

CHAPTER 38. ZONING

Table of Contents

Article 38.1	<u>Purpose, Authority, Scope, Amendments, Severability</u>	3803
.1	<u>Purpose</u>	3803
.2	<u>Authority</u>	3803
.3	<u>Scope</u>	3803
.4	<u>Amendments</u>	3803
.5	<u>Validity and Severability</u>	3804
.6	<u>Conflict with Other Chapters</u>	3804
.7	<u>Effective Date and Repeal of Municipal Timber Harvesting Regulation</u>	3804
.8	<u>Applicability</u>	3805
Article 38.2	<u>Administration & Enforcement</u>	3805
.1	<u>General</u>	3805
.2	<u>Use Permits</u>	3805
.3	<u>Enforcement</u>	3806
Article 38.3	<u>Nonconformance</u>	3807
.1	<u>Purpose</u>	3807
.2	<u>General</u>	3807
.3	<u>Nonconforming Structures</u>	3807
.4	<u>Nonconforming Uses</u>	3810
.5	<u>Nonconforming Lots</u>	3812
.6	<u>Restoration of Unsafe Property</u>	3812
.7	<u>Vested Rights</u>	3812
Article 38.4	<u>Zoning Districts and Overlay Zones</u>	3813
.1	<u>Establishment of Districts</u>	3813
.2	<u>Location of Districts</u>	3813
.3	<u>Interpretation of Districts</u>	3813
.4	<u>Division of Lots by District Boundaries</u>	3813
.5	<u>District Purposes and Criteria</u>	3814
.6	<u>District Uses</u>	3816
.7	<u>Dimensional Requirements</u>	3822
.8	<u>General Requirements</u>	3823
Article 38.5	<u>Performance Standards</u>	3824
.1	<u>General</u>	3824
.2	<u>Nuisance Conditions</u>	3824
.3	<u>Off-Street Parking and Loading Requirements</u>	3824
.4	<u>Sanitary Provisions</u>	3826
.5	<u>Signs</u>	3826
.6	<u>Storm Water Run-Off</u>	3831
.7	<u>Water Quality Protection</u>	3831
.8	<u>Two-Family Dwellings</u>	3821
.9	<u>Multi-Family Dwellings</u>	3832
.10	<u>Apartment Conversions</u>	3833
.11	<u>Mobile Homes</u>	3834
.12	<u>Cluster Development</u>	3835
.13	<u>Hotels, Motels and Inns</u>	3837
.14	<u>Campgrounds</u>	3838
.15	<u>Recreational Vehicles</u>	3838
.16	<u>Extraction of Sand, Gravel, and Other Earth Minerals</u>	3839
.17	<u>Development in Shoreland Areas</u>	3840
.18	<u>Back Lots</u>	3854

.19	<u>Home Occupations</u>	3855
.20	<u>Individual Private Campsites</u>	3858
.21	<u>Residential in Resource Protection Zone</u>	3858
Article 38.6	<u>Conditional Use Permit</u>	3859
.1	<u>Definition</u>	3859
.2	<u>Use</u>	3859
.3	<u>Standards for a Conditional Use Permit</u>	3860
.4	<u>Additional Standards in Shoreland Areas</u>	3861
.5	<u>Conditions of Approval</u>	3861
.6	<u>Reapplication</u>	3862
Article 38.7	<u>Appeal and Conditional Use Permit Procedures</u>	3862
Article 38.8	<u>Board of Appeals</u>	3865
.1	<u>Appointment and Composition</u>	3865
.2	<u>Powers and Duties</u>	3865
.3	<u>Administrative Appeals</u>	3865
.4	<u>Variance Appeals</u>	3866
Article 38.9	<u>Definitions</u>	3868
.1	<u>Construction of Language</u>	3868
.2	<u>Definitions</u>	3869

Article 38.1 Purpose, Authority, Scope, Amendments, and Severability

Section 38.1.1 Purpose

The purpose of this Chapter, pursuant to the Rangeley, Maine, Comprehensive Plan, is to promote the health, safety, and general welfare of the residents of the Town; to encourage the most appropriate use of the land throughout the Town; to promote traffic safety, to provide safety from fire and other elements; to provide adequate light and air; to prevent overcrowding of real estate; to promote a wholesome home environment; to prevent housing development in unsanitary areas; to provide an adequate street system; to promote the coordinated development of unbuilt areas; to provide allotment of land area in new developments sufficient for all the requirements of community life; to conserve natural resources; to provide for adequate public services; to prevent and control water pollution; to protect spawning grounds, fish, aquatic life, bird and other wildlife habitat; to protect buildings from flooding and accelerated erosion; to protect freshwater wetlands; to conserve the shore cover and to enhance visual and physical points of access to inland waters; and retain natural beauty.

Section 38.1.2 Authority

This Chapter is adopted pursuant to Article VIII-A of the Maine Constitution, Title 30-A, M.R.S.A., Section 3001, Title 30-A, M.R.S.A., Section 4352 and Title 38, M.R.S.A., Section 435 et. seq., and shall be known and may be cited as the "Zoning Ordinance of the Town of Rangeley, Maine". Should the Board of Environmental Protection reduce the setback requirement for new principle and accessory structures and substantial expansions from 100 feet to 75 feet, this Chapter shall be so amended.

Section 38.1.3 Scope

All buildings or structures hereinafter erected, reconstructed, altered, enlarged or moved, and uses of premises in the Town of Rangeley shall be in conformity with the provisions of this Chapter. No building, structure, land or water area shall be used for any purpose or in any manner except as permitted within the district in which such building, structure, land or water area is located.

Section 38.1.4 Amendments

- .1 Initiation of Amendments: An amendment to this Chapter may be initiated by:
 - .1 The Planning Board, provided a majority of the Board has so voted;
 - .2 Request of the municipal officers; or
 - .3 Written petition of a number of voters equal to at least 10% of the number of votes cast in the municipality at the last gubernatorial election.
- .2 The Planning Board shall hold a public hearing on the proposed amendment at least 14 days prior to the meeting of the Governing Body. Notice of the public hearing shall be posted at the Town Office at least 14 days prior to the public hearing. Notice of the hearing shall be published at least two times in a

newspaper in general circulation in the area. The date of the first notice shall be at least 14 days before the hearing, and the date of the second notice shall be at least 7 days before the hearing. In addition, when applicable, the provisions of Title 30-A, M.R.S.A., Section 4352.10 shall be compiled with.

- .3 Adoption of Amendment: An amendment to this Chapter may be adopted by a majority vote of the Town Meeting.
- .4 Copies of amendments attested and signed by the Municipal Clerk that impact the area within 250 feet, horizontal distance, of the normal high water line of a great pond, river or upland edge of a wetland and 75 feet horizontal distance from a stream shall be submitted to the Commission of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. If the Commissioner fails to act on any amendment within 45 days of the Commissioner's receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the Municipality within the 45 day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

Section 38.1.5 Validity and Severability

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

Section 38.1.6 Conflict with Other Chapters

This Chapter shall not be construed to repeal any existing bylaws, Code or ordinances, other than the Zoning Ordinance, or to impair the provisions of private restrictions placed upon property, provided, however, that where this Chapter imposes greater restrictions, its provisions shall control.

Section 38.1.7 Effective Date and Repeal of Municipal Timber Harvesting Regulation

- .1 This Chapter and amendments thereto shall become effective upon a majority vote of a Town Meeting, accept as provided in Section 38.1.2.4 above.
- .2 The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. section 438-A(5), at which time the State of Maine Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under 38 M.R.S.A. 438-A(5), the following provisions of this Ordinance are repealed:
 - Section 38.4.6 Table of District Uses, Column 3 (Timber harvesting); and
 - Section 38.5.17.4 in its entirety.

Section 38.1.8 Applicability

Upon adoption, this Chapter shall be applicable to all pending proceedings and applications for permits commenced after April 3, 1989.

Article 38.2 Administration & Enforcement

Section 38.2.1 General

- .1 This Chapter shall be administrated and enforced by a Code Enforcement Officer appointed or reappointed annually by July 1st by the Selectmen except as otherwise provided.
- .2 Applications for Conditional Use Permits shall be referred by the Code Enforcement Officer to the Planning Board, except as set forth in Section 38.4.5.8.4. The Planning Board shall hear and decide upon such applications in accordance with the provisions of this Chapter.

Section 38.2.2 Use Permits

- .1 Application
 - .1 No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the Code Enforcement Officer.
 - .2 A permit for a building, structure, or use on any lot as prescribed in 38.4.6. Shall be issued only to the owner of record thereof, or his authorized agent.
 - .3 Any person required and entitled by any provision of this Chapter to obtain a Use Permit for any building, structure, or use, shall file a written application with the Code Enforcement Officer on forms to be provided for that purposes, accompanied by a fee established annually by the Board of Selectmen. The Code Enforcement Officer may require the submission of whatever information is necessary to determine conformance with the provisions of this Chapter.
 - .4 Applications for permits, along with their accompanying plans and permits issued or other decisions, shall be maintained as a permanent record by the Code Enforcement Officer.
 - .5 If the Code Enforcement Officer determines that the building, structure, or use for which a permit is sought is one permitted by this Chapter without a Conditional Use Permit, or is one prohibited by this Chapter, he shall grant or deny the permit within the ten (10) working days after receipt of the application.

- .6 If the Code Enforcement Officer determines that the building, structure, or use for which a permit is sought is one permitted by this Chapter as a conditional use, he shall refer the application to the Planning Board except as provided in Section 38.4.5.4.
- .7 No use permit shall be issued for any structure or use involving the construction, installation, or alteration of plumbing facilities unless a valid Plumbing Permit has been issued to the applicant or his authorized agent by the Local Plumbing Inspector.
- .8 In the Shoreland Area a public utility, water district, sanitary district or any utility company of any kind may not 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 or other written arrangements have been made between the municipal officials and the utility.
- .9 Following the issuance of a permit, if no substantial start is made in construction or in the use of the property within one year of the date of the permit, the permit shall lapse and become void.

Section 38.2.3 Enforcement

- .1 Nuisances: Any violation of this Chapter shall be deemed to be a nuisance.
- .2 Code Enforcement Officer: It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Chapter. If the Code Enforcement Officer shall find that any provision of this Chapter is being violated, he 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, structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be maintained as a permanent record.
- .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 authorized and 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 Chapter in the name of the municipality.

- .4 Fines: Any person who violates any of the provisions of this Chapter after receiving notice of such violation shall be guilty of a misdemeanor, and, on conviction, shall be subject to a minimum fine of \$100.00 up to a maximum fine of \$2,500.00 per violation for each day that the violation continues as provided by State law.

Article 38.3 Nonconformance

Section 38.3.1 Purpose

It is the intent of this Chapter to promote land use conformities, except that nonconforming conditions that legally existed before the effective date, or amendments thereto, of this Chapter shall be allowed to continue, subject to the requirements set forth in this Section.

Section 38.3.2 General

- .1 **Transfer of Ownership:** Nonconforming 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 Chapter.
- .2 **Repair and Maintenance:** This Chapter allows the normal upkeep and maintenance of nonconforming uses and structures including repairs or renovations which do not involve expansion of the nonconforming use or structure, and such other changes in a nonconforming use or structure as federal, state, or local building and safety codes may require.

Section 38.3.3 Nonconforming Structures

- .1 **Expansions:** A nonconforming 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 meets all height and setback requirements.

Further Limitations:

- .1 After January 1, 1989, if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 38.3.3.5, and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.

- .2 A structure or any portion, thereof, which is less than the required setback from the normal high water line of a water body or tributary stream or upland edge of a wetland shall not be expanded laterally unless the Planning Board determines, after an on-site inspection, that no practical alternatives exist to lateral expansions and the lateral expansion will conserve vegetation, minimize soil erosion, and minimize runoff created by roofed areas and driveways.

In determining whether practical alternatives exist, the Planning Board shall consider the size of the lot, the shape of land, the location of other structures on the property and on adjacent properties, the location of the septic system, and the existing architectural plan.

The provisions in Section 38.3.3.1.2 shall not apply to structures or portions thereof which are greater than seventy-five feet from the normal high water line of a water body or upland edge of a wetland.

- .3 A structure or any portion, thereof, which is less than the required setback from a lot line shall not be expanded along that lot line unless the Planning Board determines after on-site inspection that no practical alternatives exist and Maximum Lot Coverage standards as set forth in Section 38.4.7 are not exceeded. In determining whether practical alternatives exist, the Planning Board shall consider the aforementioned conditions and give consideration to abutters.
- .2 When ever a new, enlarged, or replacement foundation is constructed under a nonconforming structure the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the same permitting authority as that for a new structure, basing its decision on the criteria specified in Subsection 4: Relocation, below; that the completed foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the first floor to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.
- .3 No structure, which is less than the required setback from the normal high-water line of a water body, tributary stream or upland edge of a wetland, shall be expanded toward the water body, tributary stream, or wetland.
- .4 Relocation: A nonconforming 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 same permitting authority as that for

a new structure and provided that the applicant demonstrates that the present subsurface sewage disposal system, if not connected to public sewer, 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 nonconforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the permitting authority 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:

- .1 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.

- .2 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.

.5 Reconstruction or Replacement:

- .1 Any nonconforming structure which is removed, damaged, or destroyed by fire, lightning, wind or other natural disaster by more than 50% of market value of the structure before such damage, destruction, or removal, may be reconstructed or replaced provided that a permit is obtained within one (1) year of the date of said damage or destruction

from the same permitting authority as that for a new structure in accordance with the purposes of this Chapter. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity.

- .2 Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 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 body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee 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 38.3.3.1 above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume 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 38.3.3.4 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 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.

Section 38.3.4 Nonconforming Uses

- .1 Expansion: Expansion of nonconforming uses may be allowed provided the Planning Board, after reviewing the written application, determines that no greater adverse impact would occur as the result of the expansion as defined in Section 38.3.3.4 and the following:
 - .1 Expansions of a non-conforming uses are prohibited, except that non-conforming residential uses as permitted by Section 38.3.3.1.1 are prohibited in the shoreland area.

- .2 The expansion of the nonconforming use will not encroach further on the required water setback.
 - .3 Nothing in this Section shall prevent an expansion that brings a nonconforming use into conformance with this Chapter. The expansion must meet all requirements of this Chapter in every way. When all nonconformity is to be eliminated, the CEO may issue a permit.
- .2 Resumption Prohibited: A lot, building or structure in or on which a nonconforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a nonconforming 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 nonconforming use may be changed to another nonconforming 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 38.3.4.4.
 - .4 Change of Use of a Nonconforming Structure: The use of a nonconforming structure may not be changed to another nonconforming use unless the Planning Board, after reviewing written application, determines that the new use is equally or more appropriate to the district than the existing use of the nonconforming structure and the impact on adjacent properties, water bodies and/or wetlands will have no greater adverse impacts 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, or other nuisances likely to result from the change of use.

The change of use shall comply with any applicable Performance Standards set forth in Section 38.5 of this Chapter.

Section 38.3.5 Nonconforming Lots

- .1 Nonconforming Lots: A nonconforming lot of record as of the effective date of this Chapter 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 Chapter 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 Chapter, if all or part of the lots do not meet the dimensional requirements of this Chapter, and if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine 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 Chapter, 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 Chapter.

- .3 Contiguous Lot - 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 Chapter, if any of these lots do not individually meet the dimensional requirements of this Chapter 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.

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

- .1 Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or
- .2 Any lots that do not meet the frontage and lot size requirements of Section 38.3.5.3.1 are reconfigured or combined so that each new lot

contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

Section 38.3.6 Restoration of Unsafe Property

Nothing in this Chapter shall prevent the strengthening or restoring to a safe condition any part of any building declared unsafe by the Code Enforcement Officer.

Section 38.3.7 Vested Rights

Nonconforming use rights cannot arise by the mere filing of a notice of intent to build, an application for building permits, or an application for required State permits and approvals. Such rights usually arise when actual construction has begun, or in the case of pending applications, when the review process on a complete application commences. Such construction must be legal at the time it commenced, and the owner is in compliance with all validly issued permits, both State and local.

Article 38.4 Zoning Districts and Overlay Zones

Section 38.4.1 Establishment of Districts

To implement the provisions of this Chapter, the Town of Rangeley, Maine, is hereby divided into the following Districts:

- .1 Resource Protection
- .2 Shoreland
- .3 Woodland
- .4 Residential
- .5 Village
- .6 Commercial
- .7 Industrial

Section 38.4.2 Location of Districts

Said Districts are located and bounded as shown on the Official Zoning Map, entitled "Zoning Map of Rangeley, Maine", dated and on file in the office of the Town. The Official Map shall be signed by the Town Clerk and Chairperson of the Planning Board at the time of adoption or amendment of this Chapter certifying the date of such adoption or amendment. Additional copies of this map may be seen at the Town Office.

Section 38.4.3 Interpretation of Districts

- .1 Unless otherwise indicated, district boundary lines are the center lines, plotted at the time of adoption of this Chapter of streets, alleys, parkways, waterways, or rights-of-way of utilities and railroads or such lines extended.

- .2 Other district boundary lines, which are not listed in the proceeding paragraph shall be considered as lines paralleling a street and at distances from the center lines of such streets as indicated by the Official Zoning Map on file in the Municipal Office. In the absence of a written dimension, the graphic scale of the Official Zoning Map shall be used.
- .3 The Planning Board shall make interpretations, where needed, as to the exact location of District boundaries.

Section 38.4.4 Division of Lots by District Boundaries

- .1 Where a district boundary line divides a lot or parcel of land of the same ownership of record at the time such line is established by adoption or amendment of this Chapter, the regulations applicable to the less restricted portion of the lot may be extended not more than 50 feet into the more restricted portion of the lot, except where such extension protrudes into the Shoreland Area, as defined.

Section 38.4.5 District Purposes and Criteria

- .1 Resource Protection: The Resource Protection District includes land areas least suited for and least able to sustain development due to physical site conditions involving topography, soil types, drainage, or proximity to surface waters. Development in these areas could adversely affect water quality, productive wildlife habitat, biological systems or scenic and natural values. Such areas include, but are not limited to: areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" and "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on the Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of October 1, 2008. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river; floodplains along rivers, defined by the 100 year floodplain 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 floodplain soils; areas of two or more contiguous acres with sustained slopes of 20% or greater; areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water; land areas along rivers subject to severe bank erosion,

undercutting, or river bed movement, and 75 feet, horizontal distance, from stream as defined.

- .2 Shoreland: The Shoreland District covers land areas adjacent to the lakes and ponds of Rangeley and provides for limited seasonal and year-round residential land uses. Development along shorelands requires closer scrutiny than development situated farther away due to potential water quality and visual impacts.
- .3 Woodland: The Woodland District includes land areas presently undeveloped or containing low density development. A variety of land uses may be allowed.
- .4 Residential: The Residential District includes areas currently developed primarily as residential and extends to areas suited for such development due to physical site characteristics. The District provides for a variety of housing types.
 - .1 Tax Map 8, lots 22, 23, 24, 25a, 25, 26, 27, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 42a, 43, 33 shall be changed from "Commercial" to "Residential".
 - .2 Tax Map 8, lots 19, 20, 21 & Map 7, lot 53 shall be changed from "Commercial" to "Residential".
- .5 Village: The Village District includes the most highly developed areas in the Town. Development is more dense than in other areas and covers a broad mixture of land uses, including commercial, recreational, public, and residential. The village area is a vital and active area, and this district seeks to maintain the existing character and land use mix.
- .6 Commercial: The Commercial District establishes an area in Rangeley intended for commercial enterprises, which may not be compatible with other land uses. It is located so as to provide an area suited to such development due to various conditions and to discourage the proliferation of strip development.
- .7 Industrial: The Industrial District provides for areas suitable for manufacturing, processing, treatment, research, warehousing, distribution, mining of land, and other industrial activities.

NOTE: The Industrial Zone includes the following as shown on the Town of Rangeley's tax maps:

- .1 Tax Map 12, lots 40, 41, 53, 48, 45, 42, 44, 27A, and 54.
 - .2 Tax Map 16, lots 3 and 4A.
- .8 Downtown Commercial District:

.1 Purpose

The purpose of this district is to provide for greater flexibility in dimensional requirements, development review, and encourage business development and expansions in the Villages of Rangeley and Oquossoc while protecting the public health, safety, and welfare.

.2 Boundaries and Definitions

The Downtown Commercial District shall include the following areas exclusive of those lots or portions thereof located in the Resource Protection and Shoreland Districts:

- .1 One lot deep or 500 feet measured from the center line, whichever is less, adjacent to Route 4 from its intersection with Hatchery Brook to the Hotel Road.
- .2 One lot deep or 500 feet deep measured from the center line, whichever is less, adjacent to Route 4 from the Bald Mountain Skiway Road and the easterly edge of Lot 4G on Map 5, as depicted on the Town of Rangeley Property Parcel Maps, to the Rangeley River and Route 17 south to an extension of Cupsuptic Avenue across Route 17 to the southerly boundary of Oquossoc Marine, Map 30, Lot 6.

.3 Dimensional Requirements

- .1 Dimensional requirements shall be as provided in Section 38.4.7.

.4 Review of Uses Requiring a Conditional Use Permit

- .1 In the Downtown Commercial District, the Code Enforcement Officer may issue a CEO Conditional Use Permit if, after an application is submitted pursuant to Section 38.6, the CEO finds the following:
 - .1 The proposed use will occupy an existing structure.
 - .2 The structure and/or property has been utilized for a similar use as determined by the CEO within the past 24 months from the date of application.
 - .3 There are no external alterations to the property, which would increase the size of the structure by 25 percent or 750 square feet whichever is less.

- .4 The hours of operation will be similar to the previous use.
- .5 Parking standards contained in Section 38.5.3 are met.
- .6 The CEO finds that all the criteria contained in Section 38.6.3 will be met.
- .7 If the CEO finds that the above criteria will not be met, a Conditional Use Permit must be approved by the Planning Board.

Section 38.4.6 District Uses

Land uses permitted in each district in conformance with the Performance Standards of Section 5, are shown in the following table. Note: All uses involving building construction require a Building Permit from the Code Enforcement Officer prior to beginning construction.

- KEY: YES - Permitted (no permit necessary)
NO - Prohibited
CEO - Permit from Code Enforcement Officer Required
CU - Requires Conditional Use Permit from Planning Board
LPI - Local Plumbing Inspector

Land Use	Resource Protection	Shoreland	Woodland	Residential	Village	Downtown Commercial	Commercial	Industrial
Mobile Home Parks	no	no	CU	no	no	no	no	no
Structure Accessory to Permitted Uses	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Garages, Storage Buildings and Similar Structures NOT intended for Human Habitation on lots without principal dwellings	no	no	CEO	no	no	no	no	no
Home Occupations	yes	yes	yes	yes	yes	yes	yes	yes
Commercial Facilities except Facilities Requiring Shoreland Location	no	no	CU	no	CU ²	CU	CU	CU
Commercial Facilities Requiring Shoreland Location	no	CU	no	no	CU ²	CU	CU	no
Industrial Light Heavy	no no	no no	CU no	no no	no no	CU no	CU no	CU CU
Automobile Graveyards or Junkyards	no	no	CU	no	no	no	no	CU
Motels and Hotels	no	CU	CU	CU	CU	CU	CU	no
Inns	no	CU	CU	CU	CU	CU	CU	no
Bed & Breakfast	no	CU	CU	CU	CU	CU	CU	no
Public Buildings such as Schools, Libraries, Churches, Museums	no	CU	CU	CU	CU	CU	CU	no
Institutional	no	no	CU	CU	CU	CU	CU	no

Land Use	Resource Protection	Shore land	Woodland	Residential	Village	Downtown Commercial	Commercial	Industrial
Uses Similar to Permitted Uses Requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Uses Similar to Uses Requiring a CUP	CU	CU	CU	CU	CU	CU	CU	CU
Road Construction	no ⁴	CU	yes	yes	Yes ⁵	Yes ⁵	yes	yes
Parking Facilities	No ⁶	CU	yes	yes	Yes ⁵	Yes ⁵	yes	yes

¹ Not permitted within seventy-five (75) feet of normal high water line of great ponds, rivers, or streams or upland land edge of a wetland, except to remove safety hazards.

² The Planning Board may issue a permit for a single-family dwelling in a Resource Protection District in accordance with Section 5.U.

³ See further restrictions in Section 38.5.17.12

⁴ Except as provided for in Section 38.5.27.8.3

⁵ If located in the Shoreland Area a Conditional Use Permit is required

⁶ Except when area is zoned for resource protection due to floodplain criteria in which case a Conditional Use Permit is required.

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to Title 38, M.R.S.A., Section 480-C, if the activity occurs in, on, over or adjacent to any freshwater great pond, river, stream, or brook and operates in such a manner that material or soil may be washed into them:

- .1 Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- .2 Draining or otherwise dewatering;
- .3 Filling;
- .4 Any construction or alteration of any permanent structure.

- .1 Home occupations shall comply with the standards contained in Section 38.5.19 of this Chapter.

- .2 Commercial facilities permitted in the Village District with a Conditional Use Permit shall be limited to the following:

- .1 Professional Offices
- .2 Real Estate Offices
- .3 Gift Shops
- .4 Similar Uses.

Section 38.4.7 Dimensional Requirements

Lots in all districts shall meet or exceed the following minimum requirements:

Zoning District	Minimum Lot Size		Minimum Frontage	
	With Sewer	Without Sewer	Road	Shore
Resource Protection	20,000	40,000	150 feet	200 feet
Shoreland	20,000	40,000	150 feet	200 feet
Woodland	40,000	40,000	150 feet	200 feet
Residential	20,000	40,000	150 feet	200 feet
Village	10,000	20,000	100 feet	100 feet
Commercial	10,000	20,000	100 feet	200 feet
Industrial	20,000	20,000	100 feet	200 feet

Zoning District	Side Yard	Road & Street	Rear Yard	Shoreland	Maximum Lot Coverage
Resource Protection	20 feet	50 feet	20 feet	100 feet	20 percent
Shoreland	20 feet	25 feet	20 feet	100 feet	20 percent
Woodland	20 feet	50 feet	20 feet	75 feet	25 percent
Residential	20 feet	25 feet	20 feet	75 feet	25 percent
Village	20 feet	25 feet	20 feet	75 feet	Note 4
Commercial	10 feet	25 feet	10 feet	75 feet	Note 4
Industrial	20 feet	50 feet	20 feet	75 feet	Note 4
Downtown ² Commercial District	5 feet	5 feet	5 feet	75 feet	Note 4

¹ Setbacks from public or private-owned roads or streets shall be measured from the edge of the right-of-way.

² No front setback need be any deeper than the average depth of front setbacks on the lots next to thereto on either side.

³ Setbacks from the normal high water mark shall not be less than 75' from streams and the upland edge of wetlands and 100' from great ponds and rivers.

⁴ Maximum lot coverage established by setbacks.

⁵ Driveways, sidewalks, parking lots, signs, and docks shall be set back at a minimum of 10 feet from side yard lines unless no practical alternative existed as determined by the Code Enforcement Officer utilizing the criteria set forth in Section 3.C.1.B.

Section 38.4.8 General Requirements

The following requirements shall apply to all districts:

- .1 Principal Dwelling: If more than one residential dwelling is constructed on a single lot, all dimensional requirements shall be met separately for each such principal dwelling. In addition in the Shoreland Area if more than one 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 principal structure, or use.
- .2 No residential structure shall be constructed, converted or placed, which contains less than 600 sq. ft. of living space on one level.
- .3 Accessory Buildings: No garage or other accessory building shall be located in a required front yard.
- .4 Required yard spaces shall serve only one lot: No part of the yard or other open space required on any lot for any building shall be included as part of the yard or open space similarly required for another building or lot.
- .5 Height Restrictions: No building shall exceed two-and-one-half (2¹/₂) stories or thirty-five (35) feet in height. The height shall be measured from the average elevation of the original ground surface at the footprint of the building. This restriction shall not apply to farm buildings and industrial structures not used for human habitation, windmills, antennas, transmission towers, church steeples, flagpoles, and chimneys.
- .6 No lot abutting a shoreline may be created by any division of land unless the lot has a depth of at least 150 feet from the shoreline.
- .7 Notwithstanding any other provision of this Chapter, the minimum shoreline frontage requirements for lots upon which no structure is closer than 600 feet to the normal high water mark of any shoreline, shall not be greater than 300 feet.
- .8 Notwithstanding other provisions of this Chapter, land uses having a substantial impact on wildlife habitat areas shall require approval of the Planning Board. The Planning Board may require that the Owner, or his agent, submit a report from the Maine Department of Inland Fisheries and Wildlife. The Board may also require implementation of the recommendations of the report.
- .9 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.

- .10 The minimum width of any portion of any lot within one hundred (100) feet, 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.

Article 38.5 Performance Standards

Section 38.5.1 General

Section 38.5.1 to 38.5.15 shall apply to all Districts:

- .1 Erosion Control: Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following “best management practices”:
 - .1 Stripping of vegetation, soil removal, and grading or other development shall be minimized as far as its practical, and shall be done in a way as to minimize erosion.
 - .2 The duration of exposure of the disturbed area shall be kept to a practical minimum.
 - .3 Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
 - .4 Until a disturbed area is stabilized; sediment in run-off water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods as determined by the Code Enforcement Officer.
 - .5 Permanent (final) vegetation and mechanical erosion control measures shall be installed as soon as practicable after construction ends.

Section 38.5.2 Nuisance Conditions

Noise, vibration, dust, smoke, odors, heat, glare, radiation and waste disposal resulting from any use shall be kept to a practical minimum in order to avoid nuisance conditions.

Section 38.5.3 Off-Street Parking and Loading Requirements

The following standards shall apply to all new or expanded uses and structures:

- .1 Basic Requirement: Required off-street parking for all uses shall be located on the same lot as the principle building or use of premises or within three hundred (300) feet measured along lines of access. However, establishments occupying or intending to occupy existing structures on

Main Street, from the intersection of Main Street and Depot Road to the intersection of Maine and Center Streets, may be exempted from the requirements of this paragraph when the lot on which the establishment is located does not contain sufficient area or is not within 300 feet of sufficient area to accommodate the required parking. An area of two hundred (200) square feet appropriate for the parking of an automobile, exclusive of maneuvering space, shall be considered as an off-street parking space.

- .1 Two (2) spaces per dwelling unit.
 - .2 One (1) space for each sleeping room in a tourist home, boarding or lodging house, motel or hotel plus one (1) space per 400 sq. ft. of public meeting rooms and restaurants.
 - .3 One (1) space for each recreational vehicle, tent or shelter site in a campground.
 - .4 One (1) space for each four (4) beds for institutions devoted to the board, care or treatment of persons.
 - .5 One (1) space for each one hundred fifty (150) square feet or fraction thereof, of floor area of any retail, wholesale or service establishment or office or professional building.
 - .6 One (1) space for each three (3) seats, permanent or otherwise, for patron use for restaurants, and other places serving food or beverage and for theaters, auditoriums and other places of amusement or assembly.
 - .7 One (1) space for each person employed or anticipated to be employed on the largest shift for all types of commercial, industrial or other permitted uses.
 - .8 Adequate spaces shall be provided to accommodate customers, patrons, and employees at other permitted uses not specifically enumerated.
- .2 Parking areas shall meet the shoreline setback requirements for structures for the district in which such areas are located. This setback may be reduced if the Planning Board finds that no other reasonable alternative exists.
 - .3 Off-Street Loading: In any District where permitted or allowed, commercial or industrial uses shall provide, as necessary, off-street loading facilities located entirely on the same lot as the building or use to be served so that trucks, trailers, and containers shall not be located for loading or storage upon any public way.

Section 38.5.4 Sanitary Provisions

The installation of all water supply systems and private sewage disposal systems in all districts shall conform to the provisions of the State of Maine Subsurface Wastewater Disposal Rules and any local regulations or ordinances.

Section 38.5.5 Signs

All signs shall comply with the Maine Traveler Information Act, Title 23 M.R.S.A., Section 1901-1925, as amended, and any applicable rules and regulations promulgated thereunder. The following additional requirements shall apply to all on-premise signs.

Section 38.5.5.1 Purpose

The Town of Rangeley, after due and careful consideration, finds and declares that it desires to preserve the natural and scenic beauty of the Town and its rural areas and waterways, and that a proliferation of advertising and other signs would despoil the beauty of the Town and create hazards to vehicular and pedestrian traffic.

It is the intent and purpose of this section of the Town Code to preserve the beauty of the Town and the safety and well-being of the inhabitants while at the same time allowing reasonable advertising and informational signs by regulating the type, number, location, and size of such signs.

Section 38.5.5.2 Definitions

- .1 **Banner**: Any sign of lightweight fabric or similar material that is mounted to a pole or building at one or more edges. National, state, and municipal flags should not be considered banners.
- .2 **Flag**: Any fabric or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government or political subdivision of a government.
- .3 **Message Flag**: A piece of fabric not exceeding fifteen (15) square feet, displayed on a pole attached to a structure, generally used to convey a message such as, but not limited to: "Open", "Restaurant", etc...
- .4 **Pennant**: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
- .5 **Sign**: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. Brand names and logos that are integral parts of a good to be sold are not considered signs under this section of the Town Code.

- .6 Sign Area: The area, when viewed from any direction, of the smallest simple geometric shape exemplified by a square, rectangle, triangle, circle, etc..., encompassing all lettering, wording, design, or symbols, together with any background that is distinguishable from the building or support. For the purpose of calculating the area of a sign, a support that contains no information is not part of the sign.
- .7 Sign, Canopy: A sign, which is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.
- .8 Sign, Consolidated: A single on-premise sign that serves two or more businesses or entities, all of which are located on the same lot of record, which is on a single device, fixture, placard, or structure.
- .9 Sign, Freestanding: A sign supported by one or more upright poles, columns, braces, or structures anchored in the ground and not attached to any building or other structure.
- .10 Sign, Illuminated: A sign in any manner illuminated by an artificial source of light.
- .11 Sign, Externally Illuminated: A sign that is lighted entirely from an external source, such as flood or spotlights.
- .12 Sign, Internally Illuminated: A sign whose lighting is integral to the design and shines through a plastic or other translucent covering.
- .13 Sign, Ladder: A sign with two or more signs attached to the same support. The components of a ladder sign must comply, cumulatively, with the dimensional limitations imposed by this section of the Town Code.
- .14. Sign, Obsolete: A sign that no longer advertises a bona fide business, product sold, or activity or campaign being conducted.
- .15 Sign, Off-Premise: A sign that is not located on the same lot of record as the business, facility, or point of interest referenced.
- .16 Sign, On-Building: A sign that is attached to a building wall and extends not more than six inches from the face of such wall.
- .17 Sign, On-Premise: A sign that is located on the same lot of record as the business, facility, or point of interest referenced.
- .18 Sign, Portable: A sign that is not permanently attached to the ground or a permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels or trailers, balloons used as signs, and signs attached to or painted on vehicles parked and

visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

- .19 Sign, Projecting: A sign that is attached to a building wall and extends more than six inches from the face of such wall.
- .20 Sign, Temporary: A sign of a temporary nature, erected less than ninety (90) days within any twelve-month period, exemplified by the following: commercial advertising, political signs, charitable signs, fundraising signs, carnival signs, garage sale signs, rummage sale signs, flags, message flags, pennants, or banners, all signs advertising sales of personal property, and “for rent” signs. An exterior on-premise sign displayed by an ongoing business, on which the information changes while the structure remains unchanged, shall not be considered a temporary sign.

Section 38.5.5.3 Permit Required

Except as otherwise specified herein, no person, corporation, or other entity shall hereafter erect, hang, place, or alter a sign or sign structure of any kind without a permit issued by the Code Enforcement Officer and payment of a Sign Permit Fee not to exceed the cost of the label and processing. A Sign Permit label shall be issued with the Sign Permit and shall be affixed to the sign. Every application for a Sign Permit shall be accompanied by plans drawn to scale showing the area of the sign, the position of the building, structure or lot to which or upon which the sign is to be attached or erected, the method of illumination, if any, and such other information as the Code Enforcement Officer shall require to show full compliance with this and other chapters of the Town Code. The Sign Permit shall be issued if the proposed sign is in compliance with all such chapters of the Town Code.

Section 38.5.5.4 Violations

Per Section 38.2.3, Enforcement, Chapter 38, Zoning, of the Rangeley Town Code.

Section 38.5.5.5 Exempted Signs

- .1 Any sign (except an Obsolete Sign or a sign otherwise prohibited by this section of the Town Code) that was in place prior to the date of adoption of this section is exempted from the requirements provided; however, that any subsequent change in the lettering, size, construction, wording, or location of said sign shall be deemed to constitute a new sign, and such new sign shall be governed by the terms of this section.
- .2 House address signs, family name signs, and residential property name signs not to exceed six (6) square feet; and “No Trespassing” signs, “Private Drive” signs, and “Private Property” signs not to exceed three (3) square feet per sign are exempted from the requirements of this section of the Town Code.

- .3 Traffic control signs, safety signs, and handicapped access signs are exempted from the requirements of this section of the Town Code.
- .4 Signs painted on the window of a business, provided such signs do not exceed fifty percent (50%) of the area of the window, are exempted from the requirements of this section of the Town Code.
- .5 Informational and directional signs concerning hospital emergency services and emergency care facilities are exempted from the requirements of this section of the Town Code.
- .6 Temporary Signs are exempted from the requirements of this section of the Town Code.
- .7 Message Flags are exempted from the requirements of this section of the Town Code, except that no more than two Message Flags may be displayed on a single lot of record in all zones.
- .8 Window decals and temporary advertisements printed on paper or cardboard, of a type generally used to advertise daily specials, sales, or similar activities, are excepted from the terms of this section of the Town Code so long as they measure less than one (1) square foot.
- .9 Flags, decorative banners, pennants, and message flags that are used for personal, not business use, are exempted.

Section 38.5.5.6 General Provisions

- .1 Community, Municipal, and Quasi-Municipal Facilities: Signs of such facilities shall meet the requirements of this Ordinance. All roadside municipal directional signs for public facilities, except those for public parking and transportation, shall be standard wordless symbol signs no larger than twelve inches by eighteen inches (12" x 18"), with an additional direction arrow where needed.
- .2 Obsolete signs shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure or lot upon which such sign may be found within ten (10) days of becoming obsolete.
- .3 Illuminated signs shall be lighted from sources that are shielded from streets or adjoining property, with no exposed source of illumination. The intensity of light shall remain constant in color, location, and brightness.
- .4 No sign shall be erected adjacent to any public way in such a manner as to obstruct clear and free vision or where, by reason of its position, shape, color, illumination, or wording, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or otherwise constitute a hazard to pedestrian or vehicular traffic. Billboards, roof signs, animated signs, flashing

signs, internally illuminated, and signs containing visible moving parts are prohibited.

- .5 No sign and its supporting structure shall exceed (20) feet in height from the natural surface of the ground.
- .6 No more than one real estate sign for each broker, real estate company, or private owner not exceeding six (6) square feet on residential properties and thirty-two (32) square feet on non-residential properties. All such signs are to be removed within one week after the transaction. Two signs per broker on undeveloped parcels of ten (10) acres or more, relating to the sale, rental, or lease of the premises is allowed without a Sign Permit. One directional sign not exceeding six (6) square feet stating that a home, business, or lot is for sale is permitted without a Sign Permit at each intersection between a major thoroughfare and a property for sale. Directional signs for open houses are permitted only on the day of the open house. Directional signs must be removed by the broker, agent, or real estate company, who placed them, no later than twenty-four hours after the open house is over. Waterfront properties are permitted an additional sign on the waterfront.
- .7 One sign per construction site, not exceeding thirty-two (32) square feet, identifying project contractors, architects, and engineers is allowed without a Sign Permit. Such sign must be removed by the responsible contractor or property no later than one (1) week after construction is completed.
- .8 Official Business Directional Signs shall be allowed pursuant to the Maine Traveler Information Act and the rules and regulations promulgated thereunder by the Maine Department of Transportation. All Official Business Directional Signs must meet current MDOT standards regulating the installation of such signs.
- .9 Banners and pennants are allowed for the promotion of an event, provided that they are displayed for no longer than fourteen (14) consecutive days. A Sign Permit is required for each such use, but no fee is required for non-profit organizations.
- .10 Home Occupations: A single sign with a maximum area of six (6) square feet and not to exceed six (6) feet in height may be granted a Sign Permit. Properties with more than one Home Occupation must place all signs on the same sign not to exceed six (6) square feet in the aggregate.
- .11 Business and Commercial Signs: All permanent on-premise signs advertising a business or commercial use or uses on a single lot of record may not exceed thirty-two (32) square feet in the aggregate.
- .12 If the Planning Board finds, when reviewing an application for conditional use approval, that special circumstances exist on a particular lot that warrant a

departure from the square footage limitations prescribed in this section, the Planning Board may do so provided that such departure would not adversely affect public health, safety, and welfare, and further provided that the application for conditional use approval includes all information required by Section 38.5.5.

- .13 The light from an externally illuminated sign should be so arranged that no direct rays of light from spotlights or floodlights are projected from the external source into adjoining properties or streets.
- .14 Off-premise signs are prohibited, except Real Estate signs subject to the restrictions described in Section 38.5.5.6.6; Official Business Directional signs as defined by the State of Maine Department of Transportation; and Temporary Signs as described in Section 38.5.5.2.20, when erected by not-for-profit organizations.
- .15 Portable signs are prohibited on public sidewalks or any public property without a permit.
- .16 Temporary signs may not be illuminated and may not exceed six (6) square feet.
- .17 Not more than two (2) signs of a temporary nature may be placed on one property.
- .18 Temporary signs may not be illuminated.
- .19 No sign shall project beyond the lot line(s) of the lot on which it is located.
- .20 No sign shall obstruct a driveway or a required parking space.
- .21 No sign shall be attached to utility poles, trees, or traffic control signs or devices.
- .22 No freestanding sign shall be located within the street right-of-way.
- .23 All signs shall be maintained in good condition.

Section 38.5.6 Storm Water Run-Off

Surface water run-off shall be minimized and detained on-site if possible or practicable. If it is not possible to detain water on-site, downstream improvements to the channel may be required of the developer to prevent flooding caused by this project. The natural state of watercourses, swales, floodways, or rights-of-way shall be maintained as nearly as possible.

Section 38.5.7 Water Quality Protection

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous or solid materials of such nature,

quantity, obnoxiousness, toxicity or temperature that run-off, seep, percolate, or wash into surface or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness or be harmful to human, animal, plant or aquatic life.

Section 38.5.8 Two-Family Dwellings

- .1 Lots for two-family dwellings shall meet all the dimensional requirements for a single-family dwelling units except within the Shoreland District where they shall meet all the dimensional requirements for two, single-family dwellings.

Section 38.5.9 Multi-Family Dwellings

- .1 In the districts where allowed, multi-family development may be approved by the granting of a Conditional Use Permit by the Planning Board, in addition to Subdivision approval, in accordance with Section 38.6 of this Chapter, the following standards and other pertinent provisions of this Chapter.
- .2 Dimensional requirements for all multi-family developments shall meet or exceed the following:
 - .1 Within the Shoreland District, lot area and shore frontage shall be equal to that required for the equivalent number of single-family dwelling units.
 - .2 In all districts, the minimum road frontage shall be 50% greater than that required for a single dwelling.
- .3 In the Village and Commercial Districts, lot size shall meet or exceed the following:
 - .1 For lots served by public sewer, the minimum lot size for multi-family development shall be 20,000 sq. ft. for the first structure with three units, and 7,500 sq. ft. for each additional unit within the first structure. For each additional structure proposed for a multi-family development, there shall be 20,000 sq. ft. for the additional structure(s) with three units, and 7,500 sq. ft. for each additional unit.
 - .2 For lots not served by public sewer, the minimum lot size for multi-family development shall be 20,000 sq. ft. per dwelling unit. The lot size shall be in accordance with the State of Maine Plumbing Code.
- .4 In the Residential and Woodland Districts, lot size shall meet or exceed the following:

- .1 For lots served by public sewer, the minimum lot size for multi-family development shall be 40,000 sq. ft. for the first structure with three units, and 10,000 sq. ft. for each additional unit within the first structure. For each additional structure proposed for a multi-family development, there shall be 40,000 for the additional structure(s) with three units, and 10,000 sq. ft. for each additional unit.
- .2 For lots not served by public sewer, the minimum lot size for multi-family development shall be 80,000 sq. ft. for the first structure with three units, and 20,000 sq. ft. for each additional unit within the first structure. For each additional structure(s) proposed for a multi-family development, there shall be 80,000 sq. ft. for the additional structure(s) with three units, and 20,000 sq. ft. for each additional unit.
- .5 In all Districts, except the Shoreland District, the minimum shore frontage shall be as follows:
 - .1 For each multi-family dwelling of six or less dwelling units, the minimum shore frontage shall be one-half the frontage required for a single-family dwelling multiplied by the number of dwelling units therein.
 - .2 For each multi-family dwelling of six or more dwelling units, the minimum shore frontage shall be one-half the frontage required for a single-family dwelling multiplied by six.

Section 38.5.10 Apartment Conversions

1. Purpose: The purpose of these standards is to provide less expensive rental units to the housing stock; make housing units available to moderate income households who might otherwise have difficulty finding housing in Rangeley and to protect property values and traditional residential characteristics.
2. General Requirements: The conversion of existing residences which otherwise would not meet dimensional requirements and/or parking requirements to multiple unit housing may be allowed by a Conditional Use Permit granted by the Planning Board, provided that Section 38.6 of this Chapter and the following are met:
 - .1 Each unit shall have a minimum of 500 sq. feet of habitable living space.
 - .2 The converted apartments shall be designed so that the appearance of the building remains that of a single-family dwelling with the exception of a second floor emergency egress.

- .3 The design of the apartment conforms to all applicable standards in the building and other codes.
- .4 Off-street parking shall be provided in accordance with the standards contained in Section 38.5.3 of this Chapter.
- .5 Adequate provisions shall be made for the disposal of sewage, waste, and drainage generated by the apartments.
- .6 Open, unpaved (lawn, garden, shrub or tree) area of a minimum equal to half of the combined floor space of the dwelling units, but no less than 25% of the property shall be maintained.
- .7 Subsurface sewage disposal shall comply with all provisions of the State of Maine Subsurface Wastewater Disposal Rules.
- .8 Dimensional requirements shall meet or exceed the following:

Zoning District	Minimum Lots		Minimum Frontage	
	With Sewer	Without Sewer	Road	Shore
Shoreland	40,000 sq. ft.	80,000 sq. ft.	300 feet	400 feet
Woodland	20,000 sq. ft.	(a)	75 feet	--
Residential	10,000 sq. ft.	(a)	75 feet	--
Village	5,000 sq. ft.	(a)	75 feet (b)	75 feet
Commercial	5,000 sq. ft.	(a)	75 feet (b)	75 feet

- .1 In accordance with the State of Maine Subsurface Wastewater Disposal Rules.
- .2 May be less than 75' if the lot was a lot of record prior to May 28, 1987.

Section 38.5.11 Mobile Homes

- 1. Mobile Homes shall have a pitched roof, have a horizontal dimension of at least fourteen (14) feet, and have exterior walls of traditional site built appearance.
- 2. All mobile homes shall be placed upon one of the following foundation systems:
 - .1 Continuous, perimeter concrete wall extending at least four (4) feet below the finished grade. The wall shall be a minimum of eight (8) inches of thick, reinforced cast in place concrete.
 - .2 Another system approved by the Code Enforcement Officer.

- .3 Mobile Home Parks shall comply with the regulations set forth in Title 30, M.R.S.A., Section 4358. In the event that Section 4358 does not cover an applicable subject that is regulated by the Rangeley Town Code, then the Rangeley Town Code shall apply as long as it does not conflict with State law.

Section 38.5.12 Cluster Development

- .1 Purpose: The purpose of these standards are to permit greater flexibility and consequently more creative and imaginative design than generally is possible under other provisions of this Chapter. It is intended to further promote more economical and efficient use of land while providing a harmonious variety of housing choices and preservation of natural qualities and open space. The purpose of this Section is for new development not for lots with existing structures.
- .2 Basic Requirements: The Planning Board, in reviewing and approving development proposals containing an area of at least ten acres, may modify the minimum requirements for lot area, lot width, road frontage and yard space, which would otherwise apply pursuant to existing Town ordinances and regulations provided that the following standards are met:
 - .1 Overall density of the development shall not exceed the number of units on land suitable for buildings, which would otherwise be allowed if the land were subdivided in a conventional manner.
 - .2 Maximum reduction in size of individual lot shall be 50%.
 - .3 Road frontage requirements shall not apply provided that suitable access for public safety and other vehicles will be provided and properly maintained. Shore frontage shall not be reduced.
 - .4 Front yard setback requirements shall not apply except with respect to residential buildings located on an existing public road and/or along a water body.
 - .5 Side and rear setback requirements shall not apply.
 - .6 Residual open space created by reduction in lot sizes shall be permanently and legally preserved as open space. Land dedicated to permanent open space shall be in such condition, size and shape as to be readily usable for recreation or conservation. The developer of any cluster development shall make suitable provisions for the permanent maintenance of open space areas, by one of the following methods:

- .1 Dedication of such open space to public use, if the Town or other public agency has indicated, it will accept such dedication;
 - .2 Retention of ownership and responsibility for maintenance of such open space; or
 - .3 Provide for and establish one or more organizations for the ownership and maintenance of all common open space and property. Such organization shall be either a nonprofit homeowner's corporation or a community open space trust. If a homeowners corporation or open space trust is formed, it shall be governed by the following: (1) the organization shall be organized by the developer and operating, with financial subsidization by the developer if necessary, before the sale of any lots within the development; (2) membership in the organization shall be mandatory for all purchasers of homes therein and their successors; (3) the organization shall be responsible for the maintenance of common open space and property and for insurance and taxes on such common open space and property; (4) the members of the organization shall share equitably the cost of maintaining and developing common open space and property in accordance with procedures established by them; and (5) the organization shall administer the common facilities and maintain the common open space.
- .3 Procedures for application and review of cluster development proposals.
- .1 The Planning Board shall review any proposal for a cluster development as provided by the Town of Rangeley Subdivision Review of the Rangeley Town Code, Chapter 33.
 - .1 In addition to information required in the Town of Rangeley's Subdivision Review of the Rangeley Town Code, Chapter 33, the following will be provided in the application:
 - .1 A legal description of the total site proposed for development including a statement of present and proposed ownership, present zoning, property tax map reference numbers, and the names and addresses of adjacent property owners.
 - .2 A description of the character of the proposed development and the rationale behind the assumptions and choices made regarding the development.

- .3 A development schedule indicating the approximate date when construction of the cluster development can be expected to begin and be completed.
 - .4 A statement of the applicant's intention with regards to the future selling or leasing of all or portions of the cluster development, such as land areas, dwelling units, etc...
 - .5 Quantitative data for the following: total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structures; appropriate gross and net residential densities; total amount of improved open space; and total amount of unimproved open space.
 - .6 Tentative proposal for the maintenance and conservation of common open space.
 - .7 The conditions of dedication of any parcels of land to be dedicated to public use.
- .4 Common Land Maintenance: After final approval has been granted by the Planning Board, the Selectmen shall review all provisions for upkeep of common or public land or facilities within the cluster development. In cases where land or facilities are to be deeded over to the Town, said transactions shall be finalized or a date for completion of improvements on said land or facilities and the finalizing of said transactions shall be set, and approval shall be granted. In cases where common land or facilities are not to be deeded to the Town, the Selectmen shall grant final approval if the conditions of ownership and maintenance are consistent with those conditions set out and approved in the application.

Section 38.5.13 Hotels, Motels, and Inns

(For the purposes of this Section, the terms hotel, motel, and inn are used interchangeably.)

- .1 The minimum lot size for any hotel shall contain not less than three acres of total area.
- .2 The minimum road frontage shall be not less than 200 feet.
- .3 The minimum shore frontage shall be the same as for multi-family dwellings, treated each unit of the motel as if it were a dwelling unit.
- .4 No part of any building on a motel lot shall be closer than 60 feet to the front lot line, rear lot line or either side line of such lot.

- .5 The minimum shoreline setback for a motel shall be 100 feet from the normal high water mark.
- .6 Building on a motel lot shall not cover more than 20% of the area of the lot.
- .7 If cooking and eating facilities similar to those traditionally found in residential dwelling units are provided in a hotel unit, each unit shall be considered a dwelling unit, and the hotel shall be required to meet all the standards for multi-family developments in this Chapter, including the residential density requirements of the appropriate district.
- .8 Each motel rental unit shall contain not less than 200 square feet habitable floor area enclosed by walls and roof, exclusive of any adjoining portions of roofed or covered walkways. Each motel rental sleeping room shall not be less than 12 by 15 feet horizontal dimensions, exclusive of bath. Each rental unit shall include private bathroom facilities.
- .9 On each hotel lot, one apartment may be provided for a resident owner, manager, or other staff person.
- .10 Hotel building construction plans shall be reviewed and approved by the State Fire Marshall's Office.

Section 38.5.14 Campgrounds

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the Department of Human Services rules for Tent, Recreational Vehicle and Wilderness Parks.

- .1 Camping areas shall contain a minimum of 5,000 square feet of suitable 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 area intended for placement of the recreational vehicle, tent, or shelter and utility service buildings, shall be set back a minimum of 100 feet, horizontal distance, from the normal high water line of a great pond or river flowing to a great pond and 75 feet, horizontal distance, from the normal high water line of other water bodies, tributary streams or the upland edges of a wetland.

Section 38.5.15 Recreational Vehicles

- .1 A recreational vehicle may be placed on a lot and habituated, which contains a residential dwelling unit for a period not to exceed fourteen (14) days provided that the owner of the recreational vehicle is visiting the owner of or renter of the residential dwelling unit.

- .2 One recreational vehicle per lot is permitted providing that the following conditions are met:
 - .1 The Code Enforcement Officer has issued a permit and a fee has been paid as established by the Selectmen:
 - .2 The permit shall be valid for thirty (30) days or less within any twelve (12) month period.
 - .3 The placement of the recreational vehicle on any lot shall meet all setback requirements.
 - .4 The recreational vehicle shall not be temporarily or permanently connected to any type of subsurface waste disposal system unless such connection is approved by the Local Plumbing Inspector.
 - .5 The recreational vehicle shall not be located on any type of foundation.
 - .6 No structure(s) of any kind shall be attached to the recreational vehicle.
- .3 A recreational vehicle permit may be issued by the CEO in conjunction with a primary dwelling permit to allow the recreational vehicle to be used as a dwelling during construction of the primary dwelling. Such permit shall not exceed twelve (12) months.
- .4 Recreational vehicles located within a campground shall comply with Section 38.4.15.
- .5 The provisions of this subsection shall not be construed to prohibit the owner of a residential dwelling unit to store his recreational vehicle on the lot.

Section 38.5.16 Extraction of Sand, Gravel, and Other Earth Materials

- .1 Extraction operations (sand and gravel pits, etc...) shall not be permitted within 75 feet of any property line or traveled way.
- .2 Upon the completion of excavating the pit, the operation shall grade the pit area compatible to the surroundings. The area shall be graded to a slope of two horizontal to one vertical or flatter. These grading operations may extend to within ten feet of the property line.
- .3 Wherever ponds are left within the pit, a slope of four horizontal to one vertical or flatter, shall extend into the water at least 16 feet to insure that the pond will not be a hazard to the public.

- .4 Subsections .2 and .3 shall not apply to metallic ones, non-metallic minerals or bedrock. For such operations, the Planning Board may require alternative slopes and conditions not more restrictive than those specified in Subsections .2 and .3 as the Board deems necessary for the protection of public health and the environment.

Section 38.5.17 Development in Shoreland Areas

The following requirements shall apply to the Shoreland District and those areas within 250 feet, horizontal distance, of the normal high water line of ponds, lakes, rivers and the upland edge of wetlands and 75 feet, horizontal distance, from the normal high water line streams.

1. Agriculture:
 - .1 All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the 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 100 feet, horizontal distance, of a great pond or a river flowing to a great pond, or within 75 feet horizontal distance, of other water bodies, tributary streams or wetlands. All manure storage areas within those areas regulated by this Section must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
 - .3 Agricultural activities involving tillage of soil greater than 40,000 square feet in surface area within the Shoreland **area** shall require a Conservation Plan to be filed with the Planning Board. Nonconformance with the provisions of said plan shall be considered to be a violation of this Chapter.
 - .4 There shall be no new tilling of soil within 100 feet, horizontal distance, of the normal high-water line of a great pond; within 75 feet, horizontal distance, from other water bodies; nor within 25 feet, horizontal distance, of tributary streams and wetlands. Operations in existence on the effective date of this Chapter and not in conformance with this provision may be maintained.
 - .5 Newly established livestock grazing areas shall not be permitted within 100 feet, horizontal distance, of the normal highwater line of a great pond; within 75 feet, horizontal distance of other water bodies; nor, within 25 feet, horizontal distance, of tributary streams, or wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback

provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

2. Beach Construction:
 - .1 Beach construction shall conform to all applicable State laws, including, but not limited to, the Natural Resource Protection Act administered by the Department of Environmental Protection.
3. 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 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards. Elsewhere, in any Resource Protection District, the cutting and 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 Paragraph .1 above, and except to allow for the development of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond or a river flowing to a great pond, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
 - .1 There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forest canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed ten (10) feet in width as measured between tree trunks and/or shrub stems is permitted provided that a cleared line of sight to the water through the buffer strip is not created.
 - .2 Selective cutting of trees within the buffer strip is permitted provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of this Section, 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 24 or more in each 25-foot by 50-foot square (1,250 square feet) area as determined by the following rating system.

<i>Diameter of tree at 4¹/₂ feet above ground level (inches)</i>	<i>Points</i>
2 - <4	1
4 - <8	2
8 - <12	4
12 or greater	8

Adjacent to other water bodies, tributary streams, and wetlands, a “well-distributed stand of trees” is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular square area.

The following shall govern in applying this point system:

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

For the purposes of Section 38.5.17.3.2.2 “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4¹/₂ feet above ground level may be removed in any ten (10) year period.

- .3 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 or other permitted uses as described in paragraphs 38.3.2 and 38.3.2.1 above.

- .4 Pruning of tree branches, on the bottom $\frac{1}{3}$ of the tree is permitted.
- .5 In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

The provisions contained in paragraph 38.3.2 above shall not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

- .3 At distances greater than one hundred (100) feet, horizontal distance, from a great pond or a river flowing to a great pond, and seventy-five (75) feet, 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 permitted on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured $4\frac{1}{2}$ feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In the Shoreland and Resource Protection Districts, in no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area or ten thousand (10,000) square feet, which is greater, including land previously cleared.

- .4 Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as permitted by this Chapter.
- .5 Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this Section.

4. Timber Harvesting:
 - .1 Within the strip of land extending 75, horizontal distance, feet inland from the normal high-water line in a Shoreland *area* zoned for resource protection abutting a great pond there shall be no timber harvesting, except to remove safety hazards.
 - .2 Except in areas as described in paragraph a. above, timber harvesting shall conform to the following provisions:
 - .1 Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4¹/₂ feet above ground level on any lot in any ten (10) year period is permitted. (See subsection .3 of this Section for an exception to the 40 percent standard). In addition:
 - .1 Within one-hundred (100) feet, horizontal distance of the normal high-water line of a great pond or a river flowing to a great pond and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.
 - .2 At distances greater than one-hundred (100) feet, horizontal distance, of a great pond or a river flowing to a great pond, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.
 - .2 No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas, slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the

ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.

- .3 Timber harvesting equipment shall not use stream channels as travel routes except when:
 - .1 Surface waters are frozen; and
 - .2 The activity will not result in any ground disturbance.
 - .4 All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds, which are composed of gravel, rock or similar hard surface, which would not be eroded or otherwise damaged.
 - .5 Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.
 - .6 Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty-five (25) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.
- .3 The Planning Board may issue a permit to exceed the 40 percent limitation upon a clear showing, including a Forest Management Plan signed by a Maine Licensed Professional Forester, that such timber harvesting in excess of the 40 percent is necessary for good forestry management and is carried out in accordance with the purpose of this Chapter. The Planning Board shall notify the Department of Environment Protection of any permits issued for timber harvesting in excess of the 40 percent within 14 days of approving such permits.

5. 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 may 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:
 - .1 Mulching and revegetation of disturbed soil.
 - .2 Temporary runoff control features, such as hay bales, silt fencing or diversion ditches.
 - .3 Permanent stabilization structures such as retaining walls or riprap.
- .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 riprap, sod, seed, and mulch, or other effective measures. In all cases, permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
 - .1 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.
 - .2 Anchoring the mulch with netting, peg, and twine or other suitable method may be required to maintain the mulch cover.
 - .3 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 manmade 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 24-hour storm or greater, and shall be stabilized with vegetation or lined with rip-rap.
6. Mineral Exploration:
 - .1 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 Planning Board shall be required for mineral exploration, which exceeds the above limitations. 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 No part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond or a river flowing to a great pond, and within seventy-five (75) feet, horizontal distance, of the normal high-water line or any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, 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:
 - .1 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.

water body or within a wetland shall be converted to residential dwelling units in any district.

- .8 Except in the Village and Commercial Districts, 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 (20) feet in height above the pier, wharf, dock or other structure.

8. Road and Driveway Construction:

- .1 Roads shall be located, constructed, and maintained in such a manner that mineral erosion hazard results. Adequate provision shall be made to prevent soil erosion and sedimentation of surfaced waters. In addition, the road construction standards contained in Section 33 of the Town Code shall be complied with.
- .2 Additionally, 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 (100) feet, horizontal distance, from the normal high-water line of a great pond or a river that flows to a great pond, and seventy-five (75) feet, horizontal distance, 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, road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream or wetland. 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 (20) percent, the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

This paragraph shall neither apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the

shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 38.5.17.8.1 except for that portion of the road or driveway necessary for direct access to the structure.

- .2 Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body, tributary stream or wetland.
- .3 New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in the Resource Protection District 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 38.5.17.
- .5 Road and driveway grades shall be no greater than ten (10) percent, except for segments of less than two hundred (200) feet.
- .6 In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet 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. Surface drainage, which is directed to an unscarified buffer strip, shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
- .7 Ditch relief (cross drainage) culverts, drainage dips, water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains

sufficient volume or head to erode the road or driveway or ditch. To accomplish this, the following shall apply:

- .1 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:

Road 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

- .2 Drainage dips may be used in place of ditch relief culverts only where the road grade is ten (10) percent or less.
- .3 On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.
- .4 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.
- .9 Sanitary Standards: All subsurface sewage disposal facilities shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, any additional locally adopted regulations, and the following:
 - .1 All subsurface sewage disposal systems shall be located in areas of suitable soil of at least 1,000 square feet in size.

In addition:

- .1 The water body, tributary stream or wetland setback provision shall neither apply to structures, which require direct access to the water body or wetland as an operational necessity, such as piers, docks, and retaining walls, nor to other functionally water-dependent uses.
- .2 The permitting authority may increase the required setback of a proposed structure, as a condition to permit approval, if necessary to accomplish the purposes of this Chapter, instances where a greater setback may be appropriate include, but not be limited to, areas of steep slope; shallow or erodible soils; or where an adequate vegetative buffer does not exist.
- .3 On a non-conforming 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 (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.
- .3 The total area of all structures, parking lots, and other non-vegetated surfaces, within the Shoreland District shall not exceed twenty (20) percent of the lot or a portion thereof, located within 250 feet of the normal high water line or 250 feet of the upland edge of a wetland, including land area previously developed, except in the Village and Commercial Districts, where lot coverage shall not exceed fifty (50) percent.
- .4 Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a 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.

.12 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 District, except to provide services to a permitted and existing uses 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.

.13 Archaeological Sites

- .1 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 38.5.18 Back Lots

Back lots may be built upon although they lack the frontage on a town approved road if the lot is in accordance with the following provisions:

- .1 If a back lot is accessible only by a legally enforceable right-of-way, it may be used for one single-family dwelling, if the following conditions are met:
 - .1 The right-of-way must be deeded to the owner of the back lot and be a minimum of 20 feet in width;
 - .2 A minimum legal description of the right-of-way by metes and bounds shall be attached to any building permit application for construction of a single-family dwelling on the back lot;
 - .3 The right-of-way easement must be recorded in the Registry of Deeds prior to issuance of the building permit;

- .4 The right-of-way easement may serve only one single-family dwelling on the back lot;
 - .5 No more than one right-of-way for back lot development may be created out of any lot fronting on a town-approved road; and
 - .6 The back lot shall have a minimum of 5 acres.
- .2 Lots which qualify as back lots and which were of record in the Registry of Deeds on the effective date of this Chapter, and which are accessible only by a right-of-way may be used for single-family homes even if they lack the 5 acre limit established by Section 38.5.18.1.6.

Section 38.5.19 Home Occupations

- .1 Home occupations, which meet the following conditions, do not require a Code Enforcement Officer or Planning Board Permit.
- .1 Do not employ any persons who do not make the residence their permanent home.
 - .2 Do not display exterior signs, in excess of six (6) square feet in aggregate area, exterior exhibits, exterior storage of materials or any other exterior indications of the home occupation or variation from the residential character of the principal dwelling or accessory building.
 - .3 Do not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances, which extend beyond the limits of the subject property.
 - .4 Do not use chemicals not commonly found in a residence and shall not use any chemicals in quantities not commonly used in a residence.
 - .5 Are not likely to generate regular daily or seasonal traffic in greater volumes than would normally be expected in the neighborhood.
- .2 Home occupations that do not meet the provisions of Section 1.1-5 above and are located in the Woodland, Residential, Village, Downtown Commercial, and Industrial Districts shall obtain a permit from the Code Enforcement Officer and comply with the following conditions:
- .1 No more than two persons who do not make the residence their permanent home may be employed (including part-time workers);

- .2 The appearance of the structure or accessory structure may not be altered, except as provided under Subsection c. below or the occupation within the residence must be conducted in a manner that would not cause the residence to differ from its residential character by means of colors, lights, or sounds;
 - .3 Additions to the residence or accessory structure for the express purpose of a home occupation shall be constructed and finished in the same manner as the original structure such that the character and appearance of the principal structure is maintained;
 - .4 There is adequate off-street parking on the premises for customers' or clients' use.
 - .5 There is no objectionable increase in commercial vehicle traffic over that traffic normal for the neighborhood.
 - .6 It does not adversely affect any natural resource or environmentally sensitive area including, but not limited to, a wetland, aquifer, watercourse or water body. The home occupation shall not use chemicals not commonly found in a residence and shall not use any chemicals in quantities not commonly used in a residence;
 - .7 The home occupational shall not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances, which extend beyond the limits of the subject property. All waste material from the home occupation shall be removed promptly from the premises according to State laws and local ordinances.
 - .8 Do not display exterior signs in excess of 12 (twelve) square feet in aggregate area, exterior exhibits, anterior storage of materials or any other exterior indicators of the home occupation or variation from the residential character of the principal dwelling or accessory building.
- .3 Home occupations that do not meet the provisions of Section 1.1-4 and are located in the Shoreland and Resource Protection Districts shall obtain a permit from the Planning Board and comply with the following conditions:
- .1 No more than one person who does not make the residence his or her permanent home may be employed;

- .2 Accessory structures or attached additions to the principal structure must be compatible with the residential character of the neighborhood;
 - .3 Except as provided in Subsection b, the appearance of the structure is not to be altered or the occupation within the residence is conducted in a manner that would not cause the residence to differ from its residential character by means of colors, lights, and sounds;
 - .4 There is no objectionable increase in traffic over that normal for the traffic normal for the neighborhood.
 - .5 If the home occupation attracts any regular customer or client traffic, there shall be at least two, but not more than three, off-street parking spaces specifically designated for use by the employee and any customers of the home occupation. Such parking shall not be located between the house and the road as defined by a line drawn parallel to the road, which touches the point of the house nearest the road. Such parking areas shall be set back at least ten feet from side and rear lot lines.
 - .6 There shall be no public display of goods or ware or machinery used in the home occupation visible from any public or private way or adjacent properties.
 - .7 The home occupation shall not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances, which extend beyond the limits of the subject property. All waste material from the home occupation shall be removed promptly from the premises according to State laws and local ordinances.
 - .8 It does not adversely affect any natural resource or environmentally sensitive area including, but not limited to, a wetland, aquifer, watercourse, or water body. The home occupation shall not use chemicals not commonly found in a residence and shall not use any chemicals in quantities not commonly used in a residence;
 - .9 Does not display exterior signs in excess of six (6) square feet in aggregate area;
- .4 Home occupations not meeting the above standards shall be considered commercial uses.

Section 38.5.20 Individual Private Campsites

Individual private campsites not associated with campgrounds are permitted in the Woodland District provided the following conditions are met:

- .1 One campsite per lot existing on the effective date of this Chapter may be permitted.
- .2 Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall meet setback requirements for the district.
- .3 Recreational vehicles shall not be located on the type of permanent foundation except for a gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle.
- .4 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 Code Enforcement Officer. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
- .5 A recreational vehicle, tent, or similar structure shall not occupy the site for more than forty-five days in any calendar year.

Section 38.5.21 Residential in Resource Protection Zone

The Planning Board may issue a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

- .1 There is no location on the property, other than a location within the Resource Protection District where the structure can be built;
- .2 The lot on which the structure is proposed is undeveloped and was established and recorded in the Franklin County Registry of Deeds before the adoption of the Resource Protection District.
- .3 The proposed location of all buildings, sewage disposal systems, and other improvement are:
 - .1 Located on natural ground slopes of less than 20%; and
 - .2 Located outside the floodway of the 100-year floodplain along rivers and artificially formed great ponds along rivers, for the purposes of this Section, the floodway is deemed to be $\frac{1}{4}$ the width of the 100-year floodplain. All buildings, including basements, are elevated at least one foot above the 100-year floodplain elevation, and the

development is otherwise in compliance with any application municipal floodplain ordinance.

- .4 The total ground-floor area of all principal and accessory structures is limited to a maximum of 1500 square feet. The total floor area of all principal and accessory structures shall not be greater than 2000 square feet excluding basements.
- .5 All structures, except functionally water-dependent structures, shall be set back a minimum of 100 feet from the normal high-water line of a great pond or river and a minimum of 75 feet from the upland edge of a wetland or stream.

Article 38.6 Conditional Use Permit

Section 38.6.1 Definition

A building, structure or parcel of land may be employed for a conditional use if the use is specifically listed in the regulations governing the Zoning District in which the use is proposed, and if a conditional use permit is approved by the Planning Board or Code Enforcement Officer as provided in Section 38.4.5.8.

Section 36.6.2 Use

- .1 Application for or an amendment to a conditional use permit shall be made to the Code Enforcement Officer on forms provided for that purpose, accompanied by a fee as established annually by the Board of Selectmen.

In addition, the applicant shall be responsible for the costs of advertising and mailing associated with the application. The applicant shall be responsible for the cost to the Town for professional review and advice related to the review of conditional use applications.

- .1 Clearly specify the location of the proposed use, including assessor's tax map and lot number and a location map.
- .2 Describe the exact nature of the proposed use.
- .3 Present a scale drawing of the lot with the locations of any existing or proposed buildings, structures, natural features, driveways, and parking areas.
- .4 Submit such other materials as will enable the Planning Board to determine that the standards for approval of a conditional use have been met. The burden for providing the information upon which the Planning Board bases its findings and decision shall be the applicant's.

- .2 Before rendering a decision on any conditional use permit; the Planning Board shall conduct a public hearing in accordance with Section 38.7.

Section 38.6.3 Standards for a Conditional Use Permit

A conditional use may be granted by the Planning Board only in the event that the applicant has established to the satisfaction of the Planning Board that:

- .1 Neither the proposed use nor the proposed site upon which the use will be located is of such character that the use will have significant adverse impact upon the value or quiet possession of surrounding properties greater than would normally occur from such a use in the Zoning District. In reaching a determination on this standard, the Planning Board shall consider:
 - .1 The size of the proposed use compared with surrounding uses and its impact upon significant scenic vistas;
 - .2 The intensity of the proposed use, including amount and type of traffic to be generated, hours of operation, expanse of pavement, and similar measures of intensity of use, compared with surrounding uses;
 - .3 The potential generation of noise, dust, odor, vibration, glare, smoke, litter, and other nuisances.
 - .4 Unusual physical characteristics of the site, including size of the lot, shape of the lot, topography, and soils, which may tend to aggravate adverse impacts upon surrounding properties;
 - .5 The degree to which landscaping, fencing, and other design elements and materials have been incorporated to mitigate adverse impacts on surrounding properties.
- .2 Municipal or other facilities serving the proposed use will not be overburdened or hazards created because of inadequate facilities. In reaching a determination on this standard, the Board shall consider:
 - .1 the ability of traffic to safely move into and out of the site at the proposed location;
 - .2 the presence of facilities to assure the safety of pedestrians passing by or through the site;
 - .3 the capacity of the street network to accommodate the proposed use.

- .4 the capacity of sewerage and water supply systems to accommodate the proposed use;
 - .5 the capacity of the storm drainage system to accommodate the proposed use;
 - .6 the ability of the fire department to provide necessary protection services to the site and development.
- .3 The natural characteristics of the site, including topography, drainage, and relationship to ground and surface waters and floodplains, shall not be such that the proposed use when placed on the site will cause undue harm to the environment or to neighboring properties.

Section 38.6.4 Additional Standards in Shoreland Areas:

For conditional use permit applications in Shoreland areas, the Planning Board shall additionally find that the proposed use meets the following criteria:

- .1 will not result in unreasonable damage to spawning grounds, fish, aquatic life, bird, and other wildlife habitat.
- .2 will reasonably conserve shoreland vegetation.
- .3 will reasonably conserve visual points of access to waters as viewed from public facilities;
- .4 will conserve actual points of public access to waters;
- .5 will reasonably conserve natural beauty;
- .6 will reasonably avoid problems associated with floodplain development or use;
- .7 will not result in unsafe or unhealthful conditions;
- .8 will not result in erosion or sedimentation;
- .9 will not result in water pollution; and
- .10 will protect archaeological resources as designated in the Comprehensive Plan.

Section 38.6.5 Conditions of Approval:

The Planning Board may attach conditions to its approval of a conditional use permit.

These conditions may include, but are not limited to, such requirements as:

- .1 street improvements;
- .2 access restrictions;
- .3 hours of use
- .4 buffering and screening;
- .5 utility improvements; and
- .6 performance guarantees for required off-site improvements.

Section 38.6.6 Reapplication

If the Planning Board shall deny a conditional use application, a second request of a similar nature shall not be brought before the Planning Board within two years from the date of the first request, unless in the opinion of the majority of the Planning Board, substantial new evidence can be brought forward, or unless the Planning Board finds that an error of law or misunderstanding of facts has been made, or unless amendment has been made to this Chapter, which changes the status, circumstances, or conditions of the matter, which was brought the Planning Board.

Article 38.7 Appeal and Conditional Use Permit Procedures

Section 38.7.1

In all appeals cases, a person aggrieved by a decision of the Code Enforcement Officer shall commence his appeal within 30 days after the Code Enforcement Officer makes a decision. The appeal shall be filed with the Board of Appeals on forms approved by the Board, and the aggrieved person shall specifically set forth on the form the grounds for the appeal.

In all conditional use applications, a person informed by the Code Enforcement Officer that he requires a Conditional Use Permit shall file an application for the permit with the Planning Board on forms provided for that purpose.

Section 38.7.2

Any person aggrieved by a final decision of the Planning Board or the Board of Appeals shall be entitled to judicial review thereof in accordance with Section 38.7.1 decision of the Planning Board to grant with conditions or deny a permit application or the Board of Appeals decision to grant, grant with conditions, or deny an appeal shall not be considered final for the purposes of this Section until the Planning Board or Board of Appeals, as the case may be, has taken final action on a petition to reconsider under subsection 38.7.1

- .1 **Petition for Reconsideration.** Within thirty (30) days of a receipt of notice of the decision of the Planning Board or Board of Appeals on an application, an applicant, permit holder, intervenor, or any person aggrieved by the decision may petition the Board in writing for

reconsideration of the decision. A board member who voted on the prevailing side of the decision may move to reconsider at any time within such 30-day period. The petition shall identify the findings, conclusions, or conditions objected to or believed to be in error, the basis of the objects or challenge, the nature of the relief requested, and the nature of any new or additional evidence to be offered. Filing a petition for reconsideration is a prerequisite to filing an appeal to the Board of Appeals from a decision of the Planning Board and to filing a request for judicial review pursuant to Section 38.8.3 from a decision of the Board of Appeals. Any person aggrieved must properly raise all issues in the petition for reconsideration or forfeit the right to reconsideration thereon on appeal.

The Board, as the case may be, shall, within 30 days of receipt of such a petition, commence its review of such petition and determine whether or not to hold a public hearing. Any public hearing shall be held within 45 days of receipt of the petition in accordance with the procedures specified in Sections 38.7.2.8-38.7.2.9. Within 60 days of receipt of the petition, the Board shall approve, approve with conditions, or deny the petition in full or in part. Should the Board, as the case may be, be evenly divided as to whether to approve or deny the petition, such a vote shall have the effect of denying the application. The Board, as the case may be, shall promptly provide written notice of its decision on reconsideration to the person who petitioned for reconsideration. The Board's, as the case may be, decision on a petition for reconsideration shall constitute its final decision.

Section 38.7.3

Following the filing of an appeal or application and before taking action on any appeal or application, the Board of Appeals or Planning Board shall hold a public hearing on the appeal or application within 30 days. The time and place of the hearing shall be published at least seven days in advance in a newspaper of general circulation in the area.

Section 38.7.4

In all appeals or applications, the Board of Appeals or Planning Board shall notify by certified mail the appellant or applicant and the owners of the abutting property and shall notify by regular mail the owners of all property within 500 feet of the property involved at least ten days in advance of the hearing, of the nature of an appeal or application and of the time and place of the public hearing.

Section 38.7.5

The owners of property shall be considered to be those against who taxes are assessed. Failure of the property owners to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Board of Appeals or the Planning Board.

Section 38.7.6

At any hearing, a party may be represented by agent or attorney. Hearings shall not be continued to other times except for good cause.

Section 38.7.7

The Code Enforcement Officer or his designated assistant shall attend all hearings and may present to the Board of Appeals or Planning Board all plans, photographs, or other material he deems appropriate for an understanding of the appeal.

Section 38.7.8

The appellant's or applicant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the chairperson.

Section 38.7.9

Within fifteen (15) days of the close of the public hearing, the Board of Appeals or Planning Board shall reach a decision on an appeal, an application or petition for reconsideration and shall inform, in writing, the appellant or applicant, the Code Enforcement Officer, the other Board, Town Manager, and Selectmen of its decision and its reasons thereof. For appeals in the Shoreland Area the Board of Appeals shall cause written notice for its decision to be mailed or hand-delivered to the Department of Environmental Protection within seven (7) days of the Board's decision.

Section 38.7.10

Upon notification of the granting of an appeal by the Board of Appeals or the granting of a Conditional Use Permit by the Planning Board, the Code Enforcement Officer shall within ten (10) days of such decision issue a permit in accordance with the conditions of the approval.

Section 38.7.11

All variances granted shall be recorded by the applicant in the Franklin County Registry of Deeds as required by Title 30-A, M.R.S.A., Section 4353.5. If the variance is not recorded within 90 days of the date of the final written approval, the variance shall be voided.

Section 38.7.12

No conditional use permit shall be valid for a period longer than twelve (12) months from the date of issue, or such other time, up to twenty-four (24) months, as was fixed when the permit was granted, unless the conditional use has been commenced or construction has actually begun within that period and is thereafter diligently pursued to

completion. However, the issuing authority may grant one or more extensions of the time period, each not to exceed one year, if the facts that supported the granting of the permit have not changed. A conditional use permit shall be deemed to authorize only the particular use for which it was granted. In addition, a conditional use permit authorizes only the activity expressly described in the application. Any additions to buildings or structures, construction of new buildings or structures, or other enlargement, expansion or intensification of the use shall require the issuance of a new conditional use permit.

Article 38.8 Board of Appeals

Section 38.8.1 Appointment and Composition

There shall be a Board of Appeals of five (5) members and not more than two (2) associates and all of whom shall be residents of the Town of Rangeley, and serve without compensation. The members of the Board shall be appointed by the Board of Selectmen, in accordance with the laws of the State of Maine and the following provisions shall apply:

- .1 Terms of the members shall be for three years except that initial appointments shall be made so that the terms of not more than two members may expire in any given year.
- .2 A municipal officer nor his spouse shall not be a member of the Board.
- .3 When there is a permanent vacancy, the Board of Selectmen shall appoint a person to fill the unexpired term within ninety (90) days.

Section 38.8.2 Powers and Duties

- .1 The Board shall annually elect a chairman from its members and may appoint a recording secretary from outside the Board, who shall be compensated for duties performed.
- .2 A quorum shall consist of three members.
- .3 An appeal shall lie from the decision of the Code Enforcement Officer or Planning Board, to the Board of Appeals, and from the Board of Appeals to the Superior Court according to the provisions of the laws of the State of Maine.

Section 38.8.3 Administrative Appeals

- .1 To hear and decide appeals where it is alleged, there is an error in any order, requirement, decision, or determination by the Code Enforcement Officer or Planning Board in the administration of this Chapter. Specifically excluded from the appeals process is any determination by the

Code Enforcement Officer or other designated official that there has been a violation of the Rangeley Zoning Ordinance.

- .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 Chapter, or to affect any variation of the application of this Chapter 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 Chapter.

Section 38.8.4

Section 38.8.4 Variance Appeals

- .1 To hear and decide, upon appeal, in specific cases where a relaxation of the terms of this Chapter would not be contrary to the public interest and where a literal enforcement of this Chapter would result in unnecessary or undue hardship. A financial hardship shall not constitute grounds for granting a variance. A variance shall be granted only if:
 - .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.
 - .5 The Board of Appeals shall also consider the standards contained in Section 38.6.4 when reviewing a variance in the Shoreland and Resource Protection District.
 - .6 For appeals that involve property within 250 feet of the normal high water line of a great pond, river or upland edge of a wetland and 75 feet of a stream 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 the action by the Board of

Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

- .7 If the Board of Appeals grants a variance, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared in recordable form. This certificate must be recorded in the local registry of deeds within 90 days of the date of the final written approval of the variance or the variance is void. The variance is not valid until recorded as provided in this subsection. For the purpose of this subsection, the date of the final written approval shall be the date started on the written approval.
- .2 As used in this Chapter, a variance is authorized only for height, area and size of structures or size of yards or open spaces. Establishment or expansion otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the Zoning District or uses in adjoining Zoning Districts. The Board of Appeals shall grant a variance only by concurring vote of at least three members and in so doing, may prescribe conditions and safeguards as are appropriate under this Chapter.
- .3 The Code Enforcement Officer may issue a permit to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. If the permit requires a variance, the permit is deemed to include that variance solely for the installation of equipment or the construction of structures necessary for access or to egress from the dwelling by the person with the disability. The Code Enforcement Officer may impose conditions on the permit, including limiting the permit to the duration of the disability or to the time that the person with the disability lives in the dwelling.

For the purpose of this section, the term “structures necessary for access to or egress from the dwelling” includes ramps and associated railings, walls or roof systems necessary for the safety or effectiveness of the ramps.

- .4 Setback Reduction Variance:

The Board of Appeals may grant a setback reduction variance provided that the variance requested meets the requirements below. A setback reduction variance shall not be construed as a variance to relieve undue hardship as defined in Section 38.8.4.1.1-4 above.

Upon granting a setback reduction variance, which complies with the standards I subsection .1-9 below, the Board of Appeals may attach reasonable conditions, which it finds necessary to protect the privacy of abutting property owners and neighbors. These conditions are limited to specifications for landscaping, fencing, parking, and construction materials. The Board shall grant a setback reduction variance as provided herein if the Board finds that the applicant has proved that the reduction, if granted, will meet the following criteria:

- .1 The structure is a single-family dwelling that is the primary year-round residence of the petitioner.
 - .2 Any variance granted will not exceed 20 percent of the setback requirement unless the petitioner has obtained written consent of all affected abutting land owners;
 - .3 The variance will not cause the dwelling to exceed the maximum allowable lot coverage;
 - .4 The setback reduction shall not further encroach upon or further reduce a nonconforming setback from the normal high water line or upland edge of a fresh water wetland within a Shoreland zone as defined herein;
 - .5 The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood;
 - .6 The granting of the variance will not alter the essential character of the locality;
 - .7 The hardship is not the result of action taken by the applicant or prior owner;
 - .8 The granting of the variance will not substantially reduce or impair the use of abutting property; and
 - .9 The granting of the variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.
- .5 An appeal may be taken within 45 days after any Petition for Reconsideration pursuant to Section 38.7.4 decision is rendered by the Board of Appeals by any party to Superior Court in accordance with State law.
 - .6 Require that the applicant submit a report from the Maine Department of Inland Fisheries and Wildlife. The Board may also require implementation of the recommendations of the report.

Article 38.9 Definitions

Section 38.9.1 Construction of Language

In this Chapter, certain terms or words shall be interpreted as follows:

- .1 The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense, the single number indicates the plural; and the plural includes the singular; the word “shall” is mandatory, the word “may” is permissive; the words “used” or “occupied” includes the words “intended”, “designed”, or “arranged to be used or occupied”, and the “dwelling” includes the word “residence”. In the case of any difference of meaning or implication between the text of this Chapter and any map or illustration, the text shall control.
- .2 Terms not defined shall have the customary dictionary meaning.

Section 3.9.2 Definitions

In this Chapter, the following terms have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

- .1 **Accessory Use or Structure:** a use or structure of a nature customarily incidental and subordinate to those of the principal use or structure to which the premises are devoted.
- .2 **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 Chapter; 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.
- .3 **Alteration:** any change, addition, or modification in construction, or any change in the structural members of a building, such as bearing walls, columns, beams or girders.
- .4 **Back Lot:** a parcel of land which does not have any frontage on a town approved road.
- .5 **Beds and Breakfast:** A single-family dwelling in which lodging or lodging and meals are offered to the general public for compensation, offering no more than five bedrooms for lodging purposes.
- .6 **Boardinghouse:** Any residential structure where lodging or lodging and meals are provided for compensation for a period of at least two weeks,

and where a family residing in the building acts as proprietor or owner. There is no provision for cooking in any individual room.

- .7 **Boathouse:** a nonresidential structure designed for the purpose of protecting or storing boats for noncommercial purposes.
- .8 **Building:** a structure for the support, shelter, or enclosure of persons, animals, goods, or property of any kind.
- .9 **Campgrounds:** any premises established for temporary overnight accommodation with or without shelter, such as a tent and recreational vehicle, for which a fee is charged.
- .10 **Commercial:** Provisions of services on the premises, or sale of goods to the general public on a regular basis for a charge or fee.

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.

- .11 **Conditional Use:** a use permitted only after review and approved by the Planning Board. A Conditional Use is a use that would not be appropriate without restriction but which, if controlled under the provisions of this Chapter, would promote the purposes of this Chapter. Such uses may be permitted if specific provision for such Conditional Use is made in this Chapter.
- .12 **Conditional Use Permit:** a permit authorized by the Planning Board for a Conditional Use. A Conditional Use Permit may be issued only after the applicant has followed the procedures of this Chapter.
- .13 **Construction:** includes building, erecting, moving upon or any physical operations on the premises, which are required for construction. Excavation, fill, paving, drainage, and the like shall be considered part of construction.
- .14 **Corner Lots:** In districts where yards are required, such corner lots located at the intersection of two (2) streets shall be deemed to have a side rather than a front yard between the principal building and the side street. Such side yard shall not be less than the front yard requirements of uses located on the side street. Such “corner lots” located at the intersection of two (2) streets shall be deemed to have a side rather than a rear yard between the principal building and the abutting property on the side street. Such side yard shall not be less than the side yard requirements of uses located on the side street.

- .15 **Day-Care Center:** A home or other suitable structure, which meets the State licensing requirements for a day-care center and which cares for thirteen (13) or more children.
- .16 **Day-Care Home:** A home or other suitable structure which meets the State licensing requirements for day-care homes and which cares for three (3) to twelve (12) children.
- .17 **Disability:** any disability, infirmity, malformation, disfigurement, congenital defect, or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person, which constitutes a substantial handicap as determined by a physician or in the case of a mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment, which requires special education, vocational rehabilitation or related services.
- .18 **Driveway:** private ways intended for internal circulation on a lot or within a parking lot.
- .19 **Dwelling Unit:** a room or group of rooms designed and equipped exclusively for use as living quarters, including provisions for living, sleeping, cooking, and eating. The term shall include mobile homes, but shall not include trailers or recreational vehicles.
- .20 **Essential Services:** gas, electrical, communication facilities, steam, fuel or water supply, transmission, or distribution systems.
- .21 **Expansion of a Structure:** an increase in the floor area or volume of a structure, including all extensions such as, but not limited to, attached decks, garages, porches, and greenhouses.
- .22 **Expansion of Use:** the addition of weeks or months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.
- .23 **Filling:** depositing or dumping any matter on or into the ground or water.
- .24 **Floor Area:** the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure, such as porches and decks.
- .25 **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.

- .26 **Forested Wetland:** a freshwater wetland dominated by woody vegetation that is six (6) meters tall or taller.
- .27 **Foundation:** the supporting substructure of a building or other structure including, but not limited to, basements, slabs, sills, posts, or frost walls.
- .28 **Freshwater Wetland:** freshwater swamps, marshes, bogs, and similar areas, which are:
- .1 of ten or more contiguous acres; or of less than 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 10 acres;
 - .2 inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and
 - .3 freshwater wetland not included in forested wetlands.

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

For the purposes of this Chapter, the upland edge (the shoreline) of a freshwater wetland is defined as the boundary line at which the hydrological and biological characteristics in item 2 above no longer occur or where the wetland becomes a forested wetland.

Although wetlands are shown on the official Shoreland zoning map, the actual boundaries shall be determined by field investigation.

- .29 **Frontage:** the horizontal distance between side lot lines as measured along the front lot line. Frontage shall be continuous and under one ownership. For corner lots, frontage may be the total distance along more than one street as long as it is continuous.
- .30 **Frontage, Shoreline:** the horizontal distance, measured in a straight line, between the intersection of the side lot lines with the shoreline at normal high water elevation.
- .31 **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 that cannot be located away from these waters. The uses includes, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat

storage buildings, retail and wholesale fish marketing facilities, waterfront dock facilities, boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site, and uses that primarily provide general public access to inland waters.

- .32 **Great Pond:** any inland body of water, which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased, which has a surface area of excess of thirty (30) acres except for the purposes of this Chapter where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.
- .33 **Home Occupations:** an occupation or business activity, which results in a product or service and is conducted in whole or in part in the dwelling unit or accessory structure and is clearly incidental to and compatible with the residential use of the property and surrounding residential uses.
- .34 **Hotel:** a building in which lodging or meals and lodging are offered to the general public for compensation and in which ingress and egress to and from the rooms are made primarily through an inside lobby or office. The hotel may contain such accessory services and facilities as newsstands and restaurants.
- .35 **Individual Private Campsite:** an area of land, which is not associated with a campground, but which is developed for repeated camping by its owner and which involves site improvements, which may include, but not be limited to, a gravel pad, parking area, or tent platform.
- .36 **Industrial:**
- .1 Light: a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products.
- .2 Heavy: a use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials.
- .37 **Inland Wetland:** areas enclosed by the normal high water mark of inland waters and areas otherwise identified on the basis of soils, vegetation, or other criteria as inland wetlands, including, but not limited to, swamps, marshes or bogs.

- .38 **Inn:** a building which contains a dwelling unit occupied by an owner or resident manager, in which up to ten (10) lodging rooms or lodging rooms and meals are offered to the general public for compensation, and in which entrance to bed room is made through a lobby or other common room. Inn includes such terms as guest house, lodging house, and tourist house.
- .39 **Junkyard:** a yard, field or other area used as a place of storage for:
- .1 Discarded, worn-out or junked plumbing, heat supplies, household appliances and furniture;
 - .2 Discarded scrap and junked lumber; or
 - .3 Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel, and other scrap ferrous or nonferrous material.
 - .4 Used tires, discarded tires, or worn-out tires, which may or may not be usable now or in the future.
 - .5 Town garbage dumps, waste dumps, and sanitary fills will not be considered junkyards for the purpose of this Chapter.
- .40 **Lot:** a parcel of land in single ownership, described on deed, plot or similar legal document. A parcel divided by a street shall be considered as two separate lots.
- .41 **Lot Coverage:** That percentage of the plot or lot area covered by buildings or other structures.
- .42 **Lot of Record:** a parcel of land, a legal description of which, or the dimensions of which, are recorded on a document or map on file with the County Registry of Deeds.
- .43 **Manufactured Housing:** a structure constructed after June 15, 1976, designed as a dwelling unit of more than 18 feet in width when assembled; designed to be transported after fabrication; and whether or not designed for location on a permanent foundation. Transportation design is not limited to movement upon stationary or permanent wheels or tracks. A manufactured home shall contain not less than 720 square feet of gross floor area. Additions not part of the basic structure shall not be included in the measurement of width.

- .44 **Marina:** a shore front commercial facility with provisions for one or more of the following: boat storage, boat launching, or the sale of supplies and services for watercraft and their equipment and accessories.
- .45 **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.
- .46 **Mining of Land:** the removal of geologic materials such as metallic ores, non-metallic minerals, or bedrock to be crushed or used as building stone or other industrial uses.
- .47 **Mobile Home:** a structure constructed after June 15, 1976, designed as a dwelling unit of not more than 18 feet in width when assembled; designed to be transported after fabrication; and whether or not designed for location on a permanent foundation. Transportation design is not limited to movement upon stationary or permanent wheels or tracks. A mobile home shall contain not less than 600 square feet of gross floor area. Additions not part of the transportable basic structure shall not be included in the measurement of width.
- .48 **Motel:** a building or group of buildings in which lodging is offered to the general public for compensation, and where entrance to rooms is made directly from the outside of the building. Motel includes such terms as tourist cabins and tourist court. Any transient accommodations which do not meet the definitions of Beds and Breakfast, Hotel or Inn shall be deemed to be a motel for the purpose of this Chapter.
- .49 **Multi-Family Dwelling:** a residential structure containing three or more dwelling units.
- .50 **Multi-Unit Residential:** a residential structure containing three (3) or more dwelling units.
- .51 **Nonconforming Lot:** a single lot of record which, at the effective date of adoption or amendment of this Chapter, does not meet the area, frontage, or width requirements of the district in which it is located.
- .52 **Nonconforming Structure:** a structure, which does not meet any one or more of the following dimensional requirements: setback, height, lot coverage or square footage, but which is allowed solely because it was in lawful existence at the time of this Chapter or subsequent amendments took effect. A structure which becomes nonconforming only because it is located less than 100 feet from the normal high-water line of a great pond or river shall not be deemed a nonconforming structure for the purpose of this Chapter except that the provisions of Section 38.3.3.1 and 38.3.3.4 shall apply.

- .53 **Nonconforming 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 Chapter or subsequent amendments took effect.
- .54 **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 predominately aquatic and predominately terrestrial land. In the case of wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.
- .55 **Open Space Use:** a use not involving a structure, earthmoving activity, or the removal or destruction of vegetative cover, spawning grounds, or fish, aquatic life, birds, and other wildlife habitat.
- .56 **Parking Space:** a minimum area of two hundred (200) square feet exclusive of driveways, aisles or entrances, fully accessible for the storage or parking of vehicles.
- .57 **Piers, Docks, Wharves, Breakwaters, Causeways, Marinas, Bridges over 20 feet in length, and uses projecting into water bodies:**
- Temporary:** Structures, which remain in the water for less than 7 months in any period of 12 consecutive months.
- Permanent:** Structures, which remain in the water for 7 months or more in any period of 12 consecutive months.
- .58 **Principal Building:** the building in which the primary use of the lot is conducted.
- .59 **Principal Use:** the primary use to which the premises are devoted, and the main purpose for which the premises exist.
- .60 **Pond/Lake:** any inland body of water which has a surface area in excess of 10 acres, except where such body of water is manmade and, in addition, is completely surrounded by land held by a single owner, and except those privately owned ponds which are held primarily as waterfowl and fish breeding areas or for hunting and fishing.
- .61 **Recent floodplain soils include the following soils as described and identified by the National Cooperative Soil Survey:**
- Alluvial land
Hadley silt loam

Limerick silt loam
Pondunk fine sandy loam
Rumney fine sandy loam
Ondawa fine sandy loam
Saco silt loam
Suncook loamy sand
Winooski silt loam

- .62 **Recreational Facilities:** the following types of recreational facilities are recognized for the purpose of this Chapter:
- .1 **Public Recreational Facility:** an area or structure set aside for recreational use by the general public or for the townspeople of Rangeley, not including any facility for which a user fee is charged.
 - .2 **Private Recreational Facility:** an area or structure set aside for recreational use for which a fee is charged or the enjoyment of which is not open to the general public or all the townspeople of Rangeley.
- .63 **Recreational Vehicle:** a vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer and motor home. To be considered as a recreational vehicle and not as a structure, it must have its tires on the ground and be legally registered pursuant to the Department of Motor Vehicle Laws.
- .64 **Residential Structure:** a building providing living accommodations.
- .65 **River:** any free-flowing body of water from that point at which it provides drainage for a watershed of 25 square miles to its mouth.
- .66 **Road:** a street or a right-of-way for public or private travel that is connected to a street and constructed in accordance with the Rangeley Road Construction Standards Ordinance.
- .67 **Road Frontage:** that portion of the lot abutting a major road or street from which the lot is served for ingress and/or egress.
- .68 **Sand and Gravel Extraction:** any operation within a twelve (12) month period, which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay or other like material from its natural location and to transport the product removed, away from the extraction site.
- .69 **Setback:** the minimum horizontal distance from a lot line to the nearest part of a structure.

- .70 **Setback, Shoreline:** the minimum horizontal distance from the normal high water elevation to the nearest part of a structure.
- .71 **Shoreland Zone:** the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond or river; within 75 feet of a stream; or within 250 feet of the upland edge of a freshwater wetland.
- .72 **Sign:** a name, identification, description, display or illustration for advertising or information purposes painted or represented upon any surface.
- .73 **Solid Waste:** discarded solid material with insufficient liquid content to be free flowing. This includes, but is not limited to, rubbish, garbage, scrap materials, junk, refuse, inert fill material, and landscape refuse.
- .74 **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-minutes series topographic map, to the point where the body of water becomes a river.
- .75 **Street:** a right-of-way owned or accepted by the town, county, or state for public travel. Also a right-of-way dedicated for public travel and shown on a subdivision plan.
- .76 **Structure:** anything constructed, erected, or placed, except a boundary wall or fence, the use of which requires location on the ground or attachment to something on the ground including, but not limited to, buildings, mobile homes, recreational vehicles, piers, floats, driveways, parking lots, streets, and satellite dishes.
- .77 **Subdivision:** a subdivision is defined as per Title 30, M.R.S.A., Section 4956, and any future amendments thereof.
- .78 **Substantial Start:** completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.
- .79 **Timber Harvesting:** the cutting and removal of timber for the primary purpose of selling or processing forest products. 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 trees shall be regulated pursuant to Section 38.5.17.3, Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

- .80 **Trailer, Utility:** a vehicle without motive power, designed to be towed by another vehicle, but not designed for human occupancy, and which may include a utility trailer, boat trailer, horse trailer, or snowmobile trailer.
- .81 **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 Chapter, and only applies to that portion of the tributary stream located within the Shoreland Zone of the receiving water body or wetland.
- .82 **Use:** the purpose for which land or structure is arranged, designed or intended; or for which land or a structure is or may be occupied.
- .83 **Utilities of Essential Services:** gas, electrical, communication facilities, stream, fuel, or water transmission, collection, supply or distribution systems. Such systems may include towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar accessories, and the buildings, which are necessary for the furnishing of such services.
- .84 **Variances:** a relaxation of the terms of this Chapter where such variance would not be contrary to the public interest, and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Chapter would result in unnecessary or undue hardship. A financial hardship shall not constitute grounds for granting a variance. As used in this Chapter, variance is authorized only for height, area, and size of structures or size of yards, and open spaces. Establishment of a use prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the Land Use District, or uses in adjoining Land Use Districts.
- .85 **Volume of a Structure:** the volume of all portions of a structure enclosed by a roof and fixed exterior walls as measured from the exterior faces of these walls and roof.
- .86 **Water Body:** any great pond, river or stream.
- .87 **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.

- .88 **Wetland:** a freshwater wetland.
- .89 **Wetlands Associated with Great Ponds and Rivers:** wetlands contiguous with or adjacent to a great pond or river, and which during normal high water are connected by surface water to the great pond or river. Also included are wetlands, which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

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