certificate of Occupancy shall be given to the applicant or their authorized agent in writing within fifteen (15) days of such application stating the reason for refusal.

**5. Inspection.**

- A. At least ten (10) days prior to commencing construction of improvements, the applicant shall notify the CEO in writing of the time when the developer proposes to commence construction of such improvements, so that the Town can cause inspection to be made to assure that all local specifications, requirements, and conditions of approval, if applicable, shall be met during the construction of the improvements, and to assure the satisfactory completion of required improvements and utilities.
- B. If the CEO finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the applicant, the CEO shall so report in writing to the Town Manager, Planning Board, applicant, and developer. The Town shall take any steps necessary to preserve the Town's rights.
- C. If at any time before or during the construction of the required improvements it appears to be necessary or desirable to modify the improvements, the CEO is authorized to approve minor modifications due to

unforeseen circumstances. The CEO shall issue any approval under this Ordinance in writing and shall transmit a copy of the approval to the Town Manager and Planning Board. Revised plans shall be filed with the Planning Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1percent, etc., the applicant shall obtain permission to modify the plans from the Planning Board.

- D. Prior to the sale of any lot, the applicant shall provide the CEO with a letter from a Maine Licensed Professional Surveyor stating that all monumentation shown on the Plan has been installed.
- E. Upon completion of road construction and prior to a vote by the Town's legislative body to accept the road, a written certification signed by the Highway Foreman shall be submitted to the Planning Board and Town Manager, certifying that the proposed public way meets or exceeds the design and construction requirements of this Ordinance. The applicant shall be required to maintain all improvements and provide for snow removal on roads and sidewalks until acceptance of the improvements by the Town. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. "As built" plans shall be submitted to the Planning Board.

#### **6. Code Enforcement Officer.**

- A. It shall be the duty of the CEO to administer and enforce the provisions of this Ordinance. If the CEO shall find that any provision of this Ordinance is being violated, the CEO shall notify the property owner and the person responsible for such violations in writing indicating the nature of the violation and ordering the action necessary to correct it. The CEO shall send a copy of such notice to the Town Manager and Planning Board and said notice shall be maintained as part of the permanent record. The failure of the CEO to follow the notice procedure set forth within this subsection shall not prevent the Town from taking any legal action to enforce this Ordinance and to pursue all available legal remedies, including without limitation, injunctive relief, fines, and attorney fees. The CEO shall have the authority to issue a Stop Work Order upon a finding that work has been commenced or completed prior to receipt of all approvals required by this Ordinance or contrary to the terms of an approved plan. The CEO shall order the removal of illegal buildings, structures, additions, materials, or work being done, or shall take any other action authorized by this Ordinance to insure compliance with, or to prevent violation of, their provisions. Any construction or site work not in conformity with an approved plan and/or permit shall constitute a violation of this Ordinance. Work shall recommence only after such Order has been lifted.
- B. The CEO shall maintain the current addresses and phone numbers of federal and state agencies with which an applicant may want to check to determine what other rules, codes, laws, regulations, or ordinances apply to a proposed development. In addition, the CEO shall maintain a current file of all pertinent local statutes, ordinances, regulations, codes, and plans relating to land-use regulation. The CEO shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances and waivers granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated violations found, and fees collected. On a biennial basis the CEO shall submit a summary of such record for the shoreland areas as defined to the Director of the Bureau of Land Quality Control within the Maine Department of Environmental Protection.
- C. The CEO shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to approval. The CEO may enter any property at reasonable hours and enter any structure with the consent of the property owner, occupant, or agent, to inspect the property or structure for compliance with the laws or ordinances. If consent is denied they should obtain an administrative warrant before entering the property. The CEO may revoke a permit after proper notification and an opportunity for a hearing if it was issued in error or if based on erroneous information.

#### **7. Violations.**

- A. The following provisions shall apply to all development plans reviewed and approved by the Town.
  - 1. A person, shall not convey, offer, or agree to convey any building, structure, or land in a development which has not been approved by the Planning Board as required by this Ordinance.
  - 2. Any person after receiving the approval who constructs the development in a manner other than depicted

on the approved Plan(s) or amendment(s) or in violation of any condition imposed shall be in violation of this Ordinance.

3. No public utility, water, sanitary sewer, grading or construction of roads, grading of lands or lots, construction of buildings, or any utility company of any kind may install services to any development, until a Final Plan of such development shall be duly prepared, submitted, reviewed, approved, and endorsed and unless written authorization attesting to the validity and currency of all local permits required under this Ordinance have been issued. Following installation of service, the installer shall forward the written authorization to the CEO indicating that installation has been completed to the development.
4. No permit or certificate for a building or use shall be issued unless the development has been approved under this Ordinance and Title 38, §481-490 (Site Location for Development), if applicable.
5. Whenever a development is exempt from MRSA Title 38, §481-490, because of the operation of Title 38, §488 (5, Subdivision Exemptions) that fact must be noted on the Final Plan. The person submitting the Final Plan for recording shall prepare a sworn certificate that must be expressly noted on the face of the Final Plan. This certificate shall:
  - a. Indicate the name of the current property owner;
  - b. Identify the property by references to the last recorded deed in its chain of title and by reference to the development plan;
  - c. Indicate that an exemption from Title 38, §481-490, has been exercised;
  - d. Indicate that the requirements of Title 38, §488, (5), have been and shall be satisfied; and
  - e. Indicate the date of notification of the Department of Environmental Protection under Title 38, §488, (5).

In the case of a subdivision, the exemption is not valid until recorded in the Aroostook County Registry of Deeds. Recording must occur within ninety (90) days of the final subdivision approval or the exemption is void.

6. Any person who sells, leases, or conveys for consideration any land, dwelling unit, or building in a development approved under this Ordinance and exempt from Title 38, §481-490, because of the operation of Title 38, §488, (5), shall include in the instrument of sale, lease, or conveyance a covenant to the transferee that all of the requirements of Title 38, §488, (5), have all been and shall be satisfied.
- B. In addition to "A" above, the following provisions shall apply to subdivisions reviewed and approved by the Town.
1. No plan of a division of land which would constitute a subdivision shall be recorded in the Aroostook County Registry of Deeds until a Final Plan has been approved by the Planning Board in accordance with the Subdivision Ordinance contained within this Ordinance. Approval for the purpose of recording shall appear in writing on the recording plan.
  2. A person shall not sell, lease, or otherwise convey any land in an approved subdivision which is not shown on the Plan as a separate lot.
  3. No lot in a subdivision may be sold, leased, or otherwise conveyed before the road upon which the lot fronts is completed in accordance with this Ordinance up to and including the entire frontage of the lot.
- C. When any violation of any provision of this Ordinance shall be found to exist, the CEO, is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town. The Town, or their authorized agent, shall take any steps necessary to preserve the Town's rights, such as, but not limited to, entering into an administrative consent agreement for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements 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 official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use shall result in a threat or hazard to public health and safety or shall result in substantial environmental damage.



8. **Fines.**

Any person, firm, or corporation being the owner, authorized agent, contractor, or having control or use of any structure or premises who violates any of the provisions of this Ordinance shall upon adjudication be fined in accordance with provisions of Title 30-A MRSA §4452. Each day such a violation is permitted to exist after notification shall constitute a separate offense. Fines shall be payable to the "*Town of Van Buren*".

## **Section 15 – Planning Board**

### **1. Appointment.**

- A. Planning Board members shall be residents of the Town, appointed by the Town Council, and sworn in at the first regularly scheduled Planning Board meeting following the Annual Town Meeting by the Town Clerk or other person authorized to administer oaths.
- B. The Board shall consist of five (5) members and two (2) alternate members. Neither a municipal officer nor their spouse may be a member or alternate member of the Board.
- C. The term of each member shall be three (3) years. The term of office of an alternate member shall be one (1) year.
- D. When there is a permanent vacancy declared, the Town Council shall within sixty (60) days of its occurrence be required to appoint a person to serve for the unexpired term. A vacancy may be declared by the voting members of the Board upon the resignation or death of any member, or when a member ceases to be a voting resident of the Town, or when a member fails to attend three (3) consecutive meetings without written explanation, or fails to attend at least 75 percent of all meetings during the preceding twelve (12) month period. When a vacancy is declared, the Chair of the Board shall immediately so advise the Town Council in writing. The Board may recommend to the Council that the attendance provision be waived for cause, in which case no vacancy will then exist until the Town Council disapproves the recommendation. Board members shall be eligible to succeed their term of appointment.
- E. Any member can be removed by the Town Council in accordance with the Van Buren Town Charter.
- F. Planning Board members are expected to be knowledgeable of laws, ordinances, regulations, and Board policies and to abide by them.
- G. The members of the Board shall receive no compensation for their services while under appointment.

### **2. Organization and Rules.**

- A. The voting members of the Board shall elect a Chair, a Secretary, or other officers as needed, from among its members by a majority vote and create and fill such other offices as it may determine at the first regularly scheduled Planning Board meeting following the Annual Town Meeting. The term of all offices shall be one (1) year with eligibility for reelection.
  - 1. The Chair shall preside at all meetings and hearings of the Planning Board. The Chair has the authority to appoint all committees, to call all work sessions, designate which alternate member shall serve in place of a regular member, and to preside over executive sessions.
  - 2. The Secretary shall be responsible for the minutes and records of the Board, shall keep a record of all resolutions, votes, transactions, correspondences, findings and conclusions of the Board and other duties as may be normally carried out by the secretary. All records shall be deemed public and may be inspected during normal business hours. Any member of the public may obtain a copy of the record from the Board upon payment of the cost of reproduction and postage.
  - 3. The CEO shall be responsible for; drafting the agendas of regular meetings and special meetings in collaboration with the Chair, causing distribution of the notice of the meetings and hearings to be made, correspondence of the Board, and other duties as may be normally carried out by the CEO.
- B. When a member is unable to act because of interest, physical incapacity, absence, or any other reason satisfactory to the Chair, the Chair shall designate an alternate member to sit in their chair.
- C. An alternate member may attend all meetings of the Board and participate in its proceedings, but may vote only when they have been designated by the Chair to sit for a member.
- D. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members, except for the member who is being challenged.
- E. No meeting of the Board shall be held without a quorum consisting of three (3) members or alternate members authorized to vote.
- F. Planning Board business shall be conducted in accordance with the Maine Revised Statutes Annotated and/or local ordinances.

- G. The Board shall adopt rules for transaction of business.
- H. The Chair may schedule special meetings of the Board on 24 hours notice to the Planning Board members, Town Manager, Town Council Chair, CEO, and the media.

### 3. **Duties and Powers.**

- A. The Board shall perform such duties and exercise such powers as are provided by ordinance/regulations and charter and the laws of the State of Maine, to include:
  - 1. The responsibility for the directing and overseeing the activity of the comprehensive planning Program;
  - 2. Reviewing subdivision proposals;
  - 3. Facilitating the interpretation of land use ordinances;
  - 4. Administering and issuing permits pursuant to land use ordinances;
  - 5. Projecting a course, through community planning, for the Town's future;
  - 6. Undertaking duties to conduct community planning activity;
  - 7. Conducting a municipal planning program;
  - 8. Seeing that all Planning Board members have an obligation to act reasonably and promptly; and
  - 9. Facilitating in obtaining public participation, public relations, and citizen involvement.
- B. The Board may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.

### 4. **Meeting Organization.**

#### A. *Agendas.*

- 1. Regular meeting agendas shall follow the following format:
  - a. Call to order and determine the presence of a quorum.
  - b. Public hearing (if any is scheduled)
  - c. Minutes of the previous meeting and correspondence.
  - d. Old business.
  - e. New business.
  - f. Other.
  - g. Adjournment.
- 2. Agendas shall be posted in the Town Office and mailed to the Board members at least seven (7) days before the meeting.
- 3. New applications shall be received at the Town Office by the CEO no later than ten (10) days to the meeting and shall be placed on the next available slot for new applications on the Board's agenda, and the applicant so notified of the date and time. At that initial meeting the Board shall make written findings whether the application is complete, and take all necessary steps to notify the applicant of the Board's decision.

#### B. Regular Meetings.

- 1. The Board shall hold meetings as needed. The meeting shall be at the Van Buren Municipal Building or other suitable meeting place. The Chair may schedule special meetings of the Planning Board on 24 hours notice to the Planning Board members, Town Manager, Town Council Chair, CEO, and the media.
- 2. All meetings shall be open to the public.
- 3. No official business may be conducted without a quorum present. A quorum shall consist of three (3) members. It shall not include anyone who cannot participate due to a conflict of interest. "Conflict of interest" means direct or indirect pecuniary interest, which shall include pecuniary benefit to any member of the person's immediate family, their employer, or the employer of any member of the person's

immediate family. It shall also include a situation where the Board member, by reason of their interest, is placed in a situation of temptation to serve their own personal interest, instead of the public's interest. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members present, except the member challenged.

4. In the event a quorum is not present, the Board members are authorized to request that the Chair reschedule the meeting to another date and adjourn the meeting. If the date is other than a regular meeting date the Corresponding Secretary shall have the responsibility of providing adequate notice to the Board members, Town officials, and the general public.
5. All comments addressed to the Board shall be made through the Chair.
6. All matters shall be decided by a roll call vote. A majority of the entire Board's voting members (3) is needed to pass a motion. When a motion results in a tie vote the motion fails.
7. All decisions must be based on whether the applicant has provided sufficient evidence to prove that all applicable law and ordinance requirements have been complied with.

#### C. Work Sessions.

1. The Chair may, with the approval of the majority of the Board, call work sessions for the purpose of updating the Comprehensive Plan, Subdivision Ordinance, Zoning Ordinances, Planning Board by-laws, and other information work items relating to the Board's Activities, providing that the public is notified. A quorum shall be present to conduct any business.
2. Work sessions are open to the public. The general public shall be barred from addressing the Board, unless a majority of the Board permits the public to speak.

#### D. Executive Sessions.

1. Upon the vote of 60 percent of the Board members to do so, the Board may call for an Executive Session. A motion to go into Executive Session shall indicate the precise nature of the business of the Executive Session.
2. No other matters may be considered in that particular Executive Session. Within the Executive Session it shall be the Chair's responsibility to ensure that only that business for which the session was called will be discussed, and no official action will be taken.
3. No ordinance, rule, order, resolution, regulation, contract, appointment, or other official actions shall be finally approved at an Executive Session.
4. Deliberations may be conducted in Executive Sessions on the following matters and no others:
  - a. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation, or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
    1. An Executive Session may be held only if public discussion could be reasonably expected to cause damage to the reputation or the individual's right to privacy would be violated;
    2. Any person charged or investigated shall be permitted to be present at an Executive Session if that person desires;
    3. Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against them be conducted in open session. A request, if made to the agency, must be honored; and
    4. Any person bringing charges, complaints or allegations of misconduct against the individual under discussion shall be permitted to be present.

This paragraph does not apply to discussion of a budget or budget proposal.

- b. Discussion or consideration of the condition, acquisition, or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the

- competitive or bargaining position of the body or agency.
- c. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers, and matters where the duties of the public body's counsel to his client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality, or other public agency or person at a substantial disadvantage.
- d. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute.

## 5. **Hearings.**

- A. The Board, by majority vote at a regular or special meeting, may schedule a Public Hearing on an application within the time limits established by state law or local ordinance.
- B. The Board shall cause notice of the date, time, and place of such Hearing, the location of the proposed building or lot, and the general nature of the question involved, to be given to the applicant and to be posted in three (3) prominent locations throughout the Town at least seven (7) days prior to the hearing. The Board shall also cause notice of the hearing to be given to the Town Council. The owners of the property abutting that property, or impacted upon, for which the application is taken shall be notified by mail at least seven (7) days prior to the date of the hearing.
- C. Upon being notified of the Hearing, the applicant shall be responsible for paying a fee to cover advertising and administrative costs. If the actual cost of advertising and notification exceeds the fee paid, the applicant shall pay the balance. No action shall be taken on the application should the fee not be paid prior to the Hearing. The fee shall be made payable to the "Town of Van Buren" and is not refundable.
- D. The Board shall provide, as a matter of policy for exclusion, irrelevant, immaterial, or unduly repetitious evidence.
- E. Order of Business at a Public Hearing.
  - 1. The Chair calls the hearing to order and determines whether there is a quorum.
  - 2. The Chair then describes the purpose of the hearing, the nature of the case, and the general procedures to be followed.
  - 3. The Board decides whether the applicant has sufficient right, title, or interest to appear before the Board.
  - 4. The Board determines whether it has jurisdiction over the application.
  - 5. The Board determines which individuals attending the hearing are "interested parties". "Interested Parties" are those persons who request to offer testimony and evidence and to participate in oral cross-examination. They would include abutting property owners, property owners directly impacted by the application, and those who might be adversely affected by the Board's decision. Parties may be required by the Board to consolidate or join their appearances in part or in whole if their interests or contentions are substantially similar and such consolidation would expedite the hearing. The Town Council and the CEO shall automatically be made parties to the proceeding.

Interested parties will be required to state for the record their name, residence, business or professional affiliation, the nature of their interest in the hearing, and whether or not they represent another individual, firm, association, organization, partnership, trust, company, corporation, state agency, or other legal entity for the purpose of the hearing.

- 6. The Chair gives a statement of the case and incorporates into the record correspondences and reports filed with the Board prior to the hearing. This material shall be available for public inspection.
- 7. The applicant is given the opportunity to present their case without interruption.
- 8. The Board and the interested parties may ask questions of the applicant through the Chair.
- 9. The interested parties are given the opportunity to present their testimony, starting with proponents followed by opponents. The Board may call its own witnesses, such as the CEO.
- 10. The applicant may ask questions of the interested parties and Board witnesses directly.
- 11. All parties are given the opportunity to refute or rebut statements made throughout the hearing.
- 12. The Board shall receive comments and questions from all observers and interested citizens who wish to

express their views.

13. The hearing is closed after all parties have been heard. If additional time is needed, the hearing may be continued to a later date. All interested parties shall be notified of the date, time, and place of the continued hearing, and the reasons for the continuance.
14. Upon such request made prior to or during the course of the hearing, the Chair may permit persons participating in any hearing pursuant to these by-laws to file written statements with the Board for inclusion in the record after the conclusion of the hearing, within such time and upon such notification to the other participants as the Chair may require.
15. Board members and its consultants have the right to prepare findings and conclusions at any public meeting prior to the decision being finalized. The Board may waive any of the above rules upon good cause shown. Any participant or other member of the public may obtain a copy of the record from the Board upon payment of the cost of transcription, reproduction, and postage.

## **6. Decisions.**

- A. Decisions by the Board shall be made within the time limits established by state law and local ordinances and regulations.
- B. The final decision on any matter before the Board shall be issued as a written order signed by the Chair. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, and signed minutes of the meetings/hearing shall constitute the record. All decisions shall become a part of the record and shall include a specific statement of findings and conclusions as well as the reasons or basis therefore, upon all the material issues of fact, law, or discretion presented and the appropriate order, relief or denial therefore. At a minimum, the record should specifically state that the applicant has/has not met all applicable state statutory requirements, all applicable Town ordinances, and all applicable Town regulations, and those legal documents shall be specifically referenced.
- C. The Board, in reaching said decision, shall be guided by standards specified in the applicable statute, ordinance, or regulation as well as by community goals and policies as specified in a comprehensive plan, if any, and by the findings of the Board in each case.
- D. Notice of any decision, including the findings and conclusions/minutes, shall be sent by mail or hand delivered to the applicant, their representative or agent within fourteen (14) days of being rendered.
- E. Decisions of the Board shall be immediately filed in the office of the Town Clerk and shall be made public record. The date of filing of each decision shall be entered in the official records and minutes of the Board.

## **7. Appeals.**

Appeal of the decision of the Planning Board shall be heard by the Board of Appeals.

## **Section 16 – Board of Appeals**

### **1. Establishment and Administration**

- A. The Board of Appeals is hereby established. The word "Board" within this subsection shall mean the Board of Appeals.
- B. Board members shall be residents of the Town, appointed by the Town Council, and sworn in at the first regularly scheduled Board meeting following the Annual Town Meeting by the Town Clerk or other person authorized to administer oaths.
- C. The Board use shall consist of five (5) members and two (2) alternate members. Neither a municipal officer nor their spouse may be a member or alternate member of the Board.
- D. The term of office of the Board members shall be three (3) years. The term of office for an alternate shall be one (1) year.
- E. When there is a permanent vacancy declared, the Town Council shall within sixty (60) days of its occurrence be required to appoint a person to serve for the unexpired term. A vacancy may be declared by the voting members of the Board upon the resignation or death of any member, or when a member ceases to be a voting resident of the Town, or when a member fails to attend three (3) consecutive meetings without written explanation, or fails to attend at least 75 percent of any meetings during the preceding twelve (12) month period. When a vacancy is declared, the Chair of the Board shall immediately so advise the Town Council in writing. The Board may recommend to the Town Council that the attendance provision be waived for cause, in which case no vacancy will then exist until the Town Council disapproves the recommendation. Board members shall be eligible to succeed their term of appointment.
- F. The Chair of the Board shall name one of the alternate members to act in the place of any member due to personal interest, absence, or physical incapacity.
- G. The members of the Board shall receive no compensation for their services while under appointment.
- H. Any member can be removed by the Town Council in accordance with the Van Buren Town Charter.
- I. Board members are expected to be knowledgeable of laws, ordinances, regulations, and Board policies and to abide by them.

### **2. Organization and Rules**

- A. The voting members of the Board shall elect a Chair, a Secretary, or other officers as needed, from among its members by a majority vote and create and fill such other offices as it may determine at the first regularly scheduled Board meeting following the Annual Town Meeting. The term of ail offices shall be one (1) year with eligibility for reelection.
  - 1. The Chair shall preside at all meetings and hearings of the Board. The Chair has the authority to appoint ail committees, to call ail work sessions, designate which alternate member shall serve in place of a regular member, and to preside over executive sessions.

In the absence of the Chair from a meeting or hearing, the members present and able to vote shall choose a "Chair" for the meeting or hearing from their membership. The designated Chair shall have the same powers and duties as the customary Chair and shall relinquish those powers and duties at the end of the meeting or hearing.

- 2. The Secretary shall be responsible for the minutes and records of the Board, shall keep a record of all resolutions, votes, transactions, correspondences, findings and conclusions of the Board and other duties as may be normally carried out by the secretary. Ail records shall be deemed public and may be inspected during normal business hours. Any member of the public may obtain a copy of the record from the Board upon payment of the cost of reproduction and postage.
  - 3. The CEO shall be responsible for; drafting the agendas of regular meetings and special meetings in collaboration with the Chair, causing distribution of the notice of the meetings and hearings to be made, correspondence of the Board, and other duties as may be normally carried out by the CEO.
- B. When a member is unable to act because of interest, physical incapacity, absence, or any other reason

satisfactory to the Chair, the Chair shall designate an alternate member to sit in their chair.

- C. An alternate member may attend all meetings of the Board and participate in its proceedings; but may vote only when they have been designated by the Chair to sit for a member.
- D. No meeting of the Board shall be held without a quorum consisting of three (3) members or alternate members authorized to vote. It shall not include anyone who cannot participate due to a conflict of interest. "Conflict of interest" means direct or indirect pecuniary interest, which shall include pecuniary benefit to any member of the person's immediate family, their employer, or the employer of any member of the person's immediate family. It shall also include a situation where the Board member, by reason of their interest, is placed in a situation of temptation to serve their own personal interest, instead of the public's interest. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members present, except the member challenged.
- E. Board business shall be conducted in accordance with the Maine Revised Statutes Annotated and/or local ordinances.
- F. The Board shall adopt rules for transaction of business.
- G. The Chair may schedule special meetings of the Board on 24 hours notice to the Board members, Town Manager; Town Council Chair, CEO, and the media.
- H. Agendas.

- 1. Regular meeting agendas shall follow the following format:
  - a. Call to order and determine the presence of a quorum.
  - b. Public Hearing (if any is scheduled)
  - c. Minutes of the previous meeting and correspondence.
  - d. Old business.
  - e. New business.
  - f. Other.
  - g. Adjournment.
- 2. Agendas shall be posted in the Town Office and mailed to the Board members at least seven (7) days before the meeting.
- 3. New applications shall be received at the Town Office by the CEO no later than ten (10) days prior to the meeting and shall be placed on the next available slot for new applications on the Board's agenda, and the applicant so notified of the date and time.

I. Work Sessions.

- 1. The Chair may, with the approval of the majority of the Board, call work sessions relating to the Board's Activities, providing that the public is notified. A quorum shall be present to conduct any business.
- 2. Work sessions are open to the public. The general public shall be barred from addressing the Board, unless a majority of the Board permits the public to speak.

J. Executive Sessions.

- 1. Upon the vote of 60 percent of the Board members to do so, the Board may call for an Executive Session. A motion to go into Executive Session shall indicate the precise nature of the business of the Executive Session.
- 2. No other matters may be considered in that particular Executive Session. Within the Executive Session it shall be the Chair's responsibility to ensure that only that business for which the session was called will be discussed, and no official action will be taken.
- 3. No ordinance, rule, order, resolution, regulation, contract, appointment, or other official actions shall be finally approved at an Executive Session.
- 4. Deliberations may be conducted in Executive Sessions on the following matters and no others:
  - a. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation, or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:



1. An Executive Session may be held only if public discussion could be reasonably expected to cause damage to the reputation or the individual's right to privacy would be violated;
2. Any person charged or investigated shall be permitted to be present at an Executive Session if that person desires;
3. Any person charged or investigated may request in writing that the investigation of hearing of charges or complaints against them be conducted in open session. A request, if made to the agency, must be honored; and
4. Any person bringing charges, complaints or allegations of misconduct against the individual under discussion shall be permitted to be present.

This paragraph does not apply to discussion of a budget or budget proposal.

- b. Discussion or consideration of the condition, acquisition, or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency.
- c. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers, and matters where the duties of the public body's counsel to his client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality, or other public agency or person at a substantial disadvantage.
- d. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute.

### **3. Duties and Powers.**

The Board of Appeals shall have the following powers and duties:

#### **A. Administrative Appeals.**

To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the enforcement or administration of this Ordinance, provided the Board of Appeals shall have no jurisdiction to review the merits of an approval or denial by the Planning Board, nor to consider the imposition of conditions of approval or the failure to impose one or more conditions. When errors of administrative procedures or interpretation are found, the case shall be remanded back to the CEO or Planning Board for correction.

#### **B. Variance Appeals.**

To hear and decide applications requesting variance from the terms of this Ordinance not in contradiction to the public interest in respect to a parcel of land or to an existing building thereon, where a literal enforcement of this Ordinance would result in unnecessary hardship. The Board shall consider conditions and safeguards in conformity with this Ordinance in granting any variance by majority vote.

1. The Board shall not grant variances, under any circumstances, for uses indicated as "No" (Not Permitted) in any Land Use District of this Ordinance.
2. Variances are obtainable only for lot size, frontage, height, setbacks, and maximum building coverage requirements.
3. The Board shall not grant a variance unless it finds that all of the following criteria are met:
  - a. That the land in question cannot yield a reasonable return unless a variance is granted. Such hardship may be found by the Board of Appeals where this Ordinance, as applied to the applicant's property, substantially destroys or decreases the value of the property in question for any permitted use to

- which the land or property can reasonably be put; and
  - b. 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
  - c. That the granting of a variance shall not alter the essential character of the locality; and
  - d. That the hardship is not the result of action taken by the applicant or a prior owner. Mere inconvenience to the property owner shall not satisfy this requirement.
4. Practical Difficulty. The Board of Appeals may grant a variance from the dimensional standards when the applicant shows that following the terms of the ordinance will cause "practical difficulty." In addition to the showing of practical difficulty the applicant must show that the variance is needed due to the unique circumstances of the property; granting the variance will not undesirably change the neighborhood or detrimentally affect the use or value of abutting properties; the difficulty is not the result of action taken by the applicant or prior owner; there is no feasible alternative to the variance; there will not be an unreasonable adverse impact on the natural environment; and the property is not located in a shoreland zone. Dimensional standards are limited to lot area, lot coverage, frontage, and setback requirements. "Practical difficulty" means that application of the ordinance precludes the ability to pursue a use permitted and results in significant economic injury to the petitioner.
  5. Disability Variance. A disability variance may be granted by the Board to a property owner for the purpose of making that property accessible to a person with a disability who is living on the property. The Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the property with the disability. The Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives on the property. For the purposes of this subsection, a disability shall have the same meaning as a physical or mental handicap under Title 5 MRSA §4553 and the term "structures necessary for access to or egress from the property" is defined to include railing, wall, or roof systems necessary for the safety or effectiveness of the structure.
  6. The Board shall limit any variances granted as strictly as possible in order to preserve the terms of the ordinance as much as possible, and it may impose such conditions to a variance as it deems necessary, to this end.
  7. A copy of all variances granted in Shoreland Areas by the Board shall be submitted to the Department of Environmental Protection within fourteen (14) days of the Board's decision.
  8. If the Board grants a variance under this Section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of granting, shall be prepared in a recordable form by the Board. This certificate must be recorded in the Aroostook County Registry of Deeds by the applicant within ninety (90) days of the date of the final written approval of the variance or the variance is void. The variance is not valid until recorded as provided in this subsection. The right to relief from the terms of this Ordinance granted by a variance shall expire if the work or change is not substantially completed within one year from the date of final written approval. For the purpose of this subsection, the date of the final written approval shall be the date stated on the written approval. The Board shall notify the Chair of the Town Council and the Planning Board of any variance granted under the provisions of this Ordinance.

#### C. Setback Reduction Appeals.

To hear and decide upon appeal in specific cases a reduction from the standard setback requirements for residential uses and their accessory structures. The Board may reduce setbacks by no more than 20 percent, provided that the Board finds that the appeal meets the requirements stated below. In no case shall the reduction be more than five (5) feet from any property line. A setback reduction appeal shall NOT be construed as a variance to relieve undue hardship. Setback reduction may be granted to properties which are either conforming or non-conforming in regard to lot, structure, or use.

Upon granting a setback reduction which complies with the standards in subsection I, below, the Board may attach reasonable conditions which it finds necessary to protect the privacy of abutting property owners and neighbors. These conditions are limited to specifications for landscaping, fencing, parking, construction

provided herein if the Board finds that the applicant has proved that the reduction, if granted, will meet the following criteria:

1. The setback reduction will not encroach upon or further reduce a non-conforming setback from the normal high water line of a Shoreland Zoning District;
2. The lot in question was created before the effective date of this Ordinance as evidenced by a recorded deed or subdivision plan;
3. The lot is a single-family residential use or within a District where single-family use is permitted and is the primary year-round residence of the applicant;
4. The setback reduction will not allow construction or renovation which will create additional new dwelling units;
5. The setback reduction is due to the unique circumstances of the property and not the general conditions of the neighborhood;
6. The setback reduction will not alter the essential character of the locality;
7. The hardship is not the result of an action taken by the applicant or a prior owner;
8. The granting of the setback reduction will not substantially reduce or impair the use of abutting property; and
9. The granting of the setback reduction is based on demonstrated need, not convenience, and no other feasible alternative is available.
10. Setback reductions shall be subject to the following:
  - a. The maximum setback reduction shall be 20 percent for garages, decks, additions and swimming pool structures in front, rear, and side yards.
  - b. A detached garage shall be no more than one story in height, not to exceed 20 feet in height, and shall contain no habitable living space.
  - c. There shall be no more than one (1) garage per lot which does not meet the setback requirements.
  - d. The addition shall not allow the creation of more than one (1) kitchen in any dwelling unit.
  - e. Any action which extends the footprint of the principal structure must not exceed the height of the principal structure, except where the principal structure height is also increased as part of the addition project to the same height as the addition.
  - f. Only one setback reduction shall be allowed per lot after the effective date of this Ordinance. Whenever the Board grants a setback reduction under this Section, a certificate indicating the name of the current property owner identifying the property by reference to the last recorded deed in the chain of title indicating the fact that a setback reduction including any conditions on the setback has been granted and the date of the granting shall be prepared in a recordable form and shall be recorded by the applicant in the Aroostook County Registry of Deeds within ninety (90) days of final approval or the setback reduction shall be void. No rights may accrue to the setback reduction recipient or their heirs, successors, or assigns unless and until the recording is made within ninety (90) days.

#### **4. Appeal Procedure.**

##### **A. Making an Appeal.**

1. An appeal shall be submitted to the Board in writing accompanied by statements and/or photographs which shall become part of the record. Each variance application shall indicate in writing that it has satisfied the required approval standards and each administrative appeal shall indicate the basis for the claim that the Code Enforcement Officer and/or Planning Board has erred in administering or interpreting the ordinance. In either case, the variance applicant or the appellant shall also indicate in writing that they understand that it is their burden to prove their case to the Board.
2. An appeal of an administrative decision of the Planning Board or CEO may be taken to the Board of Appeals by an aggrieved party. Such appeal shall be made within thirty (30) days of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

Note: For the purposes of this subsection, an administrative decision does not include enforcement

actions. A decision of the CEO to take enforcement action for violations of this Ordinance, or any permit issued pursuant to this Ordinance, is not appealable to the Board.

3. For a variance appeal the applicant shall submit:
  - a. A sketch drawn to scale showing lot lines, location of existing building, and other physical features pertinent to the variance request; and
  - b. A concise written statement stating what variance is requested and why it should be granted.
4. Upon being notified of an appeal, the Planning Board and/or CEO shall transmit to the Board of Appeals all the papers specifying the record of the decision appealed from. Each appeal shall be accompanied by a fee to cover advertising and administrative costs. If the actual cost of advertising and notification exceeds the fee paid, the applicant shall pay the balance. The Board shall hold a public hearing on the appeal within forty-five (45) days. No action shall be taken on an appeal should the fee not be paid prior to the Hearing. The fee shall be made payable to the "*Town of Van Buren*" and is not refundable.

**B. Procedure on Appeal.**

1. At least fourteen (14) days prior to the date of the hearing on such appeal, the Board shall cause to be posted in three (3) prominent locations throughout the Town a notice which includes:
  - a. The name of the person appealing.
  - b. A brief description of the property involved.
  - c. A brief description of the decision appealed from, or the nature of a variance appeal.
  - d. The time and place of the Board's hearing.
2. At least ten (10) days prior to the date set for hearing, the Board shall also cause the Town Clerk to give similar written notice to:
  - a. All property owners of record whose properties abut the affected property.
  - b. The person making the appeal, and
  - c. The Planning Board, the CEO, and any other parties of record.

**C. Hearings.**

1. The Board may receive any oral or documentary evidence, but shall provide as a matter of policy for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. Every party shall have the right to present their case or defense by oral or documentary evidence to submit rebuttal evidence and to conduct such cross examinations as may be required for a full and true disclosure of the facts.
2. The appellant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chair.
3. At any Hearing, a party may be represented by agent or attorney. Hearings shall not be continued to other times except for good cause. For example, if the Board determines that the appeal before it was inappropriately classified the Board shall give the applicant the opportunity to amend the application and continue the Hearing until the public has been properly notified of the appeal's reclassification and of the time and place when the hearing shall continue.
4. The CEO shall attend all Hearings and may present to the Board all plans, photographs, or other material deemed appropriate for an understanding of the appeal.
5. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record.
6. The record may be kept open after the Hearing by order of the Chair until a date established by the order.

**5. Decisions of the Board of Appeals.**

- A. The concurring roll-call vote of a majority of the members of the Board shall be necessary to reverse any

order, requirement, decision, or determination of the CEO, or to decide in favor of the applicant on any matter on which it is required to pass under this Ordinance, or to affect any variation in the application of this Ordinance. When a motion results in a tie vote the motion fails.

- B. The Board shall decide all appeals in an open session of the Board within thirty (30) days after the Hearing, and shall issue a written decision on all appeals.
- C. All decisions shall become a part of the record and shall include a statement of findings and conclusions, as well as the reasons or basis therefore, upon all the material issues of fact, law, or discretion presented, and the appropriate order, relief, or denial thereof. Notice of any decision shall be mailed or hand delivered to the petitioner, their representative or agent, the Planning Board, agency or office, the CEO, and the Town Officers within seven (7) days of the decision date.
- D. Upon notification of the granting of an appeal by the Board, the CEO shall immediately issue a Permit in accordance with the conditions of the approval, unless the applicant's proposal requires subdivision or site design review. In the case of a variance appeal, the applicant shall register the variance in the Aroostook County Registry of Deeds in accordance with Title 30-A MRSA Section 4353.5 within ninety (90) days of the date of the final written approval of the variance or the variance is void. The applicant shall provide proof of registration to the CEO, prior to the issuance of the Permit.
- E. Appeals may be taken within forty-five (45) days from any decision of the Board of Appeals to Superior Court.
- F. Any Board of Appeals reconsideration of an original decision must be reconsidered and the proceedings completed within thirty (30) days of the vote on the original decision.
- G. The right to relief from the terms of this Ordinance granted by vote of the Board in a specific case shall expire if the work or change is not substantially completed within one year.
- H. A second appeal of a similar nature shall not be heard by the Board within one year from the date of denial of the first appeal. However, re-appeal may be made to the Board if substantial new evidence shall be found or an error or mistake in law or misunderstanding of fact shall have been found.
- I. The Board may impose such conditions and safeguards regarding location, character, fencing, screening, landscaping, or other features as it may deem advisable in furthering the intent and purpose of this Ordinance.
- J. The Board, with the advice and assistance of the CEO, shall maintain a current map indicating by means of appropriate symbols, colors, or other notations the locations in which it has taken approving actions.
- K. The Board shall not have the power to permit any industrial use in a business district, any business use in a residential district, or any residential use in an industrial district, except as may be provided within this Ordinance.

## **6. Stay of Proceedings.**

An appeal stays all legal proceedings related to the action appealed from unless the CEO or Planning Board, from whom the appeal is taken, certifies to the Board of Appeals, after the notice of appeal has been filed with the CEO or Board of Appeals, that by reason of facts stated in the certificate a stay would, in the CEO's or Board of Appeal's opinion, cause irreparable harm to property or create a threat to the life or health of any person including the appellant. In such case, the CEO or Board of Appeals, if legally authorized by State law or local ordinance, may seek injunctive relief or, in appropriate cases, refer the matter to the Town Council for prosecution.

## Section 17 – Schedule of Fees, Charges, and Expenses

The Town shall establish annually, on the advice of the Planning Board and CEO, a schedule of fees, charges, and expenses for matters pertaining to this Ordinance. The schedule of fees shall be posted in the Town Office, and may be altered or amended after a public hearing by the Town Council. Until all applicable fees, charges, and expenses have been paid in full by the applicant, no action shall be taken on any application or appeal.

1. **Site Design Review.**

Application Fee \$25, plus \$10 per 1000 SF of gross floor area.

2. **Subdivision Review**

A. Sketch Plan Application Fee \$25

B. Preliminary Plan Fee \$25, plus \$10 per lot or dwelling unit.

C. Final Plan Fee No fee if Preliminary Plan fee is paid. Otherwise \$25, plus \$10 per lot or dwelling unit.

3. **Signs**

A. Permanent Application Fee \$10 per sign

B. Temporary Application Fee \$10 per sign

4. **Land Use Permit**

A. Residential Use

Cost of Improvement	Fee
0 - \$1000	\$1.00
\$1001 - \$5000	\$5.00
\$5001 - \$35,000	\$10.00
\$35,001 - \$75,000	\$25.00
\$75,001 - over	\$50.00

B. Commercial and/or Industrial Use

Cost of Improvement	Fee
0 - \$75,000	\$25.00
\$75,001 - \$100,000	\$60.00
Over \$100,000	\$10 per \$25,000 or fraction thereof

C. Renewal of Land Use Permit \$5.00

5. **Certificate of Occupancy**

\$25

6. **Board of Appeals**

\$25, plus cost of advertising for public hearing, plus cost of any permit.

7. **Fee for Public Meeting**

\$25, plus cost of advertising for meeting.

8. **Demolition Permit**

\$5 Note: The demolished remains must be hauled away; the land must be restored to equal or better condition to abutting landowners; and all work must be completed within thirty (30) days of the demolition unless ordered by the Fire Chief or other authority.

9. **Used Merchandise Sale Permit**

\$5.00 Valid for thirty (30) days from date of issue

10. **Automobile Graveyard, Junkyard,  
and Automobile Recycling Operation  
Permit**

Within 100 feet of a public way: \$200 per year for each permit,  
plus cost of advertising public hearing.

More than 100 feet from a public way: \$50 per year for each  
permit, plus cost of advertising public hearing.

Automobile Recycling Operation: \$50 per year for each permit,  
plus cost of advertising public hearing.

11. **After-the-Fact Permit**

\$25, plus appropriate permit fee.

## **Section 18 – Amendments**

### **1. Initiation.**

A proposal for an amendment to this Ordinance may be initiated by:

- A. The Planning Board, by majority vote of the Board;
- B. The Town Council, through a request to the Planning Board;
- C. An individual, through a request to the Planning Board; or
- D. A written petition of a number of voters equal to at least ten percent (10%) of the voters in the last gubernatorial election.

### **2. Procedure.**

- A. Any proposal for an amendment shall be made to the Planning Board in writing stating the specific changes requested. When a change in zoning boundaries is proposed, the application shall state the nature, extent, and location of the boundary change proposal, and shall be accompanied by a scale drawing showing the areas to be changed, with dimensions. When an amendment is proposed by other than the Town Council or the Planning Board, a fee shall accompany the proposal to cover the costs of hearings and advertisements.
- B. Within thirty (30) days of receiving an amendment, the Planning Board shall hold a public hearing on the proposed amendment, and unless the amendment has been submitted by the Town Council or by a petition the Board, shall vote whether to forward the amendment to the Town Council. The Board shall make a written recommendation regarding passage to the Town Council prior to any action on the amendment by the Town Council.
- C. The Town Council shall hold a public hearing on the proposed amendment. Notice of the hearing shall be posted at three (3) prominent locations throughout the Town at least thirteen (13) days prior to the hearing. The notice shall contain the time, date, and place of hearing, and sufficient detail about the proposed changes as to give adequate notice of their content. If the proposed changes are extensive, a brief summary of the changes, together with a indication that a full text is available at the Town Clerk's office shall be adequate notice. Written notice of the hearing shall also be mailed at least thirteen (13) days prior to the hearing to property owners which are in or abutting a portion of the municipality affected by a zoning change which prohibits commercial and industrial uses where currently permitted or permits them where currently prohibited

### **3. Adoption.**

Any amendment to this Ordinance shall be adopted at an Annual or Special Town Meeting



## Section 19 – Definitions

### 1. Construction of Language.

The following definitions shall apply to the Zoning Ordinance and the Subdivision Ordinance of the Town of Van Buren. 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, their ordinarily accepted meaning, or as defined herein. In the case of any difference of meaning or implication between the text of the Ordinance, illustration, or table, the text shall control.

- A. The word "person" includes firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural numbers includes the singular.
- C. The word "shall" is mandatory; the word "may" is permissive.
- D. The word "lot" includes the words "plot" and "parcel".
- E. The words "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."
- F. The word "Town" shall mean the Town of Van Buren, Maine.
- G. The word "CEO" shall mean the Code Enforcement Officer for the Town of Van Buren.
- H. The term "this Ordinance" used herein shall include the Zoning Ordinance, Site Design Review Ordinance, and the Subdivision Review Ordinance for the Town of Van Buren.

### 2. Definitions.

**Abandoned:** The stopping of an activity, use, business, in addition to: actions taken by an owner or representative that removes the major portion of materials, goods, equipment, facilities, or parts thereof necessary for the operation of the activity, use, business. Also contains the element of abandoned and/or change to a less intensive use of the property/structure.

**Accessory Use or Structure:** A use or structure which is customarily and in fact both incidental and subordinate to the principal use of the structure. The term "incidental" in reference to the principal use or structure shall mean subordinate and minor in significance to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. In shoreland areas, a deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

**Adult Entertainment:** The regular presentation, for a fee or incidentally to another service, of material or exhibitions distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as defined below for observation by patrons therein.

**Adult Entertainment Establishment:** Any commercial establishment-including but not limited to: "adult bookstore", "adult video store", "adult theater", "adult nightclub", sexual encounter center, massage parlor, rap parlor, lingerie modeling, or sauna-which for a fee or incidentally to another service, regularly presents material or exhibitions distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as defined below for observation by patrons therein. Adult entertainment establishment further means any commercial establishment to which the public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls, separate from the common areas of the premises for the purpose of viewing sexually oriented motion pictures, sexually-oriented movies, sexually oriented films, adult videos, or wherein an entertainer provides sexually oriented entertainment to a member of the public, a patron, or a member.

- 1. **Adult Bookstore:** An establishment having a majority of its stock and trade or a majority of its floor space in books, magazines, other periodicals, or any other items which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as defined below for observation of the patrons or members therein; or in conjunction therewith has

facilities for the presentation of sexually oriented entertainment, including but not limited to, sexually oriented movies, adult videos, sexually oriented films, or sexually oriented live entertainment, for observation by patrons or members therein.

2. *Sexually Oriented*: Any exhibition of any motion pictures, films, videos, or live performance, display or dance of any type, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers which has a significant or substantial portion of such performance any actual or simulated performance of "specified anatomical areas," as defined below, for observation by patrons or members therein.
3. *Adult Theater*: An enclosed building regularly used for presenting films, motion pictures, video cassettes, slides, or other photographic reproductions or other material depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as defined below, for observation by patrons or members therein.
4. *Adult Nightclub*: A theater, concert hall, auditorium, nightclub, bar, restaurant, or similar commercial establishment which regularly features live performances that are characterized by any actual or simulated performance of "specified sexual activities" or the exposure of "specified anatomical areas".
5. *Adult Video Store*: A commercial establishment having a majority of its stock or a majority of its floor space dedicated to "adult videos" – as defined below – which are rented or sold or presented for a fee or incidentally to another service; or in conjunction therewith, regularly presents on the premises sexually oriented motion pictures of sexually oriented films, "adult videos" or sexually oriented live exhibitions which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons or members therein.
6. *Adult Videos*: A video, CD, laser disk, or similar medium with a cover that depicts "specified sexual activities" or "specified anatomical areas" or a transparent or less than opaque cover through which "specified sexual activities" or "specified anatomical areas" can be viewed.
7. *Massage Parlor*: Any place where, for any form of consideration, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with any specified sexual activity, or where any person providing such treatment, manipulation, or service related thereto exposes any specified anatomical area. This term shall not apply to a place wherein registered physical therapists treat only patients recommended by a licensed physician and operate only under such physician's direction.
8. *Nude Modeling Studio*: Any place where a person who appears in a state of nudity, or displays any specified anatomical area is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.
9. *Specific Anatomical Area*:
  - a. Less than opaquely covered human genitals, pubic region or pubic hair; or
  - b. Less than opaquely covered perineum, buttock, or anus; or
  - c. Less than opaquely covered female breast below a point immediately above the top of the areola; or
  - d. Human male genitals in a discernibly erect or turgid state, even if completely and opaquely covered.
10. *Specific Sexual Activities*:
  - a. Human genitals in a discernible state of sexual stimulation or arousal; or
  - b. Acts or representations of human masturbation, sexual intercourse, sodomy, bestiality, excretory functions, sadism, masochism, lewd exhibition of genitals; or
  - c. Fondling or other erotic touching of human genitals, pubic region or pubic hair, perineum, buttock or anus, or female breast.

Agent: Anyone having written authorization to act in behalf of a property owner, signed by the property owner.

Aggrieved Party: An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under an ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture: The production, keeping, or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

Agricultural Products, Processing, and Storage: Establishments engaged in the manufacturing, processing, and/or packaging of foods, dairy products, commercial composting, and storage of such products.

Agricultural Sales and Service: The use of buildings or land for the sale of equipment or products or services to those engaged in agriculture.

Alteration: Any change, addition, or modification in construction other than cosmetic or decorative, or any change in the structural members of buildings such as bearing walls, columns, beams, or girders.

Amusement Facility: Any private, commercial premises which are maintained or operated primarily for the amusement, patronage, or recreation of the public, containing four (4) or more table sports, pinball machines, video games, or similar mechanical or electronic games, collectively, whether activated by coins, tokens, or discs, or whether activated through remote control by the management.

Animal Husbandry: The keeping of any domesticated animals other than customary household pets.

Applicant: The person applying for approval under an ordinance.

Aquaculture: The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Aquifer: A geological unit in which porous and permeable conditions exist and thus are capable of yielding usable amounts of water. (See: MDEP Aquifer Maps)

Aquifer Recharge Area: An area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater. (See: MDEP Aquifer Maps)

Archaeological/Historic Site/Structure: Means any site or structure that is:

1. Listed individually in the national Register of Historic Places or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the national Register;
2. Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary determined by the Secretary of the Interior to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (a) by an approved state program as determined by the Secretary of the Interior; or (b) directly by the Secretary of the Interior in states without approved programs.

Area of Special Flood Hazard: The land in the floodplain having a one percent or greater change of flooding in any

given year.

**Artificial Monument:** A man-made object used to mark and identify the corner or line of property boundaries. Artificial monuments are to be in conformance with current standards of the Maine Board of Licensure for Professional Land Surveyors. The term "artificial monument" includes the following:

1. A granite monument;
2. A concrete monument;
3. A drill hole in ledge;
4. A metal pipe or pin; or
5. A steel bar no less than 1/2" in diameter and 3' in length.

**Assembly and Packaging:** See: Definition for "Industrial, Light"

**Authorized Agent:** An individual or firm having written authorization to act on behalf of a property owner or applicant. The authorization shall be signed by the property owner or applicant.

**Automobile Graveyard:** A yard, field, or other area used to store two (2) or more unserviceable, discarded, worn-out, or junked motor vehicles as defined in Title 29, Section 1, subsection 7, or parts of such vehicles. "Automobile graveyard" does not include any area used for temporary storage by an establishment or place of business which is primarily engaged in doing vehicle body repair work to make repairs or render a motor vehicle serviceable. "Automobile graveyard" does include an area used for vehicle dismantling, salvage, and recycling operations. For the purposes of this definition, "Unserviceable" shall mean, not ready for use or not presently useable. ·

**Automobile Body Shop:** A business engaged in vehicle body, frame, or fender straightening and repair and painting and undercoating.

**Automobile Recycling Business:** The business premises of a person who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, provided that 80 percent of the business premises specified in the site plan (Title 30-A, MRSA, Section 3755-A, subsection 1, paragraph C) is used for automobile recycling business.

**Automobile Recycling or Recycling Operations:** The dismantling of motor vehicles for the purpose of reselling the component parts of the vehicle or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles.

**Automobile Repair Garage:** A place where, with or without the attendant sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; over-all painting and under-coating of automobiles.

**Automobile Service Station:** A place where gasoline, or any other automobile engine fuel (stored only in underground tanks), kerosene, or motor oil and lubricants or grease are retailed directly to the public on the premises; including storage of unlicensed vehicles and not including body, frame or fender straightening and repair.

**Average Daily Traffic (ADT):** The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

**Banner:** Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

**Base Flood:** Means the flood having a one percent change of being equaled or exceeded in any given year, alternately referred to as the 100 year flood.

**Basement:** The enclosed area underneath a structure, typically having a masonry floor and walls which comprise the structure's foundation. The clear height up to the joists supporting the floor directly above is three (3) feet or greater.

**Bathroom:** A room with a bathtub and/or shower, toilet, and washstand.

**Bed and Breakfast:** Any dwelling in which transient lodging or boarding and lodging are provided and offered to the public for compensation for less than one week. The dwelling shall also be occupied by a permanent resident. There shall be no provision for cooking in any of the individual guest rooms.

**Billboard:** A sign, structure, or surface which is available for advertising purposes for goods or services rendered off the premises.

**Boarding (Lodging) Facility:** Any residential structure where lodging and with or without meals are provided for compensation for a period of at least one week, and where a family residing in the building acts as proprietor or owner. There shall be no provision for cooking in any individual guest room.

**Boat Launching Facility:** A facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

**Buffer:** A part of a property or an entire property, which is not built upon and is specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources.

**Building:** Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or personal property.

**Building Coverage:** (See: Lot Coverage)

**Building Height:** The vertical distance measured between the average finished grade of the ground at the front of a building and the highest point of the roof, not including chimneys, spires towers, or similar accessory structures.

**Bulk Grain Storage:** Establishments primarily engaged in the warehousing and storage of grain for resale or own use other than normal storage associated with on-site consumption.

**Business Directional Sign:** A sign erected and maintained in accordance with the Maine Traveler Information Services Act, 23 MRSA §190I, et. seq. which points the way to public accommodations and facilities or other commercial facilities.

**Business, Commercial, or Industrial Sign:** An attached or freestanding structure which directs attention to a business or profession conducted on that premises.

**Campground:** Any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles, or other shelters for which a fee is charged.

**Canopy Sign:** Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

**Capital Improvements Program (CIP):** The Town's proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

**Cemetery:** Property used for the interring of the dead.

**Certificate of Compliance:** A document signed by the CEO stating that a structure is in compliance with all of the provisions of the Floodplain Management Ordinance.

*Certificate of Occupancy*: A document signed by the CEO stating that a structure is in compliance with all of the provisions of the Zoning Ordinance, Shoreland Zoning Ordinance, Building Code, and the Subdivision Ordinance of the Town of Van Buren.

*Change of Use*: A change from one category in the land use table to another or the addition of a new category of use to an existing use.

*Changeable Copy Sign*: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for purposes of an ordinance. A sign on which the copy that changes is an electronic or mechanical indication of time or temperature shall be considered, "time and temperature" portion of a sign and not a changeable copy for the purposes of an ordinance.

*Child Day Care Facility*: Any dwelling, building, or portion thereof which child day care services are provided including any on-site outdoor play area. Child day care facilities shall be further differentiated by the following three classifications:

*Family Day Care Home*: Any premises or dwelling unit other than the child's own home where the child care areas are being used as a family residence, operated for profit or not for profit, in which child day care is provided at any one time on a regular basis to three, four, five, or six children, who are not relatives of the caregiver. Day care service for children in this type of facility is different from "babysitting."

*Group Day Care Home*: A facility in which care is provided for more than six (6), but less than twelve (12) children, at any one time, where the child care areas are being used as a family residence.

*Day Care Center*: A facility which is licensed to provide care for seven (7) or more children at any one time where the child care areas are not being used as a family residence.

*Church*: A building or structure, or group of buildings or structures, designed, primarily intended, and used for the conduct of religious services, excluding Sunday School.

*Clinic*: An establishment where patients are accepted for treatment by a group of physicians practicing medicine together, but shall not offer domiciliary arrangements; medical or dental.

*Club*: Any association of persons organized for social, religious, benevolent, or academic purposes; whose facilities are open to members and guests including fraternities, sororities, and social organizations.

*Club, Private*: Any building or rooms, which serves as a meeting place for an incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational, or like activities, operated for the benefit of its members and not for the general public. (membership)

*Club, Recreational*: Any building or land which serves as a meeting place or recreation area for an incorporated or unincorporated association or group operated for the benefit of its members and guests and not open to the general public, and not engaged in activities customarily carried on by a business for pecuniary gain.

*Cluster Development*: A development designed to promote the creation of open space by a reduction in dimensional and area requirements.

*Code Enforcement Officer (CEO)*: A person appointed by the Town Officers to administer and enforce an ordinance. Reference to the CEO may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector, and the like, where applicable.

*Commercial Composting*: The processing and sale of more than 1000 cubic yards of compost per year.

*Commercial Recreation*: Any commercial enterprise which receives a fee in return for the provision of some

recreational activity, including but not limited to: racquet clubs, health facility and amusement parks, but not including amusement centers.

Commercial Use: Commercial shall include the use of lands, buildings, or structures, other than home occupations, the intent and result of which activity is the production of income from the buying and selling of goods and services, exclusive of rental of residential buildings and dwelling units.

Common Driveway: A vehicle access way serving two dwelling units.

Common Open Space: Land within or related to a subdivision, not individually owned, which is designed and intended for the common use or enjoyment of the residents of the subdivision or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the usable open space, such as for outdoor recreation.

Community Center: A building which provides a meeting place for local, non-profit community organizations on a regular basis. The center shall not be engaged in activities customarily carried on by a business.

Complete Application: An application shall be considered complete upon submission of the required fee, a signed application, and all information required by the appropriate application, except as validly waived by the vote of the Planning Board to waive the submission of required information.

Comprehensive Plan: A document or interrelated documents adopted by the Town's legislative body, containing an inventory and analysis of existing conditions, a compilation of goals for the development of the community, an expression of policies for achieving these goals, and a strategy for implementation of the policies.

Confined Animal Feeding Operations: Specialized livestock production enterprises with confined beef cattle and hog feeding and poultry and egg farms and accessory structures. These operations have large animal populations restricted to small areas.

Conforming: A building, structure, use of land, or portion thereof, which complies with all the provisions of an appropriate ordinance.

Congregate Housing: A multi-family development with central dining facilities serving functionally impaired persons.

Conservation Easement: A non-possessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open space values of real property; assuring its availability for agricultural, forest, recreational, or open space use; protecting natural resources; or maintaining air and water quality.

Constructed: Includes built, erected, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, paving, drainage, and the like, shall be considered as part of construction.

Deck: An uncovered, unenclosed structure with a floor, elevated above ground level with or without a railing no higher than four (4) feet.

Decorative Changes: Repainting or re-siding; removing or replacing trim, railings, or other non-structural architectural details; or the addition, removal or change of location of windows and doors.

Deer Wintering Areas: Areas used by deer during the winter for protection from deep snows, cold winds, and low temperatures, as identified by the Maine Department of Inland Fisheries and Wildlife.

Demolition/Waste Disposal: A facility including a landfill operated by a public, quasi-public, or private entity which purpose is to dispose of useless, unwanted, or discarded solid material with insufficient liquid content to be free

flowing, including by way of an example, and not by limitation to, rubbish, garbage, scrap metals, junk, refuse, inert material, landscape refuse, and demolition debris. The definition does not, however, include commercial hazardous waste disposal facilities or recycling of products.

**Density:** The number of dwelling units per acre of land.

**Developed Area:** Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

**Development:** Any man-made changes to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

**Dimensional Requirements:** Numerical standards relating to spatial relationships including but not limited to setback, lot area, shore or road frontage, and height.

**Direct Watershed:** That portion of the watershed which does not first drain through an upstream lake.

**Disability, Physical or Mental:** Any disability infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness, and includes the physical or mental condition of a person that constitutes a substantial disability as determined by a physician or, in the case of mental disability, by a psychiatrist or psychologist, as well as any other health or sensory impairment that requires special education, vocational rehabilitation, or related services.

**District:** A specified portion of the Town, delineated on the Official Van Buren Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of the Zoning Ordinance of the Town of Van Buren.

**Drive-Up Facility:** An establishment that, by design of physical facilities or by service, encourages customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises while remaining in the vehicle. Such as, but not limited to, Automated Teller Machines (ATMs).

**Driveway:** A vehicular access-way less than five hundred (500) feet in length serving two (2) lots or less.

**Duplex:** (See: Two-Family Dwelling) A building containing two (2) dwelling units for occupation by not more than two (2) families.

**Dwelling:** A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters. The term shall include mobile homes and manufactured housing, but not recreational vehicles.

**Single-Family Dwelling:** A building containing only one (1) dwelling unit for occupation by not more than one (1) family.

**Two-Family Dwelling:** A building containing only two (2) dwelling units, for occupation by not more than two (2) families.

**Multi-Family Dwelling:** A building containing three (3) or more dwelling units, such buildings being designed 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.

**Dwelling Unit:** A room or suite of rooms designed and equipped exclusively for use by one family as a habitation and which contains independent living, cooking, sleeping, bathing and sanitary facilities. The term includes manufactured housing, but not recreational vehicles or hotel/motel units.

**Easement:** A right, such as a right-of-way, afforded a person to make limited use of another's real property.



*Elderly Housing Complex*: A dwelling complex that is occupied by a minimum of ten (10) persons, 62 years of age or older, and/or handicapped persons, as a residential living environment with other persons 62 years of age or older and/or handicapped persons.

*Emergency Operations*: Operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

*Engineered Subsurface Waste Water Disposal System*: A subsurface waste water disposal system designed, installed, and operated as a single unit to treat 2000 gallons per day or more; or any system designed to treat wastewater with characteristics significantly different from domestic wastewater.

*Essential Services*: The construction, alteration or maintenance of gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

*Expansion of a Structure*: An increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached: decks, garages, porches and greenhouses.

*Expansion of Use*: The addition of weeks or months to a business operating season; the addition of hours to a business day; the use of more floor area or ground area; or the provision of additional seats or seating capacity.

*Exterior Walls*: Siding materials such as clapboards, shingles, and shakes, including synthetic or metal siding manufactured to closely resemble clapboards, shingles, and shakes. This term shall also include masonry, wood board-and-batten, and "Texture 1-11" exterior plywood, but shall not include artificial masonry, or fake board-and-batten made from metal or plastic.

*Family*: One or more persons occupying a premises and living as a single housekeeping unit.

*Farm Parcel*: A tract or parcel of land devoted primarily to agricultural uses, together with a dwelling and/or other accessory uses.

*Farm-Related Business*: A business operated on a farm parcel related to or supportive of agricultural activities, such as, but not limited to, blacksmithing, farm implement repair, and/or roadside sale of agricultural products.

*Farm Stand*: A structure designed, arranged, or used for the display and sale of agricultural products primarily grown or produced on the premises upon which the stand is located. A farm stand may be located on premises that the products are not grown upon, provided such premise is owned by the operator.

*Fence*: Any artificially constructed barrier of any material, or combination thereof, erected to enclose or screen areas of land. To further distinguish types of fences: (a) a boundary fence encloses a parcel of property; and (b) a privacy fence blocks part or all of the property from the view of the neighbors. Privacy fences may be solid and taller than other types of fences. For the purposes of this ordinance, a fence is not an accessory structure.

*Filling*: Depositing or dumping any matter on or into the ground or water.

*Final Plan*: The final drawings on which the applicant's plan of subdivision is presented to the Planning Board for approval and which, if approved, shall be recorded at the Aroostook County Registry of Deeds.

*Flag*: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

**Flashing Sign:** Any sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying degrees of light intensity, shows motion, or creates the illusion of motion or revolves in a manner to create the illusion of being on or off.

**Floating Slab:** A reinforced concrete slab which is designed to withstand pressures both from below and above.

**Flood Insurance Rate Map:** The official map on which the Dept. of Housing and Urban Development or the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to Van Buren.

**Floodplain:** The lands adjacent to a body of water which have been or may be covered by the base flood.

**Floodplain Soils:** The following soil series as described and identified by the SCS in the Soil Survey for Aroostook County, Maine:

Alluvial	Hadley	Medomak	Winooski
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**Floor Area Gross:** The sum, in square feet of the floor areas of all roofed portions of a building, as measured from the exterior faces of the exterior walls.

**Floor Area Net:** The total of all floor areas of a building, excluding the following: stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and floors below the first or ground floor, except when used for human habitation or service to the public.

**Floor Area Ratio:** A ratio derived by dividing the gross floor area of a building by the area of the lot.

**Floor Area (Shoreland Areas):** The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

**Forest Management Activities:** Timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

**Forested Wetland:** A freshwater wetland dominated by woody vegetation that is six (6) meters tall or taller. (6 meters = 19.865 feet)

**Forestry:** The operation of timber tracks, tree farms, forest nurseries, the gathering of forest products, or the performance of forest services.

**Foundation:** The supporting substructure of a building or other structure, including, but not limited to, basements, slabs, sills, posts, or frostwalls.

**Freestanding Sign:** Any sign supported by structures or supports that are placed on, or anchored in, the ground and are independent from any building or other structure.

**Freshwater Wetland:** Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and
2. Not considered part of a great pond, river, stream, or brook.

**Frontage:** The horizontal distance, measured in a straight line, between the intersections of the side lot lines with the front lot line.

Frontage, Road: The horizontal distance, measured in a straight line, extending between the side lot lines and the road right-of-way.

Frontage, Shore: The horizontal distance, measured in a straight line, between the intersections of the lot lines with the shoreline at the normal high water line.

Frost Wall: A masonry foundation wall extending below the ground surface, supported by footing located below the frost line to protect structures from frost heaves.

Functionally Water-Dependent Uses: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and which cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, retail and wholesale fish marketing facilities, waterfront dock and facilities, marinas, navigation aids, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site.

Garage: An accessory building, or part of a principal building, including a car port, used primarily for the storage of motor vehicles as an accessory use.

Gasoline Service Station: See: Automobile Service Station

Government Office: A building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, convention, and entertainment facilities owned and/or operated by a government agency.

Gravel Pit: (See: Mineral Extraction)

Great Pond: Any inland body of water which in a natural state has a surface area in excess of ten (10) acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres.

Group Home: A housing facility for eight (8) or fewer persons with disabilities that is approved, certified, or licensed by the State, including a group home, foster home, or intermediate care facility. Disability is defined the same as "handicap" in the federal Fair Housing Act. Community living arrangements are deemed a single-family use for the purposes of zoning. Wherever a single family dwelling is permitted, community living arrangements must also be permitted.

Guest House: See: Inn.

Hazardous Wastes: As defined in MRSA Title 38, Section 1303, as may be amended.

Height of a Structure: See: Building Height

High Intensity Soil Survey: A soil survey conducted by a Certified Soil Scientist, meeting the standards of the national Cooperative Soil Survey, which identifies soil types down to 1/10 acre or less at a scale equivalent to the subdivision plan submitted. The mapping units shall be the soil series, single soil test pits and their evaluation shall not be considered to constitute high intensity soil surveys.

Home Occupation: An occupation or profession which is customarily conducted on or in a residential structure or property and which is clearly incidental to and compatible with the residential use of the property and surrounding residential uses.

Homeowners Association: A community association which is organized in a residential development in which individual owners share common interests in open space and/or facilities.

**Hospital:** An institution providing, but not limited to, overnight health services, primarily for in-patients, and medical or surgical care for the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient departments, training facilities, central services facilities, and staff offices.

**Hotel:** A building in which lodging or meals and lodging are offered to the general public for compensation and in which ingress and egress to and from the rooms are made primarily through an inside lobby or office. The hotel may contain such accessory services and facilities as newsstands, personal grooming facilities and restaurants.

**Impervious Surface Ratio:** A measure of the intensity of the land use that is determined by dividing the total area of all impervious surfaces on the site by the area of the lot. For the purpose of an ordinance, impervious surfaces include buildings, structures, paved and gravel surfaces.

**Individual Private Campsite:** An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fire places, or tent platforms.

**Industrial Park or Development:** A subdivision developed exclusively for industrial uses, or a subdivision planned for industrial uses and developed and managed as a unit, usually with provision for common services for the users.

**Industrial, Heavy:** The use of real estate, building, or structure, or any portion thereof, for the processing and manufacturing of materials or products predominately from extracted raw materials, or use engaged in storage of, or manufacturing processes using flammable, or explosive materials, or storage or manufacturing processes that potentially involve hazardous or nuisance conditions, such as, but not limited to, noise, smoke, vibration, odor, or appearance.

**Industrial, Light:** A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabricating, assembly, treatment, packaging, incidental storage, sales, and distribution of such. products, and excluding industrial processes which utilize extracted or raw materials, flammable or explosive materials, or which will not create nuisance conditions, such as, but limited to, noise, smoke, vibration, odor, or appearance.

**Inn:** A building, which contains a dwelling unit occupied by an owner or resident manager, in which up to ten (10) lodging rooms or lodging rooms and meals are offered to the general public for compensation, and in which entrance to bedrooms is made through a lobby or other common room. Inn includes such terms as guest house, lodging house and tourist house.

**Intensive Agricultural Use:** Agricultural activities which typically are associated with one or more of the following impacts: strong offensive odors; substantial run-off; large concentrations of animal waste; noise; and/or extensive use of chemical, compost, and manure piles. Intensive Agricultural Uses include, but are not necessarily limited to: a) slaughter areas; b) areas for the storage or processing of manure or garbage; and c) structures housing more than 50 animal units.

**Interstate System:** Those portions of the Maine Turnpike and the state highway' system incorporated into the National System of Interstate and Defense Highways, as officially designated by the Department of Transportation.

**Junkyard:** A yard, field, or other area used as place of storage for:

1. Discarded, worn-out, junked plumbing, heating supplies, household appliances, and furniture;
2. Discarded, scrap, and junked lumber;
3. Old or scrap cooper, brass, rope, rags, batteries, paper trash, rubber debris, plastic debris, waste, and all scrap iron steel, and other scrap ferrous or non-ferrous material, and
4. Garbage dumps, waste dumps, and sanitary landfills.

**Kennel:** Any place, building, tract of land, abode, enclosure, or vehicle where three (3) or more pets owned singly or jointly are kept for any purpose, including but not limited to breeding, hunting, show, field trials or exhibition, or

where three (3) or more pets are kept for their owners in return for a fee. This definition shall not apply to dogs or cats under the age of six (6) months.

Laundry, Self-Serve: A business that provides home type washing, drying, and/or ironing machines for hire to be used by customers on the premises.

Level of Service: A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the Highway Capacity manual, latest edition, published by the National Academy of Sciences, Transportation Research Board. There are six (6) levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

Livestock: Domestic animals kept or raised for use or profit, such as, but not limited to, cattle, horses, sheep, or pigs, that are typically kept outside of the home.

Lot: A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by an ordinance, and having frontage upon a public street, right-of-way or private way.

Lot Area: The land area enclosed within the boundary lines of the lot not including the area of any land which is: part of a right of way for a thoroughfare or easement, such as, but not limited to, surface drainage easements or traveled rights of way (but not including any utility easement servicing that lot); or the land below the normal high-water line of a water body; or upland edge of a wetland; or which is a forested or freshwater wetland.

Lot, Corner: A lot with at least two (2) contiguous sides abutting upon a street or right of way.

Lot, Coverage: The percentage of the lot covered by all impervious structures.

Lot, Interior: Any lot other than a corner lot.

Lot Lines: The lines bounding a lot as defined below:

Front Lot Line: On an interior lot, the lot line abutting the street or right-of-way; or, on a corner lot each lot line abutting the street or right-of-way; or, on a through lot, the lot line abutting the street providing primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

Rear Lot Line: The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.

Side Lot Line: Any lot line other than the front lot line or rear lot line.

Lot, Minimum Area: The required area within a district for a single lot or use.

Lot of Record: A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file in the Aroostook County Registry of Deeds.

Lot, Shorefront: Any lot abutting a body of water.

Lot, Through: Any interior lot having frontages on two (2) or more parallel streets or rights of way, or lying between a street and a body of water, or a right of way and a body of water, or between two (2) bodies of water, as distinguished from a corner lot. All sides of through lots adjacent to streets, rights of way, and bodies of water shall be considered frontage, and front yards shall be provided as required.

Lot Width, Minimum: The closest distance between the side lot lines of a lot.

**Manufacturing:** The mechanical or chemical transformation of material or substance into new products, either finished or semi-finished for use as raw material in another process, and including the assembling of component parts, the manufacturing of products, and the blending of materials. The term also includes repair services, exclusive of motor vehicles, where such services are performed in a facility larger than a tradesman's shop, as defined within this Section.

**Market Value:** The estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

**Mechanized Recreation:** Recreation activities which require the use of motors or engines for the operation of equipment or participation in the activity.

**Mineral Exploration:** The hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition. Mineral exploration shall not include testing for a quarry.

**Mineral Extraction:** Any operation within any twelve (12) successive month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site. Mineral extraction shall not include the term quarry.

**Mobile Home, Newer:** A structural unit designed for occupancy and constructed after June 15, 1976, which the manufacturer certifies is constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in the traveling mode is 14 body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in the unit. This term also includes any structure which meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, US Code, Title 42, Section 5401, et seq.

**Mobile Home, Older:** A structural unit designed for occupancy and constructed before June 15, 1976, which has not been constructed in compliance with the United States Department of Housing and Urban Development standards, transportable in one or more sections, which in the traveling mode is 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in the unit.

**Mobile Home Park:** A plot of land designed and/or used to accommodate three (3) or more mobile homes.

**Mobile Home Park Lot:** The area of land on which an individual mobile home is situated on within a mobile home park and which is reserved for use by the occupants of that unit. The Town requires all lots to be indicated on the mobile home park plan.

**Mobile Home Subdivision or Development:** A parcel of land approved by the Planning Board under the Subdivision Ordinance for the placement of a mobile home on individually owned lots.

**Modular Homes:** Those units which the manufacturer certifies are constructed in compliance with Title 10, chapter 957, section 9001 et seq., and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on permanent foundations when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in the unit.

**Motel:** A building or group of buildings in which lodging is offered to the general public for compensation, and where entrance to rooms is made directly from the outside of the building. Motel includes such terms as tourist cabins and tourist court. Any transient accommodation which does not meet the definitions of Bed and Breakfast, Hotel or Inn shall be deemed to be a motel for the purposes of an ordinance.

**Natural Resource Based Use:** The use of land and/or structures for the initial manufacturing, processing, fabricating, assembly, and/or packing of goods or products of raw natural resource materials (land, water, plant, and animal life) indigenous to the municipality or immediate area. With respect to this definition, "Initial" refers to the first phase of manufacturing, processing, fabricating, assembly, and/or packing, beginning with raw materials, rather than secondary manufacture or handling. Such uses include, but are not limited to: raw material storage, agricultural product packing, sawmills, blacksmithing, farm implement repair, or roadside sale of agricultural products.

**Neighborhood "Convenience" Store:** A store of less than 1,500 square feet of floor space intended to service the convenience of a residential neighborhood with such items as, but not limited to, basic foods, newspapers, emergency home repair articles, and other household items.

**Net Residential Acreage:** The total acreage available for a subdivision, and shown on the proposed subdivision plan, minus the area for streets or access and the areas which are unsuitable for development.

**Net Residential Density:** The number of dwelling units per net residential area.

**New Construction:** Structures for which the "start of construction" commenced on or after the effective date of an ordinance.

**Non-Conforming Lot of Record:** A lot shown on a plan or deed recorded prior to the effective date of an ordinance or amendment which does not meet the area, frontage, width or depth requirements of the District in which it is located.

**Non-Conforming Sign:** Any sign that does not conform to the requirements of an ordinance.

**Non-Conforming Structure:** A structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time an ordinance or subsequent amendments took effect.

**Non-Conforming Use:** Use of buildings, structures, premises, land or parts thereof which is not permitted in the District in which it is situated or which does not meet the performance standards prescribed for it by an ordinance, but which is allowed to remain solely because it was in lawful existence at the time an ordinance or subsequent amendments took effect.

**Normal High-Water Line of Waters:** That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land (by way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups: Upland grasses, aster, lady slipper, wintergreen, partridge berry, sarsaparilla, pines, cedars, oaks, ashes, alders, elms and maples). In the case of wetlands adjacent to rivers and Great Ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water. In places where the shore or bank is of such character that the high water line cannot be easily determined (rock slides, ledges, rapidly eroding, or slumping banks) the normal high water line shall be estimated from places where it can be determined by the above method.

**Nursing Home:** Any facility which provides meals, lodging and nursing care for compensation.

**100 Year Flood:** The flood having a one percent chance of being equaled or exceeded in any given year.

**Open Space Use:** A use not involving: a structure; earth-moving activity; or the removal or destruction of vegetative cover, spawning grounds, or fish, aquatic life, bird and other wildlife habitat.

**Ordinance:** Any legislative action of the Town's legislative body which has the force of law, including but not limited to, any amendment or repeal of any ordinance.

**Parking Space:** An area on a lot intended for the use of temporary parking of a personal vehicle. Each parking space shall be nine feet by nineteen feet (9' X 19'), exclusive of drives or aisles for the parking of vehicles, and have a means of access to a public street.

**Parks and Recreation:** Non-commercially operated recreation facilities open to the general public including, but not limited to playgrounds, parks, monuments, green strips, open space, mini-parks, athletic fields, boat launching ramps, piers and docks, picnic grounds, swimming pools, and wildlife and nature preserves, along with any necessary accessory facilities, rest rooms, bath houses, and the maintenance of such land and facilities, but not including campgrounds, commercial recreation and amusement centers.

**Passive Recreation:** Outdoor recreational activities which involve no structural or mechanical components or facilities, or earth moving, such as hiking, fishing, hunting, etc.

**Patio:** An uncovered floor usually made of concrete, brick or other masonry material, which is not elevated above the surface of the ground in any manner.

**Pennant:** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string usually in series, designed to move in the wind.

**Permanent Foundation:** A permanent foundation means all of the following:

1. A full, poured concrete or masonry foundation;
2. A poured concrete frost wall or a mortared masonry frost wall, with or without a concrete floor;
3. A reinforced, floating concrete pad for which the Town may require an engineer's certification if it is to be placed on soil with high frost susceptibility;
4. Any foundation reviewed and approved in writing by the CEO, using advanced technologies.

**Permitted (Allowed) Use:** Uses which are listed as permitted uses in the various districts set forth in an ordinance. The term shall not include prohibited uses.

**Personal Property:** Property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

**Personal Services:** A business which provides services but not goods such as, hairdressers, shoe repair, real estate, and insurance etc.

**Person:** An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two (2) or more individuals having a joint or common interest, or other legal entity.

**Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-water Line or Within a Wetland:**

**Temporary:** Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

**Permanent:** Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

**Pitched, Shingled Roof:** A roof with a pitch of two (2) or more vertical units for every twelve (12) horizontal units of measurement and which is covered with asphalt or fiberglass composition shingles or other approved materials, but specifically excludes corrugated metal roofing material.



Planning Board: The Planning Board for the Town of Van Buren

Pond: See: Body of Water.

Preliminary Subdivision Plan: The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

Primary System: Those portions of the state highway system which the Department of Transportation has by official designation incorporated into the Federal-Aid Primary System.

Prime Farmland: Land that has been identified in the comprehensive plan that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oil-seed crops, and meets all of the criteria established by the US Department of Agriculture.

Principal Structure: The building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal Use: The primary use other than one which is wholly incidental or accessory to another use on the same premises.

Private Road: A private way meeting Van Buren's road construction standards for preparation, sub-base, and base.

Professional (Business) Offices: The place of business for doctors, lawyers, accountants, financial advisors, architects, surveyors, psychiatrists, psychologists, counselors, real estate, insurance, and the like or in which a business conducts its administrative, financial, or clerical operations, including financial institutions and other financial services, but not retail sales, personal services, or the use of trucks as part of the business operation.

Projecting Sign: Any sign affixed to a building or a wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of the building or wall.

Property Line: (See: Lot Line)

Public or Private Schools: Primary and secondary schools, or parochial schools, which satisfy either of the following requirements: (a) the school is not operated for a profit or as a gainful business; (b) or the school teaches courses of study which are sufficient to qualify attendance in compliance with state compulsory education requirements.

Public Facility: Any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Public Improvements: The furnishing, installing, connecting, and completing all of the street grading, paving, storm drainage, and utilities or other improvements specified by the Planning Board.

Public Utility: Any person, firm, corporation, municipal department, board, or commission authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation, sanitary sewage disposal, or water to the public.

Public Water System: A water supply system that provides water to at least fifteen (15) service connections or services water to at least 25 individuals daily for at least thirty (30) days a year.

Quarry: A place where stone is excavated from rock.

Recent Floodplain Soils: See: Floodplain Soils

Reconstructed: The rebuilding of a road or section of a road to improve its serviceability.

Recording Plan: A copy of the Final Plan which is recorded at the Aroostook County Registry of Deeds, northern office.

Recreational Facility: A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

Recreational Vehicle: A vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be currently registered with the State Division of Motor Vehicles.

Recycling Center: A building that is not a junkyard in which used materials, such as, but not limited to, newspaper, cardboard, magazines, glass, and metal cans, are separated and processed prior to shipment to others who will use these materials to manufacture new products.

Recycling Collection Point: An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed at the collection point.

Repair: To take necessary action to fix normal damage or storm damage.

Replacement System: A system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge.

Residential Dwelling Unit: See: Dwelling Unit.

Residential Sign: Any sign located in a district zoned for residential uses that contains no commercial message except advertising goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of an ordinance.

Residential Use: Any land use which includes a dwelling unit used as a principal use.

Restaurant: An establishment where meals are prepared and served to the public for consumption for compensation.

Standard Restaurant: A business involving the preparation and serving of meals for consumption on the premises, requiring moderate amounts of time between the period of ordering and serving of the meal.

Fast Food Restaurant: A business involving the preparation and serving of meals for consumption on the premises or off the premises, normally requiring short amounts of time between the period of ordering and serving of the meal which is served in edible or disposable containers.

Drive-In Restaurant: A business involving the preparation and serving of meals for consumption on the premises in a motor vehicle or off the premises, normally requiring short amounts of time between the period of ordering and serving of the meal which is served in edible or disposable containers.

Resubdivision: The division of an existing subdivision or any change in the plan for an approved subdivision which affects the lot lines, including land transactions by the sub divider not indicated on the approved plan.

Retail Business: A business establishment engaged in the sale, rental, or lease of goods or services to the ultimate consumer for direct use or consumption and not for resale.

Right-of-Way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electrical transmission line, oil or gas pipeline, water main, sanitary sewer main, storm water main, shade trees, or other auxiliary uses, either public or private, on which an irrevocable right-of-passage has been recorded for the use.

Riprap: Rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less,

River: A free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.

Riverine: Means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Road: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles, consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

Roof Sign: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest point of the roof.

Satellite Receiving Dishes: A device incorporating a reflective surface that is solid, open mesh, or bar configured and in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TYROs (television reception only satellite dish antennas), and satellite microwave antennas.

Schools:

Public and Private - including Parochial School: An institution for education or instruction where any branch or branches of knowledge is imparted and which satisfied wither of the following requirements:

- a. The school is not operated for a profit or a gainful business; or
- b. The school teaches courses of study which are sufficient to qualify attendance there as in compliance with State compulsory education requirements.

Commercial School: An institution which is commercial or profit-oriented. Examples thereof are dancing, music, riding, correspondence, aquatic schools, driving or business.

Seasonal Dwelling: A dwelling unit lived in for periods aggregating less than seven (7) months of the year and is not the principal residence of the owner.

Self-Service Storage Facility: A building or group of buildings in a controlled access and fenced compound that consists of individual, small, self-contained units that are leased or owned for the storage of customer's goods or wares.

Service Business: Establishments engaged in providing services for individuals and businesses such as sundries, beauty shops, barbershops, advertising and equipment leasing.

Service Drop: Any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. In the case of electric service:
  - a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
  - b. the total length of the extension is less than one thousand (1,000) feet.
2. In the case of telephone service:
  - a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles; or

- b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback: The horizontal distance from a lot line to the nearest part of a structure, road, parking space, or other regulated object or area.

Setback from Water: The horizontal distance from the normal high water line to the nearest part of a structure.

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

Shore Frontage: The length of a lot bordering on a water body measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water line.

Shoreland Zone: The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond, river; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five feet of the normal high-water line of a stream.

Sight Distance: The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in an ordinance as a reference for unobstructed road visibility.

Sign: A display surface, fabric or device containing organized and related elements (letter, pictures, products, or sculptures) composed to form a single unit, designed to convey information visually and which is exposed to the public view. In cases where matter is displayed in a random or unconnected manner without an organized relationship, each such component shall constitute a sign.

Sketch Plan: Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision approval. May be used by the applicant as the basis for preparing the subdivision plans as part of the application for subdivision approval.

Stable, Private: An accessory building in which sheltered animals are kept for the use of the occupants of the premises and not for remuneration, hire, or sale.

Stable, Public: An accessory building in which sheltered animals are kept for the use of the occupants for remuneration, hire, sale, boarding, riding, or show.

Stream: A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river, or flows to another water body or wetland within a shoreland zone, or as depicted on the Official Van Buren Zoning Map, or as further described in the applicable overlay district standards, whichever is applicable.

Street: An existing state, county, or Town way; a street dedicated for public use and shown upon a plan duly approved by the Planning Board and recorded in the County Registry of Deeds; or a street dedicated for public use and shown on a plan duly recorded in the County Registry of Deeds prior to the establishment of the Planning Board and the grant to the Planning Board of its power to approve plans. The term "street" shall not include those ways which have been discontinued or abandoned.

Structure: Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite receiving dishes, but in land areas outside of Shoreland Areas, including signs, sidewalks, fences, patios, driveways, and parking lots are not defined as structures.

Subdivision: The definition of a "Subdivision" is as follows. 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, whether accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" shall include the division of any structure or structures on a tract or parcel of land into 3 or more dwelling units or combination thereof within a 5 year period;

1. In determining whether a tract or parcel of land is divided into 3 or more lots within a 5 year period, the first dividing of the tract or parcel, unless otherwise exempted herein, shall be considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, unless otherwise exempted herein is considered to create a 3rd lot, unless:
  - a. Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single family residence or for usable open space land as defined in Title 36, Section 1102, for a period of at least 5 years before the second dividing occurs; or
  - b. The division of the tract or parcel is otherwise exempt under this definition.
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 Planning Board shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.
3. Any lot of less than 40 acres shall be counted as a lot for the purpose of this definition.
4. A division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood marriage, or adoption or a gift to the Town of Van Buren or by the transfer of any interest in land to the owner of land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of that transferor in any transfer or gift within this paragraph is to avoid the objectives of this Section. If the real estate exempt under this paragraph by gift to a person related to the donor by blood, marriage, or adoption is transferred within 5 years to another person not related to the donor of the exempt real estate by blood, marriage, or adoption, then that exempt division creates a lot or lots for the purpose of this definition.
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 regarding the determination of the number of lots shall apply, including exemptions from the definition of a subdivision of land.
7. Nothing in this ordinance may be construed to prevent the Town of Van Buren from enacting an ordinance under its home rule authority which expands the definition of subdivision or which otherwise regulates land use activities.
8. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraph 4, 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.
9. For the purposes of this definition, a new structure or structures includes any structure for which construction began on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this ordinance.
10. For the purposes of this definition, a tract or parcel of land is defined as 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.

**Substantial Damage:** Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Expansion:** Floor space increase of 25% or new materials or processes not normally associated with the existing use. In shoreland areas, if any portion of a structure is less than the required setback from the normal high water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure.

**Substantial Improvement:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored before the damage occurred. For purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or for any alteration of a structure listed on the National Register of Historic Places of a State Inventory of Historical Places.

**Substantial Review:** A substantial review of an application, as required by law at the time of the application, shall consist of a review of that application to determine whether the application complies with the review criteria and other applicable requirements of law.

**Substantial Start/Construction:** Following the issuance of a permit, if completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost is not made within one (1) year of the date of the permit, the permit shall lapse and become void.

**Subsurface Sewage Disposal System:** A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or waste water on or beneath the surface of the earth. The term shall not include any waste water discharge system licensed under Title 38 MRSA §414, any surface waste water disposal system licensed under Title 38 MRSA §413 Subsection 1-A, or any public sewer. The term shall not include a waste water disposal system designed to treat waste water which is in whole or in part hazardous waste as defined in Title 38 MRSA Chapter 13, subchapter 1.

**Suspended Sign:** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

**Sustained Slope:** A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

**Swimming Pool:** An outdoor man-made receptacle or excavation designed to hold water to a depth of at least 24 inches, primarily for swimming or bathing, whether in the ground or above the ground.

**Temporary Movable Sign:** Any sign not permanently attached to the ground, a building, or other permanent structure by direct attachment to a rigid well, frame, or structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; and balloons used as signs.

**Timber Harvesting:** The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction

**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.

**Trail:** A route or path, other than a roadway, and related facilities, developed and used primarily for recreational or transportation activities, including but not limited to, hiking, walking, cross-country skiing, snowmobiling, horseback riding, bicycling, and dogsledding.

Transportation Terminal: A facility or station serving as one end or junction of one or more means of public conveyance, to include rail, bus, limousine, taxi, or other commercial motor carrier, and all ancillary structures, yards and other appurtenances incidental thereto.

Travel Trailer: See: Recreational Vehicle

Tributary Stream: A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term "stream" as defined elsewhere in this Section, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Trucking/Distribution Terminal: An establishment primarily engaged in furnishing trucking or transfer services with or without storage.

Underground Storage Facility: An underground system of tanks, pipes, pumps, vaults, fixed containers, and appurtenant structures, singly or in any combination which are used or designed to be used for the storage, transmission, or dispensing of oil or any hazardous substance. Underground storage facilities shall not include storage facilities housed entirely in a basement or other below grade area of a building or structure.

Undue Hardship: The words "undue hardship" shall take its statutory definition.

Upland Edge: The boundary between upland and wetland.

Use: The manner in which land or a structure is arranged, designed, or intended, or is occupied.

Usable Open Space: That portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation, horticulture or agriculture. In order to be considered usable open space, the land must not be poorly drained or very poorly drained, have ledge outcroppings, or areas with slopes exceeding 10%.

Used Merchandise Sale: The outdoor sale of used articles, conducted for more than five (5) consecutive days or for more than two (2) weekends per year, and shall require a permit from the Town Clerk. Used Merchandise Sales includes flea market.

Variance: A variance is a relaxation of the terms of Zoning Ordinance. Variances permissible under the Zoning Ordinance are limited to dimensional and area requirements. No variance shall be granted for the establishment of any use otherwise prohibited, nor shall a variance be granted because of the presence of non-conformities in the immediate or adjacent areas.

Vegetation: All live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 above ground level.

Vehicle Sales: Any business which involves a parking or display area for the sale of new or used cars, trucks, motorcycles, campers, farm equipment, recreational vehicles, mobile homes, or similar products.

Veterinary Hospital or Clinic: A building used for the diagnosis, care and treatment of ailing or injured animals which may include overnight accommodations. The overnight boarding of healthy animals shall be considered a kennel.

Volume of a Structure: The volume of all portions of a structure located in Shoreland Areas enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Wall Sign: Any sign attached parallel to, but within six (6) inches of, a wall, painted on the wall surface of, or erected

and confined within limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Warehousing/Storage: The storage of goods, wares, and merchandise in a warehouse.

Water Body: Any great pond, river, stream, or brook.

Water Crossing: Any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings.

Wetlands Associated with Great Ponds and Rivers: Wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

Wetland: See: Freshwater Wetland or Forested Wetland

Window Sign: Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes, or glass and is visible from the exterior of the window.

Wholesale Business: The use of land and/or buildings engaged in the selling of merchandise to retailers to industry, commercial, institutional, farm, or professional business users or other wholesalers as distinguished from the sale to the general public.

Yard: The area between a structure and the property boundary.

Yard Sale: All general sales, open to the public, conducted from or on a residential premise for the purpose of disposing of personal property. Yard sale includes garage sales, porch sales, tag sales, and the like. They shall occur for not more than five (5) consecutive days or for not more than two (2) weekends a year or they shall be considered a "Used Merchandise Sale" as defined in this Section.