

**Shoreland Zoning Ordinance
for the Municipality of Glenburn**

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SHORELAND ZONING ORDINANCE FOR THE MUNICIPALITY OF
GLENBURN, MAINE

Section 1. Purposes

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

Section 2. Authority

This Ordinance has been prepared in accordance with the provisions of Title 38 Sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

Section 3. Applicability

This Ordinance applies to all land within the Town of Glenburn that is: within two-hundred fifty (250) feet, horizontal distance, of the normal high-water line of Pushaw Lake, the Kenduskeag Stream, and Black Stream; within two-hundred fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetlands #2, 3, 180, 181, 183, 184, 186, 187, 188, 189, 191, 192, 193, 194, 195, 249, 250, 255, and 260 as identified on the Official Shoreland Zoning Map; and within seventy-five (75) feet, horizontal distance, of the normal high-water line of Lancaster Brook. This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending beyond the normal high-water line of a water body or within a wetland.

Section 4. Effective Date and Repeal of Formerly Adopted Ordinance

This Ordinance was adopted by the Inhabitants of the Town Of Glenburn at a Town Meeting on June 15, 2016 with an effective date of July 15, 2016. This Ordinance however shall not become effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance within forty-five (45) days of its receipt of the Ordinance, it shall be deemed approved. Upon approval of this Ordinance, the Shoreland Zoning Ordinance previously adopted on June 12, 1991 and effective on July 30, 1991 is hereby repealed.

Any complete application for a permit submitted to the municipality prior to July 15, 2016 shall be considered under the then effective Shoreland Zoning Ordinance.

Section 5. Availability

A certified copy of this Ordinance shall be filed with the Municipal 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.

Section 6. Severability

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

Section 7. Conflicts with Other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any ordinance, regulation or statute, the more restrictive provision shall control.

Section 8. Amendments

This Ordinance may be amended by majority vote of the Inhabitants of the Town Of Glenburn at a Town Meeting. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the Inhabitants of the Town Of Glenburn at a Town Meeting and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

Section 9. Districts and Zoning Map

A. Official Shoreland Zoning Map

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

1. Resource Protection
2. General Development
3. Stream Protection
4. Limited Residential

B. Scale of Map

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

C. Certification of Official Shoreland Zoning Map

The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office.

D. Changes to the Official Shoreland Zoning Map

If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

Section 10. Interpretation of District Boundaries

Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the Shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

Section 11. 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, expanded, moved, or altered and no new lot shall be

created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

Section 12. Non-conformance

A. Purpose

It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this section.

B. General

1. Ownership Transfer of: Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
2. Repair and Maintenance: This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

C. Non-conforming Structures

1. Expansions: A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure, and is in accordance with subparagraphs (a), and (b) below. In addition, the applicant must demonstrate that the present subsurface sewage disposal system meets the requirements of State Law and the State of Maine Subsurface Wastewater Disposal Rules (Rules) or that a new system can be installed in compliance with the laws and said Rules.
 - (a) Legally existing non-conforming principal and accessory structures that do not meet the water body or wetland setback requirements may be expanded or altered as follows, as long as all other applicable standards contained in this Ordinance are met.
 - i. Expansion of any portion of a structure within twenty-five feet (25'), horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.
 - ii. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.
 - iii. For structures located less than seventy-five feet (75') from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures within that 75-foot distance is 1,000 square feet, and the maximum height of any structure is twenty feet (20') or the height of the existing structure, whichever is greater.
 - iv. For structures located less than one hundred feet (100') from the normal high-water line of a great pond classified as GPA or a river flowing to a great Pond classified as GPA, the maximum combined total footprint for all structures is 1,500 square feet, and the maximum height of any structure is twenty-five feet (25') or the height of the existing structure, whichever is greater, except that any portion of those structures located less than seventy-five feet (75') from the normal high-water line or

upland edge of a wetland must meet the footprint and height limits requirements of Section 12(C)(1)(iii).

2. Foundations: Whenever a new, expanded or replacement foundation is constructed under a nonconforming structure, the structure and new foundation must be placed such that the shoreline setback requirement is met to the greatest practical extent as determined by the Planning Board basing its decision on the criteria specified in Section 12(C)(3) below.
3. Relocation: A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State Law and the State of Maine Subsurface Wastewater Disposal Rules, or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

- (a) Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed, or removed.

- (b) Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

4. Reconstruction or Replacement: Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than fifty percent (50%) of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming footprint of the reconstructed or replaced structure at its new location. If the total footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a

new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(3) above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by fifty percent (50%) or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Planning Board shall consider in addition to the criteria in Section 12(C)(3), paragraph two (2) above, the physical condition and type of foundation present, if any.

5. Change of Use of a Non-conforming Structure

The use of a non-conforming structure may not be changed to another use unless the Planning Board after receiving a written application determines that the new use will have no greater adverse impact on the water body or wetland or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and functionally water-dependent uses.

D. Non-conforming Uses

1. **Expansions:** Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as permitted in Section 12(C)(1)(a) above.
2. **Resumption Prohibited:** A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.
3. **Change of Use:** An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12 (C) (4) above.

E. Non-conforming Lots

1. **Non-conforming Lots:** A non-conforming lot of records as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.
2. **Contiguous Built Lots:** If two or more contiguous lots or parcels are in a 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 principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

3. **Contiguous Lots-Vacant or Partially Built:** If two 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 these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

Section 13. Establishment of Districts

A. General Concerns in the Establishment of Districts

1. Written descriptions of district lines as included in this ordinance must be read in conjunction with the Official Shoreland Zoning Map of Glenburn, and ambiguities in written language must be resolved by reference to such map.

Official Shoreland Zoning Map of Glenburn and ambiguities in written language must be resolved by reference to such map.

To the extent the district and Shoreland zone lines shown on the Official Shoreland Zoning Map of Glenburn are based on the mean high-water mark of a specified body of water or on the upland edge of a specified designated freshwater wetland, the lines are approximations drawn from aerial photo interpretation, soils mapping, and other wetlands inventories. In case of any doubt as to the exact boundary of any such zone or district, the applicant for any land use permit shall have the burden of establishing the normal high-water mark of any such water body or the upland edge of any such designated freshwater wetland. Such determination shall be made and certified by a person properly certified by the State of Maine as being qualified to make such boundary determinations.

2. In the event of overlap or intersection of district lines, the provisions of the more restrictive district shall control. For purposes of this section, the order of restrictiveness from most to least restrictive shall be Resource Protection, Stream Protection, Limited Residential, and General Development.
3. In the following descriptions, numbered Freshwater Wetlands refer to Freshwater Wetlands as shown on the Town of Glenburn Fresh-Water Wetlands Map as prepared by the Maine Department of Environmental Protection 1989.

B. Resource Protection District

1. General Inclusion Criteria

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the Shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial, General Development, or commercial Fisheries/Maritime Activities Districts need not be included with the Resource Protection District.

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

- b. Areas of two (2) or more contiguous acres with sustained slopes of twenty percent (20%) or greater.
 - c. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not normal spring part of a freshwater wetland as defined, and which are not surficially connected to a water body during high water.
 - d. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.
2. The Resource Protection District in the Glenburn Shoreland Zone shall consist of the following areas:
- a. Bangor & Aroostook Railroad trestle and extending upstream to the Kenduskeag Stream's most westerly crossing of the Glenburn/Kenduskeag town line except for the land along the generally northerly side of the section of the Kenduskeag Stream which lies between the portion of the Glenburn/Kenduskeag town line which forms westerly boundary of land now or formerly of Richard A. Reynolds as described in a deed recorded in the Penobscot County Registry of Deeds in Volume 3027, page 213 and extending downstream to the generally southeasterly boundary of land now or formerly of H. Vernon & Helen H. Andrews as described in a deed recorded in the Penobscot County Registry of Deeds in Vol. 3526, page 197. There is also excepted from the Resource Protection District the land within the Shoreland Zone now or formerly owned by David & Diane Simpson as evidenced by a deed dated June 6, 1989 and recorded in the Penobscot County Registry of Deeds in Book 4458, Pg. 094 and the land within the Shoreland Zone now or formerly owned by Harold C. & Arlene Cunningham as evidenced by a deed dated June 25, 1969 and recorded in the Penobscot County Registry of Deeds in Book 2163, Pg. 448. There is also excepted from the Resource Protection District a portion of the land within the Shoreland Zone now or formerly owned by Reginald L. Danforth, Sr. as evidenced by a deed dated October 13, 1977 and recorded in the Penobscot County Registry of Deeds in Book 2828, Pg. 344, with said portion of land being that encompassed by Ohio Street; a line 250' (feet) from the normal high water mark of Kenduskeag Stream; the contour line at 116.0 feet N.C.V.D., 1929; and the southerly boundary of land now or formerly owned by Reginald L. Danforth Jr., as evidenced by a deed recorded in the Penobscot County Registry of Deeds on February 28, 1991 in Book 4797, Pg. 341. The above excepted land is excluded from the Resource Protection District because the land is already developed.
 - b. All land on both sides of the Kenduskeag Stream starting at the Bangor & Aroostook Railroad trestle and extending downstream to the Glenburn/Bangor town line which lies within the Shoreland Zone and which is within the 100-year flood plain as shown of the Federal Emergency Management Agency's most current Flood Insurance Rate Maps.
 - c. On Pushaw Lake, beginning at the westerly boundary of land now or formerly of Charles R. and Darlene Morse as evidenced by a deed dated June 7, 1988 and recorded in the Penobscot County Registry of Deeds in Book 4242, Pg. 148 and thence continuing in a generally clockwise direction around the said Pushaw Lake and Freshwater Wetland #3 to the generally easterly and southerly boundaries, where it inhibits a small portion of land now or formerly of Kathy M. Shaw, as evidenced by a deed dated December 1, 1987, and recorded in the Penobscot County Registry of Deeds in Book 4148, Pg. 227, and extending two-hundred fifty feet (250') horizontal distance from the shore of Pushaw Lake or the upland edge of said Freshwater Wetlands #3 except that the Resource Protection District shall be limited by the upland edge of said Freshwater Wetland #3, property lines of developed lots and roads all as shown on the Official Shoreland Zoning Map. There shall also be included in the Resource Protection District that parcel of land bounded on the south by the French's Point Road, on the west by land now or formerly of John F. McEachern as evidenced by a deed dated May 3, 1988 and recorded in the Penobscot County Registry of Deeds in Book 4221, Pg. 286, on the north by the same brook that forms the said John F. McEachern's north line, and on the east by the northwesterly extension of the westerly line of the said Vivian Prue.
 - d. On Pushaw Lake, beginning at the generally northwesterly boundary of lots 30 through 36 of the Plan of Pushaw Lake Sites as recorded in the plan section of the Penobscot County Registry of Deeds in Volume 14, Pg. 10 and thence proceeding in a generally northerly and then easterly direction along the shore of Pushaw Lake and the upland edge of Freshwater Wetland #189 to a line drawn directly to the shore of Pushaw Lake from the most southeasterly corner of a hayfield on the property now or formerly owned by Richard G. Stanhope as evidenced by a deed dated October 12, 1973 and recorded in the Penobscot County Registry of

Deeds in Book 2420, Pg. 168, a distance of two-hundred fifty feet (250') from the normal high water mark of Pushaw Lake and along the upland edge of said Freshwater Wetland #189, except that on land now or formerly owned by Jackie L. Barnard as evidenced by a deed dated August 1, 1990 and recorded in the Penobscot County Registry of Deeds in Book 4694, Pg 146, the Resource Protection District shall encompass only that portion of the said Barnard property which lies below the 100- year Base Flood Elevation of 120.7' N. C. V. D. 1929.

- e. The undeveloped portions of the Sandy Beach Peninsular as shown on the Shoreland Zoning Map.
- f. The wetland between the South Shore Road and Sandy Beach containing approximately two (2) acres.
- g. Freshwater Wetlands #2, #180, #183, #184, and #193 and all land within two-hundred fifty feet (250') of the upland edge of said Freshwater Wetlands except that; in wetland #2, the Resource Protection District only extends to the upland edge of the wetland in areas already developed as fields or gravel pits as delineated on the Shoreland Zoning Map; the Resource Protection District shall not include the already developed field at the very southwest corner of wetland #193; and in wetland #193, the Resource Protection District only encompasses the land westerly of the railroad tracks. In case of any doubt as to the exact boundary of any wetland and listed herein, the applicant for any land use permit shall have the burden of establishing the upland edge of the wetland in question.

C. General Development District

The General Development District includes the following types of areas:

- 1. Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:
 - a. Areas devoted to manufacturing, fabricating or other industrial activities;
 - b. Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and
 - c. Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.
- 2. Areas otherwise discernable as having patterns of intensive commercial, industrial or recreational uses.

Portions of the General Development District may also include residential development. However, no area shall be designated as a General Development District based solely on residential use.

In areas adjacent to great ponds classified GPA and adjacent to rivers flowing to great ponds classified GPA, the designation of an area as a General Development District shall be based upon uses existing at the time of adoption of this Ordinance. There shall be no newly established General Development Districts or expansions in area of existing General Development Districts adjacent to great ponds classified GPA, and adjacent to rivers which flow to great ponds classified GPA.

The General Development District in the Glenburn Shoreland Zone shall consist of the following areas:

- 1. The portion of the property owned by the Town of Glenburn at Lakeside Landing that lies within the Shoreland Zone. The property owned by the Town Of Glenburn is described in a deed from the Jewish Community Council to the Inhabitants of the Town Of Glenburn dated May 26, 1989 and recorded in the Penobscot County Registry of Deeds in Book 4448, Pg. 292.
- 2. The portion of Parcel 3 of the property now or formerly of Timothy and Kathy Hodgkins located at Luckey's Landing that lies within the Shoreland Zone. Parcel 3 of the property of Timothy and Kathy Hodgkins is

described in a deed from Robert A. and Janet B. Chapmen to Timothy D. and Kathy K. Hodgkins dated October 3, 1988 and recorded in the Penobscot County Registry of Deeds in Book 4325, Pg. 197.

3. The land bounded on the north by Pushaw Lake, on the east by the Glenburn/Orono town line, on the south by the Double A Landing Road, aka the Pond Road, and on the west by the easterly boundary of property now or formerly owned by Roland L. & Patricia A. Averill as described in a deed dated April 25, 1988 and recorded in the Penobscot County Registry of Deeds in Book 4219, Pg 318.

D. Stream Protection District

The Stream Protection District includes all land areas within seventy-five feet (75'), horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty feet (250') horizontal distance, of the normal high-water line of a great pond or river, or within two hundred and fifty feet (250'), horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated Shoreland area is located within two-hundred and fifty feet (250'), horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the Shoreland district associated with that water body or wetland.

The Stream Protection District in the Glenburn Shoreland Zone shall consist of the following areas:

1. All land within seventy-five feet (75') of Lancaster Brook, starting at the most southerly boundary of Freshwater Wetland #184 and extending southerly to the point where Lancaster Brook empties into the Kenduskeag Stream except for areas which overlap the Resource Protection District surrounding Freshwater Wetland #184 or the Kenduskeag Stream. Such overlapping areas shall be considered a part of the Resource Protection District.

E. Limited Residential District

The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the General Development District.

The Limited Residential District in the Glenburn Shoreland Zone shall consist of all areas within the Town of Glenburn Shoreland Zone which are not included in the Resource Protection, Stream Protection, or General Development Districts.

Section 14. Table of Land Uses

All Land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

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

No – Prohibited

PB – Requires permit issued by the Planning Board

CEO – Requires permit issued by the Code Enforcement Officer

LPI – Requires permit issued by the Local Plumbing Inspector

Abbreviations:

RP – Resource Protection

GD – General Development

SP – Stream Protection

LR – Limited Residential

TABLE 1. LAND USES IN THE SHORELAND ZONE

LAND USES	DISTRICTS			
	RP	GD	SP	LR
1. Non-intensive recreational uses not requiring structures such as hunting, fishing, and hiking	Yes	Yes	Yes	Yes
2. Motorized vehicular traffic on existing roads and trails	Yes	Yes	Yes	Yes
3. Forest Management activities except for timber harvesting	Yes	Yes	Yes	Yes
4. Timber Harvesting ⁹				
5. Clearing of vegetation for approved construction and other allowed uses	CEO ¹	Yes	CEO	Yes
6. Fire Prevention Activities	Yes	Yes	Yes	Yes
7. Wildlife Management Practices	Yes	Yes	Yes	Yes
8. Soil and water conservation practices	Yes	Yes	Yes	Yes
9. Mineral Exploration	Yes ²	Yes ²	No	Yes ²
10. Mineral extraction including sand gravel extraction	PB ³	PB	No	PB
11. Surveying and resource analysis	Yes	Yes	Yes	Yes
12. Emergency Operations	Yes	Yes	Yes	Yes
13. Agriculture	PB	Yes	Yes	Yes
14. Aquaculture	PB	Yes	PB	PB
15. Principal structures and uses				
A. One and two family residential	No	CEO	PB ⁴	CEO
B. Multi-unit residential	No	PB	No	PB
C. Commercial	No	PB	No	No
D. Industrial	No	PB	No	No
E. Government and Institutional	No	PB	No	No
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB	CEO	PB ⁴	CEO
16. Structures accessory to allowed uses	PB	Yes	PB ⁴	CEO

LAND USES	DISTRICTS			
	RP	GD	SP	LR
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland				
A. Temporary	CEO	CEO	CEO	CEO
B. Permanent	PB	PB	PB	PB
18. Conversions of seasonal residences to year-round residences	No	LPI	LPI	LPI
19. Home occupations	No	Yes	PB	PB
20. Private Sewage	No	LPI	LPI	LPI
21. Essential Services	PB ⁶	PB	PB ⁶	PB
22. Service drops, as defined, to allowed uses	Yes	Yes	Yes	Yes
23. Public and private recreational areas involving minimal structural development	PB	CEO	PB	PB
24. Individual, private campsites	CEO	CEO	CEO	CEO
25. Campgrounds	No	PB	No	PB
26. Road & driveway construction	No ⁸	PB	PB	PB
27. Parking facilities	No ⁷	PB	No	PB
28. Marinas	No	PB	PB	PB
29. Filling and earthmoving of < 10 yds ³	CEO	Yes	CEO	Yes
30. Filling and earthmoving of > 10 yds ³	PB	CEO	PB	CEO
31. Signs	Yes	Yes	Yes	Yes
32. Uses similar to allowed uses	CEO	CEO	CEO	CEO
33. Uses similar to uses requiring a CEO Permit	CEO	CEO	CEO	CEO
34. Uses similar to uses requiring a PB Permit	PB	PB	PB	PB

.....
¹ In RP not permitted within 75 feet of normal high-water line of great ponds, except to remove safety hazards

² Requires permit from CEO if more than 100 ft of surface area, in total, is disturbed

³ In RP not permitted in areas so designated because of wildlife value

⁴ Provided that a variance from the setback requirement is obtained from the Board of Appeals

⁶ See further restrictions in Section 15 (L)(2)

⁷ Except when area is zoned RP Due to flood plain criteria in which case a PB permit is required

⁸ Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the PB.

⁹ Managed by the Maine Forest Service

Section 15. Land Use Standards

All land use activities within the Shoreland Zone shall conform with the following provisions, if applicable.

A. Minimum Lot Standards

1. Minimum area and shore frontage

- a. Residential lots and public and private recreational facilities in all districts shall have a minimum shore frontage of two-hundred feet (200'), a minimum area of one (1) acre, and shall be laid out so as to accommodate a one-hundred-fifty foot (150') by one-hundred fifty foot (150') square somewhere within its boundaries.
 - b. Governmental, Institutional, or Commercial uses shall have a minimum lot area of 60,000 square feet and shall have a minimum shore frontage of three-hundred feet (300').
2. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
 3. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
 4. The minimum width of any portion of any lot within one-hundred feet (100'), horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
 5. If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.
 6. Each lot shall contain one hundred-seventy-five feet (175') of road frontage with the following exceptions:
 - a. On cul-de-sacs the road frontage may be reduced to eighty feet (80'). The resulting lot must still be able to accommodate a one-hundred fifty foot (150') by one-hundred fifty foot (150') square somewhere within its boundaries.
 - b. On town ways and public easements, this road frontage may be reduced to fifty feet (50') provided that the resulting lot can accommodate a two hundred foot (200') by two hundred foot (200') square somewhere within its boundaries. On privately owned roads, the deed for each lot shall either show ownership of the land underlying the privately owned road in fee simple, or it shall grant to the owner of such lot a right-of-way over such privately owned road. In no case shall the privately owned road or the right-of-way have a minimum width of less than fifty feet (50') for the entire portion of such right-of-way or privately owned road beginning at a town way or a public easement and extending sufficiently far as to allow the lot to meet the one-hundred seventy-five foot (175') frontage requirement.

B. Principal and Accessory Structures

1. All new principal and accessory structures shall be set back at least one-hundred feet (100') from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five feet (75') from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland except that in the General Development District the setback from the normal high water mark shall be at least twenty-five feet (25'). The water body or wetland setback provision shall not apply to structures which require direct access to the water as an operational necessity, such as piers, docks and retaining walls, or to other functionally water-dependent uses.

2. On a nonconforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight feet (8') in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including non-vegetated surfaces and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.
 3. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, and Stream Protection Districts, shall not exceed thirty-five feet (35') in height. This provision shall not apply to structures such as transmissions towers, windmills, antennas, and similar structures having no floor area.
 4. The first floor elevation or openings of all buildings and structures including basements shall be elevated at least one-foot above the elevation of the 100-year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils.
 5. The total area of all structures, parking lots and other non-vegetated surfaces, within the Shoreland zone shall not exceed twenty percent (20%) of the lot or a portion thereof, located within the Shoreland zone, including land area previously developed.
 6. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four feet (4') in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.
 7. All structures shall be set back at least twenty feet (20') from the outermost limit of the road and at least twenty feet (20') from the side and rear lot lines except that accessory structures with a footprint of less than one-hundred and fifty (150) square feet shall be set back at least ten feet (10') from the outermost limit of the road and at least six feet (6') from the side and rear lot lines.
- C. Piers, Docks, Wharfs, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line of a Water Body or Within a Wetland.
1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
 2. The location shall not interfere with existing developed or natural beach areas.
 3. The facility shall be located so as to minimize adverse effects on fisheries.
 4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use, and character of the area.
 5. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.
 6. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

7. Except in the General Development District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty feet (20') in height above the pier, wharf, dock or other structure.
8. No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section 15(A), a second structure may be allowed and may remain as long as the lot is not further divided.

D. Campgrounds

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

1. Campgrounds shall contain a minimum of five- thousand (5,000) square feet of land, not including roads and driveways, for each site. 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.
2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred feet (100') from the normal high-water line of great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

E. Individual Private Campsites

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

1. One campsite per lot existing on the effective date of this Ordinance, or thirty-thousand (30,000) square feet of lot area within the Shoreland zone, whichever is less, may be permitted.
2. When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.
3. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred feet (100') from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five feet (75') from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
4. Only one recreational vehicle shall be allowed on a campsite. Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad and no structure(s) except canopies shall be attached to the recreational vehicle.
5. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1,000) square feet.
6. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
7. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. Commercial and Industrial Uses

The following new commercial and industrial uses are prohibited within the Shoreland zone adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

1. Auto washing facilities
2. Auto or other vehicle service and/or repair operations, including body shops
3. Chemical and bacteriological laboratories
4. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms.
5. Commercial painting, wood preserving, and furniture stripping
6. Dry cleaning establishments
7. Electronic circuit assembly
8. Laundromats, unless connected to a sanitary sewer
9. Metal plating, finishing, or polishing
10. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas.
11. Photographic processing
12. Printing

G. Parking Areas

1. Parking areas shall meet the shoreline and tributary stream set-back requirements for structures for the district in which such areas are located. The set-back requirement for parking areas serving public boat launching facilities in Districts other than the General Development District may be reduced to no less than fifty feet (50') from the normal high-water line or upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists.
2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm-water run-off from flowing directly into a water body, and where feasible, to retain all run-off on-site.
3. In determining the appropriate size of proposed parking facilities, the following shall apply:
 - a. Typical parking space: Approximately ten feet (10') wide and twenty feet (20') long, except that parking spaces for a vehicle and boat trailer shall be forty feet (40') long.
 - b. Internal travel aisles: Approximately twenty feet (20') wide.

H. Roads and Driveways

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

1. Roads and driveways shall be set back at least one-hundred feet (100') from the normal high-water line of a great pond classified GPA or a river that flows to a great pond classified GPA, and seventy-five feet (75') from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement to no less than fifty feet (50') upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

On slopes of greater than twenty percent (20%) the road and/or driveway setback shall be increased by ten feet (10') for each five percent (5%) increase in slope above twenty percent (20%).

This paragraph shall neither apply to approaches to water crossing nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline due to an operational necessity.

2. Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body.
3. New roads and driveways are prohibited in a Resource Protection District except to provide access to permitted uses within the district, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the district, in which case the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
4. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in subsection Q.
5. Road and driveway grades shall be no greater than ten percent (10%) except for short segments of less than two hundred feet (200').
6. In order to prevent road and driveway surface drainage from directly entering water bodies, roads, and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least fifty feet (50') plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Road and driveway surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the run-off and minimize channelized flow of the drainage through the buffer strip.
7. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume of head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:
 - a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:

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

- b. Drainage dips may be used in place of ditch relief culverts only where the grade is ten percent (10%) or less.
 - c. On road or driveway sections having slopes greater than ten percent (10%), ditch relief culverts shall be placed across the road or driveway at approximately a thirty (30) degree angle down slope from a line perpendicular to the centerline of the road.
 - d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning and their inlet and outlet ends shall be stabilized with appropriate materials.
8. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

I. Signs

The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, and Limited Residential Districts:

1. Signs and billboards relating to goods and services sold on the premises shall be permitted, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. Billboards and signs relating to goods or services not sold or rendered on the premises shall be prohibited.
2. Name signs shall be permitted, provided such signs shall not exceed two (2) signs per premises.
3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental or lease of premises.
4. 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.
5. Signs relating to public safety shall be permitted without restriction.
6. No sign shall extend higher than twenty feet (20') above the ground.
7. Signs may be illuminated only by shielded, non-flashing lights.

J. Storm Water Run-off

1. All new construction and development shall be designed to minimize storm water run-off from the site in excess of the natural pre-development conditions. Where possible, existing natural run-off control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce run-off and encourage infiltration of storm waters.
2. Storm water run-off control systems shall be maintained as necessary to ensure proper functioning.

K. Septic Waste Disposal

1. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules
2. No owner of a property with an existing private sewage disposal system within 250 feet of a classified body of water shall convert to a primary place of residency (30-A MRSA § 4215, Subsection 2, as amended) *or* sell or have titles transferred for the purpose of habitation by a new owner until the local plumbing inspector issues a written certification that one of the following conditions is met:
 1. A subsurface waste water disposal application, completed after July 1, 1974 exists indicating that the dwelling's waste water disposal system substantially complies with State of Maine Department of Human Services rules and applicable municipal ordinances provided that the disposal system was installed with the required permit and certificate of approval and is not malfunctioning or
 2. A replacement for an existing wastewater disposal system has been constructed so that it substantially complies with departmental rules and applicable municipal ordinances.

L. Essential Services

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

2. The installation of essential services is not permitted in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

M. Mineral Exploration and Extraction

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 Code Enforcement Officer 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.

Mineral extraction may be permitted under the following conditions:

1. 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 paragraph 4 below.
2. Unless authorized pursuant to the Natural Resources Protection Act, Title 38, M. R. S. A., Section 480-C no part of any extraction operation, including drainage and run-off control features shall be permitted within one hundred feet (100') of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five feet (75') of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within seventy-five feet (75') of any property line, without written permission of the owner of such adjacent property.
3. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one-hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on site. Only materials generated on site may be buried or covered on-site.
 - b. The final graded slope shall be two to one (2:1) slope or flatter.
 - c. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
4. In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

N. Agriculture

1. All spreading or disposal of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the former Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).
2. Manure shall not be stored or stockpiled within one-hundred feet (100'), horizontal distance, of a great pond classified GPA or a river flowing to a great pond, classified GPA, or within seventy-five feet (75') horizontal distance, of other water bodies, tributary streams, or wetlands. Within five (5) years of the effective date of this ordinance all manure storage areas within the Shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water. Existing facilities which do not meet

the set-back requirement may remain, but must meet the no discharge provision within the above five (5) year period.

3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area or The spreading, disposal or storage of manure within the Shoreland zone shall require a Soil and Water Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.
4. There shall be no new tilling of soil within one-hundred feet (100'), horizontal distance, of the normal high water line of a great pond classified GPA; within seventy-five feet (75'), horizontal distance, from other water bodies; nor within twenty-five feet (25'), horizontal distance, of tributary streams, and wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.
5. After the effective date of this Ordinance, newly established livestock grazing areas shall not be permitted within one hundred feet (100'), horizontal distance, of other water bodies, nor within twenty-five feet (25'), horizontal distance, of tributary streams, and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above set-back provisions may continue, provided that such grazing is conducted in accordance with a Soil and Water Conservation Plan.

O. Timber Harvesting

The Maine Bureau of Forestry shall administer and enforce all forestry activities within the municipality in accordance to statewide standards.

P. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

1. Within a Shoreland area zoned for Resource Protection abutting a great pond, there shall be no cutting of vegetation within the strip of land extending seventy-five feet (75') horizontal distance, inland from the normal high-water line, except to remove safety hazards in accordance with Section 15(Q).

Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

2. Except in areas as described in Section P(1) above, within a shoreline buffer extending one-hundred feet (100'), horizontal distance, inland from the normal high-water line of a great pond, or within a shoreline buffer extending seventy-five feet (75'), horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, vegetation shall be preserved as follows:
 - a. There shall be no cleared opening greater than two-hundred fifty (250) square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a single footpath not to exceed six feet (6') in width as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline provided that a cleared line of sight to the water through the shoreline buffer is not created.
 - b. Selective cutting of trees within the shoreline buffer is allowed provided that a well-distributed stand of trees is maintained. For the purposes of Section 15(P)(2)(b) a "well-distributed stand of trees" adjacent to a great pond or a river or stream flowing to a great pond, shall be defined as maintaining a rating score of twelve (12) or more in an twenty-five foot (25') by twenty-five foot (25') square (six hundred twenty-five (625) square feet) area as determined by the following rating system:

<u>Diameter of Tree at 4 ½ feet Above Ground Level (inches)</u>	<u>Points</u>
2-4 in.	1
4-12 in.	2
>12 in.	4

Adjacent to other water bodies, tributary streams, and wetlands, a “well-distributed stand of trees” is defined as maintaining a minimum rating score of eight (8) per twenty-five foot (25’) square area.

Note: As an example, adjacent to a great pond, if a twenty-five foot (25’) x twenty-five foot (25’) plot contains three (3) trees between 2 and 4 inches in diameter, three trees between 4 and 12 inches in diameter, and three (3) trees over 12 inches in diameter, the rating score is:

$$(3 \times 1) + (3 \times 2) + (3 \times 4) + 21 \text{ points}$$

Thus, the 25-foot by 25-foot plot contains trees worth 21 points. Trees totaling 9 points ($21 - 12 = 9$) may be removed from the plot provided that no cleared openings are created.

The following shall govern in applying this point system:

- (i) The 25-foot by 25-foot square plots must be established where the landowner or lessee proposes clearing within the required buffer;
- (ii) Each successive plot must be adjacent to but not overlap a previous plot;
- (iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
- (iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Ordinance;
- (v) Where conditions permit, no more than 50% of the points on any 25-foot by 25-foot square area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 15(P)(2)(b) “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least three (3) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 25-foot square area. If three (3) saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 3 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than forty percent (40%) of the total volume of trees four (4) inches or more in diameter, measured at 4 ½ feet above the ground level may be removed in any ten (10) year period.

- c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath as described in Section 15(P) paragraphs (2) and (2)(a) above.
 - d. Pruning of tree branches, on the bottom 1/3 of the tree is permitted.
 - e. In order to maintain the vegetation in the shoreline buffer, removal of storm-damaged, hazard or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species in accordance with Section Q, below, unless existing new tree growth is present.
 - f. In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Section 15(P)(2).
3. At distances greater than one hundred feet (100’), horizontal distance, from a great pond, and seventy-five feet (75’), horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty percent (40%) of the volume of trees four (4) inches or more in diameter, measured 4½

feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty percent (40%) calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for development, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceed in the aggregate, twenty-five percent (25%) of the lot area or ten thousand (10,000) square feet, whichever is greater, including land previously developed.

4. Cleared openings legally in existence on the effective date of this Ordinance may be maintained, but shall not be enlarged, except as permitted by this Ordinance.
5. Fields which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

Q. Hazard Trees, Dead Trees and Storm-Damaged Trees

1. Hazard trees may be removed without a permit after consultation with the Code Enforcement Officer, provided the following requirements are met:
 - (a) Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, the opening shall be replaced with native tree species, unless there is new tree growth already present near to where the hazard tree was removed. New tree growth is considered to be at least two (2) inches in diameter, measured at four and one half (4½) feet above ground level. If new growth is not present, then replacement trees shall consist of native species, be at least four feet (4') in height and be no less than two (2) inches DBH. Stumps shall not be removed.
 - (b) Outside the shoreline buffer, if the removal of hazard trees results in more than forty percent (40%) of the volume of trees, four (4) inches or more in diameter as measured at four and one half (4½) feet above ground level, being removed in any ten (10) year period; or results in cleared openings of more than twenty-five (25) percent of the lot area within the Shoreland zone or more than ten thousand (10,000) square feet, whichever is greater; then replacement with native tree species is required, unless there is new tree growth already present near to where the hazard tree was removed. New tree growth is considered to be at least two (2) inches DBH. If new growth is not present, then replacement trees shall consist of native species and be no less than two (2) inches DBH.
 - (c) The code enforcement officer may require the applicant to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the Shoreland zone.
 - (d) The code enforcement officer may require more than a one-for-one replacement for removed hazard trees that exceeded eight (8) inches in diameter at four and one half (4½) feet above ground level.
2. Dead trees may be removed without a permit, provided the following requirements are met:
 - (a) The trees are dead from natural causes. Dead trees are those that contain no foliage during the growing season.
 - (b) The removal of dead trees does not result in the creation of new lawn areas or other permanently cleared areas.
 - (c) Stumps shall not be removed.
3. Storm-damaged trees may be removed without a permit after consultation with the Code Enforcement Officer, provided the following requirements are met:
 - (a) Within the shoreline buffer, if the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, the following shall be required:

- (i) The area shall be required to naturally revegetate. If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings shall be required at a density of one seedling/sapling per every eighty (80) square feet of open canopy.
 - (ii) The removal of storm-damaged trees does not result in the creation of new lawn areas or other permanently cleared areas.
 - (iii) Stumps shall not be removed.
 - (iv) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree.
- (b) Outside the shoreline buffer, if the removal of storm-damaged trees results in more than forty (40) percent of the volume of trees, four (4) inches or more in diameter as measured at four and one half (4.5) feet above ground level, being removed in any ten (10) year period; or results in cleared openings of more than twenty-five (25) percent of the lot area within the Shoreland zone or more than ten thousand (10,000) square feet, whichever is greater; replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings shall be required on a one-for-one basis. Replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.

R. Revegetation Requirements

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

1. The applicant must submit a revegetation plan, prepared with and signed by a qualified professional that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.
2. Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed, and must occur at a density comparable to the pre-existing vegetation. If this is not feasible due to shoreline stabilization, then revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed.
3. If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.
4. Revegetation activities must meet the following requirements for trees and saplings:
 - (a) All trees and saplings removed must be replaced with native noninvasive species;
 - (b) Replacement vegetation must consist of saplings at a minimum;
 - (c) If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;
 - (d) No one species shall make up 50% or more of the number of trees and saplings planted;

- (b) If revegetation is required for shoreline stabilization, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or saplings must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
 - (f) A survival rate of at least eighty (80) percent of planted trees/saplings is required for a minimum of five (5) years.
5. Revegetation activities must meet the following requirements for all woody vegetation and for other vegetation under three (3) feet in height:
- (a) All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;
 - (b) Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - (c) If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;
 - (d) No one species shall make up 50% or more of the number of planted woody vegetation plants; and
 - (e) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained in Section 15(P) for a minimum of five (5) years.
6. Revegetation activities must meet the following requirements for ground vegetation and ground cover:
- (a) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - (b) Where necessary due to a lack of sufficient ground cover, the area must be supplemented with leaf mulch and/or bark mulch at a minimum of four (4) inches deep to prevent erosion and provide for effective infiltration of stormwater; and
 - (c) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this Ordinance for a minimum of five (5) years.

S. Erosion and Sedimentation Control

1. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - a. Mulching and revegetation of disturbed soil.
 - b. Temporary run-off control features such as hay bales, silt fencing or diversion ditches.
 - c. Permanent stabilization structures such as retaining walls or rip-rap.
2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of rip-rap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial due date of exposure. In addition:
 - a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
5. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

T. Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

U. Water Quality

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

V. Archaeological Sites

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

Section 16. Administration

A. Administering Bodies and Agents

1. Code Enforcement Officer

A Code Enforcement Officer shall be appointed or reappointed by July 1st.

2. Board of Appeals

A Board of Appeals shall be created in accordance with the provisions of Title 30-A Section 2691.

3. Planning Board

A Planning Board shall be created in accordance with the provisions of State Law.

B. Permits Required

After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use of structure; or renew a discontinued nonconforming use.

C. Permit Application

1. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.
2. All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property then that person shall submit a letter of authorization from the owner or lessee.
3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
4. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.

D. Procedure for Administering Permits

Within thirty-five (35) days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within thirty-five (35) days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within thirty-five (35) days after the first available date on the Planning Board's Agenda following receipt of the completed application, or within thirty-five (35) days of the public hearing, if one is held. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual as well as actual, points of access to inland waters;
6. Will protect archaeological and historic resources as designated in the Comprehensive Plan;
7. Will avoid problems associated with flood plain development and use;

8. Is in conformance with the provisions of Section 15, Land Use Standards; and
9. Meets the intent of the Comprehensive Plan, as amended.

If a permit is either denied, or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation, or any State Law which the municipality is responsible for enforcing.

E. Expiration of Permit

Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

F. Installation of Public Utility Service

No public utility, water district, sanitary district or any utility company of any kind may install services to any new structure located in the Shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.

G. Appeals

1. Powers and Duties of the Board of Appeals

The Board of Appeals shall have the following powers:

- 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.
- b. Variance Appeals: To authorize variances upon appeal, within the limitations set forth in the Ordinance.

2. Variance Appeals

Variances may be permitted only under the following conditions:

- a. Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and set-back requirements.
- b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
- c. The Board shall not grant a variance unless it finds that:
 - (1) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and
 - (2) The strict application of the terms of this Ordinance would result in undue hardship. The term “hardship” shall mean:
 1. That the land in question cannot yield a reasonable return unless a variance is granted;
 2. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 3. That the granting of a variance will not alter the essential character of the locality; and

4. That the hardship is not the result of action taken by the applicant or a prior owner.
- d. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- e. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.
- f. A copy of all variances granted by the Board of Appeals shall be submitted to the Department of Environmental Protection within fourteen (14) days of decision.

3. Appeal Procedure

a. Making an Appeal

- (1) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such appeal shall be taken within thirty (30) days of the date 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.
- (2) Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:
 - i. A concise written statement indicating what relief is requested and why it should be granted.
 - ii. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
- (3) Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
- (4) The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

b. Decision by Board of Appeals

- (1) A majority of the Board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
- (2) The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.
- (3) The person filing the appeal shall have the burden of proof.
- (4) The Board shall decide all appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

- (5) 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, and the appropriate order, relief or denial thereof.

4. Appeal to Superior Court

Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within thirty (30) days from the date of any decision of the Board of Appeals.

5. Reconsideration

The Board of Appeals may reconsider any decision within thirty (30) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

H. Enforcement

1. Nuisances

Any violation of this Ordinance shall be deemed to be a nuisance.

2. Code Enforcement Officer

1. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of the Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
2. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
3. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.

3. Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements 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 municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

4. Fines

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection 4452.

Section 17. Definitions

Accessory Structure or Use: A use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. 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.

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.

Aggrieved Party: An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this 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.

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

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.

Campground: Any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including but limited to tents, recreational vehicles or other shelters.

Commercial Use: The use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Dimensional Requirements: Numerical standards relating to spatial relationships including but not limited to set-back, lot area, shore frontage and height.

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

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.

Essential Services: The construction, alteration or maintenance of gas, electrical or communication facilities; stream, 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, 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 footprint 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 use's operating season; additional hours of operation; or the use of more footprint devoted to a particular use.

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

Floor Area: The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

Footprint: The entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures such as patios and decks.

Forested Wetland: A freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty feet (20') or taller.

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.

Foundation: The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick or similar material.

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

1. Of ten (10) or more contiguous acres; or of less than ten (10) contiguous acres and adjacent to a surface water body, excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of ten (10) acres; and
2. Inundated or saturated by surface or ground water at a frequency and for duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

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, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, and industrial uses dependent upon water-borne transportation.

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 except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

Great Pond Classified GPA: any great pond classified GPA, pursuant to Title 38 Article4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

Height of a Structure: The vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

Home Occupation: An occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

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: The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Lot Area: The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

Marina: A business establishment having frontage on navigable water and, as its principal use, providing for hire off shore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, boat and tackle shops and marine fuel service facilities.

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.

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

Mineral Exploration: 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 Extraction: Any operation within any twelve (12) 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.

Multi-Unit Residential: A residential structure containing three (3) or more residential dwelling units.

Non-Conforming Lot: A single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

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

Normal High-Water Line: 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. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

Person: An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Piers, Docks, Wharfs, 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.

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

Principal Use: A use other than one which is wholly incidental or accessory to another use on the same lot.

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 of public entity.

Recent Flood Plain Soils: The following soil series as described and identified by the National Cooperative Soil Survey:

Alluvial	Cornish	Charles
Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

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 registered with the State Division of Motor Vehicles.

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: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

Rip-Rap: 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 flood plain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.

Road: A route or track 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.

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.

Set-back: The nearest horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area.

Shore Frontage: The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water elevation.

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, or saltwater body; within two hundred and fifty (250') feet of the upland edge of a freshwater wetland; or within seventy-five (75') feet of the normal high-water line of a stream.

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.

Structure: Anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.

Substantial Start: Completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

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 wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA Section 414, any surface wastewater disposal system licensed under 38 MRSA Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 MRSA Chapter 13, subchapter 1.

Sustained Slope: A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Timber Harvesting - the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of vegetation in the Shoreland zone associated with any other land use activity, and the cutting or removal of trees in the Shoreland zone on a lot that has less than two (2) acres within the Shoreland zone, shall not be considered timber harvesting. Such cutting or removal of vegetation shall be regulated pursuant to Section 15 (P), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

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 Ordinance, and only applies to that portion of the tributary stream located within the Shoreland zone of the receiving water body or wetland.

Upland Edge: The boundary between upland and wetland.

Vegetation: All live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under four (4") inches in diameter, measured at 4 ½ above ground level.

Volume of a Structure: The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Water Body: Any great pond, river, stream or tidal area.

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.

Wetland: A freshwater wetland.

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 one hundred (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.

HISTORY OF SHORELAND ZONING IN THE TOWN OF GLENBURN, MAINE

COMPLETE HISTORY OF SHORELAND ZONING IN GLENBURN COMPILED FROM ALL KNOWN RECORDS IN THE TOWN OFFICE AND FROM INFORMATION PROVIDED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

DECEMBER 29, 1958 to MARCH 26, 1973 See History at end of regular Zoning Ordinance for the complete history during this period.

MAY 6, 1975 The Town received notification that on April 18 and April 30 LURC and the DEP had imposed a temporary Shoreland Zoning Ordinance on the Town Of Glenburn. It was a temporary Ordinance which was scheduled to be superseded on August 7, 1975 by a more Comprehensive Ordinance unless the town first enacted a suitable Ordinance. This imposed Ordinance placed into the Resource Protection District all land within two-hundred and fifty (250') feet of Pushaw Lake, Kenduskeag Stream, and Black Stream.

MAY 28, 1975 The Town adopted a Zoning Ordinance which attempted to incorporate all necessary Shoreland Zoning Provisions required by the State. The Ordinance was not only for the Shoreland but covered the entire Town.

JULY 11, 1975 The Town received notification that on July 10 LURC and the DEP had reviewed Glenburn's newly enacted Zoning Ordinance and found that the Ordinance incorporated most of required provisions. However, the State Guidelines which were adopted effective DECEMBER 15, 1973 remained imposed on the Kenduskeag Stream upstream from its crossing with the Bangor and Aroostook Railroad.

JUNE 13, 1979 LURC and the DEP re-adopted the State imposed Ordinance for the Town Of Glenburn. The area covered stayed the same-the Kenduskeag Stream upstream from it crossing with the Bangor and Aroostook Railroad in the Resource Protection District. The re-adopted Ordinance incorporated three changes in the regulations.

OCTOBER 19, 1987 A new Shoreland Zoning Ordinance was adopted by a Special Town Meeting. At the same time, a New Regular Zoning Ordinance was adopted to apply to the portion of the Town not in the Shoreland Zone. The New Shoreland Ordinance is based on the latest version of the State Model Ordinance. Some minor modifications were made.

APRIL 21, 1987 A Special Town Meeting amended the following sections: Section 2; 9(A)(7); 11(H); 12(6); 11(N)(3); 12(B)(1); 11(D); 9(A)(1); 11(B); 13(C); 13(H); 8(B); 8(C) deleted and new 8(A) adopted.

JUNE 12, 1991 A completely new Shoreland Zoning Ordinance was adopted by a Regular Town Meeting. This Ordinance is substantially the same as the New State Model Ordinance. It updates and greatly clarifies many of the ambiguous points contained in the 1987 Model Ordinance.

FEBRUARY 17, 1994 A Special Town Meeting deleted two small parcels from the Resource Protection District. The amendments were in Section 13(B)(2)(a) and Section 13(B)(2)(d).

JUNE 8, 2004 A Regular Town Meeting adopted amendments that repeal all of Section 12(C)(1)(a)-(d) and replaced those provisions with Section 12(C)(1), (1-A), (1-B), and (1-C).

MARCH 15, 2007 Amendment to Section 13B(2c) Reclassify property located on French's Point Road from Shoreland Zoning/Resource Protection to Shoreland Zoning/Limited Residential identified as Glenburn Tax Map 25/Lot 145

JUNE 12, 2012 Amendments to Section 15 A. Minimum Lot Standards, 1a., 6., 6a, 6b. to coincide with the Zoning/Land Use Ordinance.

JUNE 12, 2013 Amendments to Section 3. Applicability; Section 13. Establishment of Districts, B. Resource Protection District; and Section 17. Definitions, Freshwater Wetland.

JUNE 15, 2016 Amendments to comply with DEP's minimum guidelines which were mandatory as of May 1, 2006 and amendments to comply with DEP's minimum guidelines which were mandatory January 26, 2015 (Amendments filed with ordinance of permanent record)

JUNE 11, 2019 Amendment to Section 15, Land Use Standards, A. Minimum Lot Size Standards (1)(a) "a minimum area of one and three-quarters ($1\frac{3}{4}$) acres" to "a minimum area of one (1) acre".